

CITY OF POCATELLO CITY COUNCIL MEETING AGENDA

August 18, 2016 · 6:00 PM
Council Chambers | 911 N 7th Avenue

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Pastor Scott Sampson, Rocky Mountain Ministries.

3. CONSENT AGENDA

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the July 28, 2016 Budget Development meeting and the July 28, 2016 Executive Session.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for July showing cash and investments as of July 31, 2016.

(c) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Mohammad Safdar to serve as a member of the Human Relations Advisory Committee, replacing Debodeep Choudhury who resigned. Mr. Safdar's term will begin August 19, 2016 and will expire November 19, 2016.

(d) EXCEPTION REQUEST—"FILL THE BOOT" FUNDRAISER: Council may wish to consider a request from Pocatello Firefighters Local 187 for an exception to ordinances or laws that would prevent the group from gathering funds, for the Muscular Dystrophy Association "Fill the Boot" Fundraiser, on the public right-of-way at the intersection of Oak and Jefferson from 10:00 a.m. to 6:00 p.m. on September 9, 2016.

(e) EXCEPTION REQUEST—RUN WITH BIG DOGS FUNDRAISING EVENT: Council may wish to grant an exception to City Code 12.36.030 to allow dogs in Ross Park on Saturday, October 1, 2016 for the Animal Shelter's 19th Run With The Big Dogs Annual Fundraising Event. Dogs, under the control of their owners, will be attending the event.

(f) AMERICAN ACADEMY OF PEDIATRICS GRANT—POLICE: Council may wish to approve an application to the Idaho Chapter of the American Academy of Pediatrics in the amount of \$11,500.00 for the purpose of purchasing and distributing child passenger safety seats by Police staff and if the grant is approved, authorize the Mayor to accept and sign documents related to the grant. This is an annual grant and there is no City match of funds associated with this request.

(g) ANNUAL WORK STUDY AGREEMENT—ISU: Council may wish to approve a College Work Study Agreement with Idaho State University (ISU) providing for work study positions at the City in the amount of \$26,325.00 for the period of July 1, 2016 through June 30, 2017. The City is responsible for paying forty percent of said allocation (\$10,530.00). This is an annual agreement and funding for work study positions is included in the budgets of those departments utilizing work study positions.

(h) COUNCIL DECISION—EASTPOINTE HILLS DIVISION NO. 7 FINAL PLAT: Council may wish to adopt its decision approving the Final Plat for the Eastpointe Hills Division No. 7 Subdivision which divides 3.67 acres into a 14 residential lot subdivision, zoned

Residential Medium Density Single Family (RMS) density, subject to conditions. The proposed subdivision is located north of Daybreak Drive, east of Eastpointe Drive, on an extension of Hallmark Drive and will connect the two ends of Hallmark Drive.

Documents:

[AGENDA-ITEM3.PDF](#)

4. COMMUNICATIONS AND PROCLAMATIONS

5. CALENDAR REVIEW

Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

6. PUBLIC HEARING—WIRELESS COMMUNICATION FACILITY ORDINANCE AMENDMENT

This time has been set aside for the Council to receive comments from the public regarding the comprehensive re-write of Title 15.42, Wireless Telecommunications Towers and Facilities Ordinance. The re-write is in response to Federal legislation better known as the Spectrum Act.

Staff recommends that the City Council adopt the modified ordinance replacing Chapter 15.42 with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of wireless communication facilities.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM6.PDF](#)

7. RIGHT OF WAY USE LICENSE—BBAD INVESTMENTS, LLC

Council may wish to consider a request by BBAD Investments, LLC (mailing address: 2227 East Center Street, Pocatello, ID 83201) for a right of way use license to allow retaining walls to be constructed directly behind the sidewalk on Lots 24-28 Block 1 of Hidden Valley Subdivision 3rd Addition (Via Valdarno) within the City's right of way.

Engineering/Public Works staff recommends approval of the request subject to conditions and Legal Department review.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM7.PDF](#)

8. RESOLUTION—ESTABLISHING A PROCESS FOR THE VACATION OF PUBLIC RIGHTS OF WAY

Council may wish to adopt a resolution establishing a process for the vacation of public rights-of-way consistent with Idaho Code and repealing Resolutions 1998-26 and 1999-34 as they are no longer being applied to the vacation process. The Resolution will become effective after its passage and will sunset upon the adoption of a revised Pocatello Municipal Code Title 17 "Zoning Regulation" which will incorporate the process presented in the proposed Resolution.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM8.PDF](#)

9. AMENDED REAL COVENANT AND ANNEXATION AGREEMENT—CENTURY HEIGHTS, LLC.

Council may wish to approve and authorize the Mayor to execute the Amended Real Covenant and Annexation Agreement between the City and Century Heights, LLC, owner and developer, for 372.15 +/- acres of the formerly known “Southern Hills” development.

The property is generally described as south of Garton Lane, east of South 5th Avenue and north of Hildreth Road and a total of 454 acres was annexed by the City under Ordinance No. 2790 on September 7, 2006.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM9.PDF](#)

10. “COUNCIL SELECT” FUNDING REQUEST—SOUTH EAST IDAHO HOMELESS STAND DOWN

South East Idaho Homeless Stand Down, represented by Susan Thurm (mailing address: 1044 North Harrison, Pocatello, ID 83204), is requesting that “Council Select” funds in the amount of \$250.00 be used for operational costs for their annual event at Idaho State University Reed Gym on October 29, 2016. Funds raised from the event will be used to provide items that help homeless individuals/families in the community stabilize. (As of August 12, 2016, \$2,558.00 remains in the “Council Select” line item).

(Pertinent information attached.)

Documents:

[AGENDA-ITEM10.PDF](#)

11. “COUNCIL SELECT” FUNDING REQUEST—POCATELLO FLAG DESIGN COMMITTEE

Pocatello Flag Design Ad-hoc Committee, represented by Logan McDougall (mailing address: P.O. Box 4169, Pocatello, ID 83205), is requesting that “Council Select” funds in the amount of \$250.00 be used to cover expenses such as banners, materials, and entry fees related to the Committee’s participation in the Idaho State University Homecoming Parade on September 24, 2016. The parade venue will be used to educate and inform the public of the Committee’s efforts to solicit designs for a new flag for Pocatello. (As of August 12, 2016, \$2,558.00 remains in the “Council Select” line item).

(Pertinent information attached.)

Documents:

[AGENDA-ITEM11.PDF](#)

12. EXCEPTION REQUEST FOR BEER/WINE PERMIT—SPIDELL

Council may wish to consider granting a beer/wine permit to Wendy Spidell (mailing address: 214 Franklin, Pocatello, ID 83201) for a 40-year High School Reunion at Sister City Park on August 19, 2016 from 6:00 p.m. to 10:00 p.m. Ms. Spidell has submitted an application to the City to allow the consumption of beer and wine at the event.

Approval by Council is necessary since this area is not specifically identified in City Code 12.36.060 where the consumption of such beverages is allowed.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM12.PDF](#)

13. EXCEPTION REQUEST FOR BEER/WINE PERMIT—BLUEMEL

Council may wish to consider granting a beer/wine permit to Kyle Bluemel (mailing address: 862 Marinus Lane, Pocatello, ID 83201) for a Company Picnic/Customer Appreciation event at Fort Hall Replica (Stage Area) on August 27, 2016 from 9:00 a.m. to 10:00 p.m. Mr. Bluemel has submitted an application to the City to allow the consumption of beer and wine at the event.

Approval by Council is necessary since this area is not specifically identified in City Code 12.36.060 where the consumption of such beverages is allowed.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM13.PDF](#)

14. TEMPORARY ROAD CLOSURE REQUEST—KIND COMMUNITY/ISU HOMECOMING KICK-OFF CELEBRATION

Kind Community (mailing address: 315 West Center Suite 104, Pocatello ID 83204) represented by Courtney Fisher and Idaho State University (ISU) (mailing address: 921 South 8th Avenue, Pocatello ID 83209) represented by Stuart Summers, are requesting to close Martin Luther King Jr. Avenue with closure points at 8th, 9th and 15th Avenues for a Kind Community/ISU Homecoming Event on Monday, September 19, 2016. Representatives are requesting that the street be closed 7:00 a.m. to 11:30 p.m. for the event.

City staff has recommended approval of the request with conditions.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM14.PDF](#)

15. FEE WAIVER REQUEST—HIGHWAY 30 BERM PROJECT

Valley Pride, represented by David Maguire (mailing address: 812 East Clark, Pocatello, ID 83201) is requesting that Council waive the City's \$6,200.00 water system capacity fee for the 2016 Highway 30 Berm (Garrett Way) project.

Idaho Transportation Department has been a partner with Valley Pride since the original construction of the berms and has given permission to locate the berms in the public right-of-way.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM15.PDF](#)

16. SIMPLY CATS ADOPTION CENTER MOA—ANIMAL SERVICES

Council may wish to approve a Memorandum of Agreement (MOA) with Just Strays Animal Foundation, Inc., dba Simply Cats Adoption Center, a non-profit organization located in Boise, Idaho. The MOA would create a coalition between the City of Pocatello and the Foundation with a goal to increase the live release rate for cats.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM16.PDF](#)

17. 3RD ANNUAL SPLASH DANCE FOR DOGS AT ROSS PARK AQUATIC COMPLEX REQUESTS—ANIMAL SERVICES

Council may wish to consider the following requests related to the 3rd Annual Splash Dance For Dogs fundraiser for the Pocatello Animal Shelter. The event will be held in the Ross Park Aquatic Complex (RPAC) on Saturday, September 17, 2016.

- (a) Waive the pool rental fee of \$350.00 per hour and entry fee of \$1.50; and
- (b) Exception to City Codes in order to allow dogs in the RPAC and Ross Park during the event.

18. FISCAL YEAR 2017 DEPARTMENTAL FEE RESOLUTION

Council may wish to adopt a resolution with exhibits (a) through (z) setting fees for Fiscal Year 2017 (October 1, 2016 through September 30, 2017). The exhibits are:

- (a) POCATELLO REGIONAL AIRPORT FEES
- (b) ALCOHOLIC BEVERAGE LICENSES FEES
- (c) ANIMAL SERVICES FEES
- (d) BUSINESS LICENSURE FEES
- (e) CEMETERY FEES
- (f) CHILDREN'S GROUP TREATMENT CENTER FEES
- (g) COMMERCIAL ACTIVITIES IN PARKS AND OTHER PUBLIC PLACES FEES
- (h) CONSTRUCTION TRADE FEES
- (i) CHILD CARE LICENSE FEES
- (j) DEVELOPMENT REIMBURSEMENT FEES
- (k) ENGINEERING SERVICES FEES
- (l) FIRE DEPARTMENT FEES
- (m) GEOGRAPHIC INFORMATION SERVICE FEE
- (n) PARKS AND RECREATION ACTIVITIES PROGRAM, RENTAL, AND ADMISSION FEES
- (o) PARKS AND RECREATION FACILITY USE FEES
- (p) PLANNING AND DEVELOPMENT SERVICES FEES
- (q) POLICE DEPARTMENT FEES
- (r) PUBLIC RECORD FEES
- (s) SANITATION DEPARTMENT FEES
- (t) CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL FEES
- (u) POCATELLO REGIONAL TRANSIT SYSTEM FEES
- (v) UTILITY BILLING DEPARTMENT FEES
- (w) VIDEO SERVICES FEES
- (x) WATER DEPARTMENT FEES
- (y) WATER POLLUTION CONTROL DEPARTMENT FEES
- (z) ZOO PROGRAM, RENTAL AND ADMISSION FEES

(Pertinent information attached.)

Documents:

[AGENDA-ITEM18.PDF](#)

19. RESOLUTION—INTENT TO LEVY FOREGONE PROPERTY TAX FOR FISCAL YEAR 2017 BUDGET

Council may wish to adopt a resolution establishing the City's intent to levy \$18,807.00 in Foregone Property Tax for the purpose of supplementing other revenues in Fiscal Year

2017 to complete the purchase of public safety equipment for the Fire and Police Departments. Said resolution is prepared in accordance with Idaho Code §63-802.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM19.PDF](#)

20. ORDINANCES

The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance summary sheet be submitted for publication."

FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item # , be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read.

Ordinances ready for reading.

20(a). The Annual Appropriations ordinance for Budget Year 2017. (Full ordinance must be published and the ordinance is prepared for reading under rules suspension.)

20(b). Repeal Title 16 "Subdivision Regulations" and adopt an entirely new Ordinance for Title 16 "Subdivision Regulations" as presented to the Council at the July 14, 2016 Study Session and August 4, 2016 Public Hearing. (The Ordinance is prepared for reading under the rules of suspension.)

20(c). Amending Title 10 "Vehicles and Traffic" to update portions of the current code and to implement a new section regarding speed limits within a construction zone as presented to the Council at the August 11, 2016 Study Session. (The Ordinance is prepared for reading under the rules of suspension.)

20(d). Changing the designated zone of 7.26 acres of property located at 1800 Garrett Way, Pocatello, Idaho from Commercial General (CG) to Residential/Commercial/Professional (RCP). The Council Decision for this designation was adopted July 16, 2015. (The Ordinance is prepared for reading under the rules of suspension.)

Documents:

[AGENDA-ITEM20.PDF](#)

21. DISCUSSION ITEMS

This time has been set aside to hear discussion items not listed on the agenda. Items which appeared somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items will either be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order

to be recognized. (Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - Ten (10) minute time limit on applicant presentation.
 - Three (3) minute time limit on public testimony.
 - Names and addresses are required from those presenting/testifying.
 - Questions/comments should be addressed to the Mayor and Council.
 - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.
2. Mayor opens hearing.
3. Presentation by applicant.

Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.
4. Presentation by staff.
5. Written correspondence submitted for the record.
6. Testimony by those supporting the application.
7. Testimony by those uncommitted on the application.
8. Testimony by opponents to the application.
9. Rebuttal by the applicant.
10. Mayor closes the hearing and initiates motion/deliberations.

Note: The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.
11. Develop a written and reasoned statement supporting the decision.

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?"
After roll call is taken, Mayor will announce whether or not the ordinance passed.

AGENDA

ITEM

NO. 3

Consent

Agenda

3(a)

CITY OF POCA TELLO, IDAHO
CITY COUNCIL EXECUTIVE SESSION
JULY 28, 2016

An Executive Session of the City Council was called to order by Mayor Brian Blad at 10:06 a.m. in the Paradise Conference Room at City Hall. Council members present were Roger Bray, Steve Brown, Jim Johnston, Gary Moore and Michael L. Orr.

A motion was made by Mr. Orr, seconded by Mr. Moore, to convene into Executive Session in accordance with Idaho Code Sections 74-206(l)(j) to consider labor contract matters authorized under section 67-2345A[74-206A](l)(a) and (b). Upon roll call, those voting in favor were Orr, Moore, Bray, Brown and Johnston.

In addition to the Mayor and Council members, Ruth Whitworth, City Clerk; Joyce Stroschein, Chief Financial Officer/Treasurer; Tiffany Olsen, Assistant to the City Attorney; David Gates, Fire Chief; Anne Butler, Interim Human Resources Director; Nicole Harms, Human Resources Consultant; and Heather Buchanan, Human Resources Consultant; were present.

Scott Marotz, Anderson, Julian & Hull, LLP joined the meeting via telephone at 10:09 a.m.

Dean Tranmer, City Attorney joined the meeting at 10:10 a.m.

Council discussed various issues within the parameters of the above statutes.

Phone conference call with Mr. Marotz ended at 10:40 a.m.

Council continued discussion of various issues within the parameters of the above statutes.

Mayor Blad adjourned the Executive Session at 11:10 a.m.

APPROVED:

BRIAN C. BLAD, MAYOR

PREPARED BY AND ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

CITY OF POCA TELLO, IDAHO
CITY COUNCIL MEETING-
BUDGET DEVELOPMENT
JULY 28, 2016

Mayor Brian Blad called the City Council meeting for budget development to order at 9:03 a.m. Council members present were Roger Bray, Steve Brown, Jim Johnston, Gary Moore and Michael L. Orr.

Joyce Stroschein, Chief Financial Officer/Treasurer; and Ashley Linton, Accountant; overviewed the schedule for the meeting. Ms. Stroschein reminded the Council of the decisions that were made at the July 14, 2016 Study Session. It was clarified the suggestions made during the Budget Development meeting are not binding and will be discussed at a Public Hearing on August 4, 2016 and an ordinance establishing the budget will be voted upon by Council on August 18, 2016.

Ms. Stroschein reviewed a letter received on July 28, 2016 from Kristi Klauser, Bannock County Comptroller showing 2016 Preliminary Assessment values, New Construction Value, and 2015 Actual Final Assessment Values. Ms. Stroschein also reviewed the L-2 Worksheet that is required by the State of Idaho and clarified the worksheet reports 2015 property tax figures.

Ms. Stroschein announced the Decision Spreadsheet would be utilized at this time and Council direction for changes to the spreadsheet would be considered. She noted the spreadsheet has a 3% increase in the tax levy rate for Fiscal Year 2017.

General discussion regarding Payment in Lieu of Taxes (PILOT) fees followed. It was noted that during the period PILOT fees were being received, the City was able to rely less on property taxes. However, once the PILOT fee ended through a Court order in Fiscal Year 2014, the City had to increase the property tax levy to help make up the difference in revenue.

Ms. Stroschein mentioned that she has prepared a worksheet using a 2% increase in the levy rate. The 2% property tax increase results in a net decrease of \$287,547.00 in revenue. The impact this decrease will have on purchasing capital items was reviewed.

Ms. Stroschein explained she is seeking Council direction regarding which option they wish her to present at the budget public hearing scheduled for August 4, 2016.

Mr. Moore supports the 3% increase to purchase capital items that are necessary to provide continued service for citizens.

Mr. Johnston supports the 3% increase in order for the City to be prepared for additional growth. He feels the funds are necessary to provide adequate health and safety needs for citizens.

Mr. Brown supports the 3% increase. He agrees the City must to have adequate funds in order to function well.

Mr. Bray shared his concerns with increasing property taxes and feels the proposed tax levy figures are far above where the City has been historically. He does not feel the growth numbers are there.

CITY COUNCIL MEETING
BUDGET DEVELOPMENT
JULY 28, 2016

Debate between the Council followed. It was mentioned incoming revenues are less since the elimination of PILOT fees and this has impacted the City's levy rate.

Council discussion continued regarding the effect of increases to property taxes for low-income citizens and City expenses being addressed over the long-term.

Mayor Blad mentioned Council has been working very hard developing the Fiscal Year 2017 budget. He also noted Finance staff and department heads have put forth much effort to make adjustments to their budgets based upon the most current information.

Mr. Orr supports the 3% increase. He would like to keep the current momentum going and feels the increase will allow the City to purchase needed capital items.

Council continued to discuss various tax limits outlined on the Fiscal Year 2017 Property Tax Summary sheet and chose to support the 3% property increase and foregone tax option. Ms. Stroschein announced additional discussion will take place during the public hearing to be held on August 4, 2016.

Following lengthy discussion by Council, the outcome of their decisions is attached as Attachment "A".

Mayor Blad adjourned the meeting for budget development at 9:55 a.m.

APPROVED:

BRIAN C. BLAD, MAYOR

PREPARED BY AND ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

3(c)

Ref
Line **FY17 Tax Fund Solution Ideas**

Edition of: July 14, 2016 A (first decision session results with updated expense info)
Council decided to take the 3% \$807,026 and \$18,807 foregone and new Construction

| Problem | As of 14 July A |
|---------------------|-------------------|
| General Fund | -\$173,107 |
| Street | -\$17,750 |
| Recreation | -\$7,453 |
| Cemetery | -\$2,451 |
| Airport | -\$4,327 |
| Library | -\$8,287 |
| Video Services | -\$1,360 |
| Animal Shelter Bond | \$0 |
| Total | -\$214,735 |

| Idea | Amount | Selection |
|---------------------------------|------------|------------|
| One time money | | |
| Category Selection Total | \$0 | \$0 |

| Solution | Amount |
|--------------------------|-------------------|
| One Time \$ | \$0 |
| Revenue Estimates | \$275,000 |
| Property Taxes | \$807,026 |
| Svc cuts & shifts | \$0 |
| Street infrastructure | \$0 |
| Capital & operating cuts | -\$26,925 |
| Additional requests | -\$1,269,836 |
| Other | \$0 |
| Less cost increases | \$0 |
| Less personnel increases | \$0 |
| total | -\$214,735 |

More Optimistic Revenue Estimates

| | | |
|---|------------------|------------------|
| Sales tax | \$4,400,000 | |
| Highway User | \$2,350,000 | |
| Electric franchise | \$428,000 | |
| Natural gas | \$365,000 | |
| Building permit fees | \$675,000 | |
| General Fund Interest | \$204,000 | |
| Additional Palisades water lease revenue currently budgeted | \$0 | \$275,000 |
| County road tax | \$690,000 | |
| Assume larger pcard rebate \$37,810 actual vs budget \$37,140 | \$670 | |
| Other: | | |
| Category Selection Total | \$275,670 | \$275,000 |

Gap remaining \$0

Property Taxes

| | | |
|---|--------------------|------------------|
| Levy 3% more (= additional amount allowed under 3% cap law) | \$807,026 | \$807,026 |
| Levy the "foregone" balance from prior year | \$1,460,725 | \$18,807 |
| Levy the new construction tax authority \$222,262 currently in budget | \$203,455 | -\$18,807 |
| Levy the annexation authority (\$Y x) | \$0 | |
| Other: | \$0 | |
| Category Selection Total | \$2,471,206 | \$807,026 |

\$ 538,286 2% levy amount

Add Back Cuts in Budget

| | | |
|---|------------------|------------------|
| Mayor - Travel and training | -\$9,425 | -\$9,425 |
| Mayor- Chamber community events | -\$500 | -\$500 |
| Planning- Travel and Training | -\$10,000 | -\$10,000 |
| Airport - repairs and maintenance on facilities | -\$7,000 | -\$7,000 |
| Category Selection Total | -\$26,925 | -\$26,925 |

Additional requested items not in budget

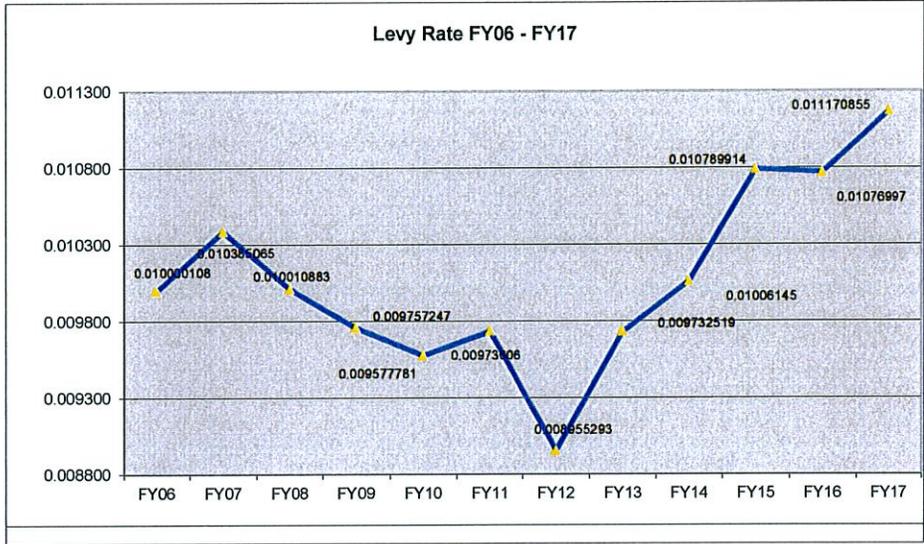
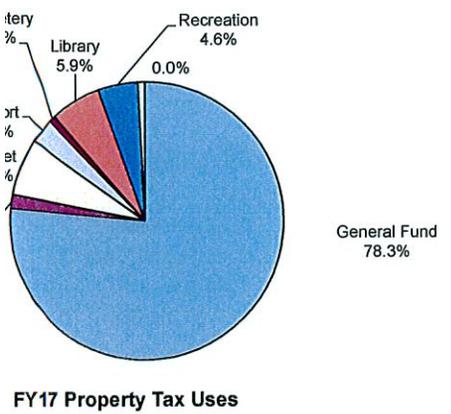
| | | |
|---|------------------|--------------------|
| Police: Replace radios (65) | \$263,000 | \$263,000 |
| Police: Replace radios 5 year lease | \$55,198 | |
| Police: Replace radios 7 year lease | \$40,593 | |
| Fire: SCBA's (current budget has \$85,000 towards purchase) | \$254,700 | \$254,700 |
| Fire: SCBA's 5 year lease current budget \$85,000 pymt \$71,296 | \$0 | |
| Fire: SCBA's 7 year lease current budget \$85,000 pymt \$52,431 | \$0 | |
| Police Negotiations | \$90,295 | \$91,194 |
| Capital for needs developed during the fiscal year | | \$660,942 |
| Category Selection Total | \$703,786 | \$1,269,836 |

Notes:
Allow IT Department to spend reserves for executime software \$75,000

nary

| General Fund | | | | | | | | | | Estimated Valuation: | | |
|--------------|----------------------------|-------------|-------------|-------------|--------------|--------------|--------------|-----------------|--|----------------------|-----------------|--|
| Total | (includes Fire Retirement) | Liability | Street | Airport | Cemetery | Library | Recreation | Bond Retirement | | | Base Value | |
| \$26,495,490 | \$22,136,863 | \$0 | \$1,345,273 | \$652,857 | \$17,382 | \$1,486,423 | \$635,452 | \$221,240 | | | \$2,461,255,199 | |
| \$27,524,778 | \$21,050,820 | \$435,365 | \$1,862,468 | \$815,689 | \$225,815 | \$1,633,787 | \$1,275,044 | \$225,790 | | | | |
| \$1,029,288 | -\$1,086,043 | \$435,365 | \$517,195 | \$162,832 | \$208,433 | \$147,364 | \$639,592 | \$4,550 | | | | |
| 3.88% | -4.91% | #DIV/0! | 38.45% | 24.94% | 1199.13% | 9.91% | 100.65% | 2.06% | | | | |
| 0.011170354 | 0.008543034 | 0.000176684 | 0.000755844 | 0.00033103 | 0.0000916423 | 0.0006630382 | 0.0005174499 | 0.0000916321 | | | | |
| N/A | 0.009000000 | No limit | No limit | 0.000600000 | 0.000400000 | 0.001000000 | 0.000600000 | No Limit | | | | |

| FY06 | FY07 | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | FY14 | FY15 | FY16 | FY17 |
|---------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 1,663,138,687 | 1,695,155,488 | \$1,909,894,806 | \$2,088,224,683 | \$2,215,827,177 | \$2,252,630,095 | \$2,554,781,526 | \$2,481,067,665 | \$2,468,721,792 | \$2,480,945,855 | \$2,460,126,522 | \$2,464,091,723 |
| \$16,631,566 | \$17,604,300 | \$19,119,733 | \$20,375,325 | \$21,222,708 | \$21,931,741 | \$22,878,818 | \$24,147,038 | \$24,838,920 | \$26,769,193 | \$26,495,490 | \$27,524,778 |
| 0.010000108 | 0.010385065 | 0.010010883 | 0.009757247 | 0.009577781 | 0.009736060 | 0.008955293 | 0.009732519 | 0.01006145 | 0.010789914 | 0.010769970 | 0.011170354 |
| -2.70% | 3.85% | -3.60% | -2.53% | -1.84% | 1.65% | -8.02% | 8.68% | 3.38% | 7.24% | -0.18% | 3.72% |



| | | |
|------------------|---------------|-----------------------|
| house value | \$ 100,000.00 | \$100,000 house value |
| rate change | 0.000400384 | 0.011170354 fy17 rate |
| impact of incre: | \$ 40.04 | \$ 1,117.04 total Tax |

\$ 1,077.00 last year
 9.64% \$ 40.04 increase
\$ 1,117.04
 0.008031959 avg rate increase over the 11 years

3(d)



*Pocatello Fire Fighters
IAFF Local 187
PO Box 65*

8/01/16

Mayor Brian Blad
City of Pocatello Council Members
911 N. 7th Ave.
Pocatello ID, 83201

Dear Mayor Blad & City Council Members,

I on behalf of the Pocatello Fire Fighters, IAFF Local 187, I would like to request an exception to ordinances or laws that would prevent our organization from gathering funds for the Muscular Dystrophy Association "Fill the Boot" fundraiser. We plan on holding this fundraiser on public rights-of-way at E. Oak St & Jefferson Ave, on September 9th from 10am from 6pm.

Thank you for your past and continued support of this endeavor.

Sincerely,

Eric A. Anderson
Secretary/Treasurer
Pocatello Fire Fighters, IAFF local 187

*Ryan O'Hearn
President
Ohearn72@gmail.com*

*Andy Moldenhauer
Vice President
amoldenh@yahoo.com*

*Eric Anderson
Secretary/Treasurer
And509eric@hotmail.com*

MEMORANDUM

TO: Brian C. Blad, Mayor; Members of the City Council
FROM: Rich Diehl, Deputy City Attorney
RE: Idaho Transportation Department and the Idaho Chapter of the American Academy of Pediatrics Grant Application (PPD – Car Seats)
DATE: August 9, 2016

I have reviewed the above-referenced grant application and in my opinion that it is appropriate to allow the Pocatello Police Department to apply for the grant. There is not a local match per se, PPD would purchase the car seats and then would be reimbursed for the purchase. The Letter of Intent is the application.

I would recommend that the Council both authorize application and acceptance of the Grant since it has been awarded. The Police Department has previously applied for, and received, this Grant. If you have any questions, please feel free to contact me.

Executive Summary

In February of 2012 the Pocatello City Council authorized the Pocatello Police Department to apply for and administer a child safety seat grant which was funded by the Idaho Chapter of the American Academy of Pediatrics, and currently funded by the Idaho Transportation Department. The police department applied for and received the grant.

With Council approval the Pocatello Police Department has applied for and received subsequent grants for 2013, 2014, and 2015.

In October 2016 the Police Department again seeks authorization for this annual grant in the amount of \$ 11,500. The Police Department needs to submit the grant application paperwork prior to October 1st 2016 in order to comply with the October 1st 2016 due date. However the Police Department will not move forward with the application or accept the grant until authorized by the Council.

The Pocatello Police Department feels that this is a valuable program and a great service to the citizens of the Pocatello community as well as residents from surrounding counties. This grant DOES NOT require a match on the part of the City. The grant awards a fixed amount of funds that must be used to purchase the car seats and educational materials. The participating agency must first purchase the car seats and then submit for reimbursement, but the reimbursement is 100% up to the amount awarded. The award letter is attached for your review.

The Police Department respectfully requests that the Council accept this car seat grant, and authorize the Mayor to sign all necessary documents, subject to Legal Department approval.

FEDERAL FISCAL YEAR 2016 “FFY 2016” IDAHO’S CHILD PASSENGER SAFETY GRANT POLICIES AND PROCEDURES

Monies are made available by the Idaho Transportation Department Office of Highway Safety through Sherry Jenkins, Occupant Protection Program Manager. All grant requests will be reviewed through Sherry Jenkins and Carma McKinnon, Statewide Coordinator of Idaho’s Child Passenger Safety Program.

WHO IS ELIGIBLE TO RECEIVE FUNDS?

Grant requests should be from a school, government agency or non-profit [501(c)(3)] organization within Idaho that provides child passenger safety efforts intended to reduce the number of deaths and serious injuries to children resulting from traffic crashes on Idaho roads. They must be able to demonstrate their commitment to child passenger safety and ensure efficient and effective management of funds. Consistently providing reports to the ITD Office of Highway Safety is required.

WHEN ARE PROPOSALS ACCEPTED?

Grant requests may be received by an organization anytime during each federal fiscal year of October 1 through September 30. This grant process is ongoing and will remain open as long as funds are available.

WHAT CAN BE FUNDED?

The proposed projects must demonstrate a direct link to one or more of the following goals:

GOALS:

1. Reduce the barrier of cost of child restraints to parents and caregivers by providing restraints at reduced or no cost to socially and economically disadvantaged households in Idaho.
2. Increase local community’s knowledge of the proper use of child restraints by offering car seat safety checks and one-on-one instruction and installation with the distribution of each restraint purchased with grant funding.
3. Educate parents, caregivers and grandparents regarding the proper selection and installation of child passenger safety restraints.
4. Support and/or increase local community Child Passenger Safety Technicians (CPSTs) through certification, CEU, and recertification courses.
5. Use National Child Passenger Safety Week as opportunity to raise public awareness of proper selection and installation of child restraints.

Additional information found under What Costs are allowed? And What Costs are not allowed?

WHAT COSTS ARE ALLOWED?

Costs that may be approved must relate to the implementation of strategies which address the program’s **goals**.

Refer to the *FFY 2016 Requirements for Courses* to meet criteria to receive state funding.

EXAMPLES:

Child Passenger Safety Technician course
Continuing Education Unit workshop
CPST Instructor stipend

➔ Stipend defined as "...a fixed regular sum paid as an allowance."

Equipment and materials needed to conduct car seat inspections
Safe Ride News publication and fact sheets
Car seat manufacturer CD
LATCH Manual(s)
Car and booster seats

- distribution must target families with a demonstrated financial need, and
- come with education provided by a certified car seat technician, and
- be on a by-donation basis

WHAT COSTS ARE NOT ALLOWED?

All projects must follow appropriate state and federal funding regulations.

EXAMPLES OF UNALLOWABLE COSTS:

Food/refreshments (only water and coffee allowed)
Office furniture
Gifts (no gift cards, flowers, etc.)
Entertainment
Construction
Promotional, give-a-ways, or branding items
Clothing
Wages for technician/instructor attending a class, training or car seat event
➔ Wage defined as "...a fixed regular payment, typically paid on a daily or weekly basis, made by an employer to an employee."
Vehicle fuel expenses for an agency car

Each recipient certifies that the Child Passenger Safety grant will not be used to replace existing state or local funds as this is defined as supplanting.

ARE THERE PROJECT REQUIREMENTS?

Refer to the *FFY 2016 Requirement for Courses* to meet criteria to receive state funding.

Other curricula may be used when different trainings are provided however it must be provided to and approved by the Statewide Coordinator and the ITD Office of Highway Safety.

Evaluations of class and instructors are required on all classes and must be provided to the Statewide Coordinator and the ITD Office of Highway Safety.

WHAT IF THERE IS A DISPUTE REGARDING THE AGREEMENT?

Disputes arising under this agreement shall be resolved by a panel consisting of one representative of the ITD Office of Highway Safety, one representative from your agency and a mutually agreed upon third party. This dispute panel shall thereafter decide the dispute with a majority prevailing.

HOW MUCH IS TOO MUCH TO REQUEST?

You may submit a grant funding request from \$500 - \$10,000. The ITD Office of Highway Safety reserves the right to award an amount based on the grant request and/or funding availability.

Make every attempt to include all anticipated expenses for the coming year.

EXCEPTION: If you are applying for funds to host a CPST certification course, the costs associated with the class may be evaluated and awarded separately from the submitted grant request. Contact Sherry Jenkins (208) 334 4460 or Carma McKinnon (208) 756-1511 to see if courses are already scheduled in or near your community.

HOW ARE FUNDS DISTRIBUTED?

- Costs will be REIMBURSED; payments will not be made in advance.
- All costs/expenses will be paid for by the grantee and billed for reimbursement (including travel expenses at the State of Idaho's per diem rates and according to the attached APPENDIX D - TRAVEL AND PER DIEM REIMBURSEMENT document).
- Reimbursement paperwork may be submitted upon completion of a deliverable; or at the completion of the grant AND grantee must adhere to deadlines for reimbursements (below).
- If your agency hired an instructor for an event; your agency must pay him/her for all expenses (including travel, lodging, meals at state per diem) THEN submit for reimbursement through this grant process.
- ➔ CPST-Instructor travel expense reimbursement amount(s) must be pre-approved by the Office of Highway Safety.
- The State of Idaho Voucher Form 0259 must be used with supporting documentation (receipts, etc.); identify your agency as "Vendor" or "Claimant"; include Federal Tax ID Number, and signature of authorizing agency official.
Original 0259 with original signature required to process payment.
- For reimbursement of travel expenses, Grantee must use their organization's travel expense voucher.

IMPORTANT NOTE REGARDING TRAVEL REIMBURSEMENTS:

The following is derived from the Idaho State Controller's Office Travel Policy, and is not all inclusive. For additional information, review Idaho's policy in its entirety at: <http://www.sco.idaho.gov/web/sbe/sbweb.nsf/pages/trvlpolicy.htm#Policy>

Lodging

Reimbursement for reasonable lodging costs will be approved for in-state or out-of-state travel according to state guidelines. If it is feasible to travel home after the last meeting, no lodging will be allowed for that night. **Note:** *Reimbursement will not be made for travel and lodging expenses when leaving the home station earlier than reasonably necessary to meet an airport's recommended pre-departure time.*

Timeframes for Partial Day Per Diem Allowance

The amount of the Per diem allowance for official State travel that does not involve an overnight stay, or for the first and last day of a multiple day trip, shall be calculated based on the percentages of the daily Per diem allowance as established by the State Board of Examiners.

- 1) 25% for breakfast (leave at 7:00am or earlier/return at 8:00am or later)
- 2) 35% for lunch (leave at 11:00am or earlier/return at 2:00pm or later)
- 3) 55% for dinner (leave at 5:00pm or earlier/return at 7:00pm or later)

WHAT DOCUMENTS ARE NEEDED OR HELPFUL TO THE GRANT PROCESS?

- Idaho Transportation Department Invoice Voucher 0259
- State W-9/Direct Deposit form
- FFY 2016 Requirements for Courses

ARE THERE DEADLINES FOR REIMBURSEMENT DOCUMENTS?

Yes. All invoices for goods received or services performed on or prior to June 30th, **must be received by Sherry Jenkins, the ITD Office of Highway Safety no later than July 30th.**

Invoices for goods received or services performed between July 1st and September 30th, **must be received by Sherry Jenkins, the ITD Office of Highway Safety no later than October 31st.**

ARE THERE OTHER GRANT REQUIREMENTS?

Yes.

1. Contractor agrees to the Certification and Assurances 8/2013, Attachment 1, and will comply with the certification and assurances, as applicable.
2. System for Award Management (SAM) is required when receiving federal awards or federal funds. This may be accessed at <http://www.sam.gov>
 - a. If it has not already done so, the Contractor shall obtain a Data Universal Numbering System (DUNS) number, which may be obtained from Dun and Bradstreet, Inc. (D & B) by telephone (currently 866-705-5711) or the Internet (currently <http://fedgov.dnb.com/webform>).
 - b. The Contractor agrees it shall maintain current registrations in the System for Award Management (SAM) at all times during which it has active federal awards.
 - c. If ITD OHS discovers the Contractor, or its principals or affiliates, is disbarred, suspended, or ineligible from federal contracting, grant may be terminated immediately.
3. MONTHLY reports that contain following minimum information:
 - Number *and types* of car seats purchased
 - Number of car seat checks
 - Number *and types* of car seats distributed
 - Number of volunteer hours
 - Number of We Have A Little Emergency (WHALE) kits* distributed
 - Number of Children's Hospital of Philadelphia Child Restraint Basics cards* distributed
 - Other educational materials distributed
 - If applicable, training activity:
 - Promotion/support for training
 - Instruction provided
 - Number of participants

****WHALE kits and CHOP cards are available (English AND Spanish) at no cost, and can be requested from the ITD Office of Highway Safety.***
4. Monthly reports are due by the 15th of the following month. Example, a report for January must be submitted no later than February 15th.

5. If CPST course (Certification, CEU, Renewal) is approved, and paid partially or in full with grant funding, class and instructor evaluations must be submitted to the ITD Office of Highway Safety within 15 calendar days of the course completion.
6. A FINAL Report of the utilization of all grant funds to ITD OHS no later than October 31, 2016. Please note that final report must include an inventory of child restraints (location, and restraint make, model, and year manufactured) as of September 30, 2016.

HOW DO I APPLY FOR A GRANT?

Read these grant policies and procedures in their entirety before applying. Then submit a letter of request which includes the following:

- A) **QUALIFICATIONS** = explain your agency's involvement in child passenger safety (CPS) efforts. Include your work with traffic safety programs and experience managing public funds efficiently and ethically.
- B) **DELIVERABLES** = explain expected results from grant and how it will support the program's **goals** (below). Include how you will collect, analyze and evaluate your efforts in addition to estimated dates of courses, classes, etc.
- C) **BUDGET** = a detailed list of funding requirements to complete the project

Submit a signed copy of your proposal in **only one format** (mail, email with electronic signature, or hand deliver – no faxes)

Submit to Sherry Jenkins, Idaho Transportation Department, Office of Highway Safety, P.O. Box 7129, Boise, ID 83707-1129. APPLICATION MAY BE SCAN/EMAILED ELECTRONICALLY TO sherry.jenkins@itd.idaho.gov

HOW LONG BEFORE AN APPROVAL OR DECLINE IS DETERMINED?

A response should be received within 30 days of submission. Contact: Sherry Jenkins, (208) 334-4460, sherry.jenkins@itd.idaho.gov

WHAT IS THE REVIEW PROCESS?

Grant applications will be reviewed and scored by a committee. The committee reserves the right to table any grant request for further consideration or to obtain additional information. Each grant will be scored based on Qualifications, Deliverables, and Budget.

WHEN IS THE FINAL INVOICE DUE?

YOU MAY SUBMIT PERIODIC INVOICES FOR REIMBURSEMENT AS DELIVERABLES ARE MET. You do not need to wait until all deliverables are complete.

Refer to the *Are There Deadlines for Reimbursement Documents* section. The Final Invoice is mailed to:
Sherry Jenkins
Office of Highway Safety
Idaho Transportation Department

P.O. Box 7129
Boise, ID 83707-1129

Your documentation should include the following:

- Original signed 0259
- Copy of grant agreement
- Proof of payment
- Supporting documents (invoice, travel expense voucher, receipts, etc.)
- Class and instructor evaluation results (if applicable)

Failure to submit correct and complete reimbursement documents may result in non-payment.

WHAT IF I WANT TO TERMINATE THE AGREEMENT?

Either party may terminate this agreement upon (30) days of written notice to the other party. In the event of termination of this agreement, the terminating party shall be liable for the performance rendered prior to the effective date of termination.

Pocatello Police Department
Child Protection System
Letter of Intent FY 2017

The Pocatello Police Department (PPD) has a long track record with injury prevention training, community events and child safety seat activities. Several employees began attending the child safety seat training courses provided by the Southeastern District Health Department (SDHD) in 2000. Since that time, the police department has continued to send technicians to The National Child Passenger Safety Certification training. We currently have one Certified Instructor and five additional Technicians. In 2012, the PPD became the area's host of the certification course.

The objective of the instructors and technicians during the past 15 years has been to: 1. Support the child safety seat training and activities of the SDHD 2. Become an established resource to the community as certified educators and 3. Serve as a seat check and distribution location for the community. Over the course of each year, car seat safety check events have been held at various locations in several surrounding counties. Certified technicians for the PPD would always respond to assist. Companies in Pocatello also request the presence of a child safety seat booth at their annual safety fairs. The PPD has responded to every request with a certified instructor or technician to man a booth that provides information and educational materials.

The PPD works with other local law enforcement agencies and partners in the health district that also have certified instructors and technicians, they include Bannock County Sheriff's Department (BCSO), Chubbuck Police Department (CPD), Idaho State Police, Rexburg Police Dept (RPD), Soda Springs Police Department, Caribou County Medical Center, Portneuf Medical Center, Franklin County Medical Center, Bear River Head Start and Oneida County Medical Center. The PPD provides grant funded child safety seats and works closely with their technicians as they distribute, install and inspect those seats. Several instructors and technicians in our area are also fluent in Spanish.

In order to support the statewide goal of the Office of Traffic and Highway Safety and the Idaho Chapter of the American Academy of Pediatrics to reduce death and the serious injuries of children from motor vehicle crashes by educating the public and increasing the proper use of seat belts, booster seats and child safety seats in Idaho, the PPD again would like to request grant funds to:

1. Purchase and distribute child passenger safety restraints to socially and economically disadvantaged families in our community.

- By September 30, 2017, provide at educational classes about properly using and installing child passenger safety seats to low-income families enrolled in the Women’s, Infant’s and Children’s (WIC) program, Prenatal Ancillary Care (PAC) program and/or any other group in need of this information, as requested and approved.
 - Provide low cost child safety seats to the parents or legal guardians who attend the classes.
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Make available child passenger safety seats, technical support and educational materials to area law enforcement agencies, hospitals and other facilities serving as checking locations. All checking locations have certified technicians on staff. Checking locations serve as a community resource by providing seat checks, child safety seats and education to families in the community.
 - Checking locations are: PPD, CPD, BCSO, ISP District 6, RPD, Portneuf Medical Center, Caribou County Medical Center, Oneida Medical Center and Bear River Head Start.
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Total request for a regional passenger safety distribution program: **\$1000.00**

2. Conduct CPS Restraint Educational and Community Outreach

- Provide child safety restraint education materials or classes to groups as requested.
- Specifically reach out to area hospital emergency rooms to educate them on the need to have children leave the hospital restrained in a child safety seat, in the event the child's seat was damaged in a vehicle collision. Ensure that they are aware of local agencies that have car seats for distribution.
- Purchase training materials such as: seatbelt retractor/latch plate demonstration kit
- Conduct at least one community-based child safety seat inspection event for the community, specifically targeting (but not exclusive to) low-income families, on correct child safety seat use.
 - Child Passenger Safety Seat Check-Up event will include: National Child Passenger Safety Week September 13-19, 2015
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Increase community awareness of the seat check events and local checking locations using advertising/flyers and social media resources.
- Keep resources and child safety seats available to Bear River Head Start. Bear River Head Start serves four counties in Idaho: Oneida, Franklin, Caribou and Bear Lake. This organization has Spanish speaking technicians who are able to provide services to the Hispanic population in their programs.
- Distribute educational materials regarding the use requirements of child safety seats, booster seats, other available safety seat systems and seat belts by older children and adults to any agency or checking area as needed.
- Total request for educational/outreach funds: **\$1500**



POCATELLO POLICE DEPARTMENT

Community Commitment

Scott L. Marchand, Chief of Police

911 North 7th Avenue • P.O. Box 2877 • Pocatello, ID 83206-2877 • 208-234-6113 • Fax (208)-234-6290
www.pocatello.us/police



SAFETY SEAT GRANT PROPOSAL

Sherry Jenkins
Office of Highway Safety
Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707-1129

RE: Request for funds in the amount of \$ 11,500

Dear Sherry:

I am requesting funds on behalf of *POCATELLO POLICE CPS Team* led by the *City of Pocatello Police Department*

QUALIFICATIONS:

See Attached

EXAMPLE:

See Attached

DELIVERABLES:

(Expected results from grant and how it will support the program's goals. Include how you will collect, analyze and evaluate your efforts; goals based on those selected by your agency for proposed projects that can be funded.)

GOALS:

1. Reduce the barrier of cost of child restraints to parents and caregivers by providing restraints at reduced or no cost to socially and economically disadvantaged households in Idaho.
2. Increase local community's knowledge of the proper use of child restraints by offering car seat safety checks and one-on-one instruction and installation with the distribution of each restraint purchased with grant funding.
3. Educate parents, caregivers and grandparents regarding the proper selection and installation of child passenger safety restraints.
4. Support and/or increase local community Child Passenger Safety Technicians (CPSTs) through certification, CEU, and recertification courses.
5. Use National Child Passenger Safety Week as opportunity to raise public awareness of proper selection and installation of child restraints.

Host at least 3 car seat check events in our local community in support of all the goals. Potential sites for our agency:

- City of Pocatello (City Hall Parking Lot)
- Local Insurance Agency
- Portneuf Regional Medical Center Employee Fair
- Safety Fair at Home Depot, Lowe's, or Walmart

Engage CPST Instructor or CPST-Proxy to conduct seat sign-offs in support of goals 2, 3 and 4.

The Instructor or Proxy will be dedicated to conducting car seat sign-offs at a car seat inspection event. A total of five seat sign-offs are required for each technician's recertification. The Instructor Proxy works one-on-one with the technician to evaluate their skills and knowledge. Bringing an Instructor or Proxy to one of our local events makes it easier for the technicians so they don't have to travel to acquire sign-offs for their renewal. These same technicians support our local car seat inspection stations. The sign-offs are also an opportunity to educate and offer one-on-one instruction to parents, grandparents and caregivers regarding the proper selection and installation of child restraints.

Host one CPST Certification and/or Renewal course in support of goal 4.

Provide at least one certification training to child passenger safety technician candidates utilizing NHTSA's National Standardized Child Passenger Safety Technician (CPST) Certification course. It will be offered to the public while targeting child transport agencies; law enforcement, fire and EMS personnel; medical professionals; daycares and schools. The Renewal course will be offered to expired technicians who have stayed involved in CPS programs and activities, and have monitored changes in the field by reading tech updates, attending other CPS classes, participating in "Buckle Up" events and working with non-expired technicians.

Materials to educate parents, caregivers and grandparents in support of goals 2 and 3.

The Pocatello Police CPS Team is partnering with other local law enforcement to begin regularly scheduled car seat inspection events. The events will focus on educating parents, caregivers and grandparents about child restraint selection and installation, provide additional resources for our community to access car seat inspection services, and provide educational materials.



POCATELLO POLICE DEPARTMENT

Community Commitment

Scott L. Marchand, Chief of Police

911 North 7th Avenue • P.O. Box 2877 • Pocatello, ID 83206-2877 • 208-234-6113 • Fax (208)-234-6290
www.pocatello.us/police



Information on classes held, numbers reached, materials distributed, car seats inspected, etc. will be provided to Sherry Jenkins AND Carma McKinnon, Statewide Coordinator, on a quarterly basis. Course evaluations will be included with the reimbursement billing documents.

I understand that all invoices for goods received or services performed on or prior to June 30th, must be received by Sherry Jenkins, ITD Office of Highway Safety no later than July 30th.

Invoices for goods received or services performed between July 1st and September 30th, must be received by Sherry Jenkins, ITD Office of Highway Safety no later than October 31st.

Invoices submitted for reimbursement after the above dates will not be paid.

BUDGET: *(Detailed list of funding requirements to complete the project)*

EXAMPLE:

| | |
|---|-----------------|
| CPST Certification Course (6 New Techs) | <u>TOTAL</u> |
| CPST Instructor(s) Cost is \$ | \$450 |
| CPST-I mileage/state mileage rate | \$60. |
| CPST-I meals/state rate per diem | \$320. |
| CPST Renewal Course (1 renewal) | TOTAL |
| CPST Instructor(s) Cost is \$ | \$75. |
| CPST-I mileage/state mileage rate | \$200. |
| CPST-I meals/state rate per diem | \$295 |
| CPST Special Needs Course (Coeur'Alene, Idaho) | |
| Child Restraint Purchases | \$10,000 |
| Materials for inspection station | |
| LATCH manuals | \$ |
| Clip boards | \$30.00 |
| Safe Ride News handouts | \$30.00 |
| Gloves for techs when conducting inspections | \$40.00 |
| Dolls for demonstration purposes | \$ |
| Signs to advertise event and direct traffic | \$ |
| Plastic storage bin for supplies | \$ |
| TOTAL GRANT REQUEST | \$11,500 |

Thank you for your consideration of this request for funds.

I have read and understand Idaho's Child Passenger Safety Policies and Procedures and agree to follow if awarded a grant.

IN WITNESS THEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT.

(POCATELLO POLICE DEPARTMENT)

(Signature of person with contracting authority)

Brian C. Blad, Mayor

(Printed name)

(Date)

(208) 234-6163

(Phone)

(Phone)

Mayor@pocatello.us

(Email)

(DUNS & Bradstreet number)

(Federal Tax/ID number)

IDAHO TRANSPORTATION DEPARTMENT, OFFICE OF HIGHWAY SAFETY

(Signature)

(Printed name)

(Date)

Pocatello Police Department

Child Protection System

Letter of Intent FY 2017

The Pocatello Police Department (PPD) has a long track record with injury prevention training, community events and child safety seat activities. Several employees began attending the child safety seat training courses provided by the Southeastern District Health Department (SDHD) in 2000. Since that time, the police department has continued to send technicians to The National Child Passenger Safety Certification training. We currently have one Certified Instructor and five additional Technicians. In 2012, the PPD became the area's host of the certification course.

The objective of the instructors and technicians during the past 15 years has been to: 1. Support the child safety seat training and activities of the SDHD 2. Become an established resource to the community as certified educators and 3. Serve as a seat check and distribution location for the community. Over the course of each year, car seat safety check events have been held at various locations in several surrounding counties. Certified technicians for the PPD would always respond to assist. Companies in Pocatello also request the presence of a child safety seat booth at their annual safety fairs. The PPD has responded to every request with a certified instructor or technician to man a booth that provides information and educational materials.

The PPD works with other local law enforcement agencies and partners in the health district that also have certified instructors and technicians, they include Bannock County Sheriff's Department (BCSO), Chubbuck Police Department (CPD), Idaho State Police, Rexburg Police Dept (RPD), Soda Springs Police Department, Caribou County Medical Center, Portneuf Medical Center, Franklin County Medical Center, Bear River Head Start and Oneida County Medical Center. The PPD provides grant funded child safety seats and works closely with their technicians as they distribute, install and inspect those seats. Several instructors and technicians in our area are also fluent in Spanish.

In order to support the statewide goal of the Office of Traffic and Highway Safety and the Idaho Chapter of the American Academy of Pediatrics to reduce death and the serious injuries of children from motor vehicle crashes by educating the public and increasing the proper use of seat belts, booster seats and child safety seats in Idaho, the PPD again would like to request grant funds to:

1. Purchase and distribute child passenger safety restraints to socially and economically disadvantaged families in our community.

- By September 30, 2017, provide at educational classes about properly using and installing child passenger safety seats to low-income families enrolled in the Women's, Infant's and Children's (WIC) program, Prenatal Ancillary Care (PAC) program and/or any other group in need of this information, as requested and approved.
 - Provide low cost child safety seats to the parents or legal guardians who attend the classes.
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Make available child passenger safety seats, technical support and educational materials to area law enforcement agencies, hospitals and other facilities serving as checking locations. All checking locations have certified technicians on staff. Checking locations serve as a community resource by providing seat checks, child safety seats and education to families in the community.
 - Checking locations are: PPD, CPD, BCSO, ISP District 6, RPD, Portneuf Medical Center, Caribou County Medical Center, Oneida Medical Center and Bear River Head Start.
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Total request for a regional passenger safety distribution program: \$9000.

2. Conduct CPS Restraint Educational and Community Outreach

- Provide child safety restraint education materials or classes to groups as requested.
- Specifically reach out to area hospital emergency rooms to educate them on the need to have children leave the hospital restrained in a child safety seat, in the event the child's seat was damaged in a vehicle collision. Ensure that they are aware of local agencies that have car seats for distribution.
- Purchase training materials such as: seatbelt retractor/latch plate demonstration kit
- Conduct at least one community-based child safety seat inspection event for the community, specifically targeting (but not exclusive to) low-income families, on correct child safety seat use.
 - Child Passenger Safety Seat Check-Up event will include: National Child Passenger Safety Week September 13-19, 2015
 - Families receiving these restraints will be asked to make a minimum \$15.00 donation for the seat. Families unable to pay for the seat will not be denied access to either classes or the child safety restraints.
 - All donations made will be used to purchase more seats for the program.
- Increase community awareness of the seat check events and local checking locations using advertising/flyers and social media resources.
- Keep resources and child safety seats available to Bear River Head Start. Bear River Head Start serves four counties in Idaho: Oneida, Franklin, Caribou and Bear Lake. This organization has Spanish speaking technicians who are able to provide services to the Hispanic population in their programs.
- Distribute educational materials regarding the use requirements of child safety seats, booster seats, other available safety seat systems and seat belts by older children and adults to any agency or checking area as needed.
- Total request for educational/outreach funds: **\$1000**

3(g)

College Work-Study Agreement

between

City of Pocatello

and

Idaho State University

This Agreement between IDAHO STATE UNIVERSITY, having principal business address at 921 S. 8th, Stop 8077, Pocatello, Id 83209 ("University") and City of Pocatello, having its principal office located at P.O. Box 4169, Pocatello, ID 83205-4169 ("Recipient"), takes effect on July 1, 2016.

Background

- Under the Economic Opportunity Act of 1964, as amended, the College Work-Study Program (the "*PROGRAM*") makes funds available to institutions of higher education in order to reimburse selected students for a major portion of their earnings in selected jobs.
- Under the PROGRAM, the University reimburses participating students in lieu of actual wages that an employer ordinarily pays the student.
- The PROGRAM permits a student to be employed by an institution of higher education or by a public or private nonprofit organization with the exception of an organization engaged in any religious or political activity.

Agreement

The parties agree as follows:

I. Placement.

- A. Criteria. Recipient must provide to University a comprehensive written job description according to the University's student employment classification system.
- B. Acceptance. Recipient has discretion on an "*as-needed*" basis to accept any participating student from the University to be employed under the PROGRAM.

II. Roles Relative to Each Student.

- A. University. Any applicable University official is entitled at any time or place to counsel with any student regarding employment under this Agreement. University:
 - 1. is considered each student's employer for this Agreement's purposes;
 - 2. has an ultimate right to control and direct each student's services for Recipient; and
 - 3. has sole responsibility to:
 - a. determine whether a student meets the PROGRAM's employment eligibility requirements;

- b. assign the student work for Recipient; and
 - c. determine whether the student in fact does perform the work.
 - B. Recipient.
 - 1. *Limited Role*. Recipient's right is limited to directing any detail or means by which an applicable PROGRAM work result is to be accomplished.
 - 2. *Work Tasks*. Recipient adequately must instruct and supervise each student in order to ensure that the student adequately accomplishes each task.
 - 3. *Work Hours*. Each student shall be limited to no more than nineteen and one-half hours (19.5) worked per week.
 - 4. *Recipient Payment*. Recipient shall pay University an amount equal to forty percent (40%) of the total Program amount paid to any student employee plus any other amounts required herein. Recipient will pay University such amounts within thirty (30) days of receiving University's invoice.
- III. **University Role Relative to Recipient**. University must advise and assist Recipient with regard to each aspect or regulation of the PROGRAM.
- IV. **Screening**. To the extent practicable, University at Recipient's request must make each applicant student available to Recipient for pre-assignment interview. Although University must cooperate in good faith to cause Recipient's PROGRAM positions to be filled, University does not guarantee nor imply that any or all positions will be filled.
- V. **Student Payment**.
 - A. Administrative Duties. University must:
 - 1. reimburse each student for each eligible PROGRAM hour performed for Recipient;
 - 2. maintain records with respect to that reimbursement; and
 - 3. invoice Recipient for the amounts Recipient is obligated to pay to University under this Agreement.
 - B. Calculation. Each total amount paid to a student is determined from any information contained on each bi-weekly time sheet that Recipient submits, based on the following multiplicative calculation:
 (weeks worked) X (eligible hours worked per week) X (per hour pay rate).
 - C. Excess Compensation. Any earnings exceeding the amount determined by the above formula must be charged 100 percent to Recipient.
 - D. Payment Basis. Each student is to be paid:
 - 1. on an hourly basis and for only each actually worked hour;
 - 2. at hourly rates of pay no less than the minimum than-current federal wage (currently, \$7.25 per hour) according to University's student wage policy and the Fair Labor Standards Act.
- VI. **Government Payments**. Recipient must reimburse University for each payment required of the University under state or federal workers' compensation, FICA/FUTA, employment taxes, and any and all other state or federally required payments incurred as a result of placing the student with Recipient under this Agreement.
- VII. **Work Records**.
 - A. By Recipient. Recipient must:
 - 1. keep an accurate daily account of each hour that a student has worked; and

2. forward to University – immediately after each pay period ends – a total number of hours that the student has worked during the pay period, as certified by both the student and Recipient.
- B. By University. University upon request must make account records available to Recipient for the purpose of verifying any specific item on University’s itemized expenditure statement.
- VIII. **Term and Termination**. This Agreement remains in effect for University’s fiscal year from July 1, 2016 through June 30, 2017, subject to earlier termination. Either party may terminate this Agreement by mutual agreement or by providing to the other party thirty (30) days written termination notice.
- IX. **Nondiscrimination**. Each party is prohibited from denying to any student any work or subjecting the student to different treatment under the Agreement on the grounds of sex, race, color, national origin or disability, unless a bona fide occupational criterion exists. Each party must comply with each applicable provision of the Civil Rights Act of 1964 and the Americans with Disability Act. Recipient retains a privilege to:
- A. accept or reject any applicant (within the constraints of the above statements) whom University sends for placement; and
 - B. at any given time, request that a student be terminated from placement with Recipient.
- X. **Eligible Work Scope**.
- A. Certification. Recipient certifies that:
 1. any work that a student performed under this Agreement is in the public interest;
 2. Recipient is a public or private nonprofit organization; and
 3. the student’s work does not engage in religious or partisan political activity.
 - B. Prohibited Facility. Recipient also warrants that no work performed under this Agreement involves constructing or maintaining any part of any building used for religious worship or sectarian instruction.
- XI. **Risk Management**.
- A. General Indemnity. Recipient will indemnify, defend and hold harmless the University and the State of Idaho, its officers, agents, and employees from any and all liability for injuries, losses, claims or damages which at any time is asserted against the University arising out of any negligent operation, act, or omission of Recipient, its officers, agents, or employees.
 - B. Claims Defense. Recipient will indemnify and hold harmless the University and the State of Idaho, its officers, agents and employees from all costs and expenses, including but not limited to legal expenses that are incurred by or on behalf of the University in connection with the defense of claims for those injuries, losses, claims or damages.
 - C. If University Held Liable. Despite the preceding, if a court of competent jurisdiction makes a final determination that the University, its officers, agents or employees are solely liable in negligence for any of those injuries, losses, claims, or damages, the University must bear its own damages, costs, and expenses, including but not limited to legal expenses, that are incurred by the University in connection with the defense of claims for those injuries, losses, claims, or damages.
- XII. **Student Discharge**.
- A. Due To Status. A student may be withdrawn and therefore discharged from placement if the student:
 1. ceases to be at least a half-time student as defined by Public Law 92-318; or
 2. becomes ineligible to participate due to any other reason that University determines.
 - B. Exhausted Financial Aid. University can require the student to terminate placement if the student receives other financial aid that exceeds the student's financial need. This termination may become effective without prior notice, although the University must attempt to notify Recipient in advance if possible.

- XIII. **No Displacement.** Recipient warrants that no placement under this Agreement, if filled:
- A. results displacing any currently-employed full-time worker or worker who is on strike; or
 - B. impairs any existing service contract.
- XIV. **Notices.** Any notice required or permitted to be given under this Agreement is sufficient if made in writing and sent by first class mail, postage prepaid, to the address of the other party as set forth below or other address that the parties may later designate in writing.
- A. If to University:

Mr. Brian Hickenlooper
Interim Chief Financial Officer
Idaho State University
Pocatello, ID 83209

with copy to: James Martin
Director of Financial Aid
Idaho State University
Campus Box 8077
Pocatello, ID 83209
 - B. If to Recipient:

Ms. ~~Kim Smith~~ *Heather Buchanan*
P.O. Box 4169
Pocatello, ID 83205-4169
234-6170
- XV. **Entire Agreement.** This Agreement supersedes any other document, or other oral or written understanding that the parties may have been negotiated.

Signed

Idaho State University:

Recipient:

Typed Name: Mr. Brian Hickenlooper

Typed Name: Brian C. Blad

Title: Interim Chief Financial Officer

Title: Mayor

Date: _____

Date: _____

APPROVED BY LEGAL

Date 8/11/16 Atty B. Ben

Comments Template Reviewed by ISU OGC 04/14/2016

3(h)

**CITY COUNCIL DECISION
FINAL PLAT APPROVAL
EASTPOINTE HILLS DIVISION No. 7**

Scott Briscoe of Hallmark Development, LLC, an Idaho Limited Liability Company, as the sole vested Owner and Developer, and represented by Rocky Mountain Engineering and Surveying, submitted a proposal to subdivide approximately 3.67 acres (more or less) into fourteen (14) residential lots which are zoned Residential Medium Density Single Family (RMS) density. The proposed subdivision is located north of Daybreak Drive, east of Eastpointe Drive, on an extension of Hallmark Drive and will connect the two ends of Hallmark Drive.

The Planning and Zoning Commission (P&Z) reviewed the preliminary plat at its meeting held May 11, 2016, and thereafter recommended approval of the plat subject to a number of conditions. City staff also recommended approval of the plat subject to conditions.

This matter came before City Council at its regularly scheduled meeting on August 4, 2016, where the City Council approved the plat for the Eastpointe Hills Division No. 7 Subdivision and authorized City staff to sign the plat, subject to the following conditions:

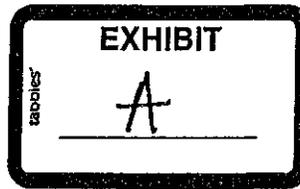
1. All conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated, July 26, 2016, attached hereto and incorporated herein, as Exhibit "A" shall be met.
2. Subdivision Covenants, Conditions and Restrictions (CCR's) shall be submitted to the City for review and approval by the Legal Department prior to recording.
3. All corrections to the preliminary plat which were noted by City Staff shall be made prior to submittal of the final plat.
4. All other standards and conditions of Municipal Code not herein discussed but applicable to residential development shall apply.

Notice is hereby given that applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

DATED this 18th day of August, 2016.

CITY OF POCA TELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor



Memorandum

To: Terri Neu, Assistant Planner
From: Merrill Quayle P.E. Public Works/Development Engineer *MQ*
Date: July 26, 2016
Re: Eastpointe Hills Division 7 (City Council Agenda 8-4-2016)

The Public Works Departments have reviewed the Plat and Construction Drawings for the above mentioned project and submits that the following conditions and changes shall be made.

Plat

- a. Add language to note 3 for the water line easement. "The placement of permanent structures or the planting of deep rooted trees within the water line easement is prohibited".
- b. Subdivision plat shall conform to all state and local laws and ordinances.
- c. Notes on the plat shall be approved by the City of Pocatello City Surveyor and Legal Department prior to recording.
- d. The boundary of the subdivision shall be marked with 5/8" rebar and stamped 2" aluminum cap.
- e. CCR's shall be submitted for review by the City Legal Department.
- f. Provide adjoining property owners recorded deeds, a copy of all recorded easements and document(s) which grants the signatory to sign the plat on the behalf of the owner(s) to the City Surveyor for final review.
- g. No color other than black opaque will be allowed on the plat.
- h. The plat shall be reproducible on an 8.5x11 sheet of paper per Bannock County instructions.
- i. Prior to recording a more inclusive and comprehensive review shall be done by Mark Jensen, City of Pocatello City Surveyor.

2. Construction Plans/Infrastructure

- a. Utility and street light approval is required.
- b. A "will serve" letter from each serving utilities is required to be submitted to the City.
- c. ADA ramps shall meet the Federal American Disability Act. Adjustment to concrete work may require more than one ramp per corner. Add an ADA Ramp on the southwest side of Eastpointe Dr. and Hallmark Dr.
- d. At the time of construction the contractor must provide the signature and certification number of the individual who has successfully completed an approved training course and who has demonstrated competence, through education, training, and knowledge of the applicable laws and regulations in erosion and sediment control.

- e. Provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) for this project. The Environmental Protection Agency (EPA) Construction General Permit (CGP) and accompanying SWPPP shall be adhered to.
- f. Remove the exterior stormwater drop manhole piping, run piping directly into manhole.
- g. Provide a note to abandon ponds within this phase of construction and that extra precaution should be taken to ensure proper compaction and unsuitable material removed and replaced with approved materials
- h. Provide shop drawings and submittals for materials and structures.
- i. The 1997 uniform building code appendix chapter 33 "excavation and grading" shall be followed.
- j. Make minor changes on plans and detail sheets as marked on the review copy of the construction plans.
- k. When all corrections have been made, bring in review copy (marked up by the city) and the correction for verification and final approval prior to construction.
- l. Provide a copy of the bid schedule of the infrastructure for the City's year end reporting.

AGENDA

ITEM

NO. 6

EXECUTIVE SUMMARY SYNOPSIS

Significant additions/changes to proposed WCF Ordinance

The City's ordinance divides WCF permits into three (3) categories: Type 1, Type 2, and Type 3.

Type 1 WCF permit/application would apply only to collocations that meet the definition of "Eligible Facilities" under the Spectrum Act and would provide a streamlined review by City staff.

Type 2 WCF permit/application would apply to collocations that do not fit within the Spectrum Act. These types of WCF projects would typically involve towers on private property where the height of the tower is proposed to increase by more than ten percent (10%), towers in public Right-Of-Ways proposed to be increased by 10-feet or more or projects that will be adding more than 4 cabinets. Staff also proposes that roof mounted antenna & support system for Omni-directional antenna's not exceeding 10-feet above the highest portion of the roof be processed as a Type 2 permit. Placement of Distributed Antenna Systems (DAS) and Small Cells would be a Type 2 permit and may be approved administratively in any zoning district.

The Type 3 permit/application shall be required for siting of any new WCF that is not a collocation subject to Type 1 or 2. The ordinance grants the City the most discretion over applications for new towers or roof mounted exceeding 10-feet in height. Staff is proposing to eliminate the WCF Special Permit to simply require application of a Conditional Use Permit. The reason for this is that once a facility is permitted in gains "Eligible Facility" status and will be permitted to increase by right under the Spectrum Act. A public hearing would be held before the Planning & Zoning Commission whom would render a decision with appeal being made to the City Council. Section 15.42.050 provides an easy-to-follow process outlining; (i) the type of wireless facility; (ii) timeline for City review; and (iii) type of permit required.

A major amendment being proposed from the current ordinance can be found under Section 15.42.090 Zoning Districts & Land Use. The change moves from priority order as outlined in the existing ordinance to Uses Permitted = P; Conditional Use Permit = C; Restricted = R; and Not Permitted = N.

The proposed ordinance also codifies numerous definitions, processing time for the three (3) different permit Types, encourages collocation of antennas, DAS and Small Cells where/when possible.

EXECUTIVE SUMMARY

To: The Honorable Mayor Blad and Pocatello City Council
From: Matthew G. Lewis, Planning Division Manager
Date: City Council Public Hearing August 18, 2016



RE: Code Section 15.42 Wireless Communication Facilities (WCF) Amendments

RECOMMENDATION

Staff recommends that the City Council adopt a modified Ordinance replacing Chapter 15.42 (Wireless Telecommunications Towers and Facilities), of the Pocatello Municipal Code with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of Wireless Communication Facilities (attached). The proposed additions are underlined with existing text crossed (~~crossed~~) out.

BACKGROUND

Wireless Communication Facilities (WCF), are regulated by federal, state and local laws. Federal law significantly limits the City's ability to regulate WCFs. Under federal law, a local agency's decisions cannot prohibit the provision of wireless service or unreasonably discriminate among wireless service providers. Additionally, based on the Telecommunications Act of 1996, the City may not regulate the placement, construction or modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions, so long as facilities comply with the Federal Communication Commissions (FCC) regulations concerning such emissions.

The Spectrum Act

The latest law governing WCF's was adopted in 2012 as part of the 2012 Middle Class Tax Act. Said federal legislation contained Section 6409, better known as the Spectrum Act, and codified at 47 U.S.C 1455. The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

The Spectrum Act states that a local government cannot deny and shall approve an Eligible Facility Request, but provides no guidance as to the required process or time limits in which a local government has to act. As a result, the FCC recently promulgated rules which include necessary definitions, processing requirements, timelines and remedies for applications that seek to modify an existing WCF in accordance with the Spectrum Act.

As noted above, Section 6409 provides that the City, *“may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”*

(47 U.S.C 1455(a)(1).) Section 6409 defines **“Eligible Facilities Request”** as *“any request for modification of an existing wireless tower or base station that involves;*

- (a) collocation of new transmission equipment;
- (b) removal of transmission equipment; or
- (c) replacement of transmission equipment.”

(47 U.S.C. 1455(a)(2).)The statute does not define any other terms, most importantly **“substantially change”** nor does it explain the process the City may use to evaluate whether an application qualifies for federal protection under this section.

On December 17, 2014, the FCC adopted regulations implementing Section 6409, codified at 47 C.F.R 1.40001, taking effect on April 9, 2015. In summary, the rules define terms that are not defined in the Spectrum Act, including “eligible support structure”, “existing”, “substantially change” and “wireless tower”. It is the intent of these definitions to provide clarity as to which types of projects are covered by the Spectrum Act. The rules also state that an applicant has the right to assert in writing that a project is covered by the Spectrum Act.

If the project falls within the definition of an “Eligible Facilities Request”, the City must act on it within 60 days from the date of application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60 day time frame may be tolled by the City for incomplete applications, within 30 days of submittal (see proposed Section 15.42.060). The timeframe begins again when the applicant re-submits material and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of the pending application.

To comply with the Spectrum Act and the FCC rules, Planning & Development Services Staff has prepared an updated ordinance. Most of the current ordinance has been eliminated. The proposal establishes a straightforward permitting process for WCF modification requests covered under the Spectrum Act. Said ordinance also codifies other processing time rules (referred to as “Shot Clock”) and provides clarification when needed.

PROPOSED ORDINANCE CHAPTER 15.42

The City’s ordinance divides WCF permits into three (3) categories: Type 1, Type 2, and Type 3.

Type 1 WCF permit/application would apply only to collocations that meet the definition of “Eligible Facilities” under the Spectrum Act and would provide a streamlined review by City staff.

Type 2 WCF permit/application would apply to collocations that do not fit within the Spectrum Act. These types of WCF projects would typically involve towers on private property where the height of the tower is proposed to increase by more than ten percent (10%), towers in public Right-Of-Ways proposed to be increased by 10-feet or more or projects that will be adding more than 4 cabinets. Staff also proposes that roof mounted antenna & support system for Omni-directional antenna's not exceeding 10-feet above the highest portion of the roof be processed as a Type 2 permit. Placement of Distributed Antenna Systems (DAS) and Small Cells would be a Type 2 permit and may be approved administratively in any zoning district.

The Type 3 permit/application shall be required for siting of any new WCF that is not a collocation subject to Type 1 or 2. The ordinance grants the City the most discretion over applications for new towers or roof mounted exceeding 10-feet in height. Staff is proposing to eliminate the WCF Special Permit to simply require application of a Conditional Use Permit. The reason for this is that once a facility is permitted in gains "Eligible Facility" status and will be permitted to increase by right under the Spectrum Act. A public hearing would be held before the Planning & Zoning Commission whom would render a decision with appeal being made to the City Council. Section 15.42.050 provides an easy-to-follow process outlining; **(i)** the type of wireless facility; **(ii)** timeline for City review; and **(iii)** type of permit required.

A major amendment being proposed from the current ordinance can be found under Section 15.42.090 Zoning Districts & Land Use. The change moves from priority order as outlined in the existing ordinance to Uses Permitted = P; Conditional Use Permit = C; Restricted = R; and Not Permitted = N.

The proposed ordinance also codifies numerous definitions, processing time for the three (3) different permit Types, encourages collocation of antennas, DAS and Small Cells where/when possible.

Staff has provided photos of the different types of technology.

Attachments:

Draft Ordinance with additions and existing text crossed out

Draft Ordinance

Photos

PROPOSED ORDINANCE FOLLOWS

Chapter 15.42 WIRELESS COMMUNICATION FACILITIES

15.42.010 FINDINGS

15.42.020 PURPOSES

15.42.030 DEFINITIONS

APPLICANT: Any person who applies for a ~~tower development~~ Wireless Communication Facility permit.

APPLICATION: The process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

Base Station: means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio receivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described under (1)-(2) above that been reviewed and approved by the City.

BUILDING: Any permanent structure built for the shelter or enclosure of person, animals, chattels or property of any kind, which is permanently affixed to the land and which has one or more floors and a roof.

CARRIER: A company that provides wireless services.

CONDITIONAL USE PERMIT: Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses

COLLOCATION: ~~The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.~~

COLLOCATION: Means “the mounting or installation of transmission equipment on an existing support structure for the purpose of transmitting and/or receiving signals for communications purposes.

CONCEALMENT: The act of hiding something or preventing it from being known.

DISTRIBUTED ANTENNA SYSTEM or “DAS”: means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

EIA: The Electronic Industries Association.

ELIGIBLE FACILITIES REQUEST: Means any request for modification of an existing Tower or Base Station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that Tower or Base Station, and involves (a) Collocation of new Transmission Equipment, (b) the removal of Transmission Equipment, or (c) the replacement of Transmission Equipment.

ELIGIBLE SUPPORT STRUCTURE: Means any Tower or Base Station that exists at the time the application is filed with the City.

EQUIPMENT ENCLOSURE: A small enclosed structure, shelter, cabinet, box, or vault at the base of the support system within which are housed batteries and electrical equipment.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission or successor agency.

FACADE ATTACHED ANTENNA: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

~~FREESTANDING TOWER: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.~~

FULLY AUTOMATED WCF: A WCF with no on site personnel required for its daily operation.

GUYWIRE: Diagonal cables utilized to tie towers to the ground or other surfaces.

~~LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross-section.~~

~~LICENSED CARRIER: A company authorized by the FCC.~~

NONAUTOMATED WCF: A WCF with onsite personnel.

~~NONRESIDENTIAL STRUCTURE: A building or structure not constructed for residential purposes.~~

OMNIDIRECTIONAL (WHIP) ANTENNA: An omnidirectional antenna is a wireless transmitting or receiving antenna that radiates or intercepts Radio-Frequency (RF) electromagnetic fields equally well in all horizontal directions in a flat, two-dimensional geometric plan.

OWNER: Any person with fee title or a long term (exceeding 10 years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

PERSON: Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

PHOTOSIMULATION: Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

PLANNING COVERAGE MAP: A map, maps, or plan on which are marked the service areas of other WCF sites operated by the applicant. The planning coverage map shall be considered exempt from disclosure pursuant to Idaho Code section 9-340(D) or as subsequently amended.

PUBLIC RIGHT OF WAY: Includes all public streets and utility easements owned by or dedicated to, the city of Pocatello, or other public entity.

RESIDENTIAL STRUCTURE: ~~A building utilized exclusively for short or long term residential purposes.~~

REPLACEMENT: Only refers to the replacement of transmission equipment, not the replacement of an existing wireless tower or the support structure on which base station equipment is located.

SERVICE AREA: Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

SITE: (for towers outside the Right-Of-Way): Are defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. (For other towers and all base stations) "Site" is restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SMALL CELLS: Means compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b) below. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

(a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.

(b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SPECTRUM ACT: Means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 U.S.C. ss 1455(a) (providing, in part, "... a State or Local government may not deny, and shall approve, any Eligible Facilities Request for a modification of any existing wireless Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station.")

STEALTH DESIGN: Any wireless telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of camouflaged lattice, guyed, or monopole tower designs. Means technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to towers disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.

SUBSTANTIAL CHANGES: Means, in the context of an Eligible Support Structure, a modification of an existing Tower or Base Station where any of the following criteria is met:

(iii) Type 1: For any Eligible Support Structure:

- (a) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or**
- (b) It entails any excavation or deployment outside of the current site of the Tower or Base Station; or**
- (c) The proposed modification would cause the concealment/camouflage elements of the Tower or Base Station to be defeated; or**
- (d) The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the Tower or Base Station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding thresholds in this section.**

(ii) Type 2: For a Tower located in the public rights-of-way and for all Base Stations:

- (a) The height of the Tower or Base Station is increased by more than ten (10) percent or ten (10) feet, whichever is greater.**
- (b) There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six (6) feet; or**
- (c) It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or**
- (d) It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.**

(iii) Type 3: For a Tower NOT located in the public rights-of-way:

- (a) The height of the Tower is increased by (i) more than ten (10) percent, or (ii) by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater; or**

- (b) There is added an appurtenance to the body of the Tower that would protrude from the edge of the Tower by (i) more than twenty (20) feet, or (ii) more than the width of the Tower at the level of the appurtenance, whichever is greater.

~~TOWER: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.~~

TOWER: Includes any structure built for the sole or primary purpose of supporting any Wireless Communication Facility.

TRANSMISSION EQUIPMENT: Means "any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply"

UTILITY SUPPORT STRUCTURE POLE: A telephone, electric, or cable television pole located in a street right-of-way. Means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures and traffic sign structures.

~~WATERWAY: A channel, natural or manmade, through which water runs.~~

~~WHIP ANTENNA: See definition of Antenna: Omnidirectional (Whip) Antenna.~~

~~WIRELESS TELECOMMUNICATIONS FACILITY (WCF): Any facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. However, telecommunications facilities shall not include any satellite earth station antenna two meters (2 m) in diameter or less which is located in an area zoned industrial or commercial; or any satellite earth station antenna one meter (1 m) or less in diameter, regardless of zoning category. (Ord. 2662, 2001)~~

15.42.040 TYPES OF WCF PERMITS REQUIRED

- (1) A Type 1 WCF Permit shall be required for an "Eligible Facilities Request" which includes:
 - (a) Collocation of new transmission equipment;
 - (b) The removal of transmission equipment;
 - (c) The replacement of transmission equipment.

- (2) A Type 2 WCF Permit shall be required for:
 - (a) Any modification of an Eligible Support Structure, including the collocation of new equipment, that Substantially Changes the physical dimensions of the Eligible Support Structure on which it is mounted or;
 - (b) Any collocation not eligible for a Type 1 Permit or;
 - (c) Any roof mounted with antenna & support system for an antenna not exceeding 10-feet above the highest portion of the roof or;
 - (d) Placement of Distributed Antenna Systems (DAS) and Small Cells.

(e) A new tower located in the public Right-Of-Way

(3) A Type 3 Permit shall be required for siting of any new WCF tower that is not a collocation subject to a Type 1 or 2 WCF Permit as outlined in this section.

15.42.050: WIRELESS FACILITY PERMIT PROCESS

| <u>Type of Wireless Facility</u> | <u>Timeline for City review (per Federal Law)</u> | <u>Deemed Granted (per Federal Law)</u> | <u>Type of Permit Required</u> |
|---|---|--|---|
| <u>Collocations or modifications/ replacement of wireless transmission equipment at an existing wireless tower or base station that do not "substantially change the physical dimensions of the existing wireless tower or base station" Section 6409(a) facilities</u> | <u>*60-days after the application is submitted</u> <u>*Can be extended by mutual agreement</u> | <u>YES</u> | <u>Type 1 WCF Permit</u> <u>* Administrative review & Approval by Planning & Development Services Director and/or his/her designee</u> |
| <u>* Other collocations that "substantially change the physical dimensions of the existing wireless tower or base station"</u> <u>* roof mounted not to exceed 10-feet above the highest portion of the roof</u> <u>*Distributed Antenna Systems & Small Cells</u> | <u>90 day review after application submitted</u> | <u>NO</u> | <u>* Type 2 WCF Permit Required</u> <u>(1) Roof mounted</u> <u>(2) DAS & Small Cell Systems</u> <u>(3) Utility Mounted</u> |
| <u>New tower (NOT in public Right-Of-Way)</u> <u>*roof mounted exceeding 10-feet above the highest portion of the roof</u> | <u>150 days after application submitted</u> | <u>NO</u> | <u>* Type 3 WCF Permit – Conditional Use Permit required.</u> |

- (1) Roof mounted less than 10-feet above roof line is permitted via administrative review.
- (2) DAS & Small Cell are permitted in ANY zoning district.
- (3) Utility Support Structure: Permitted not to exceed 75-feet from grade to top

15.42.050: WCF APPLICATION REGULATIONS

- (1) The applicant must identify whether the application is for an "Eligible Facilities Request" subject to the Spectrum Act, and if so, provide a detailed explanation as to why the application qualifies as an Eligible Facilities.
- (2) The applicant shall complete the appropriate application form for a Type 1, Type 2, or Type 3 WCF with all pertinent information included. Any of the applications may be amended from time to time.
- (3) The applicant shall include appropriate signatures and payment of the application fee as prescribed by the adopted Municipal Fee schedule.

15.42.060: PERMIT REVIEW TIME PERIODS

- (1) City Review of Application Materials: The timeframe for review of an application shall begin to run when the application is submitted, but shall be tolled if the City finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application.
- (2) Type 1 Processing Time: For Type 1 Collocations, the City will act on the WCF application together with any other City permits required for a proposed WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
 - (i) If the City determines that the application does not qualify as a Type 1 Eligible Facilities Request, the City will notify the applicant of such determination in writing and will process the application as a Type 2 WCF application.
 - (ii) To the extent federal law provides a "deemed granted" remedy for Type 1 WCF application(s) not timely acted upon by the City, no such application shall be deemed granted until the Applicant provides notice to the City, in writing, that the application has been deemed granted after the time period in (2) above as expired.
 - (iii) Any deemed Type 1 WCF application shall be subject to following conditions:
 - (a) The approval of a WCF Type 1 permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.
 - (b) The proposed project shall be built in compliance with the approved plans on file with the City of Pocatello.
- (3) Type 2 Processing Time: For Type 2 WCF Permits, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- (4) Type 3 Processing Time: For Tier 3 WCF Permits, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- (5) Denial of Application: In the event that the City denies a WCF application, the City will notify the applicant of the denial in writing outlining the reasons for the denial.

15.42.070 COLLOCATION OF ANTENNAS, DAS, & SMALL CELLS

- A. To the extent possible not otherwise covered by Section 15.42.040 (1) "Eligible Facilities Requests", collocation and new WCF antenna arrays are permitted in all zoning districts via

administrative approval provided that the antenna array or roof mounted antenna is not more than 10-feet above the structure.

- B. A Type 1 Application with applicable fees shall be submitted.
- C. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 10-feet above the existing structure or roof line, the proposal is subject to a Type 2 review and application. The limitation to 10-feet applies to cumulative increases and any previously approved additions to height made under this section must be included in said measurement.
- D. Any equipment shelter, cabinet or ancillary equipment are subject to building setbacks as required in the underlying zone (Title 17).
- E. Applicable Building, Mechanical, and Electrical Permits are required as determined by the Building Official.
- F. Distributed Antenna Systems and Small Cells:
 - 1. Distributed Antenna Systems (DAS) and Small Cells are permitted in all zoning districts.
 - 2. DAS and Small Cells are subject to approval via administrative review only unless installation requires the construction of a new utility support structure or building. Type II review is required when the applicant proposes new utility support structure or building.
 - 3. Multiple Site DAS and Small Cells
 - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
 - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

15.42.080 TOWER SHARING, COLLOCATION, PREFERRED TOWER LOCATIONS and STANDARDS

- A. Tower sharing and Collocation: New WCF facilities shall, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternate location, or where an alternate location will not meet the service coverage objectives of the applicant.
- B. New Towers: Applications for a new tower must address all existing towers or structures of a similar height within ½ mile of the proposed site as follows:
 - 1. By providing evidence that a request was made to co-locate on the existing tower or other structure, with no success or;
 - 2. By showing that locating on the existing tower or other structure is infeasible with a detailed written explanation detailing why a new tower is required.
- C. Tower Height: Towers are exempt from the maximum height restrictions of the districts where located.
- D. Tower Setback, base station and/or accessory facilities: Setbacks are required based on the underlying zoning as measured from property lines to the base of the tower. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.

- E. Separation: Towers shall be separated from all residentially zoned lands by a minimum of one hundred & fifty feet (150').
- F. Lighting: Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.
- G. Idaho Code 54-1227 Easements and lease agreements: The boundaries of easements and lease areas for cell towers need to be monumented and a record of survey filed with the County.
- H. A modification substantially changes the physical dimensions of a tower or base station if it meets any of the following:
1. For towers outside of public rights-of-way ("ROW"), it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;
 2. For towers in the ROW and all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
 3. For towers outside the ROW, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
 4. For towers in the ROW and all base stations, it protrudes from the edge of the structure more than 6 feet;
 5. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
 6. It entails any excavation or deployment outside of the current site of the tower or base station;
 7. It would defeat the existing concealment/camouflage elements of the tower or base station; or
 8. It does not comply with conditions associated with the locality's prior zoning approval of construction or modification of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

15.42.090 ZONING DISTRICTS & LAND USE:

P = Permitted C = Conditional Use Permit R= Restricted N=Not Permitted

| Zoning Category | Eligible Facilities | Substantial Changes | DAS & Small Cells | Roof Mounted < 10-feet | Roof Mounted > 10-feet | Utility Support Structure | New Tower IN Public ROW | New Tower NOT in Public ROW |
|-------------------------------|----------------------|----------------------|----------------------|------------------------|------------------------|---------------------------|-------------------------|-----------------------------|
| ALL Residential Districts | <u>P</u> | <u>C</u> | <u>P</u> | <u>P₂</u> | <u>N</u> | <u>P₃</u> | <u>N</u> | <u>C₄</u> |
| Mixed- Use Districts (1) | <u>P</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P₃</u> | <u>N</u> | <u>N</u> |
| ALL Commercial Districts | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P₃</u> | <u>N</u> | <u>C₅</u> |
| Research/Business Park | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P₃</u> | <u>N</u> | <u>C₅</u> |
| Designated Historic Districts | <u>R₁</u> | <u>R₁</u> | <u>R₁</u> | <u>R₁</u> | <u>R₁</u> | <u>R₁</u> | <u>N</u> | <u>R₁</u> |
| Industrial | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> |

(1) Mixed Use Districts that do not have a residential component

R1 See Section 15.42.100 including exclusions

P2 Stealth design is required

P3 (a) Height not to exceed 75-feet from grade to top of the structure; (b) Review and approval required from utility owner

C4 Stealth design required; City owned property only with a public hearing before the City Council

C5 Stealth design required;

15.42.100 GENERAL REGULATIONS

A. Application Required: No person shall build, erect, use or modify a Wireless Telecommunications Facility (hereinafter WCF) upon any parcel of land within any zoning district unless: 1) a complete application to do so has been filed with the planning and development services department, and 2) approval in the form of a WCF permit has been received from the appropriate body, subject to the provisions set out in this chapter. All WCFs are prohibited from interference with city and public safety communication systems and/or area television or radio broadcasts. Applications must be accompanied by the appropriate fee as set by resolution of the city council.

B. Anchor Restrictions: Guywires may only be used to anchor an antenna, antenna array, or support structure to an existing building to which the antenna, antenna array, or support structure is attached.

C. Freestanding Facilities (Type 3) Restricted: In residential zoning districts freestanding WCFs, including towers, are prohibited. Freestanding WCFs are also prohibited within one hundred fifty feet (150') of any residentially zoned parcel, regardless of the underlying zoning district on which the WCF might be located. WCFs attached to utility poles or facade attached to nonresidential buildings are allowed by administrative staff permit subject to application procedures set out in this chapter and a twenty one (21) day notice and comment period requirement, and subject to the standards set out in this chapter, including those set out in section 15.42.180 of this chapter.

A. Special Permit Conditional Use Permit: In nonresidential zones tower A Conditional Use Permit is required for any new tower WCFs are permitted by means of an approved special WCF Conditional Use Permit regardless of the underlying zoning. Other WCFs are permitted subject to the provisions of this chapter.

A. Certificate of Appropriateness: Applications submitted for a WCF permit within nationally recognized historic district or within the 250 of the boundary of a historic district, must be

reviewed by the Pocatello Historic Preservation Commission accompanied by a Certificate of Appropriateness which is provided to the State Historic Preservation Office. from the appropriate review board or commission of the city.

EXCLUSIONS:

- (1) There is an exclusion from FCC National Historic Preservation Act (NHPC) review for collocations on existing utility structures including utility poles and electric transmission towers. **Note:** This exclusion only applies where the deployment meets specified size limitations and involves no new ground disturbance;
- (2) The exclusion only applies to collocations on utility structures where historic preservation review is currently required under existing rules solely because the structures are more than 45 years old.
- (3) Collocations on buildings and other non-tower structures exclusions permitted with following conditions:
 - a. There must be an existing antenna on the building or structure;
 - b. One of several criteria to mitigate antenna visibility must be satisfied;
 - c. The new antenna must comply with all zoning conditions and historic preservation conditions applicable to existing antennas in the same vicinity that directly mitigate or prevent adverse visual effects, such as camouflage requirements; and
 - d. The deployment must involve no new ground disturbance.

B. All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.

C. Only one WCF shall be permitted on any one utility pole. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.

F. Exceptions:

1. The city council may approve a lease agreement or right of way use permit which allows a tower to be placed on city owned property in any zoning district within the city limits, without special WCF permit procedures being required, after a public hearing on the matter, if the council deems it to be in the best interests of the city.
2. The planning and zoning commission may approve an application for a tower in a residential zone with a special WCF permit upon a satisfactory showing that applicant's coverage requirements necessitate location within that zone, and that the WCF can meet or exceed standards set out in this chapter. "Satisfactory showing" shall include certification from a qualified engineer as to the coverage requirements and insufficiency of other zoning districts to provide the same, and that a tower facility, rather than another WCF support system, is necessary. The applicant shall be responsible for all costs for professional services to provide information deemed necessary by the

commission in order to reach its decision. Appeal from the decision may be made to the city council, provided the request is submitted, in writing, to the city clerk within ten (10) days following the issuance of the decision. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

~~15.42.050: SITING AND FACILITY PRIORITIES~~

~~A. Based on potential aesthetic impact and subject to other restrictions set out in this chapter, the order of preference for approval of facility type is as follows: roof attached, facade attached, utility pole attached, and freestanding tower.~~

~~B. WCFs shall be located in the following priority order:~~

- ~~1. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to collocate as described below.~~
- ~~2. On city owned property.~~
- ~~3. In areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening.~~
- ~~4. On other nonresidential buildings or vacant nonresidentially zoned land.~~
- ~~5. In residential districts (nontower facilities only) subject to restrictions in this chapter. (Ord. 2662, 2001)~~

~~15.42.060: COLLOCATION REQUIRED:~~

~~A. No new tower shall be permitted unless the tower is designed and built to be able to support another carrier's WCF comparable in weight, size, and surface area to the telecommunications facilities installed on said tower by the applicant. No new tower shall be permitted unless the applicant provides evidence of the failure of applicant's good faith effort to install or collocate the applicant's telecommunications facilities on city owned towers or usable antenna support structures or on towers located on property leased from the city located within a one-half ($1/2$) mile radius of the proposed tower site, including good faith efforts to negotiate lease rights, to no avail or evidence of the following:~~

- ~~1. Lack of existing towers or structures located within the geographic area required to meet the applicant's engineering requirements;~~
- ~~2. Insufficiency of design of existing towers or structures to meet applicant's engineering requirements as shown in the master development plan;~~
- ~~3. Insufficiency of existing towers or structures to support the proposed antenna and related equipment;~~
- ~~4. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or~~

~~5. The fees, costs of contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for share are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~

~~B. Collocation requests shall require only an administrative review and staff approval under the terms of the application procedures set out below. (Ord. 2662, 2001)~~

15.42.070: APPLICATIONS:   **NOTE: See 15.42.050 Left generic not as detailed as this section.**

~~A. Applications shall be submitted to the city's planning and development services department for review.~~

~~1. Nonresidential Districts: For permits requested in nonresidential districts for WCFs collocating on an existing structure, for WCFs attached to utility poles, or for WCFs whose installation on utility poles requires replacement of existing poles with poles no taller than seventy five feet (75'), the department is hereby authorized to issue an administrative permit upon its review and approval of an application submitted as set forth herein.~~

~~2. Residential Districts: For permits requested in residential districts for facade attached WCFs or other permitted WCFs, in addition to the application and supporting documentation required herein, the applicant shall provide the department with mailing labels for owners of real property within a three hundred foot (300') radius of the proposed WCF location. The department shall mail notices to said property owners informing them of the application, the proposed permit issuance date, and their right to submit written comments or protests regarding the application, provided that said comments are submitted within twenty one (21) days of the date of said notice. For protests to be considered, there must be an allegation of facts, which, if accurate, show that the WCF will not or cannot substantially comply with the standards set out in this chapter, including the special WCF permit standards.~~

~~a. If no written protests are received before the proposed issuance date, the department may issue the permit, subject to the provisions of this chapter.~~

~~b. In the event the department approves a permit, if timely written protests have been received, the owners who submitted written protests shall be given written notice of the approval and their opportunity to appeal in writing to the department, within ten (10) days of the date of the notice. If an appeal is filed, the department shall notify the applicant of the appeal, set a date before the planning and zoning commission for its consideration and notify the applicant, any party having submitted comments, and the property owners described above, of the date, time, and place of the hearing. The department shall prepare a staff report and forward the written comments and protests and all information it gathers to the commission, along with the original application for consideration of the commission. The commission shall conduct the hearing, analyze information, and issue written findings and a decision regarding issuance of the permit. The commission may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit. Any aggrieved party who appeared in person or in writing before the department or the commission may file a written appeal with the city clerk within ten (10) days of the decision for hearing before the city council at the next available regular city council meeting. The city council shall review the record of the hearing below and the written appeal and may accept, reject, or modify the decision. The city council may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit.~~

B. Applications for Type 2 & Type 3 must contain the following information:

1. Name, address, and telephone number of the applicant, any coapplicants, and any authorized agents for the applicant and/or coapplicants. Written authorization bearing original signature(s) of the applicant and/or coapplicants shall be provided for any agent representing the applicant/coapplicants in this process. The applicant or coapplicant must be a licensed carrier and provide proof thereof with the application. The application must contain original signatures of the applicant and all coapplicants.
2. A complete legal description of the subject property.
3. A site plan drawn to a scale of no less than one inch equals twenty feet (1" = 20') specifying the following, provided that the city may waive any or all of the following for WCFs attached to existing structures:
 - a. Location, type, and height of the proposed WCF, including setback measurements.
 - b. On-site structures, land uses, and zoning.
 - c. Circulation information including adjacent roadways, ingress and egress from the roadways, parking, pedestrian circulation and access.
 - d. Fences, signs, exterior lighting and storm drainage.
 - e. Property lines with dimensions, adjacent land uses, structures and zoning.
 - f. Information demonstrating compliance with the standards of this chapter.
 - g. Existing watercourses, utility lines, easements, deed restrictions, and any built or natural features restricting the use of the subject property.
 - h. North arrow, scale, and legend.
4. A landscaping plan (unless the WCF is to be attached to an existing building and all equipment is located within or on the building) drawn to the same scale as the site plan, clearly depicting all existing landscaping/vegetation and whether it will be removed or retained; all proposed landscaping complete with size, location and species of vegetation; specific depiction and notation of any features necessary to comply with the screening standards of this chapter.
5. Elevation drawing of before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
6. Elevations of proposed aboveground equipment enclosures.
7. A planning coverage map and/or maps on which are marked the service area of the facility for which application is being made and all applicant's WCF sites operating within the city limits and in the area of city impact as defined in the Idaho Code. The map shall be drawn to a scale of no less than one inch equals five hundred feet (1" = 500').
8. Photosimulations of the proposed WCF from affected residential properties and public rights of way.

9. All information set out in the collocation requirement section of this chapter related to efforts at collocating facilities and all documentation necessary to show good faith efforts to comply with the siting and facility priority section of this chapter.
10. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.
11. A signed statement by the applicant certifying that any proposed tower can accommodate collocation of additional antennas and that the applicant shall enter into agreements for collocation with other providers.
12. A signed statement that the applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and that the WCF shall be designed and erected so as to comply with all EIA standards and applicable federal, state, and city laws and regulations, including FAA regulations.
13. Certification that usage of the WCF will not interfere with other adjacent or neighboring transmission or reception functions.
14. Proof that the applicant is licensed with the FCC.
15. A completed right of way use permit application if the WCF is to be located within a public right of way if not on an existing utility pole.
16. The applicant must attach a copy of correspondence from the owner of the land and/or building on which the WCF is to be located, acknowledging the owner's approval of the use of the property for a WCF, the applicant's ability to enter into leases with other providers for collocation, and specifying the party responsible for removal of the WCF and attendant equipment within ninety (90) days of discontinuance of its use. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

15.42.080: HEIGHT STANDARDS:

- A. A roof attached WCF shall not exceed ten feet (10') above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet (10') above the highest portion of that roof, including parapet walls.
- B. A facade attached WCF shall not extend higher than ten feet (10') above the facade to which it is attached.
- C. A utility pole attached WCF may extend fifteen feet (15') above the height of the existing utility pole; provided, however, that the maximum height from grade to top of the entire structure may not exceed seventy five feet (75').
- D. Towers are exempt from the maximum height restrictions of the districts where located. Tower height shall be measured from grade and shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty feet (20') over the top of the tower structure itself. Tower height shall be set as a condition of the special WCF permit. (Ord. 2662, 2001)

15.42.090: SETBACK STANDARDS:

No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park, or residential development, except for approved facade attached WCFs. In addition to the foregoing prohibition and the setback standards established for individual zoning districts, the following regulations shall apply:

A. Utility pole attached WCF: None.

B. Facade attached WCF: Maximum projection shall be eighteen inches (18").

C. Roof attached WCF: The setback from the edge of the building shall be equal to the height of the antenna and support system as measured from the roof membrane.

D. Tower:

1. All towers up to one hundred feet (100') in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.
2. Towers in excess of one hundred feet (100') in height shall be set back one additional foot per each foot of tower height in excess of one hundred feet (100'). Setback requirements may be modified, as provided herein in "criteria for site plan development modifications", so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.
3. Towers shall be separated from all residentially zoned lands by a minimum of two hundred feet (200') or one hundred ninety five percent (195%) of the height of the proposed tower, whichever is greater.

E. Equipment enclosures: In accordance with the underlying zoning district. (Ord. 2662, 2001)

~~15.42.100: ENVIRONMENTAL STANDARDS:~~

A. WCFs shall be prohibited in wetlands, and may be prohibited in wetland buffer areas to minimize disturbance to the buffer areas.

B. No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten percent (110%) of the volume of the hazardous materials stored or used on site.

C. Stormwater runoff shall be contained on site. Drainage plans and calculations must be submitted and approved.

D. Applicants locating WCFs within any floodplain shall comply with any additional placement standards required by the regulations for that area. (Ord. 2662, 2001)

~~15.42.110: LIGHTING AND SIGNAGE STANDARDS:~~

A. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.

~~B. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the city's sign code regulations. (Ord. 2662, 2001)~~

~~15.42.120: PARKING:~~

~~If the WCF is nonautomated, sufficient off street parking must be provided to accommodate the maximum number of employees on site at any one time. (Ord. 2662, 2001)~~

~~15.42.130: ACCESS:~~

~~In addition to ingress and egress requirements of the uniform building code, ANSI, and such others as may be adopted by the city, access to and from WCFs and equipment shall be regulated as follows:~~

- ~~A. No WCF or equipment shall be located in any required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.~~
- ~~B. The WCF shall be secured from access by the general public but access for emergency services must be ensured. (Ord. 2662, 2001)~~

~~15.42.100: WCF; FACADE ATTACHED AND UTILITY POLE ATTACHED STANDARDS:~~

~~A. Facade Attached WCFs: Equipment enclosures shall be attached to the facade or roof of the support structure or placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with applicable design standards set out below.~~

~~B. Utility Pole Attached WCF:~~

- ~~1. Attachment: Only one WCF shall be permitted on any one utility pole. The antenna shall be equal to or less than six feet (6') in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.~~
- ~~2. Utility Separation: In the event that a utility located upon the utility pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system or pole change out to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing utility pole and shall be designed to blend into the colors and textures of the existing utility pole.~~
- ~~3. Equipment Enclosures: No equipment enclosure may exceed six (6) cubic feet in volume. An underground equipment enclosure may be connected to an aboveground enclosure for a combined total volume of no greater than twelve (12) cubic feet. No single dimension of any aboveground equipment enclosure shall exceed three feet (3') and the structure shall be situated so as to minimize its visual impact, including screening with evergreen landscaping.~~

4. Utility Relocation: In the event utilities located on a utility pole are relocated underground, the WCF shall be relocated underground or to another location pursuant to the requirements of this chapter. (Ord. 2662, 2001)

15.42.150: SPECIAL USE WCF PERMIT:  

The planning and zoning commission may approve a special use WCF permit, after public hearing, upon a satisfactory showing that the proposal has met the standards and conditions set out in this chapter. The commission may establish conditions as it deems necessary to preserve the health, safety, and welfare of the public. Any substantial or significant change or addition to a special permit shall require a new permit application. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

15.42.100: SPECIAL USE WCF PERMIT CONDITIONAL USE PERMIT PROCEDURES:  

Conditional Use Permit procedures shall be followed as outlined under Municipal Code Title 17.

15.42.110: SPECIAL USE WCF CONDITIONAL USE PERMIT STANDARDS:  

- A. **Application:** A CUP application shall be filed with the Planning & Development Services Department and include all fees outlined on the application.

- B. **Burden of Proof:** The burden of proof that the proposed conditional use complies with all criteria as listed below. The applicant must their case with substantial and competent evidence.

- C. **Criteria for Review:** The hearing body Planning & Zoning Commission shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:
 - 1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process;

 - 2. Is consistent with the goals and policies of the comprehensive plan of the city;

 - 3. Conditions may by be placed that resulting in the use being more compatible with existing and permitted land uses within the general area;

 - 4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare;

 - 5. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established;

 - 6. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

E. Authority to Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The hearing body may impose any conditions necessary to accomplish the following:

1. Minimize potential adverse impacts on other developments and surrounding land use through the following:

- a. Increased landscaping;
- b. Screening & buffering;
- c. Use of materials;
- d. Colors to blend in with the use surroundings;
- e. Concealment requirements;
- f. Increased setbacks beyond that required in the underlying zoning;
- g. Engineering reports including those consisting of noise, smoke, odor, vibration, or illumination;
- h. Increased requirements for lighting and associated shielding;
- i. Geological and environmental reports as needed

2. Control the sequence and timing of development;

3. Control the duration of the construction period;

4. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;

5. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental concerns be conducted prior to granting approval;

10. Screening as deemed necessary

~~A. The WCF should not create an unreasonable hardship upon surrounding property owners.~~

~~B. The WCF should not unduly disrupt pedestrian, vehicular, or air travel.~~

~~C. The WCF should not adversely affect public utilities, public parks or the natural environment to a greater degree than uses permitted outright in the zoning district.~~

~~D. The placement of the WCF should be consistent with the purposes set forth in this chapter.~~

~~E. The WCF should be designed to be compatible in appearance and layout with adjacent uses.~~

~~F. The WCF should be designed so as to minimize any adverse effects on adjoining land. (Ord. 2662, 2001)~~

~~15.42.180: SPECIAL USE WCFS; TOWER DESIGN STANDARDS:~~

~~A. Hazard Assessment: Applicant must supply written, technical evidence from a qualified engineer(s) acceptable to the city fire department and the city building official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other~~

danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.

~~B. Setbacks: Setback requirements for a tower shall be measured from the base of the tower to the property line of the parcel of land on which it is located. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.~~

~~C. Structural Requirements: All towers must be designed and certified by an engineer to be structurally sound and, at minimum, be in conformance with the uniform building code and any other standards outlined in this chapter. All towers in operation shall be affixed to land.~~

~~D. Separation Or Buffer Requirements: For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower, drawn to scale. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.~~

~~1. Towers shall be separated from all residentially zoned lands by a minimum of one hundred fifty feet (150') or a distance equal to one hundred percent (100%) of the height of the proposed tower, whichever is greater.~~

~~2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:~~

~~a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of three hundred feet (300').~~

~~b. Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of nine hundred feet (900').~~

~~c. Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of three hundred feet (300').~~

~~E. Illumination: Towers shall not be artificially lighted except as required by the federal aviation administration (FAA).~~

~~F. Exterior Finish: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning and zoning commission.~~

~~G. Landscaping: All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require landscaping in excess of the requirements in this code in order to enhance compatibility with adjacent land uses.~~

H. Access: All Pocatello fire department and uniform fire code standards regarding emergency vehicle access must be complied with, unless waived by the city.

I. Stealth Design: All towers not located in an industrial zoning district shall be of stealth design unless an exception is granted by the city council. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

~~15.42.190: COMPLIANCE WITH FEDERAL REGULATIONS:~~

NOTE: This section moved to General Regulations

All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.

15.42.120: EXEMPT FACILITIES:

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government owned WCF installed upon the declaration of a state of emergency by federal, state or local government, or by Resolution of public necessity by the City Council. Such facility shall comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one (1) week after the duration of the state of emergency;
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage of sporting event. The WCF shall be exempt from the provisions of this chapter for up to one (1) week before and after the duration of the special event;
- E. Eligible Facilities Requests as defined under the Spectrum Act.

15.42.130: MAINTENANCE:

- A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate the permit, and remove the WCF at owner's expense, at its sole option upon fifteen (15) days' written notice via normal first class mail.

B. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electrical safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by city and state licensed maintenance and construction personnel. All tower owners shall maintain the towers in compliance with current RF emission standards of the FCC.

If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the tower at the owner's expense upon fifteen (15) days' written notice via normal first class mail.

In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and the tower removed from the premises. (Ord. 2662, 2001)

15.42.140: MODIFICATIONS:

- A. Permit: A new permit must be obtained prior to any proposed change or addition to any WCF, provided that routine maintenance or replacement of any portion of the WCF with identical equipment in conformance with this chapter shall not require application for a new permit.
- B. Existing Uses: All WCFs existing on the date of passage of the ordinance codified herein shall be allowed to continue their operation as they presently exist, subject to the terms of this chapter relating to abandonment or discontinuance of use. Routine maintenance shall be permitted, but construction involving the replacement of support structure apparatus, antennas, or any exterior alteration C. Exception: Emergency service WCFs may obtain a waiver from the city council if required for preserving the public health and safety. Issuance of the waiver shall require a public hearing and a finding on the part of the council that the modifications cannot comply without undue burden on the citizens of the city. (Ord. 2662, 2001)

15.42.150: ABANDONMENT OR DISCONTINUATION OF USE:

- A. Construction or activation of a WCF shall commence within ninety (90) days of approval of the WCF permit or the permit shall be null and void. A ninety (90) day written extension approval may be granted by the planning and development services department due to weather conditions or other extenuating circumstances beyond the control of the applicant as determined by the planning and development services department, after written request by the permittee.
- B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, the carrier shall notify the city by first class U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to

abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned, effective the day of discontinuance.

- C. The carrier shall remove the WCF no later than ninety (90) days after the date of abandonment or discontinuation, properly dispose of all waste materials from the site in accordance with local and state solid waste disposal regulations, and restore the location to its before use state, landscaping and grading excepted. Removal shall include, but not be limited to, removal of antennas, support structures, equipment enclosures and security barriers from the subject property.
- D. If a carrier fails to remove a WCF in accordance with this section, the city may cause the facility to be removed and all expenses of removal, disposal, and restoration shall be paid by the owner of the land where the facility is located. (Ord. 2662, 2001)

15.42.160: SEVERABILITY:  

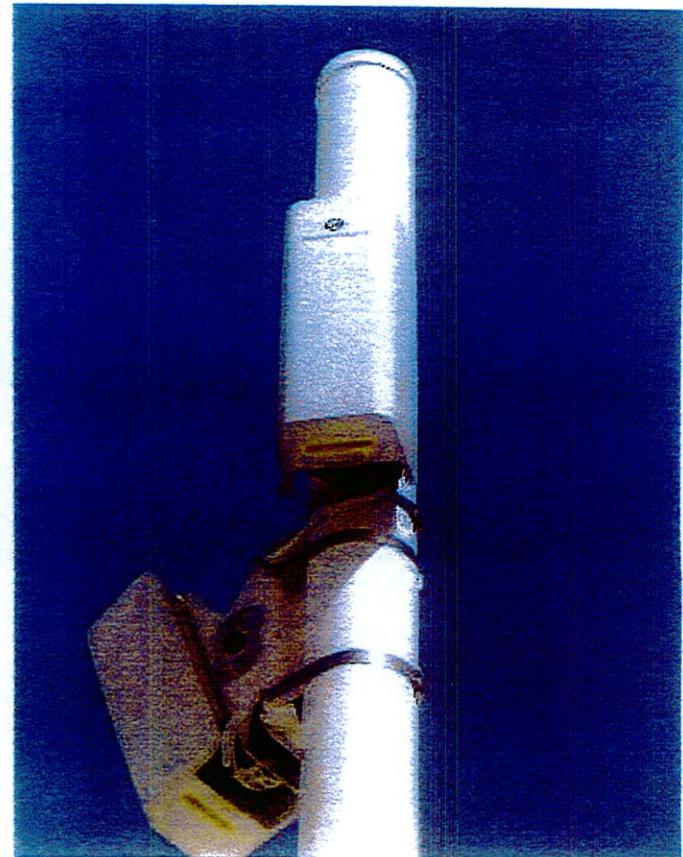
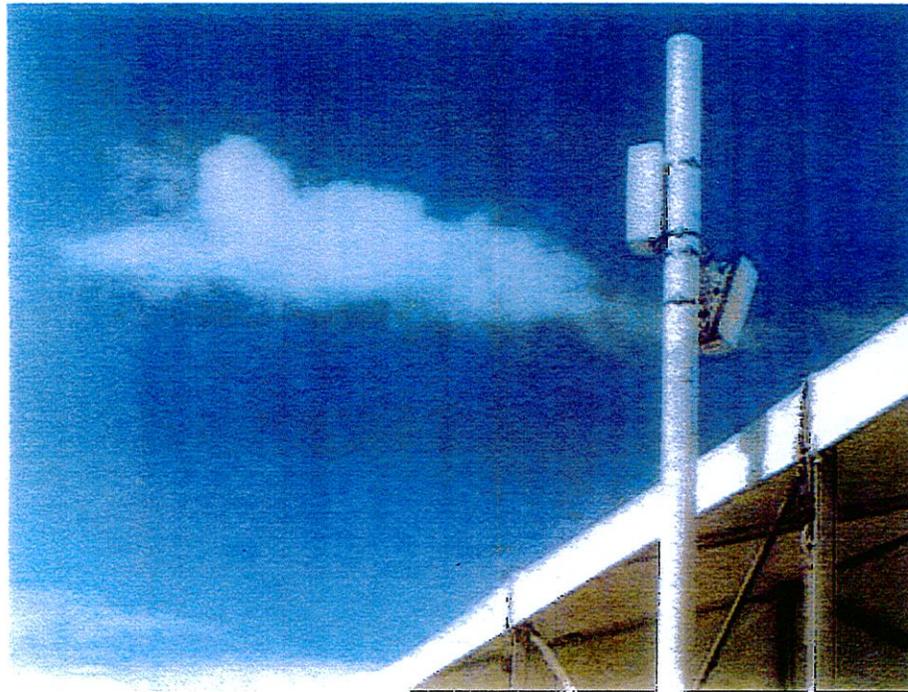
If any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect. (Ord. 2662, 2001)

15.42.170: REPEALER:  

All resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2662, 2001)

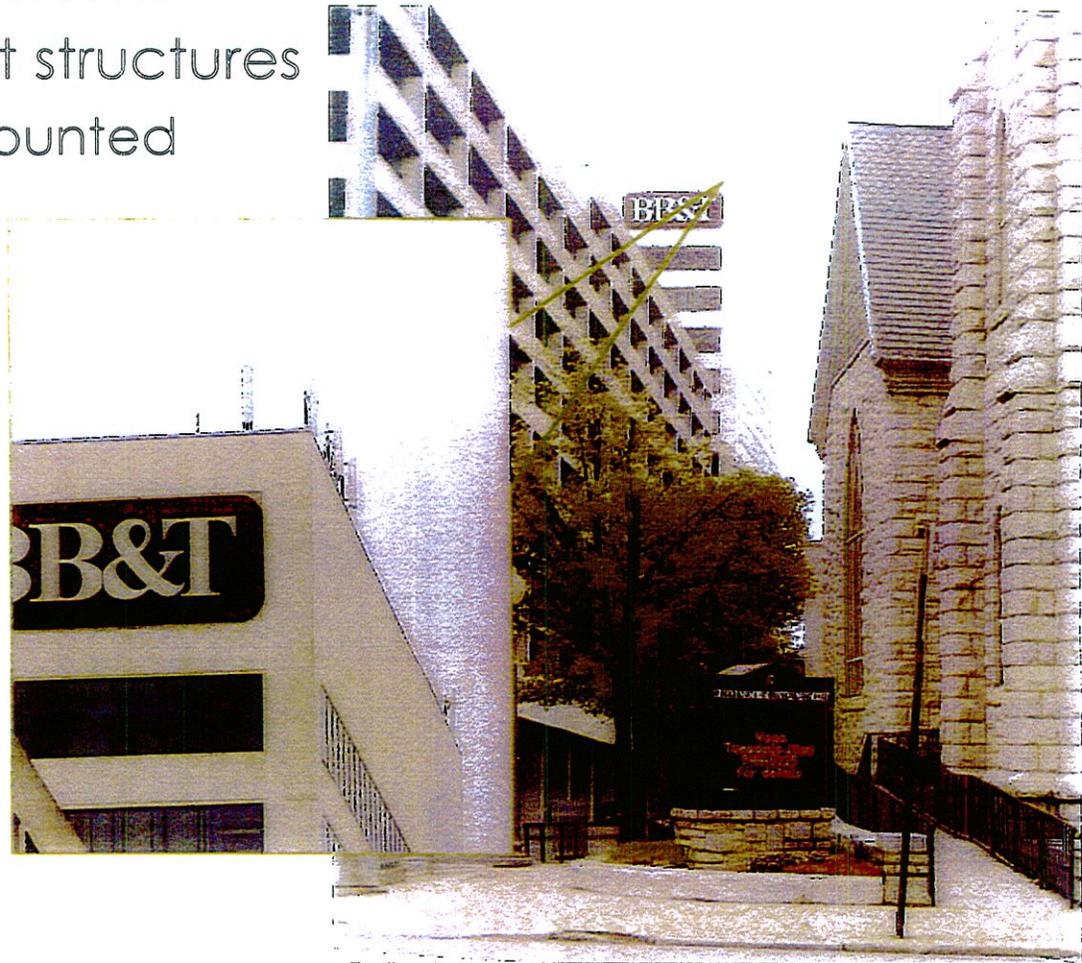
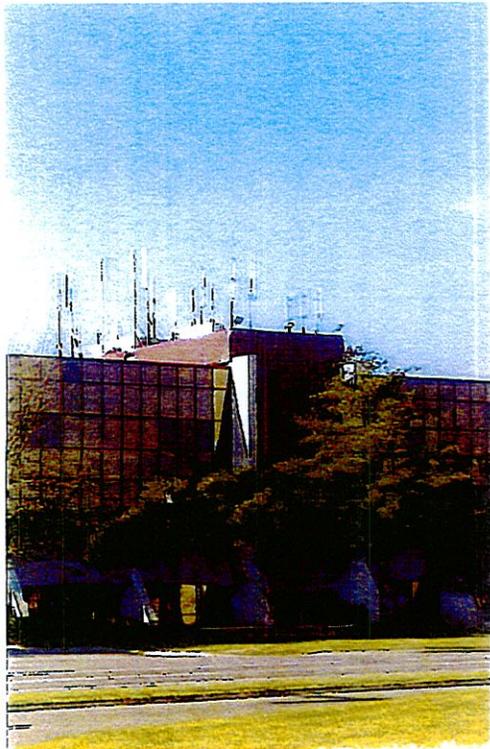
EXAMPLES OF WCF TECHNOLOGY FOLLOWS

- Small Cell Systems



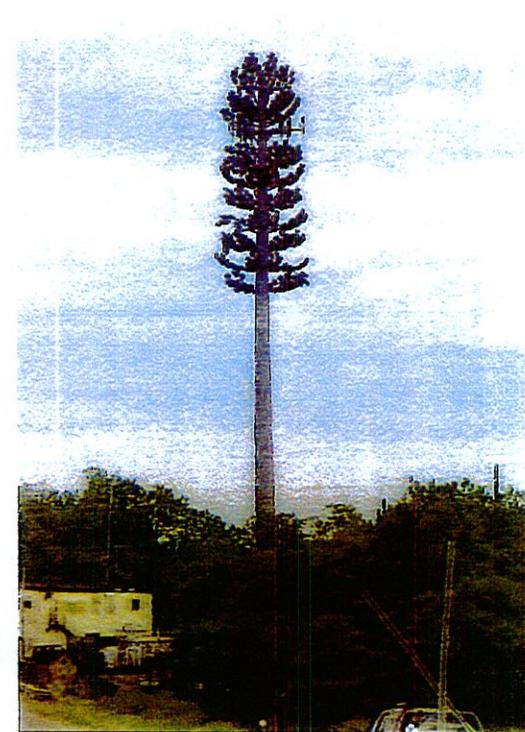
Technology

- Macrocell Systems
 - Host support structures
 - Building Mounted



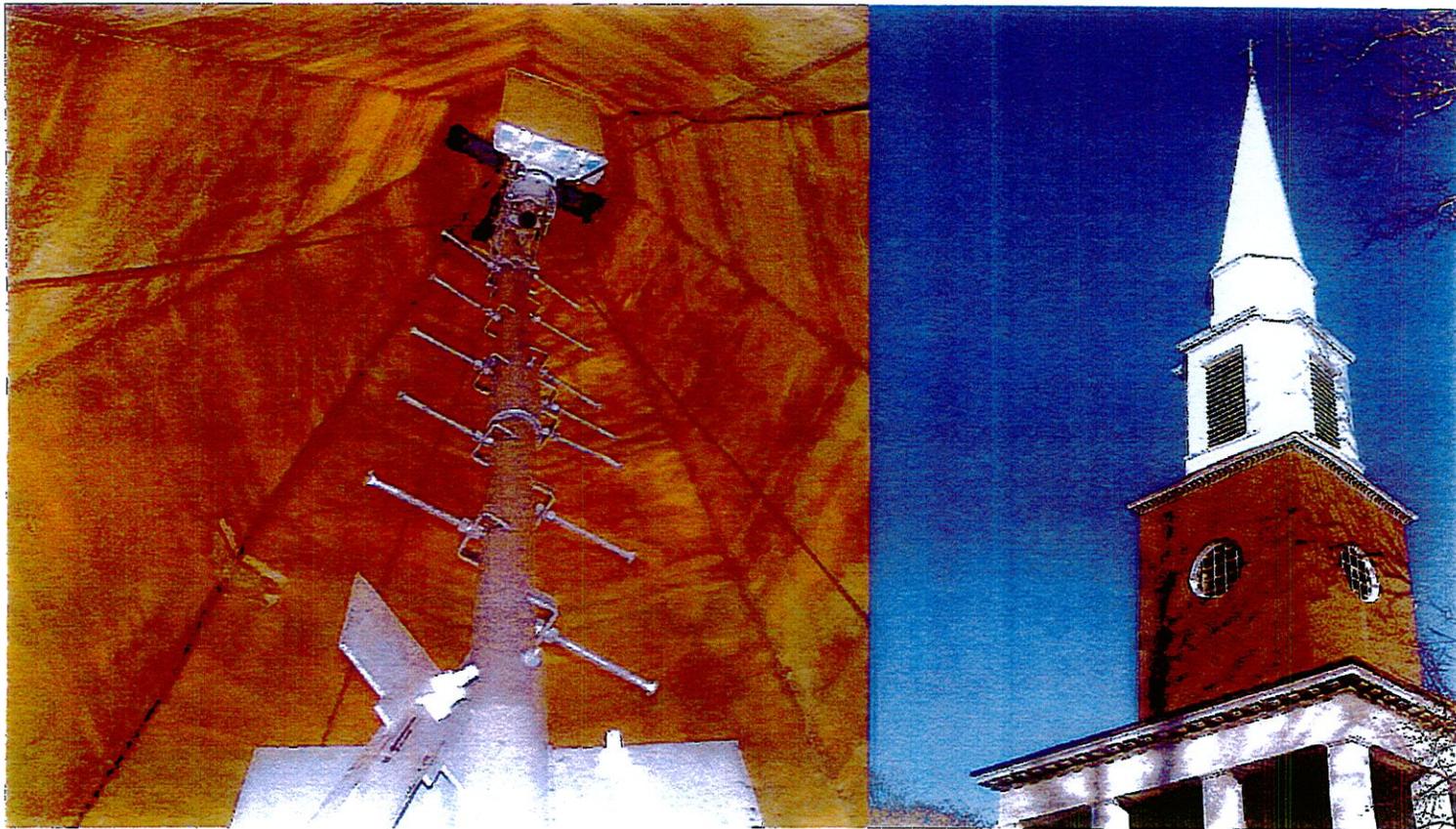
Technology

- Macrocell Systems
 - Freestanding support structures
 - Stealth (Disguise)



Technology

- Macrocell Systems
 - Host support structures
 - Stealth (Concealment)



Technology

- Macrocell Systems
 - Host support structures
 - Stealth (Camouflage)



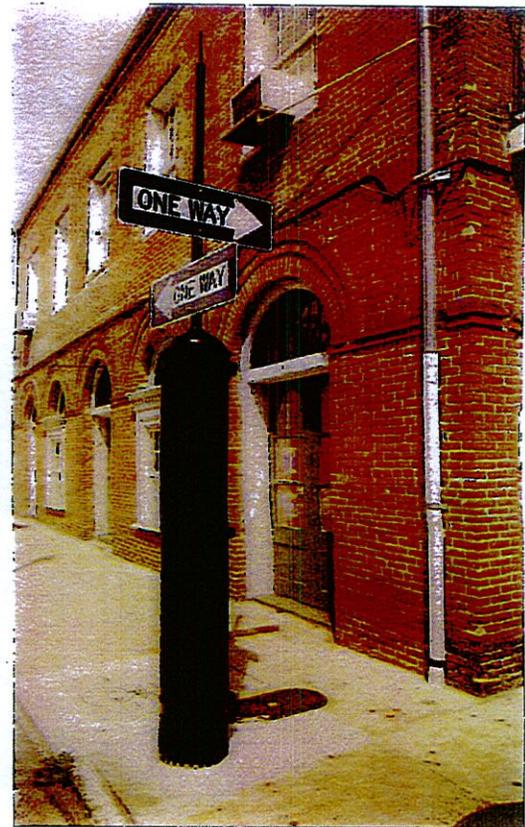
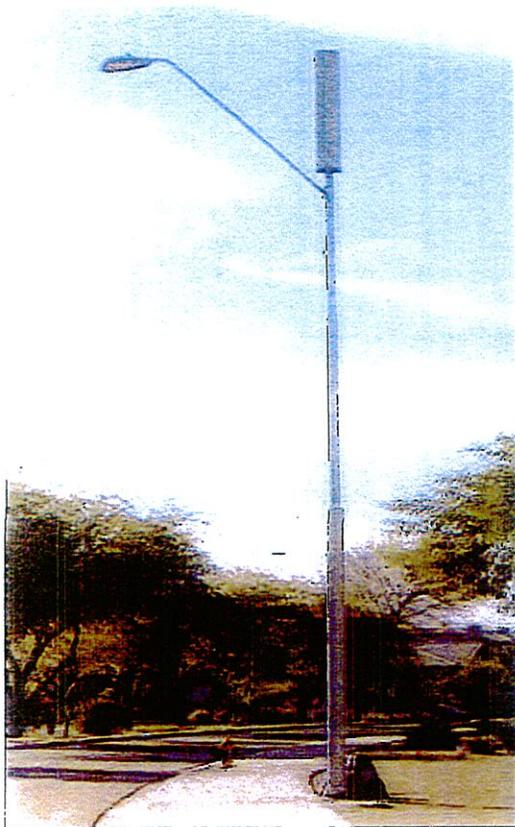
Technology

- Macrocell Systems
 - Host support structures
 - Utility Infrastructure



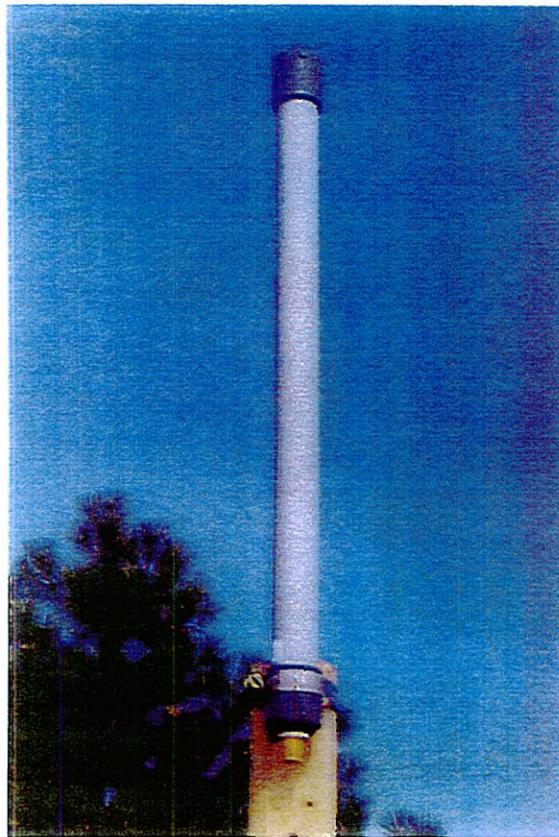
Technology

- o Distributed Antenna Systems (DAS)

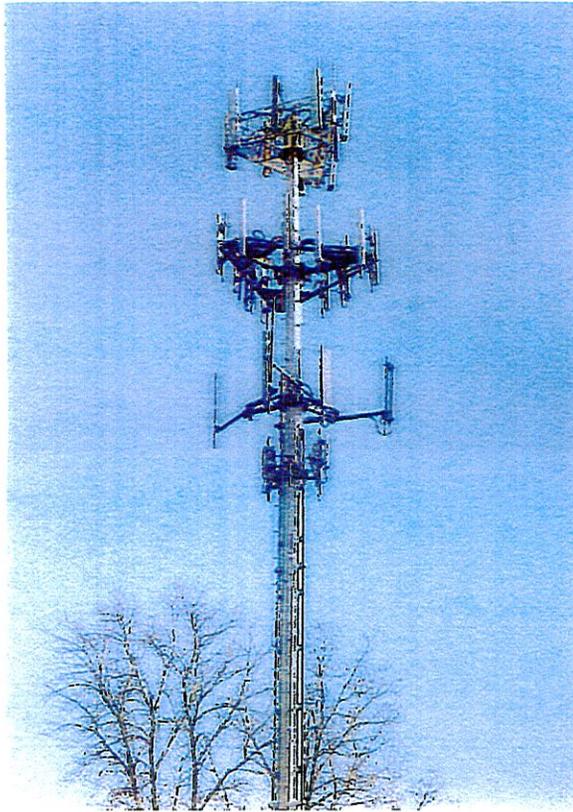


Technology

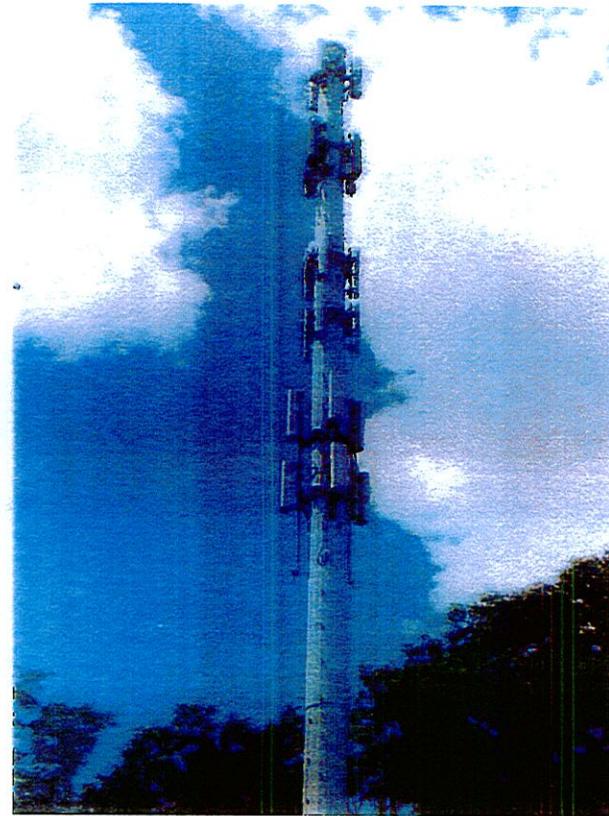
- Antennas
 - Omni-Directional Antenna (Whip)



- Antennas
 - Sector Antenna (Panel)



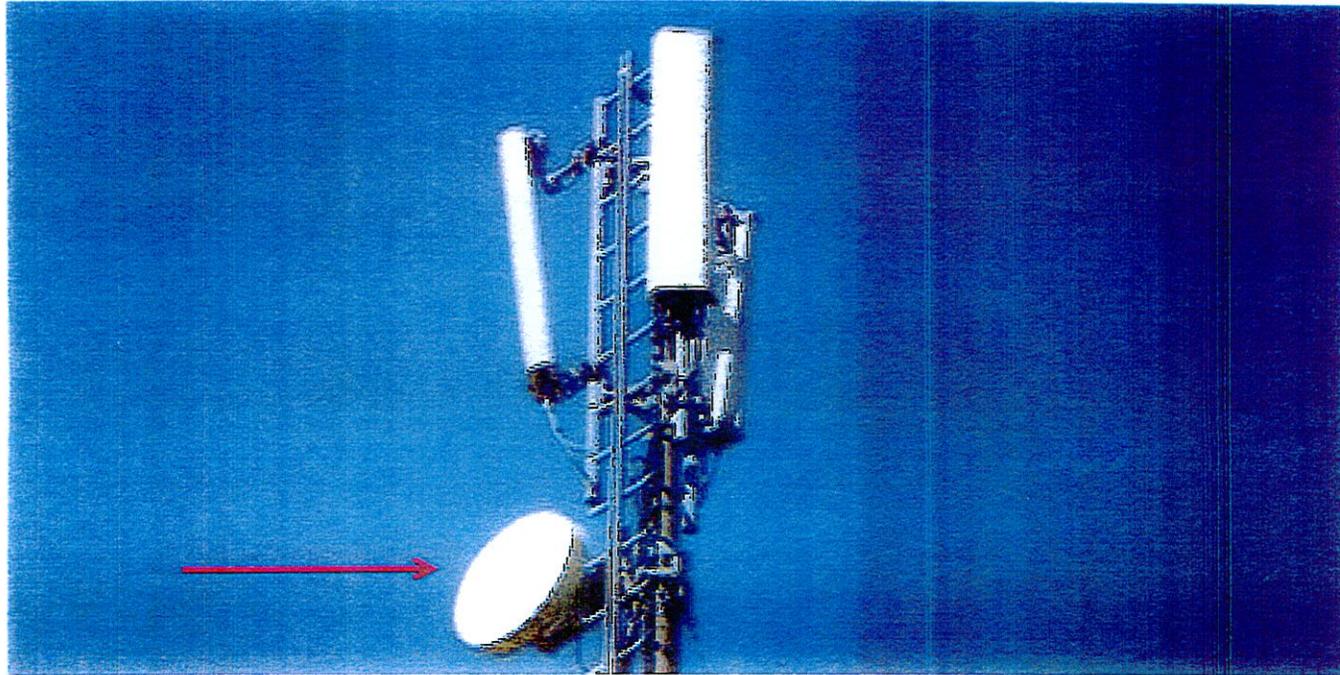
Distributed
Antenna
Array



Flush-
Mounted
Antenna
Array

Technology

- Antennas
 - Dish Antenna



Technology

- Macrocell Systems
 - Freestanding support structures
 - Monopole



Technology

- Macrocell Systems
 - Freestanding support structures
 - Lattice



Technology

- Macrocell Systems
 - Freestanding support structures
 - Guyed Wire



AGENDA

ITEM

NO. 7

**EXECUTIVE SUMMARY
RIGHT OF WAY USE LICENSE**

TO: Mayor Blad and City Council Members
FROM: Merrill Quayle, P.E., Public Works/Development Engineer MB
DATE: Meeting Date – May 17, 2012
SUBJECT: Right-of-Way Use License
 Lot 24-28 of Hidden Valley Subdivision 3rd Addition (Via Valdarno)

REQUEST

BBAD Investments, LLC (mailing address: 2227 East Center Street, Pocatello, ID 83201) requesting a right of way use license to allow a retaining walls to constructed directly behind the sidewalk on Lots 24-28 Block 1 of Hidden Valley Subdivision 3rd Addition (Via Valdarno) within the City right of way.

Back Ground

BBAD Investments, LLC is the owners of Lot 24-28 Block 1 of the Hidden Valley Subdivision 3rd Addition (Via Valdarno). The retaining walls will be located within the 2 ½ feet between the sidewalk and the property line. The walls will be parallel to their easterly property lines, see the attached plat for reference.

STAFF RECOMMENDATION

Staff evaluated the request and recommends approval subject to the following conditions:

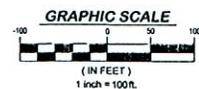
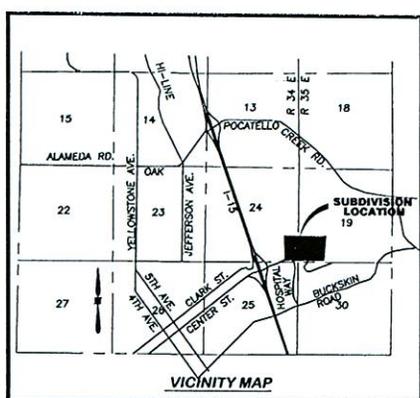
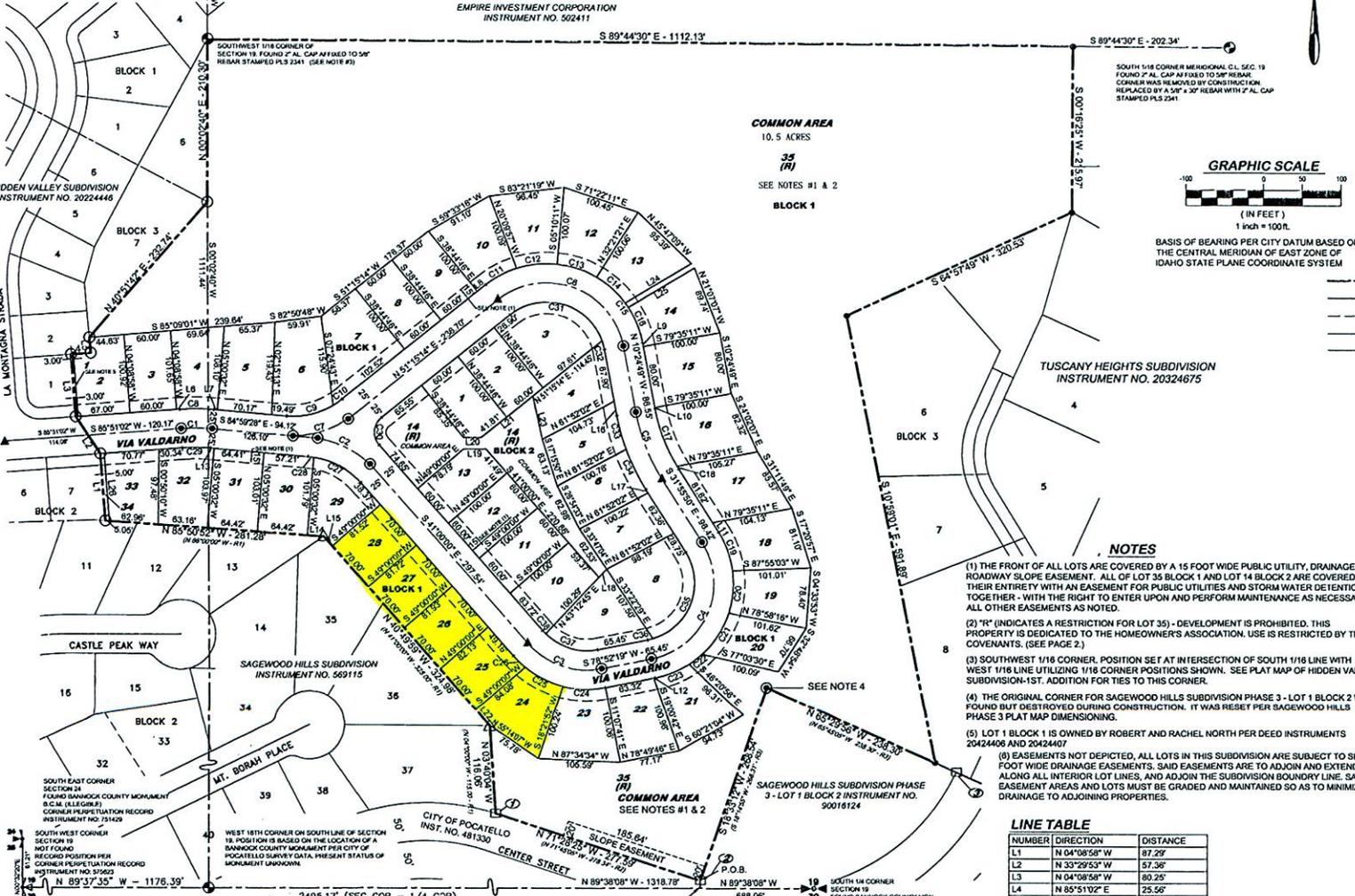
1. The Grantee shall provide public liability insurance coverage in the amount of Idaho Tort Liability Limits (currently \$500,000.00) to indemnify the City from any claims which might arise out of the Grantee’s use of the City’s property. Proof of such coverage must be provided annually; failure to do so will result in termination of this License. Grantee agrees to hold the City harmless from any and all claims or damages arising from the use of the City’s property.
2. The right-of-way use license can be recorded with the land as long as the wall is allowed to remain in place. That BBAD agrees that at the time of sale of any lot subject to this right-of-way use license agreement, the new property owner shall obtain and maintain the same insurance as set forth in item number 1 above.
3. Grantee agrees and understands that the use under this License is limited to retaining wall improvements and that no other improvements will be made without prior written permission by the City.
4. This License is revocable and shall be terminated upon sixty (60) days written notice if it is determined by the Grantor that the City requires the use of the right-of-way being encroached upon and it is in the City’s best interests that said License should be revoked. Grantee may terminate this License upon sixty (60) days written notice to the City. Any such removal and restoration cost should be at the owner’s expense.
5. Subject to Legal Department approval.

HIDDEN VALLEY SUBDIVISION 3RD ADDITION

SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, B.M.
BANNOCK COUNTY, IDAHO

EMPIRE INVESTMENT CORPORATION
INSTRUMENT NO. 502411

HIDDEN VALLEY SUBDIVISION
1ST ADDITION
INSTRUMENT NO. 20419287



GRAPHIC SCALE
1 inch = 100 ft.

- LEGEND:**
- SUBDIVISION BOUNDARY LINE
 - SUBDIVISION LOT LINES
 - - - EASEMENT SIDELINE (SEE NOTE #1)
 - STREET CENTERLINE / SECTION LINE
 - BOUNDARY/LOT LINES OF ADJACENT PROPERTY

- ⊕ SET 1/2" BY 24" REBAR WITH PLASTIC CAP STAMPED "RMES, PLS 2341" (LOT CORNERS AND END OF CURVES)
- FOUND 2" ALUM CAP AFFIXED TO A 5/8" REBAR MARKED PLS 2341
- SET 5/8" BY 30" REBAR WITH 2" ALUM CAP STAMPED "RMES, PLS 2341"
- ▲ SET CITY STANDARD VAULT TYPE MONUMENT TO BE SET WITHIN SIX MONTHS AFTER DATE OF RECORDING PLAT.
- ⊙ 1/16 CORNER AS NOTED
- FOUND 2" ALUM CAP AFFIXED TO A 5/8" REBAR MARKED PLS 977
- △ FOUND A 5/8" REBAR NO CAP ASSUMED PER SAGEWOOD HILLS SURVEY
- ⊕ QUARTER CORNER AS NOTED
- ⊙ SECTION CORNER NOT FOUND AS NOTED
- FOUND A CONC. R-O-W MON. SET PER THE 1968 EAST BENCH ROAD SURVEY
- ⊙ 50' LT. OF STA. 52+09.95 PER 1968 ROAD PLANS
- ⊙ 50' LT. OF STA. 54+85.64 PER 1968 ROAD PLANS
- ⊙ 50' LT. OF STA. 59+52.31 PER 1968 ROAD PLANS

- NOTES**
- (1) THE FRONT OF ALL LOTS ARE COVERED BY A 15 FOOT WIDE PUBLIC UTILITY, DRAINAGE AND ROADWAY SLOPE EASEMENT. ALL OF LOT 35 BLOCK 1 AND LOT 14 BLOCK 2 ARE COVERED IN THEIR ENTIRETY WITH AN EASEMENT FOR PUBLIC UTILITIES AND STORM WATER DETENTION TOGETHER - WITH THE RIGHT TO ENTER UPON AND PERFORM MAINTENANCE AS NECESSARY. ALL OTHER EASEMENTS AS NOTED.
 - (2) "R" INDICATES A RESTRICTION FOR LOT 35 - DEVELOPMENT IS PROHIBITED. THIS PROPERTY IS DEDICATED TO THE HOMEOWNER'S ASSOCIATION. USE IS RESTRICTED BY THE COVENANTS. (SEE PAGE 2).
 - (3) SOUTHWEST 1/16 CORNER POSITION SET AT INTERSECTION OF SOUTH 1/16 LINE WITH WEST 1/16 LINE UTILIZING 1/16 CORNER POSITIONS SHOWN. SEE PLAT MAP OF HIDDEN VALLEY SUBDIVISION-1ST ADDITION FOR TIES TO THIS CORNER.
 - (4) THE ORIGINAL CORNER FOR SAGEWOOD HILLS SUBDIVISION PHASE 3 - LOT 1 BLOCK 2 WAS FOUND BUT DESTROYED DURING CONSTRUCTION. IT WAS RESET PER SAGEWOOD HILLS PHASE 3 PLAT MAP DIMENSIONS.
 - (5) LOT 1 BLOCK 1 IS OWNED BY ROBERT AND RACHEL NORTH PER DEED INSTRUMENTS 20424408 AND 20424407.
 - (6) EASEMENTS NOT DEPICTED, ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO SEVEN FOOT WIDE DRAINAGE EASEMENTS. SAID EASEMENTS ARE TO ADJOIN AND EXTEND ALONG ALL INTERIOR LOT LINES, AND ADJOIN THE SUBDIVISION BOUNDARY LINE. SAID DRAINAGE AREAS AND LOTS MUST BE GRADED AND MAINTAINED SO AS TO MINIMIZE EASEMENT TO ADJOINING PROPERTIES.

LINE TABLE

| NUMBER | DIRECTION | DISTANCE |
|--------|---------------|----------|
| L1 | N 04°08'58" W | 87.29 |
| L2 | N 33°29'53" W | 57.38 |
| L3 | N 04°08'58" W | 80.25 |
| L4 | N 85°51'02" E | 25.56 |
| L5 | N 04°32'45" W | 20.13 |
| L6 | N 85°51'02" E | 4.22 |
| L7 | N 84°59'28" W | 4.47 |
| L8 | S 51°15'14" W | 14.17 |
| L9 | N 10°24'49" W | 5.00 |
| L10 | S 10°24'49" E | 1.55 |
| L11 | N 31°55'50" W | 14.90 |
| L12 | N 78°52'19" E | 2.13 |
| L13 | N 84°59'28" W | 4.48 |
| L14 | N 85°50'52" W | 21.27 |
| L15 | N 40°49'59" W | 18.69 |
| L16 | S 10°24'49" E | 18.60 |
| L17 | S 31°55'50" E | 6.31 |
| L18 | S 43°12'45" W | 14.70 |
| L19 | N 80°53'32" W | 28.15 |
| L20 | N 89°53'32" E | 23.38 |
| L21 | N 51°15'14" E | 84.97 |
| L22 | N 40°49'59" W | 28.29 |
| L23 | S 12°17'44" E | 59.04 |
| L24 | S 58°50'33" W | 57.52 |
| L25 | S 58°50'33" W | 99.38 |
| L26 | N 04°08'58" W | 88.02 |

CURVE TABLE

| NUMBER | DELTA ANGLE | CHORD DIRECTION | CHORD LENGTH | TANGENT | RADIUS | ARC LENGTH |
|--------|-------------|-----------------|--------------|---------|---------|------------|
| C1 | 09°09'30" | N 89°34'13" W | 39.92' | 20.02' | 250.00' | 39.96' |
| C2 | 43°59'28" | S 82°58'44" E | 93.63' | 50.49' | 125.00' | 95.97' |
| C3 | 60°07'41" | N 71°03'51" W | 100.19' | 57.88' | 100.00' | 104.94' |
| C4 | 110°48'09" | S 23°28'44" W | 168.83' | 144.97' | 100.00' | 193.39' |
| C5 | 21°31'01" | N 21°10'20" W | 93.34' | 47.50' | 125.00' | 92.89' |
| C6 | 118°19'57" | N 69°34'48" W | 171.73' | 187.53' | 100.00' | 206.53' |
| C7 | 43°45'18" | S 73°07'53" W | 93.16' | 40.04' | 125.00' | 95.46' |
| C8 | 09°09'30" | N 89°34'13" W | 43.91' | 22.03' | 275.00' | 43.96' |
| C9 | 35°38'13" | S 77°11'28" W | 61.20' | 32.14' | 100.00' | 62.20' |
| C10 | 08°07'06" | S 55°18'47" W | 14.18' | 7.10' | 100.00' | 14.17' |
| C11 | 28°38'47" | S 81°34'37" W | 48.80' | 22.77' | 125.00' | 48.04' |
| C12 | 24°18'26" | N 84°02'14" E | 52.80' | 28.80' | 125.00' | 52.80' |
| C13 | 24°40'30" | N 71°29'18" E | 53.42' | 27.34' | 125.00' | 53.83' |
| C14 | 22°52'41" | N 47°42'43" W | 49.58' | 25.29' | 125.00' | 49.91' |
| C15 | 03°12'55" | S 34°39'56" E | 7.01' | 3.51' | 125.00' | 7.02' |
| C16 | 22°38'38" | S 21°44'09" E | 49.08' | 25.03' | 125.00' | 49.40' |
| C17 | 20°24'24" | S 20°37'01" E | 79.71' | 40.50' | 225.00' | 80.14' |
| C18 | 01°06'37" | S 31°22'32" E | 4.38' | 2.18' | 225.00' | 4.38' |
| C19 | 24°23'15" | N 19°44'13" W | 52.80' | 27.01' | 125.00' | 53.21' |

| NUMBER | DELTA ANGLE | CHORD DIRECTION | CHORD LENGTH | TANGENT | RADIUS | ARC LENGTH |
|--------|-------------|-----------------|--------------|---------|---------|------------|
| C20 | 25°32'48" | S 05°13'48" W | 55.27' | 28.34' | 125.00' | 55.73' |
| C21 | 29°11'43" | S 32°36'04" W | 63.01' | 32.56' | 125.00' | 63.69' |
| C22 | 10°04'56" | S 52°14'23" W | 21.97' | 11.03' | 125.00' | 22.00' |
| C23 | 21°35'27" | S 68°04'35" W | 48.83' | 23.83' | 125.00' | 47.10' |
| C24 | 28°14'28" | S 80°39'29" E | 54.82' | 27.99' | 125.00' | 54.30' |
| C25 | 25°17'21" | N 83°14'36" W | 54.73' | 28.04' | 125.00' | 55.17' |
| C26 | 09°35'56" | N 45°47'58" W | 70.10' | 35.22' | 125.00' | 70.94' |
| C27 | 39°51'46" | N 60°55'53" W | 68.18' | 36.28' | 100.00' | 69.57' |
| C28 | 04°07'42" | N 82°50'37" W | 7.20' | 3.60' | 100.00' | 7.21' |
| C29 | 09°09'30" | N 89°34'13" W | 35.93' | 18.02' | 225.00' | 35.97' |
| C30 | 92°15'14" | S 05°07'31" W | 36.04' | 28.00' | 25.00' | 40.25' |
| C31 | 109°28'18" | S 74°39'38" E | 132.47' | 106.07' | 75.00' | 143.30' |
| C32 | 08°51'41" | S 14°59'39" E | 11.59' | 5.81' | 75.00' | 11.60' |
| C33 | 09°28'09" | S 15°08'54" E | 45.40' | 22.78' | 275.00' | 45.45' |
| C34 | 12°02'52" | S 25°54'24" E | 57.72' | 29.02' | 275.00' | 57.83' |
| C35 | 105°40'35" | S 20°54'27" W | 119.54' | 98.95' | 75.00' | 138.33' |
| C36 | 05°07'34" | S 78°18'32" W | 6.71' | 3.36' | 75.00' | 6.71' |
| C37 | 55°43'28" | N 73°15'58" W | 70.10' | 39.65' | 75.00' | 72.94' |
| C38 | 04°24'15" | N 43°12'07" W | 5.78' | 2.88' | 75.00' | 5.77' |



RECORDING INSTRUMENT NO. 20522130

HIDDEN VALLEY SUBDIVISION 3RD ADDITION

SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, B.M.
BANNOCK COUNTY, IDAHO

RMES
Rocky Mountain Engineering & Surveying
155 South 2nd Avenue • Pocatello, ID 83201
PHON: (208) 234-0110 • FAX: (208) 234-0111 • EMAIL: rmes@rockymountainidaho.com

| | |
|-----------|-------------------------|
| REVISIONS | SURVEYED BY: BMS MSB |
| 1 | OFFICE WORK BY: BMS JLC |
| 2 | FIELD BOOK NO. 02-28 |

PROJECT NO. 21301-B DATE 11/20/04
DRAWING: R/RME/2004/HV-RES-3RD/HVSUBP4.DWG
SCALE: 1" = 100' SHEET 1 OF 2

TUSCANY HILLS

August 8, 2016

City of Pocatello
911 N. 7th Ave
Pocatello, ID 83201
Attn: Merrill Quayle

Mr. Quayle:

BBAD Investments, LLC requests that the block walls can be built directly behind the sidewalk on lots 24-28 of Blk. 1 of Hidden Valley Subdivision 3rd Addition.

The walls will encroach approximately two (2) feet into the Right of Way.

BBAD Investments, LLC will secure an endorsement on our insurance naming the City as additional insured up to the tort liability limit for any claim arising from the City allowing the requested encroachment.

As each of the five (5) lots are conveyed BBAD Investments, LLC will have the purchaser add the same endorsement to their insurance. Once all five (5) lots have been conveyed and insurance protecting the City of Pocatello is in place BBAD Investments, LLC can drop the endorsement on their insurance.



Billy B. Isley, member
BBAD Investments, LLC

RIGHT-OF-WAY LICENSE AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of August, 2016, by and between the City of Pocatello, a municipal corporation of Idaho, hereinafter referred to as the “City”; and BBAD Investments, LLC, an Idaho Limited Liability Company, hereinafter referred to as “BBAD”, whose address is 2227 East Center Street, Pocatello, Idaho 83201;

WHEREAS, BBAD is the sole owner of Lots 24-28 of Block 1 of the Hidden Valley Subdivision, 3rd Addition and is in the process of developing said Lots; and

WHEREAS, BBAD desires to place retaining walls directly behind the sidewalk on said Lots within the City right-of-way by an anticipated 2½ feet; and

WHEREAS, City staff has reviewed the issue of the right-of-way encroachment and believe the requested encroachment poses little to no potential adverse consequences to the health and safety of the citizens of the City; and

WHEREAS, City Staff recommends BBAD obtain and maintain public liability insurance coverage for the right-of-way being encroached upon in the minimum amount of the State Tort liability limits which currently is \$500,000.00 combined single limit, with the City named as an additional insured, and provide annual proof to the City of such coverage. At the time when said Lots are sold, each new Lot owner should also obtain, maintain and provide the same Certificate of Insurance to the City of Pocatello;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. The City agrees to allow BBAD to place retaining walls directly behind the sidewalk on Lots 24-28 of Block 1 in the Hidden Valley Subdivision, 3rd Addition. Said retaining walls shall encroach the right-of-way by no more than 2½ feet. No future

modifications to the retaining walls may extend further into the encroachment area without a written amendment to this Agreement.

2. BBAD agrees that this license is conditioned upon BBAD obtaining and maintaining public liability insurance coverage for the right-of-way being encroached upon in the minimum amount of the State Tort liability limits which currently is \$500,000.00 combined single limit, with the City named as an additional insured, and providing annual proof to the City of such coverage. BBAD agrees to hold the City harmless from any and all claims or damages arising from the wall location, construction and maintenance on said encroachment of the City's right-of-way.

3. BBAD agrees that at the time of sale of any Lot subject to this Right-of-Way Use License Agreement, the new property owner shall obtain and maintain the same insurance as set forth in item No. 2 above.

4. BBAD understands and agrees that this License is revocable upon either party giving the other sixty (60) days' notice. BBAD agrees that all such removal and restoration costs shall be at its own expense and that no attempt shall be made either to delay the removal of said encroachment or to recover any of the removal costs from the City, or prevent or delay the City in reclaiming the right-of-way.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by themselves and their lawful representatives the date and year first above written.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

BBAD Investments, LLC, an Idaho Limited Liability Company

By: _____
BILLY B. ISLEY, Member

By: _____
BRAD FRASURE, Member

STATE OF IDAHO)
 :SS
COUNTY OF BANNOCK)

On this _____ day of August 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Brian C. Blad and Ruth E. Whitworth, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, who acknowledged to me that they executed the foregoing instrument on behalf of the municipal corporation, and that such municipal corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
My commission expires: _____

STATE OF IDAHO)
 :ss
COUNTY OF BANNOCK)

On this _____ day of August, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Billy B. Isley, known to me or proved to me to be a member of BBAD Investments, LLC, an Idaho Limited Liability Company, who acknowledged to me that he executed the foregoing instrument on behalf of said corporation, and that said corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing in _____
My Commission expires: _____

STATE OF IDAHO)
 :ss
COUNTY OF BANNOCK)

On this _____ day of August, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Brad Frasure, known to me or proved to me to be a member of BBAD Investments, LLC, an Idaho Limited Liability Company, who acknowledged to me that he executed the foregoing instrument on behalf of said corporation, and that said corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing in _____
My Commission expires: _____

AGENDA

ITEM

NO. 8

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCA TELLO, ESTABLISHING A PROCESS FOR THE VACATION OF PUBLIC RIGHTS-OF-WAY, AND REPEALING THE PROCESSES PREVIOUSLY SET BY RESOLUTION NO. 1998-26 AND RESOLUTION NO. 1999-34, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there has been cause for the City Council to reconsider the previous processes and valuation procedures for rights-of-way vacation petitions based on the provisions of Idaho Code Title 50, Chapter 3, Section 311; and

WHEREAS, Idaho Code Section 50-311 empowers the City to “create, open, widen or extend any street, avenue, alley lane, annul, vacate or discontinue the same whenever deemed expedient for the public good”; and

WHEREAS, Idaho Code Section 50-311 regarding the “Vacation of Streets” and the “Reversion of Vacated Streets” provides the City Council with the responsibility to determine the amount of damages resulting from the vacation of any street, avenue, alley or lane; and

WHEREAS, Idaho Code Section 50-311 provides further that whenever any street, avenue, alley or lane is vacated, the same shall revert to the owner of the adjacent real estate, one-half (1/2) on each side thereof, or as the City Council deems in the best interests of the adjoining properties, but the rights-of-way, easements and franchise rights of any lot owner or public utility shall not be impaired thereby; and

WHEREAS, the City Council has determined that the best means of evaluating the potential damages and the appropriate terms and conditions for mitigating the same, if any, will be through a case-by-case detailed review of the circumstances, conditions and benefit to the public good regarding said vacation; and

WHEREAS, the City Council shall consider a petition for vacation submitted in a form containing required information and with required fees at a public hearing. All fees and costs associated with a petition for vacation shall be the responsibility of the Petitioner; and

NOW, THEREFORE, BE IT RESOLVED THAT THE POCATELLO CITY COUNCIL SHALL:

1. Determine if the requested vacation is deemed expedient for the public good; and
2. Determine the terms and conditions for mitigating any damages; and
3. Determine the manner of reversion of the vacated area as the Council deems is in the best interests of the adjoining properties; and
4. Determine that granting the request will not impair the rights of any lot owner or public utility; and
5. Render a decision and reduce said decision to writing and provide required notices and recordings as required by Idaho Code; and
6. Repeal Resolutions 1998-26 and 1999-34 as they are no longer being applied to the vacation process.

This Resolution shall become effective after its passage and will sunset upon the adoption of a revised Pocatello Municipal Code Title 17, "Zoning Regulation", which incorporates the process hereby approved by the City Council.

RESOLVED this 18th day of August, 2016.

CITY OF POCATELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

AGENDA

ITEM

NO. 9

AGENDA ITEM NO. _____

EXECUTIVE SUMMARY
AMENDED REAL COVENANT AND ANNEXATION AGREEMENT – CENTURY HEIGHTS, LLC

TO: Mayor Blad and City Council Members
FROM: Merrill Quayle, P.E., Public Works/Development Engineer MB
DATE: Meeting Date – August 18, 2016
SUBJECT: Amended Real Covenant and Annexation Agreement – Century Heights, LLC

REQUEST

Century Heights, LLC, and Idaho Limited Liability Company, has recently acquired 372.15+/- acres of the formerly known as “Southern Hills” Development and has requested to amend the Real Covenant and Annexation Agreement previously signed and recorded to the property with the prior Developer. The property is generally described as south of Garton Lane, east of S 5th Avenue and north of Hildreth Road and a total of 454 acres was annexed by the City under Ordinance No. 2790 on September 7, 2006.

The Amendment provides for the proposed development of up to 700 residential units (a decrease in density from the original Master Plan), and includes approximately 33 acres of commercial area, 47 acres of Nature Area; and 53 acres of Public Area with no building above 5,000 feet elevation. The Developer will be responsible for (1) payment of the water usage based upon 72.5% of the density contained within the original development; the original Master Plan Development was approved for 966 residential units. (2) the construction of a water booster station at the South Valley water storage tank site; (3) the construction of a 500,000 gallon water storage tank on a 2 acre parcel of land which will be dedicated to the City located above 5,000 feet in elevation; and (4) all other terms and conditions as set forth in the original Real Covenant and Annexation Agreement dated October 22, 2007. Any additional units over the 700 should be subject to a water usage payment of \$550.00 per unit due at the time a building permit is issued. The Revised Master Plan for Century Heights Development will be supplemented via an Addendum in the near future.

STAFF RECOMMENDATION

Staff recommends approval and authorizing the Mayor to execute the Amended Real Covenant and Annexation Agreement between the City and Century Heights, LLC and record the same with the Bannock County Clerk and Recorders Office to run with the land.

**CENTURY HEIGHTS DEVELOPMENT
AMENDED REAL COVENANT AND ANNEXATION AGREEMENT**

This Amended Real Covenant and Annexation Agreement is entered into this ____ day of August, 2016, by and between the City of Pocatello, a municipal corporation of Idaho, hereinafter referred to as “the City” and Century Heights, LLC, a Limited Liability Company of Idaho, whose address is 215 W. Connor Street, Pocatello, Idaho, 83204, hereinafter referred to as “the Developer”;

WHEREAS, the Developer purchased a piece of real property formerly known as and recorded as the “Southern Hills” development; and

WHEREAS, the former owners of the Southern Hills development entered into a Real Covenant and Annexation Agreement with the City on October 22, 2007; and

WHEREAS, the property subject to the Real Covenant and Annexation Agreement was annexed into the municipal boundaries of the City of Pocatello by Ordinance Number 2790, dated September 7, 2006, recorded as Instrument number 20622788; and

WHEREAS, since said Real Covenant and Annexation Agreement is recorded to the property and runs with the land, an amendment to said Real Covenant and Annexation Agreement is necessary to reflect the change in real property ownership as well as amending portions of the Agreement which have expired or otherwise necessitate amendment(s); and

WHEREAS, the Developer’s Revised Master Plan changing the Development name and reducing the density of the Development will be forthcoming for the Council’s review and approval. Said Revised Master Plan will be supplemented to this Amended Real Covenant and Annexation Agreement as an Addendum once so approved by the Mayor and City Council;

NOW THEREFORE, the parties agree to amend the Real Covenant and Annexation Agreement, dated October 22, 2007 with an Amended Real Covenant Annexation Agreement as follows:

1. This amended covenant to pay for and provide for improvements which are required by the terms herein expressly creates a lien on said real property to secure performance of the covenant.
2. All the real property to be developed by Developer which shall now be known as “Century Heights Development”, hereinafter the “Development” was annexed into the municipal boundaries of the City of Pocatello on by Ordinance Number 2790, dated September 7, 2006, recorded as Instrument number 20622788. A boundary map of the real property is set out in Exhibit “A”, a legal description of said real property is set out in Exhibit “B”, attached hereto and incorporated herein.

3. The Developer agrees to pay \$267,024.48 to the City to enable the City to purchase additional water rights and to increase its water supply in order to provide water to the Development. The amount of this fee is based on a projected total number of housing units of 700. In the event that the total number of housing units exceeds 700 units the total water payment shall be adjusted proportionally. No additional water fees will be required for the real property area depicted on the Revised Master Plan except for the normal individual lot/parcel capacity/connection fees, monthly user fees, or bond fees charged to all City customers. The Developer understands this monetary payment does not guarantee the unrestricted supply of water to Developer's Development, but that the City will use its best efforts to supply water to its citizens and customers equally just as other subdivisions are within the City. The Developer understands emergencies, drought, and State agency curtailment actions or other conditions could result in the City imposing water rationing requirements within this development area. The Developer agrees to make payment of \$145,000 no later than September 30, 2016 with the remaining payment of \$122,024.48, plus any adjustments resulting from increased number of units as described above, made upon final plat approval for the first subdivision developed within the Development or the issuance of the first building permit pertaining to the property subject to this Amended Real Covenant and Annexation Agreement or January 1, 2018, whichever occurs first.
4. The Developer shall hook to (connect) to the City's water storage tank in order to connect the City's water storage tank to the Developer's water storage tank which is to be constructed to the northwest of and at a higher elevation than the City's water storage tank.
 - i. Said City water storage tank will provide 100% of the water needs within said tank's water service zone and could provide 100% of the water supply to Developer's water storage tank which is to be constructed to the northwest of the City tank. The Developer must design and construct a water booster station in the City's water storage tank yard in accordance with best engineering standards and practices in order to transfer water supply to Developer's water storage tank. Developer agrees to construct one (1) five hundred thousand (500,000) gallon water storage tank at or above the 5,000 foot elevation level in the above described location on a two (2) acre parcel of property to provide for the water needs of the Century Heights Development in the water zone above the City's water storage tank. Developer's water storage tank, booster station, transmission pipelines, and access easement, and the above-named two (2) acre parcel of property shall be transferred to the City's ownership after substantial completion being verified by the City after an inspection and testing. Said tank shall have a five (5) year warranty period. The City must approve the connection construction drawings, booster station plans, and pipeline locations prior to beginning construction. The Developer agrees to pay all booster station and attendant pipeline materials and installation costs associated with said tank hook up (connection).
5. The Developer will be required to construct public roads and dedicate rights-of-way or easements as determined by normal City platting process. This shall include, but not be

limited to, easements for water supply lines to the City water tanks constructed by the Developer discussed in Paragraph 4 above.

6. No direct tap into the City's high pressure sewer line will be permitted. Developer will provide sewer mainlines and stub-outs to lots throughout the Development similar to all other subdivisions developed in accordance with City laws and regulations. Developer will have the right to directly tap into the City's non-pressurized sewer mainline at no greater fee than would normally be charged in any development existing within the City limits as of the date of this Amended Agreement. The City agrees that it has the necessary sewer capacity to service Developer's entire Century Heights Development. Individual lot (home) capacity fees shall be paid by the individual lot (home) owner in accordance with the then current rates, just as other lots (homes) within new subdivisions are within the City.
7. Developer agrees no site development, including grading or excavation, will be allowed until after each phase's subdivision's final plat has received City Council approval. All proposed uses must be permitted uses for the zoning established by the City at the time of recordation of the Revised Master Plan. If there are changes proposed to the Revised Master Plan, the City shall determine which alternations constitute a "substantial change", except for the City Council approved ranges of tolerable variance for road location in the maximum allowance of 200 feet from the original Master Plan design. No substantial change to the Revised Master Plan may be accomplished without a formal amendment application and approval by the City. Increases in density will not be considered unless a full Master Plan amendment is approved. Should the Developer desire any density increase in multi-family units, a Planned Unit Development (PUD) application will be required for review and processing by the City. Approval of a PUD does not alter Master Plan approval. An Amended Master Plan may subject the altered portion of the Development to the then current codes and regulations of the City adopted as of the date of said amendment. Each subdivision shall be developed in accordance with the approved original revised Master Plan and must adhere to the codes and regulations of the City adopted as of the date of approval of each subdivision's final plat. The maximum fixed number of units designated in the Revised Master Plan shall be binding on both parties. An Addendum to this Amended Real Covenant and Annexation Agreement shall be recorded to the property setting forth the number of single family lots, townhouse units and apartment/condominium units for a grand total of no more than 700 units, plus approximately thirty-three (33) acres of commercial area, approximately forty-seven (47) acres referred to as Nature Area, and approximately fifty-three (53) acres as Public Area (no build above 5,000 feet elevation). Any additional units over the 700 allowed for above shall be subject to a water usage payment of \$550.00 per unit due at the time a building permit is issued.
8. No building permits shall be issued until final plat improvements are in place and all said public infrastructure has been inspected and approved. Developer shall submit stormwater

and erosion management plans to the City as part of each final plat approval process. City water and sewer connection/capacity fees for each lot or connection as per the current City rate study shall be paid through the normal building permit process.

9. Each lot/unit shall be subject to the sewer escrow development fee payable to the School District #25, if applicable.
10. Revised Master Plan approval does not exempt the Developer from having to meet all technical design and material standards of the City for road, utility, and storm drainage construction that were in place at the time of the Revised Master Plan approval or that may be in place at the time of each subdivision's final plat approval if required by local, State, or Federal laws or regulations.
11. A homeowners association will be created and governed by covenants made applicable to all land and each land owner in this Development. The association will have construction maintenance responsibilities for private park areas, and all other common areas of the Development except the Wildlife Nature Area. Included in the association covenants shall be the following provisions:
 - A. The City's Fire Hazard Requirements shall be applicable to all construction within the Development.
 - B. Urban/Wildland Interface regulations current at the time said permit is issued shall be adhered to.
 - C. All designated parks (including those maintained by the private homeowners association(s)) shall remain open and accessible to the general public.
 - D. Off premise signs shall be prohibited.
12. Nature Area/Wildlife Nature Area
 - A. The Developer agrees to provide an area, as depicted in Exhibit "C", attached hereto and incorporated herein, as Nature Area (consisting of undisturbed natural vegetation), to allow passage of game animals along the established corridor area. These Nature Areas, including areas above the 5,000 foot elevation line, are to be surveyed and staked. No grading or development of any kind shall be permitted in these areas. Land purchasers, at point of sale, are to be provided a map clearly depicting the areas set aside for wildlife. The Developer shall cause to be created a Wildlife Preservation Escrow Account for the purpose of security, maintenance, and enhancement of these designated areas. However, nothing in this Agreement shall preclude the Developer from transferring ownership to a legally established trust organization or the Bureau of land Management (BLM) of Idaho, the Idaho Department of Fish and Game, the U.S. Forest Service, or establishing conservation easements.
 - B. By separate agreement, to be created by the Developer and approved by the City prior to recording the plat for the first and each subsequent subdivision in the development, the Developer shall provide for and guarantee the following:

- i. At each residential closing, buyers shall be required to pay a onetime deposit of one hundred dollars (\$100.00) to the Wildlife Preservation Escrow Account. This account shall be established for the sole purpose of protecting, maintaining, and enhancing the Wildlife Nature Areas in the Century Heights Development. This fund may also be used to pay the costs associated with enforcement against any person violating nuisance or trespass laws in this area.
 - ii. Within one (1) year of the adopted Revised Master Plan an assessment shall be made by a qualified specialist, such as NRCS, of the extent and effectiveness of the existing vegetation inside the Wildlife Nature Areas. This assessment shall also include proposed enhancements necessary to improve the resident deer population over time and recommendations for fire control measures regarding vegetation within this area. A copy of the assessment shall be provided to the City.
 - iii. The Wildlife Nature Areas shall not be used for storage, construction, or dumping debris of any kind.
 - iv. The Wildlife Nature Areas shall be off limits to any and all motorized vehicles at all times. In addition, during the period of November 15 to March 15, no access of any kind shall be allowed. Developer shall provide signs outlining this information and post these signs at points of likely access to the areas.
 - v. The “Living with Wildlife” guidelines provided by the Idaho Fish and Game Department shall be incorporated as per the suggestion of NRCS as requirements of all owners for their individual lots as well as common areas.
13. Developer agrees to designate an area of 12 to 15 acres as “Commercial/School” suitable for potential public school development. School District #25 shall be given first right of refusal to purchase said designated area upon sixty (60) days prior written notice of any valid, proposed sale/development of said parcel.
14. Developer agrees to designate an area of 1.5 to 2.5 acres as “Commercial/Fire Station” suitable for potential fire station development. The City of Pocatello shall be given first right of refusal to purchase said designated area upon sixty (60) days prior written notice of any valid proposed sale/development of said parcel.
15. If a school site is not established within the Revised Master Plan Development, two additional “pocket parks” of at minimum of one (1) acre each shall be provided by the Developer, one to the north and one to the south of the wildlife corridor running east to west. These parks shall be landscaped and equipped with playground amenities. All private park areas are to be constructed and maintained by the homeowners association. The Developer will grade and prepare the two proposed major drainage areas for suitable use as parks without compromising necessary stormwater retention capacity. In exchange for the above, the City shall provide landscaping and playground equipment for the parks in these two drainage areas. Said parks shall be owned and maintained by the homeowners association.

16. Developer shall be required to construct streets crossing designated Wildlife Nature Areas to all particular specifications of the City of Pocatello to ensure maximum safety to deer crossing as well as motorists and pedestrian's utilizing said streets. Specific attention shall be paid to the slope leading to the apron of the road; the width of the apron; sight distance; lighting; clear zones; and the revegetation of any disturbed areas. The speed limit on any such roads shall not exceed 25MPH and deer crossing signs shall be posted. No parking shall be permitted on the Wildlife Nature Area roadways. All costs associated with signage and other road enhancements required at the time of the road construction to maximize safety for said deer crossing shall be the Developer's responsibility.
17. Secondary access points to various phases of the Development shall be provided as depicted on the map provided by the Developer to the City of Pocatello Fire Department, which is attached hereto as Exhibit "D" and incorporated herein.
18. Development, including grading of lands, shall not be permitted beyond above the 5,000 foot "blue line" elevation contour. The Developer's engineer shall provide markers in the field clearly showing where the 5000 foot elevation contour is located. Lands beyond this elevation shall remain undisturbed with in the exception of maintenance and erosion protection.
19. The Development must meet all State and Federal regulations as applicable. Developer must provide proof of review and approval by the appropriate jurisdictions, if required.
20. The Developer must meet all other City requirements in place as of the date of the Revised Master Plan approval, not herein addressed, altered, or amended but relevant to this Development.
21. These conditions shall constitute a covenant running with the land described in Exhibit "B" until released by the City.
22. The provisions of this Agreement shall be binding upon all heirs, successors, or assignees of the parties hereto.
23. In the event Developer fails to comply with any of the provisions of this Amended Agreement, the City has the right to impose any or all of the following measures:
 - A. Revocation of any/all Revised Master Plan(s), plats (if unrecorded as of the date of revocation), or other development approvals;
 - B. Termination of any or all City services, including but not limited to, water and sewer;
 - C. Retention of public infrastructure (including road rights-of-way and any easements) and monetary funding provided by Developer related to water supply sources for this Development.

IN WITNESS WHEREOF, the parties have caused this Amended Agreement and Real Covenant to be signed by their authorized representatives the date and year first above-written.

CITY OF POCA TELLO, a municipal corporation
of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

DEVELOPERS: CENTURY HEIGHTS, LLC, an
Idaho Limited Liability Company

G&V, LLC, an Idaho Limited Liability Company

GREG SUTTNER, Member

VARDELL TAIT, Member

DYKMAN REALTY, LLC, an Idaho Limited
Liability Company

RON DYKMAN, Member

STATE OF IDAHO)
 ss:
County of Bannock)

On this _____ day of _____, 2016 before me, the undersigned, a Notary Public in and for the State, personally appeared Brian C. Blad and Ruth E. Whitworth, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, who executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

STATE OF IDAHO)
 ss:
County of Bannock)

On this _____ day of _____, 2016 before me, the undersigned, a Notary Public in and for the State, personally appeared Greg Suttner, known to me or proved to me to be a member of G&V, LLC, an Idaho Limited Liability Company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for and on behalf of G&V, LLC.

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

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

STATE OF IDAHO)
 ss:
County of Bannock)

On this _____ day of _____, 2016 before me, the undersigned, a Notary Public in and for the State, personally appeared Vardell Tait, known to me or proved to me to be a member of G&V, LLC, an Idaho Limited Liability Company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for and on behalf of G&V, LLC.

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

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

STATE OF IDAHO)
 ss:
County of Bannock)

On this _____ day of _____, 2016 before me, the undersigned, a Notary Public in and for the State, personally appeared Ron Dykman, known to me or proved to me to be a member of Dykman Realty, LLC, an Idaho Limited Liability Company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for and on behalf of Dykman Realty, LLC.

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

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

Century Heights Legal Description – Annexed Areas

A TRACT OF LAND LOCATED IN SECTIONS 9 AND 16, TOWNSHIP 7 SOUTH, RANGE 35 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN;

THENCE NORTH 00°01'53" EAST (BASIS OF BEARING PER CENTRAL MERIDIAN OF THE EAST ZONE OF THE IDAHO STATE PLANE COORDINATE SYSTEM) ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2061.66 FEET TO A POINT ON THE PRESENT CITY OF POCATELLO CITY LIMITS LINE DESCRIBED IN CITY OF POCATELLO ORDINANCE NO. 2641 AND RECORDED UNDER INSTRUMENT NO. 20000678 OF THE OFFICIAL RECORDS OF THE COUNTY OF BANNOCK, ALSO BEING THE SOUTHEAST CORNER OF STATE OF IDAHO MATERIAL SOURCE BK-142, A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 381763 AND CONVEYED TO THE STATE OF IDAHO;

THENCE CONTINUING NORTH 00°01'53" EAST, ALONG SAID SECTION LINE, ALSO BEING THE PRESENT CITY OF POCATELLO CITY LIMITS LINE, A DISTANCE OF 558.92 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 16; THENCE NORTH 00°45'44" EAST, CONTINUING ALONG SAID SECTION LINE COMMON WITH SAID CITY LIMITS LINE, APPROXIMATELY 742.8 FEET TO A POINT OF NON-TANGENCY WITH A 5879.58 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST DEFINING THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 15 NORTH PER FEDERAL AID HIGHWAY PROJECT I-15-1(9)61-B, WHOSE CENTER BEARS SOUTH 56°43'58" WEST; THENCE, IN A SOUTHEASTERLY DIRECTION, ALONG SAID RIGHT OF WAY LINE, FOLLOWING SAID CURVE THROUGH A CENTRAL ANGLE OF APPROXIMATELY 00°26', AN ARC DISTANCE OF 44.7 FEET (THE CHORD OF SAID CURVE BEARS APPROXIMATELY SOUTH 33°03' EAST A DISTANCE OF 44.6 FEET) TO A POINT 25 FEET RIGHT ANGLE DISTANCE EASTERLY OF THE WEST LINE OF SECTION 16, THE SAME BEING ON THE EASTERLY RIGHT OF WAY LINE OF A COUNTY ROAD DESCRIBED IN INSTRUMENT NO. 287636 AND FORMERLY KNOWN AS HILDRETH ROAD, LYING WITHIN I.B.S. COMMERCIAL SUBDIVISION RECORDED UNDER INSTRUMENT NO. 594637;

THENCE NORTH 00°45'44" EAST, ALONG SAID RIGHT OF WAY LINE, ALSO COMMON WITH THE WEST LINE OF LOT 2, BLOCK 1 OF SAID SUBDIVISION, APPROXIMATELY 476.1 FEET TO THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 1, OF THE I.B.S. COMMERCIAL SUBDIVISION; THENCE SOUTH 88°41' EAST (MORE OR LESS), ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 1, APPROXIMATELY 99.9 FEET TO AN ANGLE POINT IN SAID LOT BOUNDARY LINE;

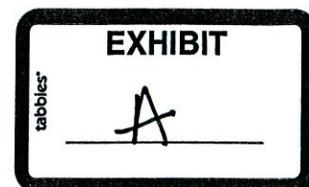
THENCE NORTH 51°10' EAST (MORE OR LESS), ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 1, APPROXIMATELY 200.7 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF SOUTH 5TH AVENUE (ALSO KNOWN AS OLD HIGHWAY 91), WHICH POINT ALSO BEING THE MOST EASTERLY CORNER OF SAID LOT 1;

THENCE NORTH 48°50' EAST (MORE OR LESS) A DISTANCE OF APPROXIMATELY 80.1 FEET, TO A POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH 5TH AVENUE WITH THE NORTH RIGHT OF WAY LINE OF KATSILOMETES ROAD, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 88°36'58" EAST, FOLLOWING SAID NORTHERLY RIGHT OF WAY LINE OF KATSILOMETES ROAD, APPROXIMATELY 193.2 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 20112885 AND CONVEYED TO MICHAEL AND CHRISTIE ENNIS;

THENCE, LEAVING SAID RIGHT OF WAY LINE, NORTH 00°37'52" EAST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, APPROXIMATELY 423.2 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE SOUTH 88°36'58" EAST, ALONG THE NORTH BOUNDARY LINES OF FOUR (4) PARCELS OF LAND DESCRIBED IN INSTRUMENT NUMBERS: 20112885, 21511733, 21511732 AND 21511734, RESPECTIVELY, A DISTANCE OF 790.30 FEET, TO A POINT ON THE WEST 1/16 LINE OF SECTION 16,



COMMON WITH THE WEST BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 21506461 AND CONVEYED TO LACY TENILLE GARTON;
THENCE NORTH 00°37'52" EAST, ALONG SAID 1/16 SECTION LINE AND WEST BOUNDARY LINE OF SAID PARCEL A DISTANCE OF 302.77 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;
THENCE SOUTH 88°36'58" EAST, ALONG THE NORTH BOUNDARY LINES OF THREE (3) PARCELS OF LAND DESCRIBED IN INSTRUMENT NUMBERS 21506461, 20920972 AND 686864, RESPECTIVELY, A DISTANCE OF 360.03 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 686864 AND CONVEYED TO GEORGE D. AND BARBARA J. RICHARDSON;
THENCE SOUTH 00°37'52" WEST, ALONG THE EAST BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 686864, A DISTANCE OF 66.00 FEET, TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 21110149 AND CONVEYED TO STEVEN AND TRESA L. DANIELS;
THENCE SOUTH 88°36'58" EAST, ALONG THE NORTH BOUNDARY LINES OF TWO (2) PARCELS OF LAND DESCRIBED IN DEED INSTRUMENT NUMBERS 21110149 AND 21110751, RESPECTIVELY, A DISTANCE OF 264.18 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 21110751 AND CONVEYED TO RONALD A. NOREEN AND TINA MARIE NOREEN; THENCE SOUTH 00°37'52" WEST, ALONG THE EAST BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 435.85 FEET, TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 21000698 AND CONVEYED TO NATALIE DANIELS;
THENCE SOUTH 88°35'46" EAST, ALONG THE NORTH BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 490.35 FEET, TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 21000698 AND CONVEYED TO NATALIE DANIELS;
THENCE, FOLLOWING THE BOUNDARY LINES OF PARCELS 21000698, 20617306, 20626118 AND 21216763 FOR THE NEXT FIVE (5) COURSES: (1) NORTH 48°42'36" EAST A DISTANCE OF 907.24 FEET; (2) SOUTH 41°17'24" EAST A DISTANCE OF 180.00 FEET; (3) SOUTH 41°32'46" WEST A DISTANCE OF 450.00 FEET; (4) SOUTH 14°06'50" WEST A DISTANCE OF 140.00 FEET; (5) NORTH 89°06'30" WEST A DISTANCE OF 260.00 FEET, TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN AFOREMENTIONED DEED INSTRUMENT NO. 21000698, WHICH POINT ALSO BEING ON THE MERIDIONAL CENTERLINE OF SECTION 16;
THENCE, LEAVING THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 21000698, SOUTH 00°27'24" WEST, ALONG SAID MERIDIONAL CENTERLINE SECTION 16, A DISTANCE OF 1236.51 FEET, TO A POINT ON THE NORTH BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 93021655 AND CONVEYED TO MARIA S. POULOS;
THENCE, LEAVING SAID MERIDIONAL CENTERLINE OF SECTION 16, SOUTH 89°20'51" EAST, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 295.00 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND;
THENCE SOUTH 00°27'24" WEST, ALONG THE EAST BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 93021655, A DISTANCE OF 3.91 FEET;
THENCE SOUTH 89°32'36" EAST, A DISTANCE OF 1.07 FEET TO THE MOST WESTERLY CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 20900961 AND CONVEYED TO GREGG O. AND PAMELA CLARK; THENCE, FOLLOWING SAID PARCEL BOUNDARY LINES THE NEXT THREE (3) COURSES: (1) NORTH 53°41'01" EAST, A DISTANCE OF 213.80 FEET; (2) SOUTH 48°49'44" EAST A DISTANCE OF 208.71 FEET; (3) SOUTH 53°41'01" WEST A DISTANCE OF 213.80 FEET;
THENCE NORTH 89°32'36" WEST, LEAVING SAID PARCEL BOUNDARY LINE DESCRIBED IN INSTRUMENT NO. 20900961, A DISTANCE OF 159.27 FEET TO THE EAST BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN THE AFOREMENTIONED INSTRUMENT NO. 93021655;
THENCE SOUTH 00°27'24" WEST, ALONG THE EAST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 179.95 FEET TO POINT ON THE LATITUDINAL CENTERLINE OF SECTION 16, ALSO COMMON WITH THE NORTH BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 20403645 AND CONVEYED TO MICHAEL P. KATSILOMETES;
THENCE SOUTH 89°20'50" EAST, ALONG THE LATITUDINAL CENTERLINE OF SECTION 16, A DISTANCE OF 1023.90 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN

INSTRUMENT NO. 21410699 AND CONVEYED TO THE BANK OF COMMERCE, WHICH CORNER ALSO BEING THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SECTION 16;
THENCE FOLLOWING THE BOUNDARY LINES OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 21410699 THE NEXT THREE (3) COURSES: (1) SOUTH 00°29'53" WEST ALONG THE EAST 1/16 LINE OF SECTION 16 A DISTANCE OF 528.00 FEET; (2) SOUTH 89°20'50" EAST A DISTANCE OF 329.11 FEET; (3) NORTH 00°33'53" EAST, A DISTANCE OF 528.00 FEET, TO A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 16, SAID POINT BEING ON THE SOUTHERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 788114 AND CONVEYED TO DAVID R. AND JOYCE GARTON; THENCE, FOLLOWING THE BOUNDARY LINES OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 788114 THE NEXT THREE (3) COURSES:
(1) NORTH 89°20'50" WEST, ALONG SAID CENTERLINE OF SECTION 16, A DISTANCE OF 56.81 FEET;
(2) NORTH 0°32'24" EAST A DISTANCE OF 500.00 FEET; (3) SOUTH 89°20'50" EAST A DISTANCE OF 1046.00 FEET TO THE EAST LINE OF SECTION 16;
THENCE NORTH 00°32'24" EAST, ALONG THE EAST LINE OF SECTION 16, A DISTANCE OF 2091.21 FEET TO THE NORTHEAST CORNER OF SECTION 16;
THENCE NORTH 88°51'27" WEST, ALONG THE NORTH LINE OF SECTION 16, ALSO COMMON WITH THE SOUTH LINE OF SECTION 9, A DISTANCE OF 1320.82 FEET, TO THE EAST 1/16 CORNER ON THE SOUTH LINE SECTION 9;
THENCE NORTH 00°05'47" EAST, ALONG THE EAST 1/16 LINE OF SECTION 9, ALSO COMMON WITH THE WEST BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO BUREAU OF LAND MANAGEMENT, A DISTANCE OF 2638.63 FEET, TO THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SECTION 9;
THENCE NORTH 88°55'12" WEST, ALONG SAID CENTERLINE OF SECTION 9, A DISTANCE OF 1976.72 FEET, TO THE NORTHEAST CORNER OF PARCEL OF LAND DESCRIBED IN DEED INSTRUMENT NO. 21220367 AND CONVEYED TO DOUGLAS K. AND CHERYL PATTERSON, MICHAEL J. AND CHERYL PATTERSON AND L.E. ASSETS LLC, WHICH POINT BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9;
THENCE SOUTH 00°06'19" WEST, ALONG THE EAST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 1315.23 FEET, TO A POINT ON THE NORTH BOUNDARY LINE OF THE SOUTH VALLEY VIEW ESTATES SUBDIVISION RECORDED INSTRUMENT NO. 373461;
THENCE NORTH 88°50'42" WEST, ALONG SAID NORTH BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 659.93 FEET, TO A POINT ON THE EAST BOUNDARY LINE OF EIGHTY ACRES INC. SUBDIVISION, RECORDED UNDER INSTRUMENT NO. 271259, SAID POINT ALSO BEING ON THE WEST 1/16 LINE OF SECTION 9;
THENCE NORTH 00°09'52" EAST, ALONG EAST BOUNDARY LINE OF SAID SUBDIVISION, ALSO COMMON WITH SAID 1/16 LINE APPROXIMATELY 657.2 FEET, TO THE NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH 89°45'55" WEST, ALONG THE NORTH BOUNDARY LINE OF SAID SUBDIVISION APPROXIMATELY 1325.8 FEET, TO THE NORTHWEST CORNER OF SAID SUBDIVISION, ALSO BEING ON THE WEST LINE OF SECTION 9;
THENCE SOUTH 00°14'05" WEST, ALONG THE WEST LINE OF SAID SUBDIVISION, ALSO COMMON WITH THE WEST LINE OF SECTION 9 APPROXIMATELY 854.8 FEET TO THE SOUTHEAST CORNER OF LOT 1 BLOCK 3 OF SAID SUBDIVISION;
THENCE, LEAVING SAID SECTION LINE, SOUTH 42°44' EAST (MORE OR LESS), ALONG THE SOUTHWESTERLY BOUNDARY LINES OF LOTS 12-18 COMMON WITH THE NORTHEASTERLY LOT LINES OF LOTS 3-9 IN BLOCK 3, APPROXIMATELY 1175.0 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF JUNIPER ROAD PER PLAT MAP OF EIGHTY ACRES INC, ALSO BEING THE MOST EASTERLY LOT CORNER OF LOT 9, BLOCK 3 OF SAID SUBDIVISION;
THENCE SOUTH 34°44' WEST (MORE OR LESS), ALONG THE NORTHERLY RIGHT OF WAY LINE OF JUNIPER ROAD, ALSO COMMON WITH THE SOUTH LINE OF LOT 9, BLOCK 3 OF SAID SUBDIVISION, APPROXIMATELY 80.8 FEET TO THE BEGINNING OF A 200.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST WHOSE CENTER BEARS NORTH 55°15'18" WEST;
THENCE, IN A SOUTHWESTERLY DIRECTION, CONTINUING ALONG SAID LOT LINE COMMON WITH SAID RIGHT OF WAY LINE FOLLOWING SAID CURVE THROUGH A CENTRAL ANGLE OF

APPROXIMATELY 38°09' AN ARC LENGTH OF 133.15 FEET (THE CHORD OF SAID CURVE BEARS APPROXIMATELY SOUTH 53°49' WEST A DISTANCE OF 130.7 FEET);
THENCE SOUTH 72°53' WEST (MORE OF LESS), CONTINUING ALONG SAID LOT LINE COMMON WITH SAID RIGHT OF WAY LINE AND ITS SOUTHWESTERLY EXTENSION, BEING TANGENT TO THE LAST DESCRIBED CURVE APPROXIMATELY 265.3 FEET TO A POINT WHICH IS RIGHT ANGLES NORTHERLY 25.0 FEET FROM THE SOUTH LINE OF SECTION 9;
THENCE SOUTH 1°09'30" WEST A DISTANCE OF 25.0 FEET TO THE SOUTH LINE OF SECTION 9;
THENCE SOUTH 88°50'30" EAST, ALONG SAID LINE, APPROXIMATELY 930.34 FEET TO THE WEST 1/16 CORNER ON THE SOUTH LINE OF SECTION 9, SAID POINT BEING MONUMENTED BY A 2 INCH ALUMINUM CAP STAMPED "LS-977 W 1/16 T. 7 S., R. 35 E., 1998" PER RECORDS OF SURVEY RECORDED AS INSTRUMENT NOS. 98024480 AND 98024481;
THENCE SOUTH 00°37'52" WEST, ALONG THE WEST 1/16 LINE OF SECTION 16, A DISTANCE OF 25.00 FEET;
THENCE NORTH 88°50'30" WEST, PARALLEL WITH AND 25.00 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 16, A DISTANCE OF 519.12 FEET TO A POINT ON THE EAST BOUNDARY LINE OF PIEDMONT ACRES RECORDED INSTRUMENT NO. 601980;
THENCE SOUTH 00°47' WEST (MORE OR LESS), ALONG THE EAST BOUNDARY LINE OF SAID SUBDIVISION, APPROXIMATELY 653.4 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH 88°51' WEST (MORE OR LESS), ALONG THE SOUTH BOUNDARY LINE OF SAID SUBDIVISION, APPROXIMATELY 800.00 FEET TO THE SOUTHWEST CORNER OF PIEDMONT ACRES, SAID POINT ALSO BEING ON THE WEST LINE OF SECTION 16;
THENCE SOUTH 00°47'02" WEST, ALONG SAID WEST LINE OF SECTION 16, A DISTANCE OF 218.97 FEET TO A POINT OF NON TANGENCY WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH 5TH AVENUE DEFINED BY A 5769.58 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST WHOSE CENTER BEARS SOUTH 46°18'28" WEST; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY LINE FOLLOWING SAID CURVE THROUGH A CENTRAL ANGLE OF APPROXIMATELY 5°02'11" AN ARC DISTANCE OF 507.16 FEET (THE CHORD OF SAID CURVE BEARS APPROXIMATELY SOUTH 41°10'27" EAST A DISTANCE OF 506.99 FEET) TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A TRACT OF LAND LOCATED IN THE NW 1/4 NW 1/4 SECTION 16, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 NW 1/4 OF SECTION 16, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M.; THENCE NORTH ALONG THE EAST LINE OF SAID QUARTER A DISTANCE OF 448.23 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE EAST BOUNDARY LINE OF THE NW1/4 NW 1/4, NORTH 250 FEET; THENCE WEST 25 FEET, THENCE SOUTH 250 FEET TO THE SOUTH BOUNDARY LINE OF THE NW 1/4 NW 1/4; THENCE EAST 25 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

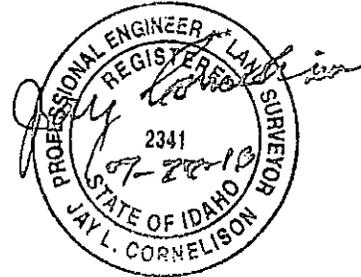
LOT 8, BLOCK 2; LOTS 13 AND 14, BLOCK 3; LOT 12, BLOCK 4; LOT 3, BLOCK 6; LOTS 2, 5, 6, 12, 13 AND 37, BLOCK 7; LOT 1, BLOCK 9, ALL LOCATED IN SOUTH VALLEY VIEW ESTATES SUBDIVISION, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED OCTOBER 16, 1961 AS INSTRUMENT NO. 373461.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 16, BEING MARKED BY A 2 INCH ALUMINUM AP STAMPED LS-977 AS DESCRIBED IN CORNER PERPETUATION AND RECORD INSTRUMENT NO. 796943;
THENCE NORTH 89°21'10" WEST (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF THE IDAHO STATE PLANE COORDINATE SYSTEM), ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 16, A DISTANCE OF 1479.96 FEET; THENCE NORTH 00°38'50" EAST, PERPENDICULAR TO SAID LATITUDINAL CENTERLINE, A DISTANCE OF 399.97 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 2°37'27" EAST A DISTANCE OF 159.04 FEET;
THENCE NORTH 32°52'54" WEST A DISTANCE OF 187.96 FEET;
THENCE NORTH 33°26'17" EAST A DISTANCE OF 108.42 FEET;
THENCE SOUTH 72°20'48" EAST A DISTANCE OF 92.43 FEET;
THENCE SOUTH 63°33'52" EAST A DISTANCE OF 167.94 FEET;
THENCE SOUTH 53°46'45" EAST A DISTANCE OF 15.65 FEET;
THENCE SOUTH 36°12'19" WEST A DISTANCE OF 160.00 FEET;
THENCE SOUTH 53°47'41" EAST A DISTANCE OF 115.00 FEET;
THENCE SOUTH 36°12'19" WEST A DISTANCE OF 30.00 FEET;
THENCE NORTH 53°47'41" WEST A DISTANCE OF 115.00 FEET;
THENCE SOUTH 36°12'19" WEST A DISTANCE OF 175.78 FEET TO THE POINT OF BEGINNING.

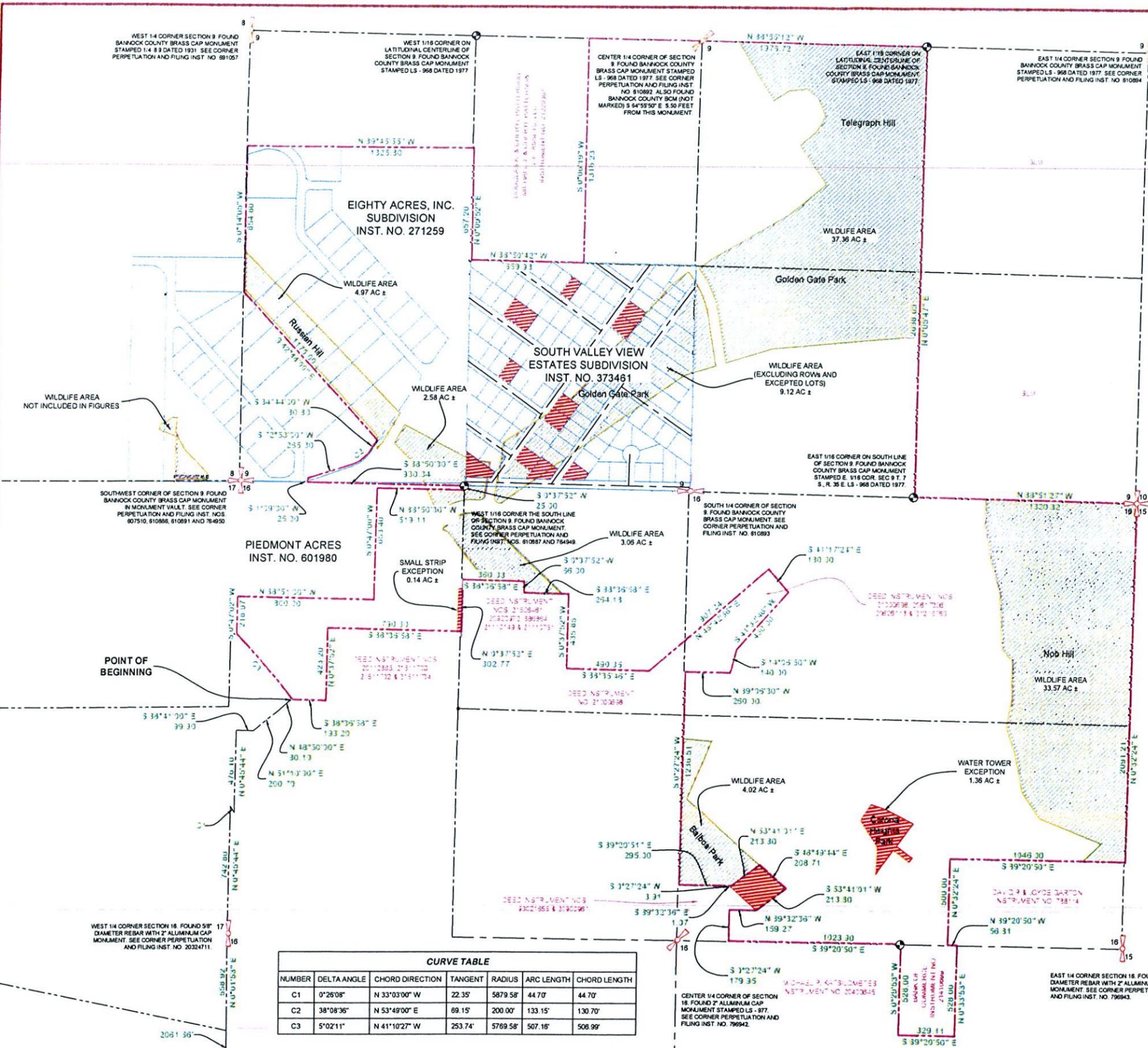


CENTURY HEIGHTS ANNEXED BOUNDARY

LOCATED SECTIONS 9 & 16 TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

ANNEXED BOUNDARY DISPLAY

ANNEXED BOUNDARY DISPLAY



LEGEND

- SECTION CORNER AS NOTED
- FOUND 1/4 CORNER AS NOTED
- CENTER 1/4 CORNER AS NOTED
- SIXTEENTH CORNER AS NOTED
- ANNEXATION BOUNDARY OF CENTURY HEIGHTS
- SECTION LINES
- EXCEPTED PARCEL / LOT
- WILDLIFE AREA

TOTAL AREA 372.15 AC ±

AREA BREAKDOWNS

POINT OF BEGINNING

| CURVE TABLE | | | | | | |
|-------------|-------------|-----------------|---------|----------|------------|--------------|
| NUMBER | DELTA ANGLE | CHORD DIRECTION | TANGENT | RADIUS | ARC LENGTH | CHORD LENGTH |
| C1 | 0°26'08" | N 33°03'00" W | 22.35' | 5879.58' | 44.70' | 44.70' |
| C2 | 38°08'36" | N 53°49'00" E | 68.15' | 200.00' | 133.15' | 130.70' |
| C3 | 5°02'11" | N 41°10'27" W | 253.74' | 5769.58' | 507.16' | 508.99' |

EXHIBIT

B

PROPOSED CENTURY HEIGHTS PROJECT

PROPOSED CENTURY HEIGHTS PROJECT

SHEET NUMBER
X - XX

SHEET NUMBER
X - XX

INTELLECTUAL PROPERTY NOTICE
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SHEET INFORMATION

DESIGNER: SEAN O'BRIEN, LSI REVIEWER: J. MITCHELL GREER, P.E., P.L.S.
 CREATED: JULY 21, 2016 LAST REVISED: JULY 29, 2016

| REVISIONS | | | |
|-----------|------|----|-------------|
| # | DATE | BY | DESCRIPTION |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

PROFESSIONAL ENGINEER

 SEAN O'BRIEN
 LICENSE NO. 86133
 STATE OF IDAHO
 MECHANICAL

RMES
 Engineers & Surveyors & Planners
 301 58th St. W. #138 & Williston, ND 58801 & (701) 572-0110
 600 E. Oak St. & Pocatello, ID 83201 & (208) 234-0110

PROPOSED CENTURY HEIGHTS PROJECT
 ANNEXED BOUNDARY DISPLAY

ARCH B SCALE (12" x 18")
 1 INCH = 600 FEET

ARCH D SCALE (24" x 36")
 1 INCH = 300 FEET

AGENDA

ITEM

NO. 10

REQUEST FOR COUNCIL SELECT FUNDS

Please fill out this form completely as you are allowed to come before the City Council to request "Council Select" funds only once per event.

The City Council meets the first and third Thursday of the month. Requests need to be submitted to the Mayor's Office before 12:00 noon 7 days prior to the meeting you wish to attend.

If you have any questions, please call 234-6215.

Name of organization requesting funds: South East Idaho Homeless Stand Down

Individual representing organization: Susan Thurm

Address 1044 N. Harrison Pocatello, Idaho 83204

Phone 208-223-5756 E-Mail susanme2002@yahoo.com

Date and Place of event being sponsored by the organization: October 29, 2016 ISU Reeds Gym
Type of event being sponsored by the organization (example: fundraiser for...) A Resource Fair for the homeless individuals/families in the area that enables them to get the information needed to assistance them in addressing their housing instability.

If this is a fundraiser, will the money stay in Pocatello? _____

How will the requested funds be used? Please note that Council Select funds cannot be used for Park Shelter Rentals. To help the S.E. Idaho Homeless Stand Down provide the food, new clothing, and other misc. items that help the homeless individuals/families in the community stabilize.

If the request is for City services, have you reserved the services you are requesting? _____

Have you verified the cost of the City services you are requesting? _____

Amount of funds requested cannot exceed \$250.00: \$250.00

Why are you requesting these funds from the City of Pocatello? To help with the operational costs of the event.

What other sources of funding does your organization have? The S.E. Idaho Homeless Stand Down is operated on the generous donations from community members, local non-profits, government agencies and various businesses throughout the community.

.....
FOR CITY OF POCATELLO USE ONLY

Date request received 8/3/16

Council meeting date 8/18/16

Action taken on request _____

Date applicant notified _____

AGENDA

ITEM

NO. 11

REQUEST FOR COUNCIL SELECT FUNDS

Please fill out this form completely as you are allowed to come before the City Council to request "Council Select" funds only once per event.

The City Council meets the first and third Thursday of the month. Requests need to be submitted to the Mayor's Office before 12:00 noon 7 days prior to the meeting you wish to attend.

If you have any questions, please call 234-6215.

Name of organization requesting funds: Flag Design Ad-hoc Committee

Individual representing organization: Logan McDougall

Address 911 N. 7th Ave. Pocatello, ID 83205

Phone 234-6281 E-Mail lmcdougall@pocatello.us

Date and Place of event being sponsored by the organization N/A

Type of event being sponsored by the organization (example: fundraiser for...) N/A

If this is a fundraiser, will the money stay in Pocatello? N/A

How will the requested funds be used? Please note that Council Select funds cannot be used for Park Shelter Rentals. To cover expenses such as banners, materials, and entry fees related to the committee's participation in the Idaho State University Homecoming Parade

If the request is for City services, have you reserved the services you are requesting? N/A

Have you verified the cost of the City services you are requesting? N/A

Amount of funds requested cannot exceed \$250.00: \$250

Why are you requesting these funds from the City of Pocatello? To help educate and inform the public of the committee's efforts to solicit designs for a new flag for Pocatello.

What other sources of funding does your organization have? None

.....
FOR CITY OF POCATELLO USE ONLY

Date request received 8/5/16

Council meeting date 8/18/16

Action taken on request _____

Date applicant notified _____

AGENDA

ITEM

NO. 12



4/22/16

CITY OF POCA TELLO
BEER/WINE PERMIT (ORD.12.36.060)

Name of Permittee Wendy Spidell ID Verified [checked] DOB: [redacted]

Address 214 Franklin Poc Id 83201 Phone (208) [redacted]

Date(s) of Event Aug 19 Time(s) 6:00 am pm to 11:00 am pm

Nature of Event 40 yr Highland High School Reunion

Location [] Upper Ross Park Pavillon [] Bonneville Park
[] Lower Ross Park Pavilion [] Raymond Park Pavilion

[X] Other* Name of Park (REQUIRED): Sister Cities
*(Requires special exception to City Codes)

- 1. Permittee shall be in attendance at the event;
2. This permit is not transferable or assignable;
3. Permit is valid only for the date and hours of the event as specified;
4. Permittee is 21 years of age or older;
5. Permittee is responsible for ensuring that all persons attending the event who consume alcoholic beverages are of legal age to do so according to local and state law;
6. Consumption of any beer/wine or possession of any can, bottle or other receptacle containing any beer/wine that has been opened, or a seal broken, or the contents of which have been partially removed, is not permitted in parking lots, or children's play areas;
7. Any sale of alcoholic beverages is prohibited; unless authorized through the state;
8. Permittee is responsible for the conduct of all attendees of the event;
9. The area utilized for the event must be left clean when the event is completed;
10. Disruptive or obnoxious behavior or excessive noise shall be prohibited and may result in immediate revocation of the permit and immediate termination of the event for which the permit was issued;
11. Park hours shall be observed; and;
12. This permit does not guarantee a reservation of any park facilities; park reservation must be made separate through the Parks & Recreation Department.

Permit further agrees to defend, indemnify and hold the City, its officers, directors, employees, and representatives harmless from and against any and all actions, claims, demands, judgments, attorney's fees, costs, damages to persons or property, penalties, obligations, expenses or liabilities of any kind that may be asserted or claimed by any person or entity (including but not limited to any employee, agent or contractor of Permittee) in any way arising out of or in connection with this Permit or the event carried on by Permittee at the above identified park, or any area to which Permittee has access hereunder, whether or not there is concurrent active or passive negligence on the part of City, and/or acts for which the City would be held strictly liable, but excluding the sole active negligence and willful misconduct of City.

IF APPROVAL IS GRANTED, THIS BEER PERMIT MUST BE IN POSSESSION OF THE APPLICANT AT THE STATED LOCATION, DATE (S) AND TIME STATED ON THIS PERMIT.

Signature of Permittee Wendy Spidell

Date Aug 3, 2016

FOR OFFICIAL USE ONLY:
Fee Amount: 50- Date Paid: 8-4-16
[] Approved [] Denied* Signature: Date:
*Reason for Denial:
Called for permit pick up: Date: Initial: Result:
Date: Initial: Result:

12

AGENDA

ITEM

NO. 13

4/22/16



CITY OF POCATELLO
BEER/WINE PERMIT (ORD.12.36.060)

Name of Permittee Kyle Blevins ID Verified DOB: [REDACTED]
mm/dd/yyyy

Address 802 Marcus Lane Phone (208) [REDACTED]

Date(s) of Event 7/27/16 Time(s) 9:00 am to 10:00 am
City Zip

Nature of Event Company Party + Customer Appreciation

Location Upper Ross Park Pavilion Bonneville Park
 Lower Ross Park Pavilion Raymond Park Pavilion

Other* Name of Park (REQUIRED): Fort Hall State
*(Requires special exception to City Codes)

1. Permittee shall be in attendance at the event;
2. This permit is not transferable or assignable;
3. Permit is valid only for the date and hours of the event as specified;
4. Permittee is 21 years of age or older;
5. Permittee is responsible for ensuring that all persons attending the event who consume alcoholic beverages are of legal age to do so according to local and state law;
6. Consumption of any beer/wine or possession of any can, bottle or other receptacle containing any beer/wine that has been opened, or a seal broken, or the contents of which have been partially removed, is not permitted in parking lots, or children's play areas;
7. Any sale of alcoholic beverages is prohibited; unless authorized through the state;
8. Permittee is responsible for the conduct of all attendees of the event;
9. The area utilized for the event must be left clean when the event is completed;
10. Disruptive or obnoxious behavior or excessive noise shall be prohibited and may result in immediate revocation of the permit and immediate termination of the event for which the permit was issued;
11. Park hours shall be observed; and;
12. This permit does not guarantee a reservation of any park facilities; park reservation must be made separate through the Parks & Recreation Department.

Permit further agrees to defend, indemnify and hold the City, its officers, directors, employees, and representatives harmless from and against any and all actions, claims, demands, judgments, attorney's fees, costs, damages to persons or property, penalties, obligations, expenses or liabilities of any kind that may be asserted or claimed by any person or entity (including but not limited to any employee, agent or contractor of Permittee) in any way arising out of or in connection with this Permit or the event carried on by Permittee at the above identified park, or any area to which Permittee has access hereunder, whether or not there is concurrent active or passive negligence on the part of City, and/or acts for which the City would be held strictly liable, but excluding the sole active negligence and willful misconduct of City.

IF APPROVAL IS GRANTED, THIS BEER PERMIT MUST BE IN POSSESSION OF THE APPLICANT AT THE STATED LOCATION, DATE (S) AND TIME STATED ON THIS PERMIT.

[Signature]
Signature of Permittee

7/29/16
Date

FOR OFFICIAL USE ONLY:

Fee Amount: 50 Date Paid: 7/29/16

Approved Denied* Signature: _____ Date: _____

*Reason for Denial: _____

Called for permit pick up: Date: _____ Initial: _____ Result: _____
Date: _____ Initial: _____ Result: _____

AGENDA

ITEM

NO. 14



Application Submittal Approved: _____

Date of Council consideration: _____
(NOTE: To be scheduled only after departmental approvals have been obtained)

**CITY OF POCATELLO APPLICATION FORM
REQUEST FOR TEMPORARY STREET CLOSURE**
*(for non-construction related closures on streets classified as secondary or higher)
If council approval is required, form must be received 45 days prior to event.*

Street(s) and Block Number(s): Martin Luther King Jr. Avenue with closure points at 8th, 9th & 15th Avenues

| Petitioner's Name(s) | Address(es) | Phone Number(s) |
|--|---------------------------------|-----------------------|
| <u>Kind Community/Courtney Fisher</u> | <u>315 W. Center, Suite 104</u> | <u>(208) 569-0628</u> |
| <u>Idaho State University/Stuart Summers</u> | <u>921 S 8th Avenue</u> | <u>(208) 569-9401</u> |
| _____ | _____ | _____ |

Name and phone number of responsible party/contact: Courtney Fisher | (208) 569-0628

Dates and times of closure (include time needed for set-up and clean-up): Monday, September 19, 2016 | 7am-11:30pm

Purpose for street closure, including all activities planned on the street: Kind Community/ISU Homecoming KICK-OFF CELEBRATION. Free community event with live music, entertainment, wellness activities for kids and adults, food trucks, and an Exhibition in Kind showcasing local service organizations, businesses, ISU clubs and departments.

Anticipated attendance: 6,000-7,500

Will alcohol be served during the event? No. If so, is a waiver of the prohibition against open containers on the street needed? _____.

Names of vendor's/products with vehicles to be parked on the street, if any: Space for food trucks will be reserved in a parking lot adjacent to the College of Technology. There will be a stage for live entertainment set up on the West side of intersection of MLK and 15th, stage facing West. Exhibition in Kind will line both sides of MLK with a walking path between. Car show lining bottom half of MLK from 8th to the Rendezvous Center with overflow in the Library lot.

Names/addresses of participating merchants or organizations, if applicable: See attached map from 2015 Kick-Off

Name/address/phone of parties providing security for the event. ISU Public Safety. We will also alert PPD and Bannock County Sherrif's department to notify them about the event and verify if additional security is needed. We will have EMT Pocatello Fire Department and Chubbuck Fire Department on site.

Name/address/phone of parties providing traffic control for the event (a traffic control plan may be required).

Idaho State University Public Safety and Kind Community Volunteers

**ATTACH A SITE MAP SHOWING THE AREA
ATTACH PROOF OF \$500,000.00 SPECIAL EVENTS LIABILITY INSURANCE COVERAGE**

All information is subject to verification prior to scheduling the application for City Council consideration. Applicant will be notified of the date of the meeting. The approval of this application does not permit the violation of any section of the Building Code or other City ordinances.

I hereby certify that I have read this application, that the information herein is correct, and I agree to the above terms and conditions. I am also aware that I must be present at the City Council meeting, or arrange for a representative to appear in my place, to answer any questions.

Signature of Petitioner(s): Cliff Justice 06/08/2016
DATE

DATE

Review by City Departments

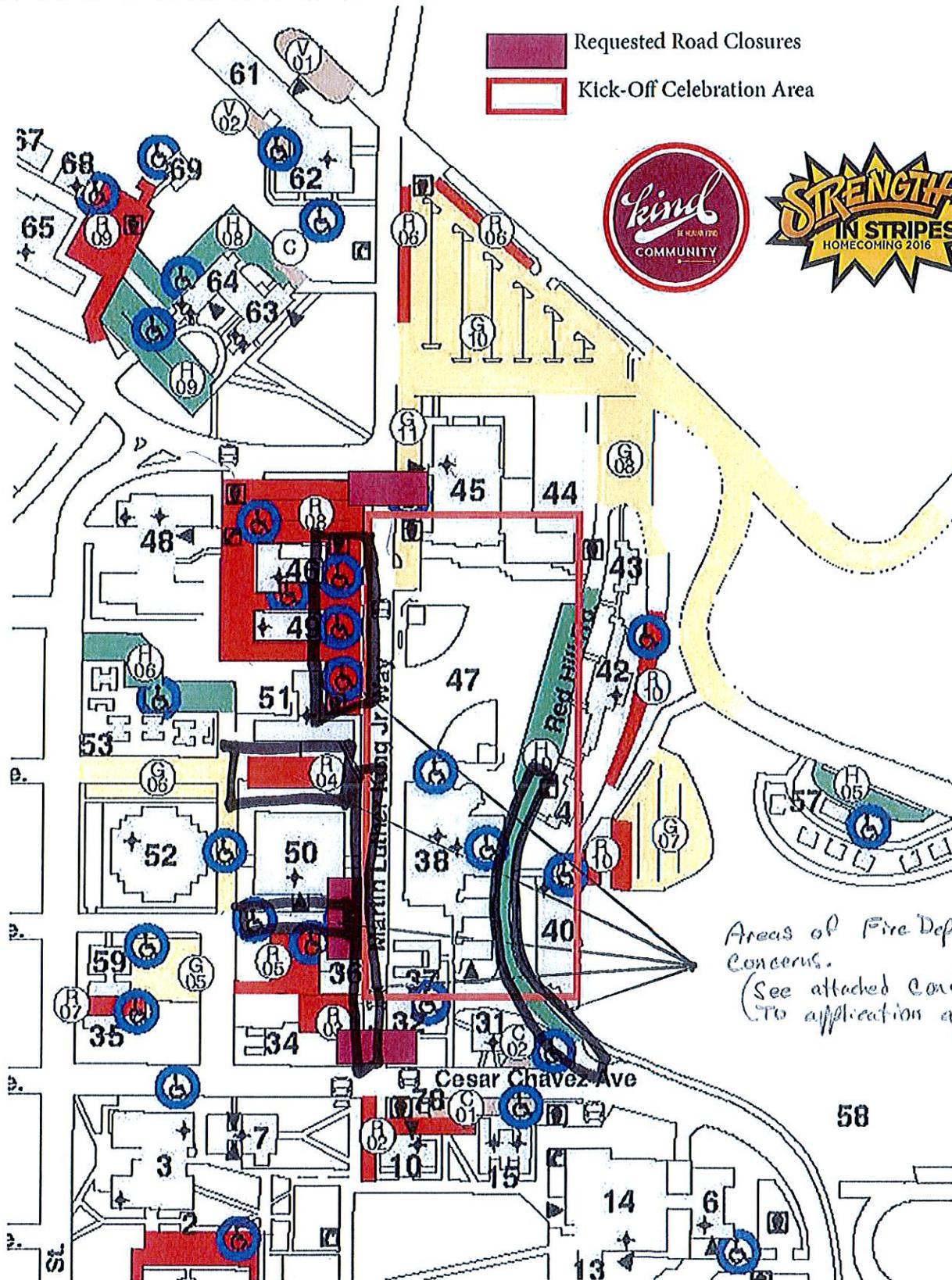
Indicate below your department's approval or disapproval of the proposed closure.

| Department | Approval Initial/Date | Approval w/ Conditions Initial/Date | Rejection Initial/Date |
|-------------------|--------------------------|--|---------------------------|
| Police | _____ | _____ | _____ |
| Fire | _____ | Ⓟ 8/9/16 | _____ |
| Street Operations | _____ | _____ | _____ |

Please note any conditions for approval or reasons for rejection.

Fire: (see attached conditions)

Idaho State UNIVERSITY



- Requested Road Closures
- Kick-Off Celebration Area



Areas of Fire Department Concerns.
(See attached conditions)
(To application approval.)



LET'S CELEBRATE KINDNESS

MONDAY, SEPTEMBER 21, 2015
5:30 PM TO 8:30 PM | KINDCOM.ORG



KIND COMMUNITY KICK-OFF CELEBRATION EVENTS

1 AMPHITHEATER EVENTS—festivities begin promptly at 5:30 pm

- Flag ceremony presented by Girl Scouts of Silver Sage
- National Anthem, Zionay Devaney
- Kind Community Proclamation, City Officials
- "Echoes of Kindness," ISU Children's Chorus
- Brindusa Moore Ballet Academy Elite Ensemble Performance
- Keynote Address, Derrick Boles, Founder of Stand Up America
- Sneak peek of "The Addams Family, A Musical Comedy," Mystique Performing Arts and Event Center
- Live music by the Kyd J Band

2 TO 19

- | | | |
|---|--|---|
| 2. KIND Concierge/Volunteer Check-In | 9. Jacob's Ladder, Gold's Gym | 16. Obstacle Course, ISU Track and Field |
| 3. Food Tent, provided by Efresh | 10. Classy Club Car Show | 17. Mike Sanders, book signing and reading for Jabbers, "Jabberin' About the Big Bully Curse" |
| 4. Aerial Silks, TRX and Thai Massage, James Barrett Pilates | 11. Animal Exhibition, Pocatello Zoo | 18. Marshall Public Library Tech Mobile |
| 5. ISU Track and Field Activities | 12. Beach: ISU Outdoor Adventure, STPBs, canoeing and beach races | 19. Pocatello Fire Department and Medic Station |
| 6. CrossFit Demonstration, CrossFit Octave | 13. The Kind Tree, American Family Insurance, A Danielle Cooley Agency | |
| 7. Fly Fishing Exhibition—Snake River Fly, Larry Larsen | 14. Water Station, Bingham Memorial Hospital | |
| 8. Kimberly Paige, Mrs. Bannock County, Speak Up Against Bullying | 15. Rock Climbing Wall, ROTC | |

AN EXHIBITION IN KIND—visit our Kind Collaborators, stationed throughout the complex

- | | | |
|-------------------------------|---|---------------------------------------|
| All Under One Roof | Gold's Gym | Kind Campaign |
| American Family Insurance | Greater Pocatello Realtor Association (GPAR) | Kind Community |
| Bannock Youth Foundation | Health West, Inc. | Mystique Performing and Events Center |
| Barrie's Ski and Sports | Hitting Hearts | Outer Limits |
| Bingham Memorial Hospital | Idaho Central Credit Union | Pocatello Zoo |
| Brindusa Moore Ballet Academy | Idaho State Journal | Portneuf Rotary Club |
| Butler Builders | Independent Beach Body Consultants, Natalie Klein and Chelsea Pearson | POW/MIA |
| CASA | J & Company | United Way of Southeast Idaho |
| Classy Car Club | JRM Foundation for Humanity/ Idaho's Hometown Hero Medal | Wild Hare Flea Market |
| Cricket Wireless | | Zija Team Potter |
| DL Evans Bank | | Zonta |
| Gate City Rotary | | |
| Girl Scouts of Silver Sage | | |

ROAD BARRICADES IN WEST LOTS, PARKING IN EAST LOTS

Printing courtesy of:



**State of Idaho
 CERTIFICATE OF FINANCIAL RESPONSIBILITY
 FY2017**

The State of Idaho and its departments and agencies are self-funded for their public liability exposures. The State of Idaho has created The Retained Risk Account, administered by the Dept. of Administration, Risk Management Program, (Idaho Code §67-5776), as a means for payment of losses not otherwise insured and suffered by the state as to property and risks which at the time of loss were eligible for such payment. The Retained Risk Account is governed by eligibility guidelines for coverage pursuant to Idaho Code §67-5776 (1). Self-retention is not insurance.

NAME OF AGENCY: State of Idaho/IDAHO STATE UNIVERSITY
 % Risk Management Program, Dept. of Administration
 P.O. Box 83720
 Boise, Idaho 83720-0079

CERTIFICATE HOLDER: CITY OF POCATELLO
 P.O. BOX 2877
 POCATELLO, ID 83206

DESCRIPTION OF COVERED OPERATION: As of the date hereof, the State of Idaho's Retained Risk Liability Account established under Idaho Code 67-5776, is funded and in effect subject to the Idaho Tort Claims Act Idaho Code (6-901 et. Seq.) including and without limitation Idaho Code 6-926, on behalf of the Agency named above, within the Retained Risk Account Coverage described below, arising from negligent actions of the State of Idaho/ Idaho State University as respects City of Pocatello permit for for ISU's use of Pocatello Streets (on Marlin Luther King Jr. Ave with closure points at 8th, 9th and 15th Avenues) during the ISU Homecoming Kick-Off Celebration on September 19, 2016..

| RETAINED RISK ACCOUNT COVERAGE | INDEMNIFICATION PROVIDED BY | EFFECTIVE DATES OF CERTIFICATE | LIMITS OF LIABILITY EACH OCCURRENCE |
|---|---|--------------------------------|-------------------------------------|
| Comprehensive General Liability For: Bodily Injury including <i>Personal Injury, Error & Omission and Medical Malpractice, if applicable</i> Property Damage | State of Idaho Retained Risk Account | Sept. 19, 2016 | \$500,000 |
| If applicable: Comprehensive Auto Liability For: Bodily Injury and Property Damage | State of Idaho Retained Risk Account | | |

July 14, 2016

(John Compton)

 Date Issued

 Authorized Representative

In the event of any material change in this program, the State of Idaho-Risk Management Program will give 30 days' written notice to the party to whom this certificate is issued, but failure to give such notice shall impose no obligation upon the State of Idaho and the Risk Management Program.

Conditions for approval of temporary street closure for ISU Homecoming event September 19, 2016.

1. One lane (minimum 20' wide) will need to be maintained on MLK Jr Way between 8th/Cesar Chaves and approximately 10th to provide access if necessary to building 50 (library) and building 38 (rendezvous). Cars for car show can be parked on either side of the street in order to maintain an access lane.
2. Access to south sides of building 49 and 51 will need to be maintained. Any displays, tables, etc. will need to be readily movable should access to that area be needed.
3. The one way lane on the west side of the building 50 (library) will need to be maintained accessible from the north.
4. Access to the parking lot at the south end of 10th Ave. between buildings 50 and 51 will need to be maintained.
5. Red Hill Road behind Rendezvous Center must be maintained passable with at least 20' clearance and may not be blocked.

Note:

1. These conditions were discussed and agreed to at an on sight meeting with the applicant on 8/9/2016.
2. At the time of this approval (8/9/2016) there is no planned participation in this event by the Pocatello Fire Department as indicated on page 1 of the application.

Captain Glen A. Powell
Pocatello Fire Department

Caudill, Teresa

From: Kelley, Cliff
Sent: Tuesday, August 09, 2016 11:25 AM
To: Caudill, Teresa
Subject: RE: Fwd:

Good Morning,
I share Mike's concerns and if they are addressed I'm ok with it.

Cliff Kelley #5143
Pocatello Police
Patrol Captain
SPSC #316
Office 208-234-6104
Cell 208-244-1737

From: Caudill, Teresa
Sent: Tuesday, August 09, 2016 9:29 AM
To: Powell, Glen <gpowell@pocatello.us>; Kelley, Cliff <ckelley@pocatello.us>
Subject: FW: Fwd:

Good Morning,
I am just following up on this closure request. I need to get them added to council agenda but before I do that I needed any input you may have had. Cliff, I know you may not have had a chance to review this one, but I'm not sure if Roger has seen it or not? I emailed it out on 7/22. I am copying Mike's comments below:

The only traffic concerns with this event that I have are; they need to sign the detour route properly and be prepared to make Carter and Memorial a temporary Three-way stop. During the construction on MLK last year that intersection was a mess.

If you will let me know what you think.

Thank you,
Teresa

From: Kind Community [<mailto:Behumankind@kindcom.org>]
Sent: Friday, July 22, 2016 8:29 AM
To: Caudill, Teresa
Subject: Re: Fwd:

Hmmm, I must have hit send before it fully uploaded. Here it is! Thanks.

Sincerely,
Courtney

.....

Caudill, Teresa

From: [Neville, Mike]
Sent: Monday, July 25, 2016 8:43 AM
To: Schei, Roger; Powell, Glen
Cc: Caudill, Teresa
Subject: RE:

The only traffic concerns with this event that I have are; they need to sign the detour route properly and be prepared to make Carter and Memorial a temporary Three-way stop. During the construction on MLK last year that intersection was a mess.

From: Caudill, Teresa
Sent: Friday, July 22, 2016 8:33 AM
To: Neville, Mike; Schei, Roger; Powell, Glen
Subject:

Here is a closure request. It does not need addressed today, the event is in September. I just had the items all on email so I thought I would start the process.

Thank you,
Teresa

From: Kind Community [<mailto:Behumankind@kindcom.org>]
Sent: Friday, July 22, 2016 8:29 AM
To: Caudill, Teresa
Subject: Re: Fwd:

Hmmm, I must have hit send before it fully uploaded. Here it is! Thanks.

Sincerely,
Courtney

.....
Courtney M. Fisher
President and Founding Director

Billie Johnson
Vice President and Founding Director

Rainbow Maldonado
Vice President and Founding Director

----- Original Message -----

From: "Kind Community" <Behumankind@kindcom.org>

To: "Caudill Teresa" <tcaudill@pocatello.us>
Cc:

Sent:
Thu, 21 Jul 2016 15:04:04 -0700

AGENDA

ITEM

NO. 15



WATER DEPARTMENT
 1889 N. Arthur
 P.O. Box 4169
 Pocatello, ID 83205-4169

SUPERINTENDENT'S OFFICE
 (208) 234-6174
 FAX (208) 234-6151



15

City of Pocatello Water Department Cost Estimate

Date: December 4, 2015

| Project |
|--|
| 1.5" Water Service Installation <i>Hwy 30 Berm Project</i> |

| Customer |
|--------------------|
| Office: Mobile: |

This is a cost estimate only; actual costs may vary according to site conditions. After payment is received, allow 2 weeks for installation. Payments are accepted at the Building Department located in City Hall. This estimate is valid for 30 days.

| Description | Qty | Unit | Price | Amount |
|--------------------------------|-----|-------|----------|-------------------|
| Materials | | | | |
| 1.5" Polyethylene | 15 | L.F. | \$0.55 | \$8.25 |
| 1.5" x 12" Service Saddle | 1 | E.A. | \$61.40 | \$61.40 |
| 1.5" Corporation | 1 | E.A. | \$103.00 | \$103.00 |
| 1.5" Angle Meter Valve | 1 | E.A. | \$189.00 | \$189.00 |
| 1.5" Meter Coupling Dual Check | 1 | E.A. | \$125.00 | \$125.00 |
| 1.5" Water Meter AMR | 1 | E.A. | \$400.00 | \$400.00 |
| 18" Meter Box | 1 | E.A. | \$75.00 | \$75.00 |
| Meter Box Lid & Ring | 1 | E.A. | \$59.00 | \$59.00 |
| Asphalt Replacement | | S.F. | \$2.00 | \$0.00 |
| Sidewalk | | S.F. | \$1.85 | \$0.00 |
| Curb and Gutter | | L.F. | \$7.05 | \$0.00 |
| Gravel/Backfill | 14 | C.Y. | \$3.12 | \$43.68 |
| Equipment | | | | |
| | Qty | Hours | | |
| Tapping Machine | 1 | 0.5 | Hours | \$18.00 |
| Backhoe/Loader | 1 | 2.5 | Hours | \$107.65 |
| Hand Held Tamper | 1 | 1.0 | Hours | \$4.45 |
| Air Compressor/Hydraulic Unit | 1 | 1.0 | Hours | \$23.20 |
| Crew Truck | 1 | 1.0 | Hours | \$37.40 |
| Dump Truck | 1 | 1.0 | Hours | \$81.15 |
| Labor | | | | |
| | Qty | Hours | | |
| Plumber/Pipefitter | 1 | 5.0 | Hours | \$30.96 |
| Equipment Operator | 1 | 2.5 | Hours | \$28.58 |
| Plumbers Assistant | 1 | 5.0 | Hours | \$23.50 |
| Asphalt Crew/Equip | 1 | 0.0 | Hours | \$115.55 |
| Total = | | | | \$1,832.41 |
| Overhead = | | | | \$91.62 |
| System Use Fee = | | | | \$6,200.00 |
| Grand Total = | | | | \$8,124.03 |



IDAHO TRANSPORTATION DEPARTMENT

5151 South 5th Avenue
Pocatello, ID 83204-2202

(208) 239-3300
itd.idaho.gov

July 18, 2016

City of Pocatello
PO Box 4169
Pocatello, ID 83205

Attn: Mayor Brian Blad,

RE: US 30 Berms

Dear Mayor Blad,

Thanks for your call last week concerning the berms on US 30 (Garrett Way). As we discussed, the beautification berms do lie within ITD right of way; and ITD was a partner in their original construction. We will be happy to permit any needed work on the berms, and would certainly offer to be a partner in any of that work as well.

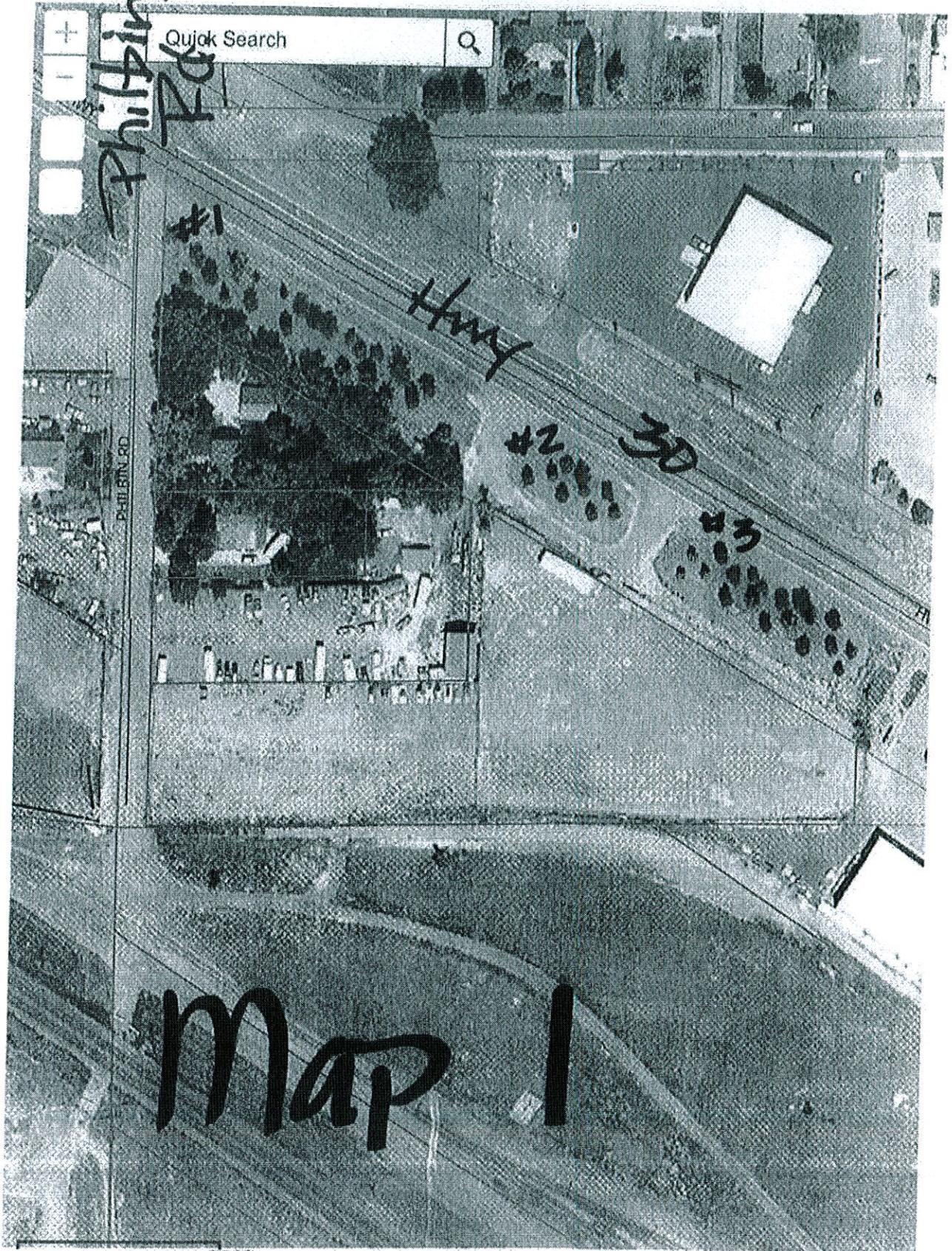
Thanks for your interest in transportation issues here in southeast Idaho. If you have any questions please feel free to call me at 239-3327.

Sincerely,

Ed Bala

Digitally signed by Ed Bala
DN: cn=Ed Bala, o=Idaho Transportation
Department, ou=District 5,
email=ed.bala@itd.idaho.gov, c=US
Date: 2016.07.18 11:37:41 -0600

Ed Bala, PE
District 5 Engineer



200ft

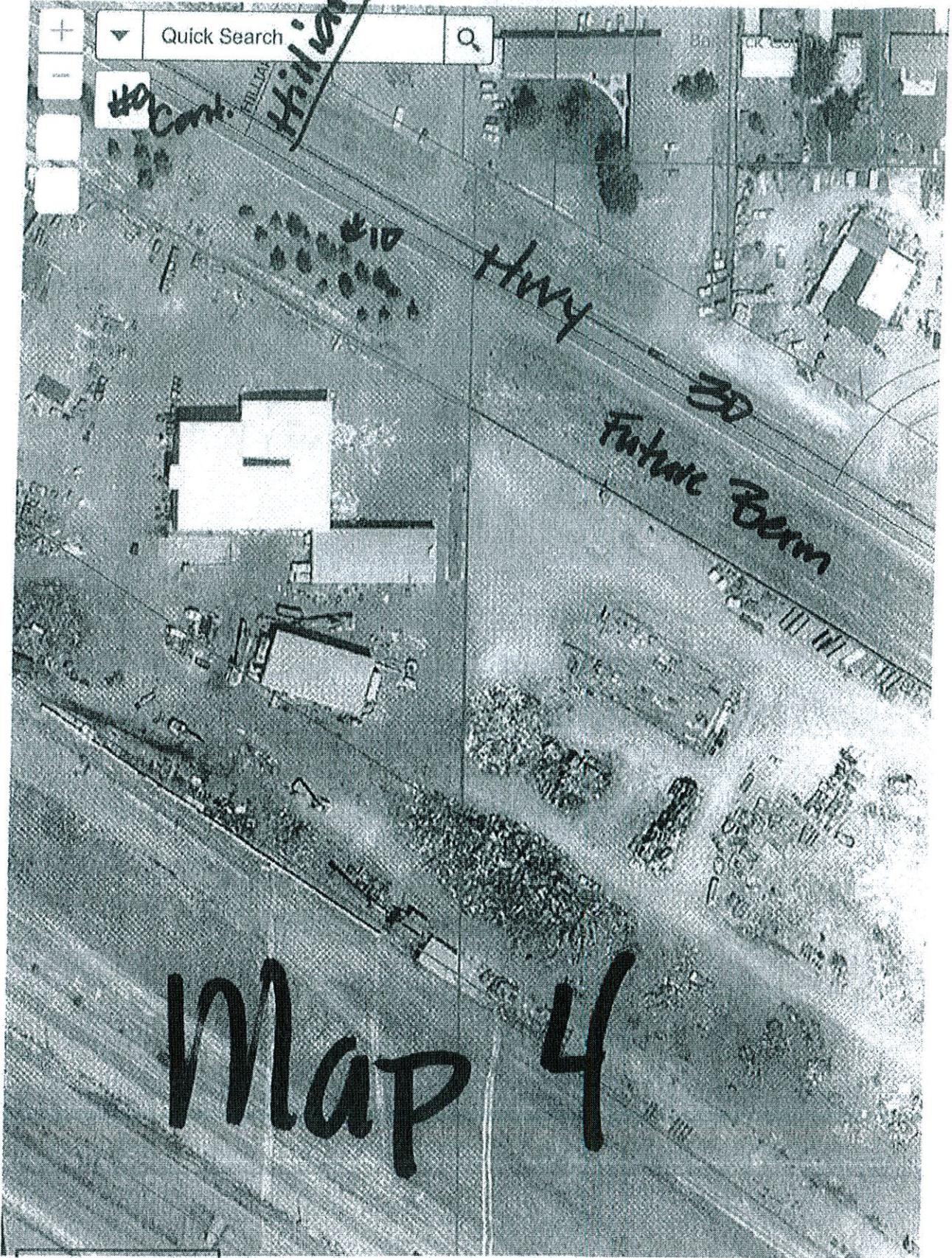


200ft



Map 3

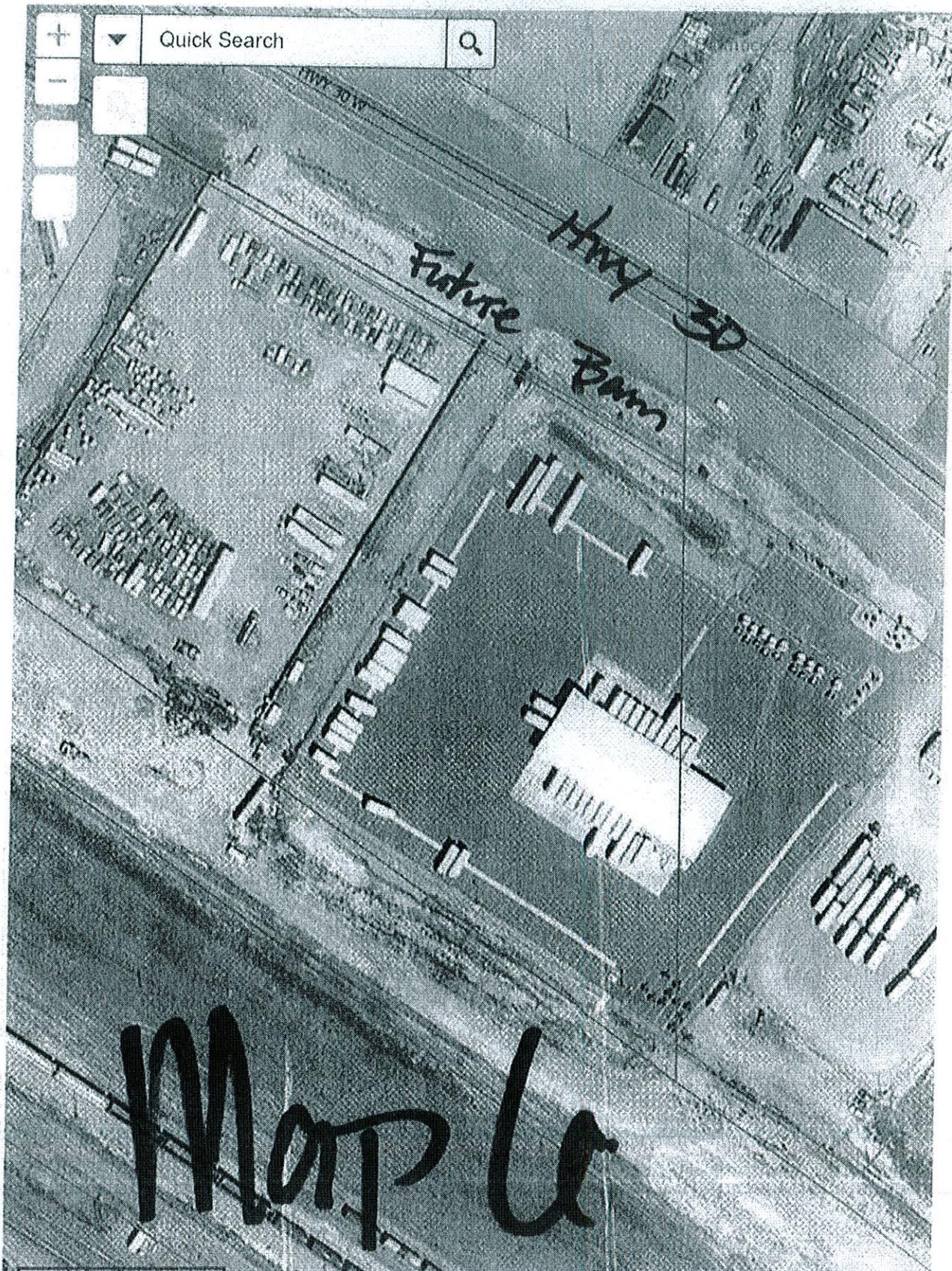
200ft



200ft



200ft



200ft

AGENDA

ITEM

NO. 16

Memorandum of Agreement

This Memorandum of Agreement (MOA) is made and entered into on this _____ day of _____, 2016 ("Effective Date") by and between:

Just Strays Animal Foundation, Inc. dba Simply Cats Adoption Center, a 501(c)3 nonprofit organization, located at 2833 S. Victory View Way, Boise, Idaho; and

Pocatello Animal Services, a municipal animal shelter located at 3100 Avenue of the Chiefs, Pocatello, Idaho ("Pocatello");

PURPOSE & SCOPE

The purpose of this Memorandum of Agreement is to set forth the terms and conditions, scope of work and responsibilities of the parties associated with their collaboration on the *Southern Idaho Feline Coalition* project.

Specifically, both parties will cooperate to relocate cats and kittens in order to increase the live release rate from Pocatello Animal Services.

BACKGROUND

Both parties see the benefits of this project, have a desire to pursue the project and have determined that each brings unique expertise and experience necessary to accomplish the objectives outlined above.

Simply Cats has unique expertise and experience in:

- Being a select-admission, cageless, no-kill (no euthanasia for space) feline adoption center in Idaho's largest metropolitan area
- Utilizing the ASPCA's research based Meet Your Match™, Feline-ality™ program for all adult adoptions - to increase the likelihood of long term adoptions

Pocatello Animal Services has unique expertise and experience in:

- Being an open-admission, municipal animal shelter
- An overabundance of cats and kittens that need to be rehomed

Simply Cats' RESPONSIBILITIES:

With the limitations below, Simply Cats agrees to take adoptable cats &/or kittens from Pocatello Animal Services as needed by Pocatello and as space is reasonably available at Simply Cats. Transfers will be done without a transfer fee. The parties will bear their own financial responsibility for the individual costs incurred in the transfer.

Simply Cats shall undertake the following activities under this MOA:

- As space reasonably allows, to accept cats or kittens that have tested negative for FeLV and FIV
- To spay or neuter any cats received that have not been previously altered – prior to adoption from Simply Cats

- To vaccinate (including FVRCP, FeLV, Rabies), treat for parasites, microchip, and treat any other medical issues prior to adoption from Simply Cats
- To utilize the Meet Your Match™ program in adoption efforts to match appropriate adult cats with appropriate adopters to ensure a successful adoption
- Will not euthanize any feline due to space limitations

Pocatello Animal Services RESPONSIBILITIES:

Pocatello Animal Services agrees to work with Simply Cats to transfer adoptable cats from their open-admission shelter to Simply Cats as needed, to increase the feline live release rate of their facility.

Pocatello Animal Services shall undertake the following activities under this MOA:

- To test all cats and kittens (depending upon age) for FeLV and FIV. Felines testing positive will not be transferred to and will not be knowingly accepted by Simply Cats. All financial responsibility for felines testing positive remains with Pocatello.
- To transfer adoptable cats (non-feral and testing negative for FeLV and FIV) to Simply Cats upon reasonable notice and as capacity allows at Simply Cats
- To notify Simply Cats when in need of extra space for incoming felines

TERMS AND CONDITIONS

It is mutually understood and agreed by and between the parties that:

- Each party takes legal and financial responsibility for the actions of its respective employees, officers, agents, representatives and volunteers. Each party agrees to indemnify, defend and hold harmless the other to the fullest extent permitted by law from and against any and all demands, claims, actions, liabilities, losses, damages, and costs, including reasonable attorney's fees, arising out of or resulting from the indemnifying party's acts or omissions related to its participation under this Memorandum of Agreement, and each party shall bear the proportionate cost of any damages attributable to the fault of such party, its officers, agents, employees and independent contractors. It is the intention of the parties that, where fault is determined to have been contributory, principles of comparative fault will be applied.
- Each party, at its sole cost and expense, shall carry insurance or self-insure to cover its activities in connection with this MOA, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation and business automobile liability adequate to cover its potential liabilities hereunder.
- This MOA may be amended from time to time by mutual agreement of the parties in a written modification signed by both parties.
- This MOA may be terminated by mutual agreement of the parties, or by 30-day written notice by one party to the other, and shall automatically terminate upon completion of all responsibilities as stated herein, unless otherwise amended.
- The parties shall each be solely responsible for any and all costs associated with their responsibilities under this MOA.

EFFECTIVE DATE AND SIGNATURE

This Memorandum of Agreement shall be effective upon the date of the last party to sign this MOA below. The parties indicate agreement with this Memorandum of Agreement by their signatures below.

Simply Cats Adoption Center

Patty Cutler, Executive Director

DATE

City of Pocatello

Brian C. Blad, Mayor

DATE

AGENDA

ITEM

NO. 18

RESOLUTION NO. 2016 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, RENEWING AND AMENDING FEES PREVIOUSLY SET FORTH IN RESOLUTION NO. 2015-11 OR BY POCATELLO MUNICIPAL CODE FOR CITY SERVICES, INCLUDING COMMERCIAL ACTIVITIES IN PARKS, CONSTRUCTION TRADE SERVICES, ENGINEERING SERVICES, PARKS AND RECREATION PROGRAM, RENTAL AND ADMINISTRATIVE FEES FOR PARKS AND RECREATION ACTIVITIES, PARKS AND RECREATION FACILITY USE, PLANNING AND DEVELOPMENT SERVICES, PUBLIC RECORDS, SANITATION SERVICES, CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL FEES, POCATELLO REGIONAL TRANSIT SYSTEM, WATER SERVICES, AND WATER POLLUTION CONTROL SERVICES FOR FISCAL YEAR 2017, ENACTING NEW FEES FOR ANIMAL SERVICES, CEMETERY, COMMERCIAL ACTIVITIES IN PARKS AND PUBLIC PLACES, PARKS AND RECREATION PROGRAM, RENTAL AND ADMINISTRATIVE FEES FOR PARKS AND RECREATION ACTIVITIES, PARKS AND RECREATION FACILITY USE, PLANNING AND DEVELOPMENT SERVICES, POCATELLO REGIONAL TRANSIT SYSTEMS, UTILITY BILLING DEPARTMENT, VIDEO SERVICES, WATER POLLUTION CONTROL DEPARTMENT AND ZOO PROGRAM, RENTAL AND ADMISSION FEES; PROVIDING THAT THESE FEES SHALL BE EFFECTIVE OCTOBER 1, 2016, THROUGH SEPTEMBER 30, 2017.

WHEREAS, the City of Pocatello City Council regularly sets fees for City provided services, licenses, permits, and programs available to the public, pursuant to Pocatello Municipal Code; and

WHEREAS, the City Council adopted Resolution No. 2015-11 on August 20, 2015 for the fees charged for City Departments and Services for the Fiscal Year of 2016; and

WHEREAS, City department managers and superintendents have reviewed the fees charged for City provided services, licenses, permits, and programs for their respective departments, and made recommendations to the City Council for the renewal and/or amendment of said fees for Fiscal Year 2017; and

WHEREAS, the City Council has determined that said recommended fees be renewed and/or amended, and that new fees be established for cat licensing fees; the creation of a dangerous animal registry fee; endowment care fund for the cemetery; creation of special event permits for parks and public places by number of persons expected to be in attendance, fees for the use of dance

studio's at the Parks and Recreation Center; creation of a special incentive program, baseball/softball field charges for individuals and fees for picnic shelter/pavilion use (delineated by for profit/non-profit, resident/non-resident, and by persons to be in attendance) for the Parks and Recreation Department; wireless telecommunications facilities fees by Type for the Planning and Development Department; the creation of a student one-trimester pass fee and various one-way/round trip rates for Public Transportation; increased deposit amount, special handling and tow truck fees for new utility billing accounts/occurrences, fees for unauthorized obtainment of water and replacement of damaged City property all regulated by the Utility Billing Department; resident/non-resident fees for use of Video Services and implementation of shipping charges for digital/video material; the creation of a special volume charge for Great Western Malting for its' industrial use of the Water Pollution Control services; and the enactment of a military discount for Zoo Idaho Admissions for Fiscal Year 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POCA TELLO AS FOLLOWS:

1. That fees for City provided services, licenses, permits, and programs for Fiscal Year 2017 shall be adopted and charged as they are more specifically delineated on Exhibits A through Z, which Exhibits are attached to this Resolution and incorporated herein.

2. That the amendment or repeal of any one of the Exhibits attached to and incorporated in this Resolution shall in no way affect the remaining Exhibits to this Resolution, which shall remain in full force and affect.

3. That the fees provided for in Exhibits A through Z shall be effective October 1, 2016, through September 30, 2017.

RESOLVED this 18th day of August, 2016.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

**EXHIBIT A
POCATELLO REGIONAL AIRPORT FEES**

Fuel Fees

Self-Fueling Permit Fee \$100.00/year

Landing Fees

Signatory: Any Air Carrier, Air Taxi, Air Cargo or Air Tanker with scheduled daily service and/or any Pocatello Regional Airport leaseholder:

Per lease agreement, or

Aircraft 12,500 pounds and under, per landing \$16.86

Aircraft over 12,500 pounds, per landing \$1.35/1,000 pounds
in 1,000 pound increments

Non-Signatory: All Non-Based FAR Part 119, 121
And/or 135 Aircraft:

Aircraft 12,500 pounds and under, per landing \$20.25

Aircraft over 12,500 pounds, per landing \$1.62/1,000 pounds
in 1,000 pound increments

After-Hour Charges

Fees apply to all requests for services from 10:00 p.m. to 6:00 a.m., excluding signatory scheduled air carriers. Two-hour minimum charge applies. Unless otherwise specified in writing, after hour charges shall apply one hour prior to actual operation and continue until all personnel are clear of the ramp, or until fifteen minutes after departure. The two-hour minimum does not apply when operations occur with normal hours.

Airport Operations and Airport Conditioning Monitoring \$55.00/hour

Aircraft Rescue and Firefighting \$55.00/hour

Airport Law Enforcement Officer \$55.00/hour

Snow and Ice Control \$165.00/hour

Sterile Area and Security Identification Display Area (SIDA) Use Fees
(charged only to non-signatory carriers)

| | |
|--|------------------------------------|
| Sterile Area Use Fee (does not include TSA or private screeners, which are coordinated separately) | \$2.10/person, \$100.00 minimum |
| Aircraft SIDA Parking (one day minimum, in full day increments; each day begins at 6:00 a.m. local time) | \$110.00 day |
| Boarding Bridge Use Fee (subject to Airport approval) | \$100.00/per use |

Pocatello Regional Airport Conference Room Rental

| | |
|-------------------------------|----------|
| Full Day (over four hours) | \$210.00 |
| Half Day (four hours or less) | \$135.00 |

Fee waiver available for airport tenants. Conference room use and fee waiver is subject to Airport Manager approval

| | |
|--|---------|
| <u>Replacement ID Badge Fee</u> | \$35.00 |
|--|---------|

EXHIBIT B
ALCOHOLIC BEVERAGE LICENSES

1. Fees for City liquor licenses shall be as follows:

| TYPE OF LICENSE | |
|--|-----------|
| Liquor, regular: | \$562.50* |
| Liquor, golf courses | \$300.00* |
| Beer, on-premises: | \$200.00 |
| Beer, off-premises: | \$ 50.00 |
| Wine, on/off premises: | \$200.00 |
| Administrative Fee, Site Change: | \$ 50.00 |
| Administrative Fee, Proprietor Change: | \$ 25.00 |

*In the event the State of Idaho adopts a pro-rated fee for the issuance of a partial year liquor licensing period, the City's license fee will be not more than seventy-five (75) per cent of the State partial fee.

2. Fees for new beer and wine licenses, if issued later than six months into the licensing period, shall be reduced by fifty (50) per cent.

3. The fees for an alcohol exception shall be \$50.00 + \$1.50 per notice (1 notice).

**EXHIBIT C
ANIMAL SERVICES**

1. Fees for impoundment shall be \$13.00 per day whenever an animal is impounded.
2. Adoption fees shall be \$120.00 for dogs and \$90.00 for cats. Adoption fees for animal species other than dogs and cats shall be set according to the fair market value of the animal as determined by the Director of Animal Services.
3. Release fees for acceptance of animals shall be \$20.00 per animal or a flat rate of \$40.00 for litters of three (3) or more animals. Release fees for animals accepted for quarantine at the shelter shall be \$135.00 (\$20.00 release fee plus \$115.00 quarantine fee).
4. Release fees for acceptance of animals for euthanasia shall be \$35.00 per animal.
5. Fees for owner requested pick up of animal(s) (as approved in special instances only) shall be \$20.00 per pick up, in addition to other applicable fees.
6. That license/permit fees shall be as follows:

| <u>TYPE OF LICENSE/PERMIT</u> | <u>LICENSING CAMPAIGN FEES</u> | <u>REGULAR FEES</u> |
|--|---|---|
| NON-SPAYED/NON-NEUTERED | \$10.00 | \$20.00 |
| SPAYED/NEUTERED | \$5.00 | \$10.00 |
| SENIOR CITIZEN | | |
| Non-spayed/Non-neutered | \$9.00 | \$18.00 |
| Spayed/Neutered | \$2.50 | \$ 5.00 |
| DUPLICATE LICENSES | \$1.00 | \$ 1.00 |
| CATS (Required) | \$2.50 | \$ 5.00 |
| ANIMALS ADOPTED FROM THE ANIMAL SHELTER | 1 st year license included in adoption fee | 1 st year license included in adoption fee |
| COMMERCIAL GUARD DOGS | No Charge | No Charge |
| DANGEROUS ANIMAL REGISTRY | 1 st year \$100.00 Renewal \$50.00/yr. | 1 st year \$100.00 Renewal \$50.00/yr. |

| | | |
|---|---------|---------|
| COMMERCIAL KENNELS | \$50.00 | \$50.00 |
| Renewed in the month of May | \$55.00 | \$55.00 |
| Late Renewal | | |
| MULTIPLE ANIMAL HOUSING (in addition to individual dog licenses) | | |
| First Year | \$25.00 | \$25.00 |
| Renewal Years (in month of May) | \$10.00 | \$10.00 |
| Late Renewal | \$15.00 | \$15.00 |
| PET SHOPS | \$50.00 | \$50.00 |
| LARGE LIVESTOCK PERMIT | \$50.00 | \$50.00 |
| Renewal | \$25.00 | \$25.00 |
| SMALL LIVESTOCK PERMIT | \$ 5.00 | \$5.00 |

7. That regular license fees shall be charged for any unlicensed animal impounded, regardless of whether or not a licensing campaign is being conducted.

8. That the combined fee for microchip and microchip insertion shall be \$22.50. Current year's cat license is included with purchase of a microchip.

9. That fees for violation of the following provisions of Chapter 4, Title 6 of the Municipal Code shall be as follows:

| | |
|----------------------------------|---------|
| NUISANCE ANIMAL VIOLATIONS | \$30.00 |
| ANIMAL AT LARGE VIOLATIONS | |
| First Violation | \$30.00 |
| Second Violation within one year | \$50.00 |
| DOG/CAT LICENSING VIOLATIONS | \$30.00 |
| VOLUNTEER TRAINING FEE | \$15.00 |

**EXHIBIT D
BUSINESS LICENSE FEES**

1. Fees for licensure of School Crossing Guards, pursuant to Pocatello Municipal Code (PMC) Chapter 5.04, shall be as follows:

| | |
|---------------------|----------|
| Initial License Fee | \$80.00 |
| Annual Renewal Fee | \$40.00* |

2. Fees for licensure of Private Detective Agencies, pursuant to PMC Chapter 5.44, shall be as follows:

| | |
|---|-------------------|
| Private Detective Agency/Business License | \$100.00/annually |
| Initial Detective/Security Guard License | \$80.00 |
| Renewal of Detective/Security Guard License | \$40.00/annually* |

3. Fees for licensure of Solicitors and Peddlers, and identification cards for Pan Handlers, pursuant to PMC Chapter 5.52, shall be as follows:

| | |
|------------------------------------|-------------------|
| Solicitor/Peddler Business License | \$100.00/annually |
| Individual Solicitor/Peddler | \$80.00/annually |
| Pan Handler Identification Card | \$5.00/card |

4. Fees for licensure of Taxicab Businesses and Taxicab Operators, pursuant to PMC Chapter 5.56, shall be as follows:

| | |
|----------------------------------|-------------------|
| Initial Taxicab Business License | \$100.00 |
| Taxicab Business License Renewal | \$50.00/annually* |
| Initial Taxicab Operator License | \$80.00 |
| Taxicab Operator Renewal | \$40.00/annually* |

*Applications for license renewals must be submitted no less than thirty (30) days prior to expiration in order to qualify for the renewal fee. Applications received later than thirty (30) days prior to the license expiration date shall require the initial license fee.

5. The Supervisor of the Licensing Enforcement Officer shall have the authority to waive the thirty (30) day advance renewal requirement in certain cases upon written request by the licensee.

**EXHIBIT E
CEMETERY FEES**

1. Fees for cemetery services and spaces shall be as follows:

Services:

| | |
|---|-----------|
| Open & Close - Regular Space | \$ 600.00 |
| Open & Close – Infant or Ash Space with Vault | \$330.00 |
| Open & Close - Ashes without Vault | \$280.00 |

Spaces:

| | |
|---|----------|
| Regular Space/Standard | \$980.00 |
| Regular Space/Resident Discount | \$840.00 |
| Infant or Ash Section Space/Standard | \$500.00 |
| Infant or Ash Section Space/Resident Discount | \$410.00 |

Endowment Care Fund \$150.00

Deed Transfer \$40.00

Disinterment:

| | |
|---------------|------------|
| Full Size | \$1,245.00 |
| Infant or Ash | \$350.00 |

Restlawn Memorial Gardens

| | |
|--|------------|
| Garden of Gethsemane – Domed Crypt | \$2,275.00 |
| Garden of Gethsemane – Single Lawn Crypt | \$1,430.00 |
| Single Ash Niche | \$905.00 |
| Double Ash Niche | \$1,805.00 |

2. Fees for disinterment or opening/closing services to be performed on Mondays or on the first work day after a holiday shall be increased by a \$150.00 surcharge if the request for such work is received after 12:00 noon the previous Friday, or after 12:00 noon on the last

weekday preceding the holiday. Full size burials scheduled on Saturday will require an additional \$250.00 fee. Additional fees will be charged for work which must be performed after regular cemetery staff hours in order to meet deadlines for a funeral service. Such additional fees will be \$100.00/hr. at the onset of each hour in one hour increments.

3. The Cemetery Supervisor shall have authority to determine eligibility for residential status for fee purposes.

EXHIBIT F
CHILDREN GROUP TREATMENT CENTER FEES

The initial annual licensing fee for children group treatment centers shall be determined by the number of children licensed for. The number of children shall be defined as the largest number of children on the premises at any one point in time.

| <u>Maximum # of Children on Premises</u> | <u>License Fee</u> |
|--|--------------------|
| 1 to 12 | \$200.00 |
| 13 to 49 | \$250.00 |
| 50 and over | \$300.00 |

EXHIBIT G
FEEES FOR COMMERCIAL ACTIVITIES IN PARKS AND PUBLIC PLACES

The following fees are required for commercial activities in parks and other public places in the City of Pocatello:

| | | | |
|---|--|--|--|
| <u>Mobile Concession/ Mobile Concession Vehicle</u> | <u>Non-Profit</u> | <u>For Profit</u> | |
| Per Day or Event | \$10.00 | \$30.00 | |
| Per Season (6 months max.) | \$35.00/month | \$100.00/month | |
| <u>Non-Mobile Concession</u> | <u>Non-Profit</u> | <u>For Profit</u> | |
| Per Day or Event | \$10.00 | \$30.00 | |
| Per Season (6 months max.) | \$35.00/month | \$100.00/month | |
| <u>Special Event Permit</u> | <u>Under 50 People Attending</u> | <u>50-100 People Attending</u> | <u>Over 100 People Attending</u> |
| Primary Sponsor of Event | \$25.00 | \$50.00 | \$100.00 |
| <u>Independent Vendor at Event</u> | | | |

Independent vendors at a special event which has a primary sponsor shall be subject to the regular rate schedule. The primary sponsor of the event is responsible for obtaining and/or providing the special event permit, all vendor permits, event and vendor insurance coverage, as well as collection and payment of fees (to including applicable vendor fees).

**EXHIBIT H
CONSTRUCTION TRADE FEES**

BUILDING PERMITS

Building permit fees shall be as set out in Section 107 and Table 1-A of the 1997 edition of the Uniform Building Code. Exception: one-and two-family residence plans are exempt from the plan review fee.

1. GENERAL PERMITS:

| | |
|------------------------------------|--|
| A. Irrigation system installations | |
| Residential | \$15.00 |
| Commercial | See Plumbing Fee Schedule |
| B. Right-of-Way | |
| 1. Excavation | \$75.00 |
| 2. Access | \$30.00 |
| 3. Easement Use | \$75.00 |
| C. Fence Permit | \$20.00 |
| D. Deck Permit | \$30.00 |
| E. Retaining Wall Permit | \$35.00 |
| F. Mobile Home Installation Permit | \$50.00 |
| G. Curb & gutter | \$30.00 plus |
| 20 feet or less | \$6.00 |
| Greater than 20 feet to 60 feet | \$8.00 |
| Greater than 60 feet to 80 feet | \$10.00 |
| Greater than 80 feet to 100 feet | \$14.00 |
| More than 100 feet | \$14.00 plus \$0.05 per foot of portion over 100 feet |
| H. Sidewalk | \$30.00 plus |
| 20 feet or less | \$6.00 |
| Greater than 20 feet to 60 feet | \$8.00 |
| Greater than 60 feet to 80 feet | \$10.00 |
| Greater than 80 feet to 100 feet | \$14.00 |
| More than 100 feet | \$14.00 plus \$0.05 per foot of portion over 100 feet |
| I. Parking Lot | \$50.00 |
| J. Re-Roof or Roof Overlay | \$30.00 |

| | |
|--|---------|
| K. Demolition | \$30.00 |
| L. House Mover (pursuant to PMC §15.36.030) | \$20.00 |
| M. Grading Permit and Grading Plan Review Processing | \$30.00 |

2. OTHER INSPECTIONS AND FEES: Total fees charged shall be the greater of the hourly charge listed, or total cost to the City, which shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved.

| | |
|---|-------------|
| A. Inspections outside of normal business hours, two hour minimum charge | \$47.00/hr. |
| B. Reinspection, including jobs not ready at time requested and inspections requiring more than two visits per item | \$47.00/hr. |
| C. Other inspections not otherwise covered, half-hour minimum charge | \$47.00/hr. |
| D. Additional plan review required by change, addition or revision to approved plan, half-hour minimum charge | \$47.00/hr. |
| E. Reinspection fee must be paid prior to reinspection activity | |
| F. Double the permit fee will be assessed for work started prior to obtaining a required permit | |

GRADING PLAN REVIEWS AND PERMITS

These fees are in addition to the processing fee noted in 1.M. above.

Plan Review

| | |
|--------------------------------|--|
| 50 cubic yards or less | No fee |
| 51 to 100 cubic yards | \$23.50 |
| 101 to 1,000 cubic yards | \$37.00 |
| 1,001 to 10,000 cubic yards | \$49.25 |
| 10,001 to 100,000 cubic yards | \$49.25 for the first 10,000 cubic yards, plus \$24.50 for each additional 10,000 yards or fraction thereof. |
| 100,001 to 200,000 cubic yards | \$269.75 for the first 100,000 cubic yards, plus \$13.25 for each additional 10,000 cubic yards or fraction thereof. |
| 200,001 cubic yards or more | \$402.25 for the first 200,000 cubic yards, plus \$10.75 for each additional 10,000 cubic yards or fraction thereof. |

Permit *The fees for grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.*

| | |
|-------------------------------|--|
| 50 cubic yards or less | \$23.50 |
| 51 to 100 cubic yards | \$37.00 |
| 101 to 1,000 cubic yards | \$37.00 for the first 10,000 cubic yards, plus \$17.50 for each additional 100 cubic yards or fraction thereof. |
| 1,001 to 10,000 cubic yards | \$194.50 for the first 1,000 cubic yards, plus \$14.50 for each additional 1,000 cubic yards or fraction thereof. |
| 10,001 to 100,000 cubic yards | \$325.00 for the first 10,000 cubic yard, plus \$66.00 for each additional 10,000 cubic yards or fraction thereof. |
| 100,001 cubic yards or more | \$919.00 for the first 100,000 cubic yards, plus \$36.50 for each additional 10,000 cubic yards or fraction thereof. |

ELECTRICAL PERMITS

1. TEMPORARY SERVICE: Service entrance used for construction purposes only which shall be removed when the permanent service is installed \$30.00

2. RESIDENTIAL SERVICES: Single family and duplex structures including mobile homes/manufactured homes service connections.

A. New, Alteration or Addition with service change and/or room: Each unit shall be charged the basic fee of \$30.00 in addition to the service and room charges. Room charges are required for installations in both finished and unfinished rooms including basements, residential garages, carports, etc. A separate room charge is required for each use indicated in combination rooms such as kitchen/dining room or kitchen/living/dining room.

| <u>Service Type</u> | <u>Permit</u> | <u>Per Room</u> |
|---------------------|---------------|--|
| 100 ampere or less | \$3.00 | plus \$2.50 for each room in which any wiring is installed |

| | | |
|------------------------|--------|--|
| over 100 to 200 ampere | \$5.00 | plus \$2.50 for each room in which any wiring is installed |
|------------------------|--------|--|

| | | |
|---------------------|---------------|-----------------|
| <u>Service Type</u> | <u>Permit</u> | <u>Per Room</u> |
|---------------------|---------------|-----------------|

| | | |
|-----------------|---------|--|
| over 200 ampere | \$10.00 | plus \$2.50 for each room in which any wiring is installed |
|-----------------|---------|--|

B. Electric Space Heating: \$10.00

C. Changes to service: Fees for installation of subfeed panel(s) or feeder(s) and additional circuits shall be the same as those set above for new construction.

D. Additions not involving change of service:

| | <u>Permit</u> + | <u>Room</u> |
|---|-----------------|-------------------|
| Extension or addition to existing circuit | \$30.00 | + \$2.50 per room |
| Installation of each additional circuit | \$30.00 | + \$2.50 per room |

3. INDUSTRIAL AND COMMERCIAL SERVICES: This category includes:

A. apartment buildings with 3 or more dwelling units; schools, hospitals, churches

B. distribution wiring including pedestal(s) on services for mobile home park spaces. See Residential Service above for individual mobile home service connections. The total wiring costs used to determine fees shall be figured by adding together all labor charges and all costs of materials and equipment installed as part of the wiring system, including the value of factory-installed wiring switches and controls on equipment. Provided, however, that motors, appliances, and utilization equipment, except light fixtures, are not included.

| <u>Total Wiring Cost</u> | <u>Permit</u> | <u>Added Percentage</u> |
|--------------------------|---------------|---|
| Up to \$20,000 | \$30.00 | 2% of wiring costs |
| \$20,000 and over | \$30.00 | 2% of costs up to \$20,000 plus 0.5% (one-half of one percent) of costs over \$20,000 |

4. CIRCUITS FOR MOTORS, GENERATORS, WELDERS:

| | <u>Permit</u> + | <u>Per Circuit</u> |
|-------------|-----------------|--------------------|
| 0 to 4.9 HP | \$30.00 | \$12.50 |

| | | |
|---------------|-----------------|--|
| 5 to 10 HP | \$30.00 | \$17.50 |
| 11 to 25 HP | \$30.00 | \$19.00 |
| | <u>Permit</u> + | <u>Per Circuit</u> |
| 26 to 50 HP | \$30.00 | \$20.00 |
| 51 to 75 HP | \$30.00 | \$21.00 |
| 76 to 100 HP | \$30.00 | \$22.00 |
| 101 to 125 HP | \$30.00 | \$23.00 |
| 126 to 150 HP | \$30.00 | \$24.00 |
| 151 to 175 HP | \$30.00 | \$25.00 |
| 176 to 200 HP | \$30.00 | \$26.00 |
| 201 to 300 HP | \$30.00 | \$31.00 |
| 301 HP and up | \$30.00 | \$31.00 plus \$5.00 per 100 HP or fraction thereof over 300 HP |

5. ELECTRIC SIGNS AND OUTLINE SIGNING: \$30.00 permit + \$3.00/sign

6. CARNIVALS OR CIRCUSES: Carnivals, circuses, or similar entertainment operations using self-contained generators or commercial power for lighting or power, which charge for admission to their grounds or enclosures, shall obtain a general permit, valid for no more than seven days, and shall pay a fee of \$50.00 (fifty dollars), which fee shall entitle them to daily inspection of any of their wiring with which the public may come into contact.

7. OTHER INSPECTIONS AND FEES: Total fees charged shall be the greater of the hourly charge listed, or total cost to the City, which shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved.

- A. Inspections outside of normal business hours, two hour minimum charge \$47.00/hr.
- B. Reinspection, including jobs not ready at time requested and inspections requiring more than two visits per item \$47.00/hr.
- C. Other inspections not otherwise covered, half-hour minimum charge \$47.00/hr.
- D. Additional plan review required by change, addition or revision to approved plan, half-hour minimum charge \$47.00/hr.
- E. Reinspection fee must be paid prior to reinspection activity
- F. Double the permit fee will be assessed for work started prior to obtaining a required permit

MECHANICAL PERMITS

1. RESIDENTIAL (Single-family or duplex structures only):

| | |
|---|---------|
| A. General permit | |
| 1. Each permit | \$30.00 |
| 2. Each supplemental permit | \$ 4.00 |
| B. Unit Fees | |
| 1. Installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTU/hr. | \$ 7.00 |
| 2. Installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliances over 100,000 BTU/hr. | \$ 8.50 |
| 3. Installation or relocation of each floor furnace, including vent. | \$7.00 |
| 4. Installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater | \$ 7.00 |
| 5. Installation or relocation of each appliance vent installed and not included in an appliance permit | \$4.00 |
| 6. Repair, alteration, or addition to each heating appliance, radiation unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code | \$ 7.00 |
| 7. Installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 BTU/hr. | \$ 7.00 |
| 8. Installation or relocation of each boiler or compressor over 3 horsepower to and including 15 horsepower, or for each absorption system over 100,000 BTU/hr. to and including 500,000 BTU/hr. | \$12.00 |
| 9. Installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or for each absorption system over 500,000 BTU to and including 1,000,000 BTU/hr. | \$18.00 |
| 10. Installation or relocation of each boiler or refrigeration compressor over 30 horsepower to and including 50 horsepower or for each absorption system over 1,000,000 BTU/hr. up to and including 1,750,000 BTU/hr. | \$25.00 |
| 11. Installation or relocation of each boiler or refrigeration compressor over 50 horsepower or for each absorption system over 1,750,000 BTU/hr. | \$37.50 |
| 12. Each air-handling unit to and including 10,000 cfm including ducts attached thereto PROVIDED that this fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is | \$ 5.50 |

required elsewhere in this code

| | |
|---|---------|
| 13. Each air-handling unit over 10,000 cfm | \$ 8.50 |
| 14. Each evaporative cooler other than portable type | \$ 5.50 |
| 15. Each ventilation fan connected to a single duct | \$ 4.00 |
| 16. Each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit | \$ 5.50 |
| 17. Installation of each hood which is served by mechanical exhaust, including the ducts for such hood | \$5.50 |
| 18. Installation or relocation of each domestic-type incinerator | \$ 8.50 |
| 19. Installation or relocation of each commercial or industrial-type incinerator | \$35.00 |
| 20. Each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code | \$ 5.00 |
| 21. Each gas-piping system of one to four outlets | \$ 2.50 |
| 22. Each gas-piping system of more than four outlets, per outlet | \$ 0.50 |

2. OTHER INSPECTIONS AND FEES: Total fees charged shall be the greater of the hourly charge listed, or total cost to the city, which shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved.

| | |
|---|-------------|
| A. Inspections outside of normal business hours, two hour minimum charge | \$47.00/hr. |
| B. Reinspection, including jobs not ready at time requested and inspections requiring more than two visits per item | \$47.00/hr. |
| C. Other inspections not otherwise covered, half-hour minimum charge | \$47.00/hr. |
| D. Additional plan review required by change, addition or revision to approved plan, half-hour minimum charge | \$47.00/hr. |
| E. Reinspection fee must be paid prior to reinspection activity | |
| F. Double the permit fee will be assessed for work started Prior to obtaining a required permit | |

3. COMMERCIAL/INDUSTRIAL (includes buildings with 3 or more dwelling units):

Installation cost not exceeding \$20,000.00 \$30.00 fee, plus 2% of the total mechanical cost up to \$20,000.00

Installation costs over \$20,000.00 \$30.00 fee plus 2% of the total mechanical cost up to \$20,000.00, plus 1.5% of said costs over \$20,000.00.

Schools, hospitals, and churches shall be classified as commercial and shall be subject to these fees. The \$30.00 minimum permit fee applies to remodeling as well as all other construction, alterations, replacement of a single fixture or appliance, and so forth, all of which are subject to inspection.

PLUMBING PERMITS

1. WATER AND SEWER LINES:

| | |
|---|---------|
| Water line alone | \$25.00 |
| Sewer line alone | \$25.00 |
| Water and sewer line, one inspection required | \$40.00 |

2. WATER HEATERS: Fees for replacement of previously-installed gas or electric water heaters shall be \$30.00.

3. RESIDENTIAL: Permit fees shall be \$30.00 per structure, plus an inspection fee of \$6.00 per fixture in the plumbing system of the structure. These fees apply to both new construction and remodeling.

4. COMMERCIAL & INDUSTRIAL:

Installation cost not exceeding \$20,000.00 \$30.00 fee, plus 2.0% of the total plumbing costs up to \$20,000.00

Installation costs over \$20,000.00 \$30.00 fee, plus 2.0% of the total plumbing costs up to \$20,000.00, plus 1.5% of the costs over \$20,000.00.

Schools, hospitals, and churches shall be classified as commercial and shall be subject to these fees. The \$30.00 minimum permit fee applies to all construction as well as to remodeling, alterations, replacement of a single fixture, and so forth, all of which are subject to inspection. Apartment buildings with 3 or more dwelling units will be deemed commercial.

5. OTHER INSPECTIONS AND FEES: Total fees charged shall be the greater of the hourly charge listed, or total cost to the city, which shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved.

| | |
|---|-------------|
| A. Inspections outside of normal business hours, two hour minimum charge | \$47.00/hr. |
| B. Reinspection, including jobs not ready at time requested | \$47.00/hr. |

- and inspections requiring more than two visits per item
- C. Other inspections not otherwise covered, half-hour minimum charge \$47.00/hr.
 - D. Additional plan review required by change, addition or revision to approved plan, half-hour minimum charge \$47.00/hr.
 - E. Reinspection fee must be paid prior to reinspection activity
 - F. Double the permit fee will be assessed for work started Prior to obtaining a required permit

EXHIBIT I
CHILD CARE LICENSE FEES

Licensure fees for Child Care Providers, Child Care Staff Members (as defined in PMC Chapter 5.28) shall be as follows:

Child Care Business:

| | |
|---------------------|----------|
| Initial License Fee | \$150.00 |
| Annual Renewal Fee* | \$100.00 |

Child Care Employees, Residents, and Volunteers:

| | |
|---------------------|---------|
| Initial License Fee | \$80.00 |
| Annual Renewal Fee* | \$40.00 |

*Applications for license renewals must be submitted no less than thirty (30) days prior to expiration in order to qualify for the renewal fee. Applications received later than thirty (30) days prior to the license expiration date shall require the initial license fee.

Civil Penalties:

| | |
|----------------------------------|----------|
| First violation within one year | \$ 50.00 |
| Second violation within one year | \$100.00 |
| Third violation within one year | \$200.00 |

EXHIBIT J
DEVELOPMENT REIMBURSEMENT FEES

1. The City Clerk is hereby authorized and directed to assess a \$350.00 fee to developers who request that the City assess and collect pro-rated reimbursement from adjoining landowners of costs of the public improvements said developers are required to install and which directly benefit the adjoining lands.

2. Said fee shall also cover the costs of preparing and recording releases for lands when the adjoining landowners have paid their share of the assessed costs.

3. This fee shall be in addition to any other costs which the City might incur and charge to the Developer for other work resulting from the request.

**EXHIBIT K
ENGINEERING SERVICES FEES**

Engineering review fees for subdivision development shall be hereby set as follows:

- | | |
|------------------------------------|--------------------------------|
| 1. Survey accuracy review | \$250.00 plus \$25.00 per lot |
| Additional accuracy reviews | \$150.00 per additional review |
| 2. Public improvements plan review | \$200.00 plus \$20.00 per lot |
| Additional plan reviews | \$150.00 per additional review |

3. Quality assurance:

A. Primary inspection: (consisting of inspection and preparation of what is commonly termed a "punch list" of unsatisfactory items, if any, and one follow-up inspection for the items on the punch list)

 1-10 lots: \$80.00 per lot; \$300.00 minimum

 11-20 lots: \$70.00 per lot

 21+ lots: \$60.00 per lot

B. Any subsequent inspections: \$150.00 per department per trip to the site

- | | |
|----------------------------|---------------------|
| 4. Address alteration fees | \$30.00 per request |
| 5. Curb and Gutter staking | \$75.00 per hour |

**EXHIBIT L
FIRE DEPARTMENT FEES**

Fee for various services performed by the Pocatello Fire Department shall be as follows:

| DESCRIPTION | FEE |
|--|------------------------------|
| Aircraft refueling vendor permit & inspection | \$125.00/annual |
| Individual Operator certification | \$25.00/annual |
| Burn Permits | \$10.00 |
| Explosive, detonations permit | \$150.00 |
| Fireworks stand/display permit (Permit, Inspection and Administrative Fee) | \$60.00 |
| Fuel/oil tank, residential: installation, removal, safeguarding | \$50.00 |
| Fuel, flammable liquids, hazardous materials: | |
| Installation/alteration of storage tank | \$150.00 |
| Removal of storage tank | \$100.00 |
| Life Safety Operational Permits | \$75.00/annual |
| Service and Maintenance certification, per discipline | \$10.00/annual |
| Service and Maintenance examination | \$15.00/exam |
| Life Safety/Inspection Permits: | |
| Fire Sprinkler, Standpipe and Fire Pump Systems | \$100.00 |
| Fire Alarm System (Plan Review and Installation) | |
| Less than 10 devices | \$50.00 |
| 10 or more devices up to 100 | \$150.00 |
| 101 to 200 devices | \$200.00 |
| Greater than 200 devices | \$250.00 |
| Commercial Kitchen Hood Extinguishing System | \$100.00 |
| Private Hydrant System | \$100.00 |
| Special Hazards | \$100.00 |
| Extended Inspection Fee | \$ 25.00 |
| After Hour Inspections (between 5 p.m. - 8 a.m. and Weekends) | \$50.00/hr. (2 hour min.) |
| Water supply (flow) testing, per hydrant | \$50.00 |
| Wood stoves: | |
| Installation permit/inspection | \$50.00 |
| Inspection of existing stove | \$50.00 |
| False Alarms within a 6 month consecutive period (Business Owner Responsible) | |
| First two false alarms | \$0.00 |
| 3 rd false alarm | Warning Letter |
| 4 th false alarm | \$150.00 |
| 5 th false alarm and thereafter | \$300.00 |
| Hazardous Material Response costs: | |
| Materials& Supplies | Actual Cost |
| Mileage outside the city limits | Current Federal Mileage Rate |
| Labor, per person | Actual Cost |

Technical Rescue Response costs:

- Materials& Supplies
- Mileage outside the city limits
- Labor, per person

- Actual Cost
- Current Federal Mileage Rate
- Actual Cost

Fire Response costs:

- Materials& Supplies
- Mileage outside the city limits
- Labor, per person

- Actual Cost
- Current Federal Mileage Rate
- Actual Cost

EXHIBIT M
GEOGRAPHICAL INFORMATION SERVICES FEES

1. Fees for Geographical Information Services (GIS) shall be as follows, provided that such charges need not apply to persons/entities that will be using the services for projects from which the City will receive a direct benefit in the nature of reports, documents, or data.

| <u>Description</u> | <u>Fee</u> |
|--|--|
| Digital Aerial Photography (diskette & hard copy), provided in 200-acre increments | \$800.00 per 200 acres or portion thereof |
| Use of GIS workstation | \$20.00 per hour |
| Data Storage | \$0.10 per meg per month |
| Use of Plotter | \$3.25 per lineal foot for paper; \$5.50 per lineal foot for mylar |

2. The final determination of the applicability of the fees shall be made by the Mayor.
3. Long-term or on-going use/access charges may be established by written contract.

EXHIBIT N
PARKS AND RECREATION PROGRAM, RENTAL AND
ADMISSION FEES FOR PARKS AND RECREATION ACTIVITIES

1. Team Sports program fees shall be as follows:

| <u>Team Sports Programs</u> | <u>Fee</u> |
|---|------------------------|
| Flag Football - 3rd & 4th Grades | \$35.00 |
| Basketball – 3rd through 7th Grades | \$45.00 |
| Youth Basketball – Developmental League Team Fee | \$325.00 |
| Adult Basketball – Men’s Team Fee | \$825.00 |
| Adult Basketball – Women’s Team Fee | \$420.00 |
| Adult Coed Soccer/Spring – Team Fee | \$450.00 |
| Adult Coed Soccer/Fall – Team Fee | \$410.00 |
| Adult Softball Coed League, Summer – Team Fee | \$685.00 |
| Adult Softball Men’s League, Summer – Team Fee | \$865.00 |
| Adult Softball League, Fall – Team Fee | \$535.00 |
| Adult Women’s Softball | \$535.00 |
| Bannock Baseball – Shetland | \$50.00 |
| Bannock Baseball – Pinto | \$60.00 |
| Bannock Baseball – Mustang | \$85.00 |
| Bannock Baseball – Bronco | \$85.00 |
| Bannock Baseball – Pony | \$95.00 |
| Adult Coed Volleyball – Team Fee | \$260.00 |
| Youth Volleyball | \$35.00 |
| Women’s Volleyball – Team Fee | \$230.00 |
| Youth Programs Late Registration Fee | \$5.00 |
| Special Scheduling Request | \$25.00 per occurrence |
| Adult Program Additional Player Fee | \$30.00 per player |

2. Outdoor Recreation program fees shall be as follows:

| | |
|-------------------------------|-----------------|
| Overnight Wilderness Trips | |
| First Family Member | \$40.00 per day |
| Each Additional Family Member | \$30.00 per day |
| Rafting Day Trips | |
| First Family Member | \$26.00 |
| Each Additional Member | \$20.00 |
| Kayaking Lessons (Indoor) | \$18.00 per day |
| Kayaking Trips | \$26.00 per day |
| Canoeing | |
| First Family Member | \$35.00 |
| Each Additional Member | \$10.00 |

Map and Compass or GPS \$10.00 per day

Fun Run / Walk Pre-Registration, Adult \$18.00
Fun Run / Walk Late Registration, Adult \$30.00
Fun Run / Walk Pre-Registration, Youth \$14.00
Fun Run / Walk Late Registration, Youth \$30.00
Fun Run "Series" Adult \$80.00
Fun Run "Series" Adult Late Registration \$95.00
Fun Run "Series" Youth \$60.00
Fun Run "Series" Youth Late Registration \$75.00
Fun Run "Series" Family
(2 Adults & 2 Youth) \$255.00
Additional Youth in Family \$53.00
Fun Run "Sponsor Entry" \$13.00
Just Cuz Half Marathon \$40.00
Just Cuz Half Marathon Late Registration \$50.00
Just Cuz Half Marathon Race Day Registration \$75.00
Pocatello Triathlon Pre-Registration \$40.00
Pocatello Triathlon Late Registration \$50.00
Pocatello Triathlon Race Day Registration \$75.00
Triathlon Training \$100.00

Kids/Teens Climbing Lessons \$8.00 per day
Lead Climbing Classes \$15.00 per day
Adult Climbing Lessons \$15.00 per day
Climbing Trips Out of Town
First Family Member \$26.00
Each Additional Family Member \$20.00
Mt. Borah Climb \$40.00

Teen Summer Program \$175.00

3. Mink Creek Nordic Center program fees shall be as follows:

Day Pass:

Child (5 and under) No Charge
Youth (6 – 18) \$4.00
Adult (19-59) \$9.00
Senior (60+) \$7.00

Annual Passes (if purchased in October, deduct a \$35.00 discount per person from listed fees)

Adult Pass (19+) \$120.00 + Card
Student Pass (6-18) \$85.00 + Card
Couple Pass \$220.00 + Cards
Family Pass \$100.00 per adult + \$ 75.00 per child + Cards

| | |
|---|--|
| Group Ski/Snowshoe Lesson Series | |
| Adult | \$20.00 per day (includes pass and equipment) |
| Child | \$12.00 per day (includes pass and equipment) |
| School Groups | \$8.00 per day (includes pass and equipment) |
| School District Groups | \$10.00 per day (includes pass, equipment, and transportation) |
| Skate Skiing | \$15.00 per day (includes pass, excludes equipment) |
| Lessons by Appointment (limit 2-6 people) | \$45.00 per hour (excludes equipment) |
| Equipment Rental Fees | |
| Classic Ski Package | \$14.00 per day |
| Classic Ski Season Rental | \$125.00 |
| Skate Ski Package | \$20.00 per day |
| Skate Ski Season Rental | \$190.00 |
| Snowshoe Rental | \$7.00 per day |
| Single Classic Ski Item | \$5.00 per day |
| Single Skate Ski Item | \$8.00 per day |
| Toddler Skis | \$5.00 per day |
| Chariot | \$10.00 per four hours |
| Youth Rental Package | \$11.00 per day |
| Snow Shoe/Sledding Parking | \$5.00 per day |
| Yurt Rental | \$50.00 per night (excludes trail passes) |

4. Outdoor Recreation Equipment Rental fees shall be as follows:

| <u>Item</u> | <u>1 Day</u> | <u>2-3 Days</u> | <u>4+ Days</u> |
|--------------------|--------------|-----------------|----------------|
| Day Raft Packages | | | |
| 10.5' Self Bailing | \$40.00 | \$35.00/day | \$30.00/day |
| 14' Self Bailing | \$60.00 | \$50.00/day | \$45.00/day |
| 15' Self Bailing | \$60.00 | \$50.00/day | \$45.00/day |
| 16' Self Bailing | \$65.00 | \$55.00/day | \$50.00/day |
| 15' Standard | \$50.00 | \$40.00/day | \$35.00/day |
| 18' Standard | \$55.00 | \$45.00/day | \$35.00/day |
| Trailers | | | |
| Raft Trailer | \$60.00 | \$50.00/day | \$45.00/day |
| Cargo Trailer | \$70.00 | \$60.00/day | \$50.00/day |
| Raft only | | | |
| 10.5' Self Bailing | \$30.00 | \$25.00/day | \$20.00/day |
| 14' Self Bailing | \$50.00 | \$40.00/day | \$35.00/day |
| 15' Self Bailing | \$50.00 | \$40.00/day | \$35.00/day |
| 16' Self Bailing | \$55.00 | \$45.00/day | \$40.00/day |

| | | | |
|------------------------|--|-----------------|----------------|
| 15' Standard | \$40.00 | \$30.00/day | \$25.00/day |
| 18' Standard | \$45.00 | \$35.00/day | \$25.00/day |
| IK Package (duckies) | | | |
| Solo SB/SUP | \$20.00 | \$15.00/day | \$13.00/day |
| Tandem SB | \$25.00 | \$20.00/day | \$18.00/day |
| Multi-Day Raft Package | | | |
| 10.5' Self Bailing | N/A | \$55.00/day | \$50.00/day |
| 14' Self Bailing | N/A | \$70.00/day | \$65.00/day |
| 15' Self Bailing | N/A | \$70.00/day | \$65.00/day |
| 16' Self Bailing | N/A | \$75.00/day | \$70.00/day |
| 15' Standard | N/A | \$60.00/day | \$55.00/day |
| 18' Standard | N/A | \$65.00/day | \$55.00/day |
| Canoe Package | | | |
| 16' or 18' | \$20.00 | \$15.00/day | \$13.00/day |
| Accessories | | | |
| Johnny Partner | \$5.00 | \$4.00/day | \$4.00/day |
| PFD | \$2.50 | \$2.00/day | \$2.00/day |
| <u>Item</u> | <u>1 Day</u> | <u>2-3 Days</u> | <u>4+ Days</u> |
| Dry Box | \$5.00 | \$4.00/day | \$4.00/day |
| Splash Suit | \$7.00 | \$5.00/day | \$4.00/day |
| Booties | \$3.00 | \$2.00/day | \$2.00/day |
| Wetsuit | \$10.00 | \$7.00/day | \$5.00/day |
| Stand Up Paddle | \$20.00 | \$15.00/day | \$13.00/day |
| Other Accessories | 3% of retail cost/per day (\$1.00 minimum) | | |
| Other Durable Goods | 2% of retail cost/per day (\$1.00 minimum) | | |

Equipment Repair/Cleaning/Late Fees

| | |
|----------------|-------------------------------|
| Raft Repair | \$50.00/hr. plus materials |
| Trailer Repair | \$75.00/hr. plus materials |
| JP Cleaning | \$100.00/hr. (1 hour minimum) |
| Late Fee | 150% of rental fee |

5. Ross Park Aquatic Center fees shall be as follows:

General Admission

| | |
|---------------------|--------|
| Child (1-6 years) | \$2.00 |
| Youth (7-17 years) | \$5.00 |
| Adult (18-59 years) | \$6.00 |
| Seniors (60+ years) | \$4.00 |

Group discounts:

| | |
|---------------|---------------------------|
| 20-49 persons | \$0.25 savings per person |
| 50-99 persons | \$0.50 savings per person |
| 100 + persons | \$1.00 savings per person |

Season Swim Pass (does not include water slide)

(\$5.00 ID card required for each person)

| | | <u>with CRC membership</u> |
|----------------------------------|----------------|----------------------------|
| Individual (1-6 years) | \$35.00 + Card | \$20.00 + Card |
| Individual (7 years +) | \$85.00 + Card | \$65.00 + Card |
| Special Group Rate * (1-6 years) | \$28.00 + Card | \$15.00 + Card |
| Special Group Rate* (7 years +) | \$70.00 + Card | \$50.00 + Card |

* Special Group Rate requires the purchase of four (4) or more passes in a single transaction

Water Slide All Day Use \$3.00

Family Night (Monday & Wednesday,
5:00 p.m. – 8:00 p.m.) Half-Price general admission
(excludes water slide)

Private Group Rental (after regular hours) \$350.00/hour + \$1.50 per person, with
a minimum of 100 people)

The Parks and Recreation Director may establish group discount rates and establish policies for application of such rates. All such fees must be collected upon entrance to the pool.

Aquatic Center fees are non-refundable.

6. Community Recreation Center fees shall be as follows:

Daily User Fees:

| | |
|----------------------------|--------|
| Infant & Child (5 & under) | \$2.00 |
| Youth (6 - 17) | \$3.00 |
| Adult (18-59) | \$5.00 |
| Senior (60 +) | \$3.00 |

Regular Membership Fees: (Includes use of all common facilities, participation in basic adult exercise classes and the right to member prices at the appropriate age group rate for lessons.) A non-refundable card fee of \$5.00 per person will also be charged for each user.

| | <u>Annual</u> | <u>Monthly</u> |
|----------------------------------|------------------|-----------------|
| Youth (6 through 17) | \$210.00 + Card | \$21.00 + Card |
| Adult | \$336.00 + Card | \$35.00 + Card |
| Couple | \$504.00 + Cards | \$52.50 + Cards |
| Family (couple cost + per child) | \$60.00 + Cards | \$6.00 + Cards |
| Senior Citizen (60+ yrs.) | \$210.00 + Card | \$21.00 + Card |

ID Card \$5.00

Quarterly Membership Fees: Includes use of all common facilities, participation in basic adult exercise classes, and the right to member prices at the appropriate age-group rate for lessons.) A non-refundable card fee will also be charged for each member.

Financial Institution Payment Plan: Requires proof of authorization for payment of a minimum of 3 months' membership fees, plus a non-refundable card fee per member.

| | |
|----------------------------------|---------------------------|
| Adult | \$28.00 per month + Card |
| Couple | \$42.00 per month + Cards |
| Family (couple cost + per child) | \$5.00 per month + Cards |
| Youth/Senior | \$21.00 per month + Cards |

Locker Rental: Available for current members only.

| | <u>Annual</u> | <u>Monthly</u> |
|--------|---------------|----------------|
| Single | \$90.00 | \$10.00 |
| Couple | \$135.00 | \$15.00 |

Recovery/Late Fee \$10.00/incident

| | <u>Member</u> | <u>Non-Member</u> |
|----------------------------------|---------------|---------------------------|
| Swimming Lessons | | |
| School Age (includes pre-school) | \$32.00/mo. | \$36.00/mo. |
| Infant (up to 2 years) | \$32.00/mo. | \$36.00/mo. |
| Private Lessons | | \$16.00 per one-half hour |
| Semi Private Lessons (2 people) | | \$24.00 per one-half hour |

| | <u>Member</u> | <u>Non-Member</u> |
|---------------------------|---------------|-------------------|
| Dance & Tumbling Lessons | \$20.00/mo. | \$24.00/mo. |
| Dance & Tumbling Late Fee | \$5.00/mo | \$5.00/mo. |

| | <u>Member</u> | <u>Non-Member</u> |
|---------------------|---------------|-------------------|
| Aerobics, Aquacise: | | |
| 10-Use Pass | No Charge | \$30.00 + Card |
| 20-Use Pass | No Charge | \$60.00 + Card |

| | <u>Non-Member</u> |
|-------------------------|-------------------|
| Public Swim Punch Card: | |
| 10-Use Punch Card | \$30.00 + Card |
| 20-Use Punch Card | \$60.00 + Card |

| | <u>Non-Member</u> |
|--------------------------|-------------------|
| Climbing Wall Punch Card | |
| 10-Use Punch Card | \$30.00 + Card |

Room Rental:

| | |
|--|---|
| Conference Room | \$20.00 per hour |
| Dance Studio (for individuals) | \$15.00 per hour |
| Dance Studio (organized groups only; additional restrictions may apply) | 1 st Hour: \$45.00+Regular Admission per person Additional Hours: \$30.00/hour+ Regular Admission per person |

Gym Rental (restricted uses only)

1st Hour: \$45.00+Regular Admission per person
Additional Hours: \$30.00/hour+ Regular Admission per person

Other Fees:

Family Night Special (Monday)

Half-price Admission

Facility Rental:

\$250.00 per hour + \$3.25/person (50 person min.)

Damage Deposit

\$250.00 (conditionally refundable)

Climbing Wall Reservation

\$ 45.00 first hour; \$30.00 each subsequent hr.

7. The Parks and Recreation Director shall have authority to set rates for additional programs, special programs, group events, and other occasional recreational activities not listed above as the need arises.

8. All fees include Idaho sales tax, as required by law.

9. Waiver of one-half of the total individual registration cost for certain of the above program fees may be granted in certain cases upon application to the Parks and Recreation Department in accordance with written departmental policy originally approved by the City Council for fiscal year 1989.

10. An Administrative Cancellation Fee of \$5.00 on fees which were originally \$30.00 or less, and of \$10.00 on fees which were originally greater than \$30.00 may be charged. Cancellation policies shall be included on individual permit/rental paperwork.

11. Any Bannock Baseball refund is less \$25.00 for uniform fee. Any Jr. Jazz Basketball refund is less \$10.00 for uniform fee.

“Special Incentives”

- Weekly Bounce Back: with purchase of a daily admission, get ½ off daily admission to a 2nd facility within 1 week of purchase
 - *Spring/Summer: valid at Ross Park Aquatic Center, Zoo Idaho and the Community Recreation Center
 - *Fall/Winter: valid at Mink Creek Nordic Center and the Community Recreation Center
- Joint Daily Pass: purchase “same-day” daily admissions at Zoo Idaho *and* the Ross Park Aquatic Complex, and get a FREE all-day water slide wrist band
- Season Pass Holder Appreciation: purchase a season or yearly membership, and receive a FREE daily admission pass to another facility of your choice

- *Valid at: Ross Park Aquatic Center, Zoo Idaho, Mink Creek Nordic Center and the Community Recreation Center
- Pick 2: 10% off Season Memberships/Season Series when purchasing for two (2) facilities/programs
- *Valid at: Ross Park Aquatic Center, Zoo Idaho, Fun Run Series and Mink Creek Nordic Center
- Pick 3: 15% off Season Memberships/Season Series when purchasing for three (3) facilities/programs
- *Valid at: Ross Park Aquatic Center, Zoo Idaho, Fun Run Series and Mink Creek Nordic Center
- All Access: 20% off Ross Park Aquatic Center, Zoo Idaho & Mink Creek Nordic Center Season Memberships and Fun Run Series when purchasing for all four (4) facilities/programs

**EXHIBIT O
PARKS AND RECREATION FACILITY USE FEES**

1. Park use fees shall be as follows:

Use of non-shelter/non-sports field portion of park for
fund-raisers or other events \$ 40.00, plus table rental, if applicable

Beer/Wine permits per approved park area \$ 50.00

Tables

Per table, with transport to park \$ 16.00

Tennis Court Rental:

Non-sanctioned organizations

| | |
|------------------------|--------------------|
| 6:00 a.m. – Noon | \$ 16.00 per court |
| Noon – 6:00 p.m. | \$ 16.00 per court |
| 6:00 p.m. - 11:00 p.m. | \$ 26.00 per court |
| All day use | \$ 42.00 per court |

Sanctioned league

Per court, per hour \$ 2.00

Tournament Fees

| | |
|--------------|--------------------|
| One day | \$ 55.00 per court |
| Two 1/2 days | \$100.00 per court |

Baseball/Softball Park 2-day reservation (half the fee below for one day reservation)

| | |
|--|--|
| Ross Park (3 fields) | \$150.00 |
| Watkins Rainbow Park (4 fields) | \$400.00 (lights \$25.00/hr. additional per field) |
| OK Ward Park (4 fields) | \$400.00 |
| Optimist/Tydeman Park (2 fields) | \$200.00 (lights \$25.00/hr. additional --Tydeman) |
| Alameda (2 fields) | \$100.00 |
| Hawthorne (2 fields) | \$100.00 |
| NOP Baseball (5 fields) | \$500.00 |
| NOP Brown Softball (1 field) | \$100.00 |
| Halliwell (1 field) | \$200.00 (lights \$43.00 per hour additional) |
| Field Preparation | \$20.00 per hour |
| Ballfield individual game rental | \$30.00 per game (incl. field prep.) |
| Halliwell Ballfield individual game rental | \$50.00 per game (incl. field prep.) |

| | |
|---|-----------------------------------|
| Sports field Turf Areas | \$10.00 per hour, or |
| (ie. soccer, lacrosse, football, rugby, etc.) | \$50.00 per day/per park location |

| | |
|---------------------------------------|-----------------------------------|
| Baseball/Softball Fields (individual) | \$10.00 per hour, or |
| | \$50.00 per day/per park location |

| | |
|--|----------|
| Scout Mountain Ultra Trail Run Use Fee | \$100.00 |
| Pedal Fest Use Fee | \$100.00 |

2. Admission to and rental fees for the Fort Hall Replica/Pocatello Junction complex shall be as follows:

| General Admission | Replica Only | Replica and Bannock County Museum |
|------------------------------|---------------------|--|
| Senior (60+)/Military | \$2.00 | \$3.00 |
| Adult (18-59) | \$3.00 | \$4.00 |
| Youth (6-17) | \$1.00 | \$2.00 |
| Infant & Child (5 and under) | No Charge | No Charge |
| School Tour Groups | \$0.50/student | |

Non-school Group Discounts

| | |
|--------------------------------------|---|
| Groups of 25-50 paid admissions | \$0.25 per person discount from regular fee |
| Groups of 51 or more paid admissions | \$0.50 per person discount from regular fee |

Special Events (fees are per day)

Pocatello Junction

| | |
|---------------------------------------|---|
| All buildings | \$100.00 + \$50.00 conditionally-refundable deposit |
| Individual buildings | \$50.00 + \$50.00 conditionally-refundable deposit |
| Ft. Hall Replica | \$100.00 + \$50.00 conditionally-refundable deposit |
| Replica, Stage & Admission | \$200.00 + \$50.00 conditionally-refundable deposit |

Stage adjacent to Replica

| | |
|--------------------------|---------|
| Half day (up to 5 hours) | \$30.00 |
| Full day | \$55.00 |

3. Picnic Shelter/Pavilion Use Fees:

| USER GROUPS: | (A) Pocatello Resident, Pocatello Business, and Pocatello Organization <i>*Recreational and Fundraising Use (non-profit)</i> | (B) Non-Resident, Non-Resident Business, and Non-Resident Organization <i>*Recreational and Fundraising Use (non-profit)</i> | (C) Pocatello Resident, Pocatello Business, and Pocatello Organization <i>*For Profit Use</i> | (D) Non-Resident, Non-Resident Business, and Non-Resident Organization <i>*For Profit Use</i> |
|---|---|---|--|--|
| Shelters-Pavilions WITH Electrical Power: *Raymond; Alameda; OK Ward (<i>East & West</i>); Ross Park Lower, Upper, Pleasureland & Band Shell; Caldwell; Taysom Rotary; Sister City; Simplot Square; Centennial; Tydeman | <u>5 hr. Period</u> | <u>5 hr. Period</u> | <u>5 hr. Period</u> | <u>5 hr. Period</u> |
| | Under 50 People: \$40 | Under 50 People: \$60 | Under 50 People: \$60 | Under 50 People: \$80 |
| | 50-100: \$55 | 50-100: \$75 | 50-100: \$75 | 50-100: \$95 |
| | Over 100: \$70 | Over 100: \$90 | Over 100: \$90 | Over 100: \$110 |
| Lower, Upper, Pleasureland & Band Shell; Caldwell; Taysom Rotary; Sister City; Simplot Square; Centennial; Tydeman | <u>All-Day Use</u> | <u>All-Day Use</u> | <u>All-Day Use</u> | <u>All-Day Use</u> |
| | Under 50 People: \$75 | Under 50 People: \$95 | Under 50 People: \$95 | Under 50 People: \$105 |
| | 50-100: \$90 | 50-100: \$110 | 50-100: \$110 | 50-100: \$130 |
| | Over 100: \$105 | Over 100: \$125 | Over 100: \$125 | Over 100: \$145 |
| Ross Park Lower (Only) | *ADD \$10 to all fees above | *ADD \$20 to all fees above | *ADD \$20 to all fees above | *ADD \$30 to all fees above |

| USER GROUPS: | (A) Pocatello Resident, Pocatello Business, and Pocatello <u>Organization</u> <i>*Recreational and Fundraising Use (non-profit)</i> | (B) Non-Resident, Non-Resident Business, and Non-Resident <u>Organization</u> <i>*Recreational and Fundraising Use (non-profit)</i> | (C) Pocatello Resident, Pocatello Business, and Pocatello <u>Organization</u> <i>*For Profit Use</i> | (D) Non-Resident, Non-Resident Business, and Non-Resident <u>Organization</u> <i>*For Profit Use</i> |
|--|---|---|---|---|
| Shelters-Pavilions WITHOUT Electrical Power: *Ammon; Empire | <u>5 hr. Period</u> Under 50 People: \$20 50-100: \$25 Over 100: \$30 <u>All-Day Use</u> Under 50 People: \$25 50-100: \$30 Over 100: \$35 | <u>5 hr. Period</u> Under 50 People: \$30 50-100: \$35 Over 100: \$40 <u>All-Day Use</u> Under 50 People: \$35 50-100: \$40 Over 100: \$45 | <u>5 hr. Period</u> Under 50 People: \$30 50-100: \$35 Over 100: \$40 <u>All-Day Use</u> Under 50 People: \$35 50-100: \$40 Over 100: \$45 | <u>5 hr. Period</u> Under 50 People: \$40 50-100: \$45 Over 100: \$50 <u>All-Day Use</u> Under 50 People: \$45 50-100: \$50 Over 100: \$55 |

***Additional Available Shelter-Pavilion Amenities:**

- Use of Water for activity not directly related to shelter-pavilion use:
5-hr. Period: \$25 All-Day Use: \$50

*Examples include, but not limited to: water slides/slip-n-slides, dunk tanks, etc.

3. The Parks and Recreation Director shall have authority to set rates for additional programs, special programs, group events, and other occasional recreational activities not listed above as the need arises.

4. All fees include Idaho sales tax, as required by law.

5. An Administrative Cancellation Fee of \$5.00 on fees which were originally \$30.00 or less, and of \$10.00 on fees which were originally greater than \$30.00 may be charged. Cancellation policies shall be included on individual permit paperwork.

**EXHIBIT P
PLANNING AND DEVELOPMENT SERVICES FEES**

Fees for land use regulation shall be as follows:

| DESCRIPTION | FEE |
|---|---|
| Conditional Use Permit | \$510.00 + \$1.50 per required notice (2 notices) |
| CUP Minor Change (staff review level) | \$26.00 |
| Variance | \$400.00 + \$1.50 per required notice (2 notices) |
| Minor Variance | \$ 10.00 |
| Sign Permits | |
| New signs; alteration, rebuilding, relocation of existing signs | \$75.00 |
| Portable Signs | No charge |
| Within Downtown Historic District | No charge |
| Reface | \$25.00 |
| Sign Exception | \$200.00 + \$1.50 per required notice (2 notices) |
| Exception to land use procedure | \$742.00 + \$1.50 per required notice |
| Wireless Telecommunication Facilities | |
| Type 1 | \$295.00 |
| Type 2 | \$510.00 |
| Type 3 | Requires Conditional Use Permit (see above) |
| Wind Energy Conversion Systems | \$100.00 + \$1.50 per required notice |
| Zoning Ordinance Text Amendment | \$750.00 + \$1.50 per required notice (2 notices) |
| Home Occupation Certificate | \$30.00 |
| Boarding House License Fee (new) | \$100.00 |
| Renewal (every 3 years) | \$ 50.00 |
| Subdivision Planning Fees | |
| Preliminary | \$350.00 |
| Short Plat | \$350.00 |
| Final Plat | \$250.00 |

| | |
|---|--|
| Planned Unit Developments or Amendments | \$690.00 + \$1.50 per required notice (2 notices) |
| PUD Minor Change (staff level review) | \$30.00 |
| Property Line Adjustment | \$100.00 |
| Zone Map Amendment | \$750.00 + \$1.50 per required notice (2 notices) |
| Comprehensive Plan Land Use Map Amendment and Text | \$750.00 + \$1.50 per required notice (2 notices) |
| Vacation of easements | \$535.00 + \$7.25 per required notice |
| Vacation of subdivision plat | \$535.00 + \$7.25 per required notice |
| Vacation of right-of-way | \$535.00 + \$7.25 per notice |
| Annexation/de-annexation | \$1,066.00 + \$1.50 per required notice (2 notices) |
| Reconsideration Request | |
| Hearing Examiner/ Planning & Zoning Decisions | \$200.00 + \$100.00 if published + \$1.50 per required notice |
| Staff Determinations | \$26.00 |
| Nonconforming Use Determination | \$26.00 |
| DOCUMENTS | |
| Zoning Map or Comprehensive Plan Map | \$25.00/Large, \$10.00/Small |
| Comprehensive Plan | \$25.00 |

**EXHIBIT Q
POLICE DEPARTMENT FEES**

Fees for parking violations, false alarms, nuisance violations, and other Police Department fees shall be as follows:

- | | |
|--|----------|
| 1. Overtime parking violations* | \$20.00 |
| 2. Each additional overtime violation* (two hours in the same space after any violation notice) | \$30.00 |
| 3. All other parking violations* | \$30.00 |
| *A reduction of \$10.00 on these fees shall be granted if paid within 10 days of the date the parking violation notice was issued. | |
| 4. Violation of handicapped parking regulations | \$110.00 |
| 5. Booting motor vehicle for non-payment of parking fees | \$50.00 |
| 6. Fingerprinting fees (except for City licensing) | \$10.00 |
| 7. Background checks (except for City licenses/permits) | \$5.00 |
| 8. VIN verification | \$5.00 |

9. Number of False Alarms from any alarm system within any consecutive six month period:

| <u># of False Alarms with any 6 month period</u> | <u>Fee</u> |
|--|-----------------------------------|
| 1 | \$0.00 |
| 2 | \$0.00 |
| 3 | Warning Letter Sent to Alarm User |
| 4 | \$50.00 |
| 5 | \$100.00 |
| 6 or more | \$200.00 |

10. Nuisance Violations

- | | |
|--|----------|
| a. Administration Fee* | \$100.00 |
| * Cost of abatement is in addition to this fee | |
| b. Civil Penalties: | |
| First violation within one year | \$50.00 |
| Second violation within one year | \$100.00 |
| Third violation within one year | \$200.00 |

**EXHIBIT R
PUBLIC RECORD FEES**

1. The City of Pocatello will charge a standard fee of \$0.05 (five cents) per page, single sided for standard black and white photocopied 8 ½" X 11" paper (without any redactions), after the first one hundred (100) pages, plus the actual costs of postage. Standard color copies on regular paper shall be charged at the rate of \$0.50 (fifty cents) per page. Black and white single-sided copies on ledger size paper (11" X 17") shall be charged at the rate of \$0.10 (ten cents) per page, and color single-sided copies on ledger size paper (11" X 17") shall be charged at the rate of \$1.00 (one dollar) per page. ANSI Copies, C, D, or E, shall be charged at the rate of \$10.00 (ten dollars) each for black and white copies, and \$25.00 (twenty-five dollars) each for color copies. If copies are to be faxed, the requesting person shall be charged \$0.50 (fifty cents) per page.

2. The City of Pocatello will charge a standard fee for other types of City records as follows:

- a. Un-redacted audio CD's and/or data CD's - \$1.00 (one dollar) each.
- b. Un-redacted videotape \$20.00 (twenty dollars) each.
- c. Un-redacted DVD's - \$15.00 (fifteen dollars) each.
- d. Photographs, actual cost to develop or print commercially
- e. Microfilmed/ Microfiche / LaserFiche imaged record, \$0.50 (fifty cents) per single sided 8 ½" x 11" page.

3. If the requestor requests a computer tape, computer disc, or similar or analogous record system containing public record information, the City of Pocatello shall charge the City's costs of copying the information in that form and the standard cost, if any, for selling the same information in the form of a publication.

4. In addition to the standard copying fee, the City may charge an additional fee of \$3.00 (three dollars) per item if the Records Custodian is asked by the requesting person to certify a public record.

5. In addition to other fees authorized or prescribed by this Resolution, the City may charge the actual labor and copying costs associated with locating and copying requested public record where:

- a. The request is for more than 100 pages of paper records; or
- b. The request includes records from which non-public (exempt) information must be deleted; or
- c. The actual labor associated with responding to requests for public records in compliance with Idaho Code Title 74, Chapter 1 exceeds two person hours. I.C. §74-102 (10) (b) and (e).

Estimated Costs to be Paid in Advance: For purposes of this subsection, the Records Custodian shall, whenever possible, provide the requestor with an estimate of the actual costs which will be incurred to locate, segregate and duplicate the City records. The Records Custodian shall provide the requesting person with an estimate of the actual costs in writing,

and require payment from the requesting person prior to undertaking the obligation to locate, segregate and duplicate such City records. Upon delivery of the requested copy(s) of the requested City records, the Records Custodian shall provide the requesting person with a full accounting of the actual costs incurred by the City, in locating, segregating, and duplicating such City records. The requesting person shall pay the additional actual costs incurred by the City, if any, in excess of the estimated amount paid, or the City shall provide the requesting person a refund if the actual costs in locating, segregating and duplicating the City records do not exceed the estimated costs paid by the requesting person.

6. If copying resources and/or equipment are not available, the Custodian may elect to have an outside source copy the City records requested and assess any applicable charges of the outside source in addition to the labor costs, as provided by subsection 5 hereinabove.

7. The City will not charge costs or fees for copies when the number of pages copied is less than one hundred (100) pages, or the cost of the copies is less than \$1.00 (one dollar), or the Requestor demonstrates that the Requestor's examination and/or copying of public records:

- a. Is likely to contribute significantly to the public's understanding of the operations or activities of the City;
- b. Is not primarily in the individual interest of the Requestor including, but not limited to, the Requestor's interest in litigation in which the Requestor is or may become a party; and
- c. Will not occur if fees are charged because the Requestor has insufficient financial resources to pay such fees. I.C. § 74-102(10)(f).

8. Sales tax shall be assessed and collected on all copying fees.

EXHIBIT S
SANITATION DEPARTMENT FEES

1. Pocatello City Code Section 13.28.230 authorizes the annual setting of fees for the municipal refuse collection service by Resolution of the City Council.
2. The City Council retained the engineering firm of Raftelis Financial Consulting, Inc. to conduct a rate study to project revenues and costs for 2015 to 2019 and to recommend necessary refuse collection service rates thereafter.
3. The Council determined, based on that study that fees for the sanitation services previously set forth in Resolution 2015-11, Exhibit "S", should be revised for Fiscal Year 2017.
4. Inasmuch as sanitation services are mandatory, there shall be a minimum monthly charge of \$17.45 for sanitation services for any premises within the City, even if collection services are refused or not requested.
5. Persons who qualify for Bannock County's Circuit Breaker Exemption List and meet the additional qualifications listed below, shall receive a 30% reduction on that portion of their utility bill listed as "Refuse Collection" for one cart/one pickup. Said reduction shall be available only to those who own and occupy a single-family dwelling and shall not be available for multi-family units, including duplexes. Upon receipt of the Circuit Breaker Exemption List from Bannock County, the City Utility Billing Department shall make the reduction, which shall remain in effect so long as the applicant meets the requirements set forth herein. Circuit Breaker discount applies only to the first residential cart; additional services are not discounted.
6. Fees for additional collections and collection of specialty items shall be established by the Sanitation Superintendent as necessary to recover the costs of collection and disposal.
7. In the event service is terminated or discontinued because of non-payment or delinquency and a commercial container has been removed by the City there will be a service charge of \$25.00 for re-establishing service.
8. Fees for regular collection service are charged on a monthly basis, unless otherwise noted.

Fees shall be as follows:

64 GALLON CART SERVICE/Includes Curbside Recycling

| | |
|------------------------|---------|
| Once a week collection | \$14.50 |
| Monthly billing charge | \$1.73 |
| Cart cleaning fee | \$20.00 |

95 GALLON CART SERVICE/Includes Curbside Recycling

| | |
|---|---------|
| Once a week collection | \$15.72 |
| Monthly billing charge | \$1.73 |
| Additional refuse cart per unit/cart | \$15.72 |
| Additional pickup per refuse cart | \$13.66 |
| Additional recycling cart (s) per cart/pickup | \$5.00 |
| Cart cleaning fee | \$20.00 |

| | |
|---|-----------------|
| 95 GALLON CART SERVICE / CURB-SIDE RECYCLING ONLY | |
| Bi-weekly collection – includes billing charge | \$5.00 |
| Additional pickup per pickup/cart | \$5.00 |
| Cart cleaning fee | \$20.00 |
| 95 GALLON CART SERVICE / Yard Waste Collection | |
| Once a week collection | \$5.00 |
| Cart cleaning fee | \$20.00 |
| 95 GALLON CART SERVICE / EVENT CART RENTAL | |
| Rental fee per cart / includes delivery, removal and cleaning | \$25.00 |
| 3-YARD CONTAINER SERVICE | |
| Each pickup per container | \$78.19 |
| Monthly rental per container ^(a) | \$10.33 |
| Special pickup - \$3.51 per minute w/five (5) minute minimum | \$18.08 minimum |
| Privately owned container cleaning fee | \$100.00 |
| Monthly billing charge | \$1.73 |
| TEMPORARY 3-YARD CONTAINER SERVICE | |
| Daily rental charge ^(b) | \$2.50 |
| Each pickup of container | \$25.00 |
| Monthly billing charge | \$1.73 |
| ROLL-OFF BOX SERVICE | |
| Monthly 17/20-yard box rental ^(a) | \$95.07 |
| Daily 17/20-yard box rental ^(a) | \$3.17 |
| Monthly 30/32-yard box rental ^(a) | \$106.28 |
| Daily 30/32-yard box rental ^(a) | \$3.54 |
| Monthly 40-yard box rental ^(a) | \$126.09 |
| Daily 40-yard box rental ^(a) | \$4.20 |
| Pickup charge per pull | \$178.60 |
| Box relocation fee | \$75.00 |
| Bannock County landfill charge per ton | \$25.00 |
| Bannock County landfill charge for clean inert fill per ton | \$17.00 |
| Overweight charge per ton | \$50.00 |
| Monthly billing charge | \$1.73 |
| PRIVATELY OWNED COMPACTOR SERVICE | |
| Pickup charge per pull | \$178.60 |
| Bannock County landfill charge per ton | \$25.00 |
| Overweight charge per ton | \$50.00 |
| Compactor cleaning fee | \$250.00 |
| Monthly billing charge | \$1.73 |

^(a) Price does not include State sales tax (currently 6%)

^(b) Price includes State sales tax (currently 6%)

EXHIBIT T
CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL FEES

Fees for permits, certification, and other miscellaneous fees provided for in Pocatello Municipal Code Chapter 8.44 shall be as follows:

1. Permits and Plan Review

(valid for two years) Fee waived for single-family/duplex Residential projects with a valid building permit \$50/acre (\$75 minimum)

2. Permit Transfer \$25.00

3. Renewal of Expired Permit One-half of original permit fee

4. Permit applied for after commencement of construction Double original permit fee

5. Certification Card (valid for three years) \$25.00

6. Interim Certification \$25.00
Fee will be credited toward Certification Card Fee if certification is completed within six (6) months of issuance of interim certificate.

**EXHIBIT U
POCATELLO REGIONAL TRANSIT SYSTEM FEES**

1. Fees for advertising and use of the Pocatello Regional Transit System shall be as follows:

FIXED ROUTE SYSTEM INDIVIDUAL FARES

Single Ride (one way):

| | |
|--|--------|
| General public – Monday through Saturday | \$1.00 |
| Sr. Citizens & Disabled (including Medicaid or Medicare Cards) | |
| Weekdays from 9:00 a.m. to 3:00 p.m. | \$0.50 |
| Saturdays from 10:00 a.m. to 5:30 p.m. | \$0.50 |
| All other hours | \$1.00 |

NOTE: Medicare card is sufficient identification for elderly/disabled half-fare

Students:

| | |
|--|---------|
| 18 years or less, or anyone enrolled in an institution of higher education | \$0.50 |
| H Route who board off campus, or board on campus & exit off campus | \$0.25 |
| Semester H Route pass | \$30.00 |
| Monthly H Route pass | \$10.00 |
| ISU Fare zones | Free |

Children under 8 years of age:

| | |
|--|-------------|
| Accompanied by fare-paying passenger (limit of five) | Free |
| Unaccompanied | Not Allowed |
| Chaperoned groups of six or more, per individual child | \$0.50 |

One-Day Pass

| | |
|----------------|--------|
| Unlimited ride | \$2.00 |
|----------------|--------|

Ticket Books - 40 one-way tickets:

| | |
|-------------------------|---------|
| Paid at time of receipt | \$25.00 |
| Paid when invoiced | \$30.00 |

General Monthly Pass (unlimited use during the month):

| | |
|-------------------------|---------|
| Paid at time of receipt | \$25.00 |
| Paid when invoiced | \$30.00 |

Student One-Semester Pass:

| | |
|--|---------|
| 18 years or less, or anyone enrolled in an institution of higher education (unlimited rides) | \$50.00 |
|--|---------|

Student Monthly Pass (unlimited use during the month):

| | |
|-------------------------|---------|
| Paid at time of receipt | \$15.00 |
| Paid when invoiced | \$20.00 |

Student One-Trimester Pass

18 years or less, or anyone enrolled in an institution of higher education (unlimited rides)

\$35.00

TELLO BUS (Demand Responsive System) URBAN INDIVIDUAL FARES

Senior Citizen one way ride - suggested donation:

Applies to senior citizens covered by Title III B Contract

Monday through Friday, 8:00 a.m. to 5:00 p.m.

\$2.00

Saturday regular fare for all Demand riders

\$2.00

TELLO BUS ADA Qualified Disabled (one way trip):

Ambulatory (Urban and up to ¾ mile from city limit)

\$2.00

Non-ambulatory (Urban and up to ¾ mile from city limit)

\$2.00

TELLO BUS PREMIUM Disabled and Seniors Service (one way trip):

Premium Weekday Evening Service 6:45 p.m. to 10:00 p.m.

(Disabled, no certification required)

\$4.00

Premium Weekday Evening Service 5:00 p.m. to 10:00 p.m.

(Senior Citizens, age 60 and above)

\$4.00

Premium Saturday Service 8:30 a.m. to 9:30 a.m. and 5:30 p.m.

to 6:30 p.m. (Disabled and Senior Citizens)

\$4.00

Same Day Service Monday through Saturday

(Requires two hour advance notice)

\$4.00

Beyond Premium Days and Hours within City or to Airport

(Requires three business day advanced notice)

\$8.00

Beyond Premium Days and Hours within City to Airport, Round

Trip (Requires three business day advanced notice)

\$15.00

Other Services:

Charters meeting FTA approval guidelines, per hour, per bus \$100.00

(Charters are not generally available)

TELLO BUS (Demand Responsive System) RURAL INDIVIDUAL FARES

Requests must be received by 3:00 p.m. the day prior to travel.

Medicaid rates apply to Medicaid service.

Rural Trips by Individuals TELLO BUS (Demand Responsive)

Areas served:

American Falls/Rockland

Blackfoot

Grace

Lava/McCammon

Malad

Montpelier*

Preston

Shelley

Soda Springs

Outside of Pocatello/Chubbuck (except for applicable comparable paratransit)

Stone/Snowville/Holbrook (Snowville is treated as if it lies within Oneida County)

*Montpelier & Bear Lake Counties are per contract

For each area listed above, the fare within the principal community,
and up to eight miles from the city limits and within
the county: \$2.00
(Suggested Donation for Seniors 60+ covered by Title III B) \$2.00

For each area listed above, the fare for any area that is more than
eight miles from the city limits but is still within the county,
not including a subscription service** \$8.00
(Suggested Donation for Seniors 60+ covered by Title III B) \$8.00

**Subscription Service is more than one trip per week and is
based on mileage, with a base of \$4.00 for the first leg of the
trip, plus \$1.00 per mile.

Rural TELLO BUS (Demand Responsive) Fares that Cross County Lines from Point of Origin to Destination

Based on mileage, with a base of \$4.00 for the first leg of the trip, plus
\$1.00 per mile

Rural TELLO BUS (Demand Responsive) Fares that Cross Idaho/Utah Lines in Three Counties –One way, not to exceed two trips per week

| | |
|---|-----------------|
| To/From Rich County | \$8.00 each way |
| To/From Tremonton/Brigham in Box Elder County | \$8.00 each way |
| To/From Logan in Cache County | \$8.00 each way |

Scheduled Buses by PRT in Rural Areas (Not Commuter; Not Individual Demand)

| | |
|---|---|
| Lava/Pocatello as scheduled | \$10.00 One-Way or Round Trip |
| Seniors covered by the Title III B Contract in Lava | \$10.00 One-Way or Round Trip (Suggested donation) |
| American Falls/Pocatello as scheduled | \$10.00 One-Way or Round Trip |
| Seniors covered by the Title III B Contract in Power Cty. | \$10.00 One-Way or Round Trip (Suggested donation) |
| Caribou County to Pocatello as scheduled | \$12.00 One-Way or Round Trip |
| Seniors covered by the Title III B Contract in Caribou Cty. | \$12.00 One-Way or Round Trip (Suggested donation) |
| Caribou County/Lava as scheduled | \$12.00 One-Way or Round Trip |
| Seniors covered by the Title III B Contract in Caribou Cty. | \$12.00 One-Way or Round Trip (Suggested donation) |

Commuter Services

| | |
|--|---------|
| Preston to Logan, Operated by CVTD on Idaho side for PRT | \$0.00 |
| Pocatello to Blackfoot Commuter | |
| Daily One-Way or Round Trip | \$10.00 |
| Two-Week Pass | \$35.00 |

ADVERTISING RATES

Framed Signs*

| | |
|---|----------------|
| Back or Side location (all sizes) per sign: | |
| Three month contract | \$100.00/month |
| Six-month contract | \$90.00/month |
| One-year contract | \$80.00/month |

Bus Wraps*

| | |
|---------|----------------|
| Coach | \$800.00/month |
| Cutaway | \$500.00/month |

*Smaller screen ads are discounted by size and location, on request, and subject to space available.
Advertiser is responsible for design, production, and installation.
Materials must be waterproof and wear resistant.
Content is subject to approval by the Director of the Pocatello Regional Transit Department.

| | |
|--|---------------|
| Inside location (maximum size 11" X 30") per sign: | |
| Three month contract | \$25.00/month |
| Six-month contract | \$20.00/month |
| One-year contract | \$17.00/month |

No charge for interior public service signs on approval

All rates are on a space available basis

2. The Director of the Pocatello Regional Transit Department shall be authorized to offer special discounts and rates to promote Pocatello Regional Transit.

**EXHIBIT V
UTILITY BILLING DEPARTMENT FEES**

1. Processing and administrative fees for the Utility Billing Department shall be as follows:

| | |
|---|------------------------------------|
| Service Initiation | \$25.00 |
| Deposit | Not to exceed \$300.00 |
| Account Name Change/Transfer | \$12.00 |
| Turn Off for Nonpayment/Reconnect | \$40.00 |
| Special Turn Off/Turn On (extended absences, summer lines, seasonal) | \$25.00 |
| Emergency Turn Off/Turn On | No Fee |
| Returned Check Fee | \$20.00 |
| On-Site Collection to Avoid Shutoff | \$15.00 |
| Late Fees on Account | 3% of unpaid balance |
| Account Turned to Collection Agency | 30% of balance |
| Special Handling Fee | \$50.00 |
| Tow Truck Assistance | Not to exceed \$100.00 |
| Unauthorized Obtainment of Water Fee | |
| First offense | \$50.00 |
| Second offense | \$100.00 |
| Third offense | issuance of a misdemeanor citation |
| Replacement Fees for Damaged City Property | |
| Locks | \$15.00 |
| ERT's | \$80.00 |
| Meters | Not to exceed \$150.00 |

EXHIBIT W
VIDEO SERVICES FEES

1. The fee charged to an Access Producer for the first copy of his/her program as a DVD dub or as a digital file shall be \$5.00.
2. The fee charged for a VHS dub of an Access Program or other non-copyrighted material shall be \$20.00.
3. The fee charged for a DVD dub of an Access Program or other non-copyrighted material shall be \$15.00.
4. The fee charged for a Blu-Ray dub of an Access Program or other non-copyrighted material shall be \$20.00.
5. The fee charged for a digital file dub of an Access Program shall be \$10.00.
6. The Video Services Director is hereby authorized to establish such charges as deemed necessary for shipment of media as part of a dub request.
7. The fee charged for Access Producers who cannot demonstrate residency in the cities of Pocatello or Chubbuck, as defined in the Pocatello Community Media Handbook, shall be charged \$50.00 per calendar year (January 1 to December 31). Said fee shall not be prorated.
8. The Video Services Director is hereby authorized to establish such charges or special-event, staff produced programs as deemed necessary to cover the additional costs for such programs.
9. The Video Services Director is hereby authorized to establish discounted pricing for 'bulk dubbing', provided that such discounted fees are the same for all patrons requesting the same number of copies, based upon the copying medium requested.

**EXHIBIT X
WATER DEPARTMENT FEES**

A. Pocatello City Code Section 13.04.090 authorizes the City Council to set, from time to time by Resolution, all water rates and charges for metered and unmetered residential and commercial property within the City limits.

B. The City Council retained the engineering firm of Raftelis Financial Consulting, Inc. to conduct a rate study to project revenues and costs for 2015 to 2019 and to recommend necessary water rates thereafter.

C. The Council determined, based on that study that fees for the water system previously set forth in Resolution 2015-11, Exhibit "X," should be revised for Fiscal Year 2017.

Fees shall be as follows:

1. The fee for use of the system shall be based on the size of each connection and shall be paid to the City Treasurer prior to such connection being constructed and shall be in accordance with the following schedule, which shall not include fire line connections.

SYSTEM CAPACITY FEE

| <u>Connection Size in Inches</u> | <u>System Use Fee</u> |
|--------------------------------------|------------------------------|
| 1 | \$3,210.00 |
| 1 ½ | \$6,420.00 |
| 2 | \$10,270.00 |
| 3 | \$22,470.00 |
| 4 | assessed on individual basis |
| 6 | assessed on individual basis |
| 8 | assessed on individual basis |
| 10 | assessed on individual basis |
| 12 | assessed on individual basis |

2. The charge for current users who increase connection size shall be the difference between the system use fee for the previous connection size and the system use fee for the new size.

3. Monthly metered water charges shall be as follows:

| SERVICE CHARGE (Line Size in Inches) | Inside City | Outside City |
|---|--------------------|---------------------|
| 3/4 | \$9.20 | \$13.80 |
| 1 | \$11.75 | \$17.63 |
| 1 1/2 | \$20.00 | \$30.00 |
| 2 | \$28.30 | \$42.45 |
| 3 | \$65.30 | \$97.95 |
| 4 | \$105.80 | \$158.70 |
| 6 | \$208.00 | \$312.00 |

| | | |
|----|----------|------------|
| 8 | \$299.00 | \$448.50 |
| 10 | \$475.00 | \$712.50 |
| 12 | \$695.00 | \$1,042.50 |

| VOLUME CHARGE (per thousand gallons, rounded to the nearest 1,000 gallons) | Inside City | Outside City |
|---|--------------------|---------------------|
| Single Family (first 25,000 gal. per month) | \$2.41 | \$3.62 |
| Single Family (over 25,000 gal. per month)* | \$3.01 | \$4.52 |
| Multi Unit (served by single meter) | \$2.27 | \$3.41 |
| Non-Residential | \$1.90 | \$2.85 |
| Summerline | \$2.98 | \$4.47 |
| Hydrant-supplied water | - | - |
| (by permit only, at non-residential rate) | \$1.90 | N/A |

*The single family rate for over 25,000 gallons per month shall be charged only during the irrigation season of May, June, July, August, September, and October.

4. Monthly unmetered water charges, including electricity costs, shall be as follows:

RESIDENTIAL UNMETERED CUSTOMERS per unit \$35.84 in-City; \$53.76 outside City (rate applies to multiple units, duplexes, apartments, condominiums and mobile home parks.)

NONRESIDENTIAL UNMETERED subject to rates set by the City adjusted to the most comparable commercial use on metered rates.

5. The monthly charge for private fire protection, consisting of private fire lines and automatic sprinkler systems, is hereby set in accordance with the following schedule:

PRIVATE FIRE PROTECTION

| Connection Size in Inches | Charge |
|---------------------------|----------|
| 2 | \$1.50 |
| 4 | \$8.90 |
| 6 | \$24.75 |
| 8 | \$52.05 |
| 10 | \$89.20 |
| 12 | \$153.20 |

6. Persons who qualify for Bannock County's Circuit Breaker Exemption List and meet the additional qualifications listed below, shall receive a 30% reduction on that portion of their utility bill showing water consumption. Said reduction shall be available only to those who own and occupy a single-family dwelling, and shall not be available for multi-family units, including duplexes. Upon receipt of the Circuit Breaker Exemption List from the County, the Utility Billing Department shall make the reduction which shall remain in effect so long as the applicant meets the requirements set forth herein.

7. Fees for water obtained from fire hydrants shall be as follows:

| | |
|--------------------------------------|----------------|
| Permit Fee | \$25.00 |
| Deposit | \$500.00 |
| Meter Rental Fee | \$2.00 per day |
| Volume Charge (per thousand gallons) | \$1.90 |

**EXHIBIT Y
WATER POLLUTION CONTROL DEPARTMENT FEES**

1. Pocatello Municipal Code Section 13.16.180 authorizes sanitary sewer rates and plant capacity fees to be set from time to time by Resolution.
2. The City Council retained the engineering firm of Raftelis Financial Consulting, Inc. to conduct a rate study to project revenues and costs for 2015 to 2019 and to recommend necessary sanitary sewer rates thereafter.
3. The Council determined, based on that study that fees for the sanitary sewer system previously set forth in Resolution 2015-11, Exhibit "Y", should be revised for Fiscal Year 2017.

Sanitary Sewer rates and fees shall be as follows:

NORMAL STRENGTH RATES

| Metered facilities | Inside City | Outside City |
|---|--------------------|---------------------|
| Residential, single family | \$29.75/mo. | \$35.70/mo. |
| Residential multi-family, commercial, and all others | | |
| Monthly service charge, per bill | \$6.25 | \$7.50 |
| Volume charge per 1,000 gals. | \$4.33 | \$5.20 |
| JR Simplot (uses own collection system) | | |
| Monthly service charge, per bill | | \$7.50 |
| Volume charge per 1,000 gals. | | \$3.66 |

Non-metered facilities

All users will be billed a flat monthly charge based on the average annual consumption of the most comparable metered use at the rates listed above. Billings for multi-family residential and commercial uses without summer lines will be a flat monthly rate throughout the year derived by averaging the gallonage charges, as set herein, for water use during the months of November through April of the previous year.

CHUBBUCK MUNICIPAL SANITARY SEWER SYSTEM

| | |
|----------------------------------|----------------------|
| Monthly service charge, per bill | \$6.25 |
| Volume charge, per 1,000 gals. | \$4.33 South of I-86 |
| Volume charge, per 1,000 gals. | \$3.45 North of I-86 |

INDUSTRIAL FACILITIES (abnormal strengths or volumes, multiple meters, meters larger than 2" or BODs and/or total suspended solids greater than 200 ppm)

| | |
|---|--------|
| Monthly service charge, per bill | \$6.25 |
| Volume charge, per 1,000 gals | \$2.62 |
| Special Volume charge for Great Western Malting | \$1.31 |
| BOD charges, per pound | \$0.21 |

| | |
|--|---|
| Total kteldahl nitrogen (TKN), per lb. | \$1.74 (on amounts greater than 35 mg/l) |
| Suspended solids, per lb. | \$0.26 |
| Total phosphorus (P), per lb. | \$9.01 (on amounts greater than 7 mg/l) |
| Fats, oils, grease, per lb. | \$0.08 (on amounts greater than 100 mg/l) |

Domestic Septage Disposal

| | |
|---------------------------|--------|
| Volume charge, per gallon | \$0.07 |
|---------------------------|--------|

SYSTEM CAPACITY FEES

Residential/Commercial Users

Treatment Plant

| | |
|-------------------------|------------|
| 3/4" water connection | \$1,680.00 |
| 1" water connection | \$1,680.00 |
| 1 1/2" water connection | \$3,360.00 |
| 2" water connection | \$5,380.00 |

Collection System

| | |
|-------------------------|------------|
| 3/4" water connection | \$1,510.00 |
| 1" water connection | \$1,510.00 |
| 1 1/2" water connection | \$3,020.00 |
| 2" water connection | \$4,830.00 |

Large Industrial User Capacity Fee (abnormal strengths or volumes, multiple meters, meters larger than 2" or BODs or total suspended solids greater than 200 ppm, or TKN greater than 35 mg/l, or phosphorus greater than 7 mg/l)

| | |
|-------------------|--------------------|
| Volume | \$1.37/gpd |
| BOD | \$838.10/lb/day |
| TSS | \$965.63/lb/day |
| TKN | \$4,928.87/lb/day |
| Phosphorus | \$14,708.94/lb/day |
| Collection system | \$7.84/gpd |

4. Fees apply to owners or occupants of land, buildings, or premises requiring sanitary services, which are either connected to the sanitary sewer system or would be required to be connected to said system pursuant to Municipal Code §13.16.080.

5. Persons who qualify for Bannock County's Circuit Breaker Exemption List, and own and occupy a single-family residence, shall receive a 30% reduction on that portion of their utility bill listed as "Sewer" or "Sanitary Sewer." Upon receipt of the Circuit Breaker Exemption List from Bannock County, the City Utility Billing Department shall make the reduction, which shall remain in effect so long as the applicant meets the requirements set forth herein.

EXHIBIT Z
ZOO PROGRAM, RENTAL, AND ADMISSION FEES

1. The Zoo Idaho fees shall be as follows:

| General Admission | <u>Fees* (\$0.50 dedicated to fund New Entrance)</u> |
|--|--|
| Senior (60 +) | \$4.50* |
| Adults (12 through 59) | \$5.75* |
| Child (3 - 11) | \$3.75* |
| Military Service Discount (Active/Veteran) | \$4.50* |
| Infant (2 and under) | No Charge |
| Zoo Society Members | No Charge |
| Student Group Admission | |
| Field Trips | |
| Junior/Senior High/College | \$4.00, including teachers |
| Pre-School/Elementary | \$1.50 |
| Teachers/Adult Chaperones | \$1.50 for one chaperone for every 5 children 3 rd grade and younger; 1 chaperone for every 10 children 4 th grade and older |
| General Group Discounts (25 or more people) | \$0.25 per person discount from regular fee |
| Stroller Rental | \$3.00 |
| Wagon Rental | \$3.00 |
| Zoo Rental (after hours) | |
| For company and group events, includes zoo admission and picnic area | \$200.00 (minimum) or \$6.50/person, whichever is greater, + any tour fees |

EdZOOcational Programs, Classes & Activities

| | |
|--|--|
| *Outreach Classroom Program (School Groups) | |
| Within School District 25 | \$25.00 first class; \$16.00 each additional class |
| Beyond School District 25, up to 25 miles | \$40.00 first class; \$26.00 each additional class |
| Beyond 25 mile radius | \$40.00 first class; \$26.00 each additional class + \$2.00 for each additional mile over 25 miles per trip + cost of overnight stay, if required for outreach. |
| Raptor Fee | \$25.00 additional for request for large bird of Prey, such as hawk. |

| | |
|---|--------------------|
| *Outreach Programs (Non-School Groups) | |
| Within 25 miles of Zoo | \$50.00 per group |
| Within 25 miles to 50 miles | \$100.00 per group |

Over 50 miles from Zoo
Raptor Fee

TBD by P&R Director & Zoo Supt.
\$25.00 additional for request for large
bird of prey, such as hawk

Classroom/Teacher Resource Trunks (Outdoor Wildlife Learning Lab Trunks)
Within the State of Idaho Free + Full cost of shipping/transport
of Resource Trunk to and from Zoo to
School or Organization

On-Site Programs

Back-Pack Program \$2.00 per Back-Pack

Zoorific Tours (by reservation only, minimum of 10 participants)

Classy Tour (School Tours) \$2.00 per person + Admission
Non-School Tour (Youth Groups) \$4.00 per person + Admission
Guided Tour (General Public) \$6.00 per person + Admission
(subject to availability) \$5.00 per person, Zoo Idaho Society Member

***Pre-School Programs**

Zoo Buddies/Summer Reading Free with Admission
Zoo Buddies/Schools & Daycare \$1.50 per child + Admission
Zoo 4 Tots (up to 1 hour) \$8.00 + Admission
(Price includes 1 parent + 1 child) \$6.80 Zoo Idaho Society Members
\$2.00 for each additional person in the same
family + Admission
\$2.00 for each additional person in the same
family, Zoo Idaho Society Member

Wildlife Theater Group \$25.00 Flat Fee + Admission

***Day Classes/After Hours Events (Scavenger Hunts, Scout Badges, Etc.)**

Schools/Non-Profit Groups:
Programs up to 1 ½ Hours \$5.00 per child + Admission
Programs up to 2 ½ Hours \$8.00 per child + Admission

Individuals/Other Groups:
Program up to 1 ½ Hours \$10.00 + Admission
\$8.50 Zoo Idaho Society Member
Program up to 2 ½ Hours \$15.00 + Admission
\$12.75 Zoo Idaho Society Member
Program over 2 ½ Hours \$20.00 + Admission
\$17.00 Zoo Idaho Society Member

***ZooCamp**

One-Half Day Camps (4 days) \$65.00 per child
\$55.25 per child Zoo Idaho Society Member
\$10.00 discount for each additional child
enrolled in the same family

| | |
|-------------------------|--|
| Full-Day Camps (5 days) | \$125.00 per child \$106.25 per child Zoo Idaho Society Member \$15.00 discount for each additional child enrolled in the same family |
|-------------------------|--|

Birthday Parties

| | |
|---|--|
| Bear Basics (up to ten people) | \$200.00 (additional \$10/child; \$5/adult) |
| Big Paws (up to ten people) | \$250.00 (additional \$13/child; \$5 adult) |
| Unbearably Good (up to ten people) | \$275.00 (additional \$15/child; \$5 adult) |
| Bearing It All (up to ten people) | \$300.00 (additional \$20/child; \$5 adult) |
| Hibernating Bear (ZooSnooZ) (up to ten people) | \$475.00 (additional \$35/child; \$15 adult) |

15% discount on base package fee only for
Zoo Idaho Society Member hosted party

***Overnights (ZooSnooZ) (by reservation only, minimum of 10 participants)**

| | |
|------------------------------------|--|
| Scouts/Organizational Youth Groups | \$35.00 per child/ \$15 per adult |
| Child-Only Programs | \$50.00 per child \$42.50 per child Zoo Idaho Society Member |

*Outreach Classroom Program, Pre-School Programs, Day Classes, Zoo Camp, Birthday Parties, and Overnights participants may be subject to a materials, food, raptor, and/or guest teacher fee, if applicable, depending upon class curriculum or special requests.

Education Volunteer Programs and others requiring training

| | |
|---|---------|
| Youth Volunteers (Under 18 years) | \$40.00 |
| Adult Volunteers | \$60.00 |
| Adult Volunteers with Master Naturalist, NAI training, or equivalent | \$30.00 |

Program availability of all Zoo programs is subject to Zoo Superintendent and Parks and Recreation Department approval

2. The Parks and Recreation Director in consultation with the Zoo Superintendent, shall have authority to set rates for additional programs, special programs, group events, and other occasional recreational activities not listed above as the need arises.
3. Any required sales taxes shall be added to fees charged, unless already included in the fees, or unless the fee is exempt, regardless of whether specifically noted hereinabove.
4. A waiver of certain of the above fees may be granted in certain cases upon application to the Parks and Recreation Department in accordance with written departmental policy originally approved by the City Council for fiscal year 1989.

AGENDA

ITEM

NO. 19

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCA TELLO, A MUNICIPAL CORPORATION OF IDAHO, ESTABLISHING THE INTENT TO LEVY \$18,807 IN FOREGONE PROPERTY TAX FOR THE PURPOSE OF SUPPLEMENTING OTHER REVENUES TO COMPLETE THE PURCHASE OF PUBLIC SAFETY EQUIPMENT FOR THE FIRE AND POLICE DEPARTMENTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City intends to include \$18,807 of its \$1,460,725 in foregone amount in its Fiscal Year 2017 budget; and

WHEREAS, the City requires the extra revenue to replace public safety equipment for the Fire and Police Departments; and

WHEREAS, the City Council has met notice and hearing requirements set forth in Idaho Code §63-802;

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

1. That the above stated amount is included in the property tax to be levied in 2016; and
2. This Resolution shall be effective as of the date of its adoption.

PASSED AND APPROVED this 18th day of August, 2016.

CITY OF POCA TELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

AGENDA

ITEM

NO. 20

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, APPROPRIATING \$112,512,274 FOR THE 2017 FISCAL YEAR TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY; PROVIDING FOR THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF \$27,524,778 WHICH INCLUDES \$18,807 IN FOREGONE PROPERTY TAX FOR THE FISCAL YEAR BEGINNING THE 1ST DAY OF OCTOBER, 2016, AND ENDING THE 30TH DAY OF SEPTEMBER, 2017, UPON ALL OF THE TAXABLE PROPERTY WITHIN THE CITY OF POCATELLO TO PROVIDE REVENUE TO PAY CURRENT GENERAL, STREET, RECREATION, CEMETERY, AIRPORT, AND PUBLIC LIBRARY EXPENSES, AND TO PAY INTEREST AND PRINCIPAL ON GENERAL OBLIGATION BONDS OF THE CITY OF POCATELLO; PROVIDING THAT A CERTIFIED COPY OF THIS ORDINANCE SHALL BE FILED WITH THE COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, POWER COUNTY, IDAHO AND WITH THE SECRETARY OF STATE OF THE STATE OF IDAHO; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, the City has provided proper notice and held a public hearing on August 4, 2016, regarding the proposed budget for Fiscal Year 2017; and

WHEREAS, the City Council has reviewed the proposed budget and determined that the expenditures are necessary;

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

Section 1: That the appropriations and the amount appropriated for the fiscal year beginning October 1, 2016, through September 30, 2017, be set as follows for the objects and purposes as herein specified:

| <u>Fiscal 2017</u> <u>Objects and Purposes</u> | <u>Amounts</u> |
|---|----------------|
| General Fund - 001 | \$34,006,758 |
| Liability Insurance Fund - 002 | \$1,079,544 |
| Street Fund - 003 | \$6,025,507 |
| Recreation Fund - 004 | \$2,609,256 |
| Cemetery Fund - 005 | \$534,016 |
| Airport Fund - 006 | \$1,400,386 |
| Library Fund - 007 | \$1,670,296 |
| Public Transit Rural Fund - 008 | \$1,099,299 |

| | |
|------------------------------------|----------------------|
| Public Transit Urban Fund - 009 | \$2,023,869 |
| Video Services Fund - 012 | \$338,780 |
| Business Improvement Fund - 013 | \$100,000 |
| Chief Theater Fund - 014 | \$10,888 |
| Emergency Repair Fund - 016 | \$100,000 |
| Science and Environment Fund - 017 | \$390,615 |
| Sanitation Fund - 030 | \$7,507,825 |
| Water Fund - 031 | \$10,889,406 |
| Water Pollution Control Fund - 032 | \$10,684,112 |
| Ambulance District Fund - 035 | \$3,249,602 |
| Information Systems Fund - 050 | \$1,051,067 |
| Utility Billing Fund - 052 | \$1,212,703 |
| Wellness Fund - 053 | \$100,659 |
| Public Works Fund - 054 | \$299,457 |
| Fuel Internal Service Fund - 055 | \$811,047 |
| Worker's Insurance Fund - 056 | \$1,212,795 |
| Govt Debt Service Fund - 059 | \$225,790 |
| WPC Debt Service Fund - 060 | \$3,057,274 |
| Water Debt Service Fund - 061 | \$727,386 |
| Federal Aid Projects Fund - 070 | \$692,181 |
| Airport Construction Fund - 072 | \$2,591,000 |
| Water Construction Fund - 073 | \$1,260,000 |
| WPC Construction Fund - 074 | \$12,949,305 |
| Other Activity Capital Fund - 078 | \$10,000 |
| CDBG Entitlement Grant Fund - 081 | \$795,535 |
| Police Grants Fund - 088 | \$38,305 |
| Police Retirement Trust Fund - 951 | \$740,697 |
| Retirement Payout Fund - 952 | \$270,898 |
| EIDC Revolving Loan Fund - 954 | \$300,000 |
| Community Development Fund - 955 | \$126,891 |
| Zoo Animal Trust Fund - 957 | \$174,643 |
| Façade Loan Trust - 962 | \$73,182 |
| Parks & Rec Develop Trust - 963 | \$3,300 |
| Property Abatement Fund - 964 | \$68,000 |
| Total Appropriated | \$112,512,274 |

The amounts listed under the General Fund include amounts for salaries, benefits, supplies, contractual services, printing and publication, capital outlay, debt service, insurance charges, and other operating expenses, including the purchase of property for City purposes, maintenance of City Hall, and public safety and general contingencies, for all City departments, offices, and facilities not set out in the above list, including budgets for the Mayor and City Council.

Section 2: That the City of Pocatello hereby certifies a tax levy in an amount not to exceed \$27,524,778 which includes \$18,807 in foregone property tax approved by Resolution on August 18, 2016 on the full market value of all taxable property within the corporate limits of the City of Pocatello, Bannock County, Idaho and Power County, Idaho to provide revenue for the following purposes:

| <u>Activity</u> | <u>Tax amount certified</u> |
|--------------------------|-----------------------------|
| General Fund | \$21,050,820 |
| Liability Insurance Fund | \$435,365 |
| Street | \$1,862,468 |
| Recreation | \$1,275,044 |
| Cemetery | \$225,815 |
| Airport | \$815,689 |
| Library | \$1,633,787 |
| <u>Bond Retirement</u> | <u>\$225,790</u> |
| Total | \$27,524,778 |

Section 3: That the City Clerk of the City of Pocatello is hereby directed to file a certified copy of this Ordinance with the County Commissioners of Bannock County, Idaho, Power County, Idaho and the Secretary of the State of Idaho, in accordance with Idaho Code §50-1003 and §50-1007.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this 18th day of August, 2016.

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

PUBLISHED

ORDINANCE

20(b)

**SUMMARY OF
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, PREPEALING TITLE 16 "SUBDIVISION REGULATIONS" OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO AND ADOPTING A NEW TITLE 16 "SUBDIVISION REGULATIONS" ESTABLISHING NEW PROCESSES FOR SHORT PLATS, DEVELOPMENT SURETY BOND REQUIREMENTS, PLAT RECORDING PROCEDURES, WARRANTY BOND REQUIREMENTS FOR THE PROTECTION OF PUBLIC INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE, ISSUANCE OF BUILDING PERMITS, REVIEW OF CONSTRUCTION AND DEVELOPMENT PLANS, PROPERTY LINE ADJUSTMENTS AND OTHER "HOUSEKEEPING" CHANGES IN COMPLIANCE WITH APPLICABLE PROVISIONS OF IDAHO STATUTES TITLE 50, CHAPTER 13 PLATS AND VACATIONS AND TITLE 55, CHAPTER 19 RECORDING OF SURVEYS AND TITLE 67, CHAPTER 65 LOCAL LAND USE PLANNING; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

The full text of this ordinance is available at the City Clerk's Office, Pocatello Municipal Building, 911 North 7th, Pocatello, Idaho.

THE FOREGOING SUMMARY IS APPROVED for publication this 18th day of August, 2016 by the City Council of the City of Pocatello.

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. _____ and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this _____ day of August, 2016.

A. DEAN TRANMER, City Attorney

PUBLISH:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, PREPEALING TITLE 16 "SUBDIVISION REGULATIONS" OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO AND ADOPTING A NEW TITLE 16 "SUBDIVISION REGULATIONS" ESTABLISHING NEW PROCESSES FOR SHORT PLATS, DEVELOPMENT SURETY BOND REQUIREMENTS, PLAT RECORDING PROCEDURES, WARRANTY BOND REQUIREMENTS FOR THE PROTECTION OF PUBLIC INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE, ISSUANCE OF BUILDING PERMITS, REVIEW OF CONSTRUCTION AND DEVELOPMENT PLANS, PROPERTY LINE ADJUSTMENTS AND OTHER "HOUSEKEEPING" CHANGES IN COMPLIANCE WITH APPLICABLE PROVISIONS OF IDAHO STATUTES TITLE 50, CHAPTER 13 PLATS AND VACATIONS AND TITLE 55, CHAPTER 19 RECORDING OF SURVEYS AND TITLE 67, CHAPTER 65 LOCAL LAND USE PLANNING; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, City Planning and Development Services staff initiated a formal review process for the amendment of Pocatello Municipal Code Title 16 "Subdivision Regulations". The overall objectives of re-writing Title 16 include (1) deleting outdated and conflicting provisions; (2) promoting options to subdivide properties suitable for infill development; (3) providing an improved step-by-step organization of the application requirements and processes; (4) clarifying the final plat recording options and processes; and (5) updating existing "Development Agreement" warranty provisions to require an actual warranty period surety to help protect the City from potentially incurring additional repair, replacement or maintenance costs associated with public infrastructure and improvements; and

WHEREAS, City Planning and Development Services staff presented the above key concepts and proposed modifications to the City Council at the March 10, 2016 Study Session; and

WHEREAS, following the March Study Session, the initial draft was made available to surveyors, engineers, developers and other interested parties as well as the City holding a public open house on March 30, 2016 to review the proposed code; and

WHEREAS, the Planning and Zoning Commission initiated the public hearing process on April 13, 2016 and reviewed the proposed amendments at subsequent public meetings. Based on public testimony and deliberations among the Commission members, numerous changes were incorporated into the original draft. The Commission unanimously recommended approval of the new Subdivision ordinance at their June 8, 2016 meeting; and

WHEREAS, said edition approved by the Planning and Zoning Commission was presented to the City Council at the July 14, 2016 Study Session at which time the City Council directed the Planning and Development Services staff to proceed with a public hearing to be held a subsequent meeting; and

WHEREAS, the City Council held a Public Hearing on August 4, 2016 at which City Staff presented the proposed Code and recommended the City Council adopt the code language as prepared; and

WHEREAS, one member of the public testified against the proposed amendments; and

WHEREAS, the City Council has determined that the proposed code re-write of Title 16 "Subdivision Regulations" is reasonable and in the best interest of the citizens of the City of Pocatello;

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

Section 1: That Title 16 "Subdivision Regulations" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be hereby repealed in its entirety.

Section 2: That a revised Title 16 "Subdivision Regulations" be enacted and read as follows:

Chapters:

- 16.04 General Provisions**
- 16.08 Definitions**
- 16.12 Pre-application Review**
- 16.16 Short Plat Subdivision Application**
- 16.20 Preliminary Subdivision Plat Application**
- 16.24 Final Subdivision Plat Application**
- 16.28 Property Line Adjustment Provisions**

Chapter 16.04 General Provisions

Sections:

- 16.04.010 Title**
- 16.04.020 Purpose**
- 16.04.030 Authority**
- 16.04.040 Extraterritorial Authority**
- 16.04.050 Penalty for Selling Lots or Parcels**
- 16.04.060 Enforcing Execution of a Plat**
- 16.04.070 Replat Requirements**
- 16.04.080 Amendments**

16.04.010 Title: This Title shall be known as and may be cited as the City of Pocatello Subdivision Regulations Ordinance. (City Code Title 16, 1996; City Ordinance 2407 (1), 1992).

16.04.020 Purpose: The purpose of regulating the subdivision of land is to ensure orderly development in the City of Pocatello; protection of the public, health, safety, and general welfare; to ensure an interconnected street system; to establish adequate provisions for water supply, drainage, sanitary sewer, and utilities; to ensure that new lots are adequate in size, shape, design, and topography to accommodate appropriate development; and to provide a process for the subdivision of land and to achieve these purposes.

16.04.030 Authority: This Title is adopted pursuant to the authority delegated to the City of Pocatello pursuant to Article 12, Section 2 of the Idaho Constitution; Chapter 65, Title 67, Idaho *Local Land Use Planning Act*, Chapter 3, Title 50, Idaho Code, *Powers*, and Chapter 13, Title 50, Idaho Code, *Plats and Vacations*.

16.04.040 Extraterritorial Authority: Area within the Urban Service Boundary, rights of City to comment. All subdivisions of land within the officially designated Urban Service Boundary (Area of City Impact), located outside the official limits of the City of Pocatello shall be administered in accordance with the ordinances of the County having jurisdiction. The County with jurisdiction shall transmit all proposed subdivision plats, within said area, to the City for review and comment at least fourteen (14) days before the first official decision regarding the subdivision is to be made by the County. Items which may be considered by the City include, but are not limited to, continuity of street pattern, street design, integrity and continuity of utility systems and drainage provisions and the provision of emergency services.

16.04.050 Penalty for Selling Lots or Parcels: Any person who shall dispose of or offer for sale any lot(s) or parcel(s) within the City until the subdivision plat thereof has been duly acknowledged and recorded, as provided in this Title and Idaho Code Title 50, shall be subject to penalties pursuant to Idaho Code, Section 50-1316.

16.04.060 Enforcing Execution of a Plat: Whenever the owner(s) of any tract/lot/parcel of land divide and/or sell and/or convey any part of said tract/lot/parcel without the approval of the City, the City shall have the authority to require the execution of a subdivision plat in accordance with the provisions of this Title and Idaho Code, Section 50-1314.

16.04.070 Replat Requirements: A replat shall comply with all applicable provisions of this Title and Idaho Code Title 50. The City may allow procedures other than replatting to adjust common property lines between abutting properties/lots subject to compliance with provisions of this Title.

16.04.080 Amendments: The Planning and Zoning Commission may recommend amendments to this Title, and the City Council, in acting on such recommendation or on its own motion, may amend this Title as applicable; provided that public hearing procedures are followed for said amendments.

Chapter 16.08 Definitions

16.08.010 General Definitions:

Affected Person: As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by the approval, denial or failure to act upon a submitted application by the City Council, City Planning and Zoning Commission, Hearing Officer or City staff.

Applicant: Any person legally authorized to submit an application for the subdivision of land. The applicant need not be the "owner" of the property as defined by this chapter.

Area of City Impact: The officially designated area consisting of the City Urban Service Boundary within the unincorporated area of the adjoining county.

Block: A group of platted lots fronting on a street and designated as a "block" on a recorded subdivision plat.

City Major Street and Highway Plan: A part of the city development plan which provides for the development of a system of major streets and highways, including the location and alignment of existing and proposed thoroughfares.

City Development Plan: A comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which shall have been duly adopted by the City Council (sometimes referred to as "regional plan").

Common Area: That area delineated on a plat which is held in common undivided ownership by owners of land within the platted area.

Developer: The individual or entity with ownership and/or operational control of the development of public infrastructure and improvements associated with a subdivision.

Development: The physical alteration or improvement of land by a developer, including but not limited to, grading, excavating, filling, construction and installation of public infrastructure and improvements and service provider utilities.

Development Master Plan (DMP): A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by the developer, planner, or site plan committee and shall be subject to approval of the Planning and Zoning Commission.

Director of Planning and Development Services: The person, so titled, who is responsible for coordination of city plans and programs with all other governmental organizations involved in the process of community development and for the supervision and direction of all activities of the Planning and Development Services Department.

Director of Public Works: The person, so titled, who is responsible for the supervision and direction of all activities of the City's Public Works Department.

Easement: A right of use, falling short of ownership, and usually granted for a certain stated use or uses.

Engineering Plans: Plans, profiles, cross sections, calculations and other required details for the construction of public or private improvements, prepared by a Professional Engineer licensed by the State of Idaho and in current standing, in accordance with the approved preliminary plat and in compliance with existing standards of design and construction approved by the City Council.

Exception Area: Any parcel of land which is within the boundary of the tract of land containing the land division which is not owned or controlled by the developer and is not incorporated into the land division.

Final Plat Approval: The approval of the final subdivision plat by the City Council, as evidenced by certification on the plat by the Mayor of the City, constituting authorization to record a final subdivision plat.

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, pumps, and other equipment necessary for the supply, delivery, and drainage of irrigation water.

Lot: A unit of land lawfully created by a recorded subdivision plat for the purpose of sale or development, whether immediate or future.

Lot - Corner: A lot abutting on two (2) or more intersecting streets where the interior angle of intersecting does not exceed one hundred thirty five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

Lot - Interior: A lot having only one side abutting (fronting) on a street.

Lot - through lot or double frontage lot: A lot abutting (fronting) two (2) parallel or approximately parallel streets.

Lot frontage: The length of the lot line of any lot abutting (fronting) a street, road or highway.

Lot width: The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these side lines along the lot frontage.

B. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Lot of Record: A lot, parcel or tract of land that was lawfully created by a recorded deed, contract of sale, or recorded plat prior to the adoption of the City of Pocatello Subdivision Ordinance No. 1594 on October 16, 1969 or lawfully created pursuant to applicable Municipal Code provisions after said date.

Owner: The person, persons or other legal entity holding legal title by deed to land, or holding legal title as vendees under land contract, or holding any other legal title of record.

Parcel: A generic term for any unit or units of land, typically not platted, described by a deed of record, land survey of record or other legally acceptable description.

Pedestrian-way, Pathway or Paseo: A dedicated walkway, sidewalk or path through a block from street to street and/or providing access to a school, park, recreation area, shopping center or other public or private amenity.

Planning and Zoning Commission: As established and defined in City Code, Title 17, may be referred to as "Commission".

Plat, Final: The recorded drawing, map or plan of a subdivision or subdivided land, or a replatting of such, prepared by a Surveyor licensed by the State of Idaho and in current standing, including Title 16 Subdivision Regulations, Page 7

certifications, descriptions and approvals in accordance with requirements of this Title and as specified by Idaho Code, Title 50, Chapter 13, Section 50-1304.

Plat, Preliminary: The preliminary drawing(s) showing the proposed design and layout of a subdivision, including but not limited to, the configuration of lots and blocks, and the location of streets and utilities.

Property Line Adjustment: The relocation or elimination of a common property line between abutting properties that does not create an additional unit of land.

Public Improvement Standards: A set of regulations setting forth the details, specifications, and instructions to be followed in the planning, design, and construction of certain public improvements in the City, formulated by the City Public Works, the County Health Department, and other City departments and approved by the City Council.

Public Infrastructure and Improvements: The infrastructure, improvements, facilities, structures and appurtenances required to provide municipal services to the public. Such services include, but are not limited to:

- A. Potable and non-potable water systems (any required supply, transmission, storage, delivery, fire suppression, and distribution systems);
- B. Municipal wastewater systems (any required collection and transfer pumping/pressure systems);
- C. Stormwater systems;
- D. Public rights of way improvements (any required streets, alleys, asphalt, curbs, gutters, sidewalks, pathways, pavement and signage traffic control, signalized intersections, and street lights);

Public Right-of-Way: Any land dedicated and open to the public, usually for a stated purpose, under the jurisdiction of the City or other State or Federal entity having jurisdiction. The right-of-way may or may not contain public maintained improvements.

Public Utilities: The infrastructure, appurtenances and facilities, underground, above ground or overhead, utilized to provide utility services to the public from a common carrier or corporation subject to the jurisdiction of the Idaho Public Utilities Commission or a municipal franchise. Said entities provide services such as, but not limited to, electricity, gas and communications.

Record of Survey: A recorded survey map prepared by a professional land surveyor licensed by the State of Idaho and in good standing, in conformity with Idaho Code Title 55, Chapter 19, and recorded with the county or counties wherein the lands surveyed are situated.

Replat: The act of reconfiguration of an existing lot or lots in a recorded subdivision that results in the increase or decrease in the number of lots/parcels within the subdivision or results in the reconfiguration of the subdivision in a manner that affects its original integrity.

Site Plan Review Committee: The committee comprised of City staff to review proposed plans and concepts involving the division and/or development of land within the city limits and provide guidance and suggestions regarding said plans and concepts.

Street: The portion of a public or private right-of-way dedicated or reserved primarily to accommodate vehicular access and travel. Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right of way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, and lawns.

Arterial route: A general term including freeways, expressways, and major arterial streets; and interstate, state, or county highways having regional continuity.

Collector street: A street which provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access to abutting property.

Local street: A street which provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movement and connects to collector and/or major streets.

Marginal access street: means a minor street parallel and adjacent to an arterial route which provides access to abutting property and intercepts local streets and controls access to an arterial route.

Cul-de-sac street: A local street having one end permanently terminated in a vehicular turnaround.

Alley: A public right-of-way used to provide secondary vehicular access to the rear of properties otherwise abutting upon a street.

Subdivider: The person(s) or entity with vested ownership or operational control of the subject property or their legally authorized representative responsible for the subdivision of the subject property. May also be referred to as the applicant.

Subdivision or Subdivided Land:

- A. Any lot, parcel, or tract of land which is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.
- B. The creation of cemetery lots pursuant to Idaho Code Title 50, Section 50-1303 – 1304.
- C. The terms "subdivision" or "subdivided land" shall not apply under the following conditions, unless the method of disposition is adopted for the purpose of evading the requirements of this Title, to any division of land which:
 - 1. Is created by order of any court of competent jurisdiction or by operation of law.
 - 2. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity.
 - 3. Is created by a lien, mortgage, or other security instruments.
 - 4. Creates an interest in minerals or water which is severed from the surface of ownership of real property.
 - 5. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and such interest shall be deemed for the purpose of this section as only one interest so land as said acquisition continues to be a joint tenancy or tenancy in common.
 - 6. Is created by the combination of contiguous parcels of land not previously subdivided into one plat or parcel, but the resulting parcel shall constitute only one interest in land and only one building site; provided, however, that easements and right of way shall not be considered interests for purposes of this subsection.
 - 7. Involves the realignment of boundaries between adjoining landowners, providing the adjustment does not violate any existing ordinances or regulations of the city.

8. A bona fide division or partition of agricultural land into lots which are five (5) acres or larger and maintained for agricultural purposes pursuant to Idaho Code, Section 50-1301(16).

Subdivision - Short Plat: A recorded plat map, prepared by a professional land surveyor licensed by the State of Idaho and in current standing, in accordance with this Title and Idaho Code Title 50 and Title 55, of the division of a lot, parcel or tract of record into four (4) or fewer lots for the purpose of sale or development, whether immediate or future.

Tract: A generic term for any unit or units of land, typically unplatted, described by a deed of record, land survey of record or other legally acceptable description.

Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

Chapter 16.12 Pre-application Review

Sections:

- 16.12.010 Pre-application Review**
- 16.12.020 Submission Requirements**
- 16.12.030 General Requirements**

16.12.010 Pre-application Review: All proposed land divisions shall be reviewed by City staff prior to the submittal of a formal application. Such review does not constitute filing of a land division application rather the purpose is to allow City staff concept review while allowing the applicant or applicant's duly authorized representative the opportunity to ask questions regarding the regulations and design requirements applicable to the division of property and to become aware of any issues prior to formal submittal of a land division application.

16.12.020 Pre-application Submission Requirements: The applicant or applicant's duly authorized agent shall submit six (6) 11" x 17" copies of the proposed land division concept plan to the Planning and Development Services Department.

- A City Staff shall review the submitted concept plan and evaluate compliance with the applicable provisions of the Comprehensive Plan, Zoning Ordinance, and other regulations.

16.12.030 General Requirements:

- A. No Building Permit shall be issued for construction or development on any proposed lot within a proposed subdivision or upon land subject to subdivision requirements until:
 - 1. A plat has been approved and recorded as required by this Title and Idaho Code, Title 50 and a copy of the recorded plat has been submitted to the City Surveyor; and
 - 2. All infrastructure and improvements required by the City have been installed, inspected and accepted by the City.

- B. The submission of a subdivision plat application shall be required if any of the following circumstances exist:
 - 1. In all cases when any lot, parcel, or tract of land is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.
 - 2. In all cases where the creation, dedication, access to, or extension of a public right of way is required, regardless of the number of lots being created.
 - 3. In all cases where land or property is to be dedicated to the City.
 - 4. In cases where, due to topography, future impact of the proposed land division, public utility needs, or other applicable circumstances, City staff determines that the recording of a plat is necessary.

Chapter 16.16 Short Plat Subdivision Application

16.16.010 Short Plat Subdivision: A proposed land division creating four (4) or fewer lots, shall be reviewed by City staff in order to determine if the proposal will require the submission of a complete subdivision plat application or a short plat application pursuant to the provisions of this Title. If the City staff determines that a complete subdivision application consisting of preliminary plat and final plat applications is not required, then City staff may authorize the submittal of a Short Plat Subdivision application to ensure compliance with applicable provisions of this Title and Idaho Code Title 50.

The Short Plat Subdivision process does not require the submittal of separate “preliminary plat” and “final plat” applications. A “short plat” is submitted in the “final plat” format pursuant to this Title and Idaho Code Title 50.

- A. A Short Plat Subdivision application that does not require any public dedication of right-of-way for infrastructure or other public uses which requires acceptance by the City Council is subject to the provisions of § C through M of this Section.
- B. A Short Plat Subdivision application that requires the public dedication of right-of way for infrastructure, improvements or other public uses which requires acceptance by the City Council is subject to the provisions of § C through F of this Section and the applicable provisions of Section 16.24.110(A) of this Title.
- C. The proposed subdivision must comply with all other applicable design and survey standards adopted by the City.
- D. Upon receipt of the short plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.
 - 1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
 - 2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
 - 3. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the City Council at a regularly scheduled meeting.
- E. The review by the City Council is for the purpose of rendering a final decision.
- F. The “Final Short Plat Subdivision” shall be prepared in compliance with the applicable provision of Chapter 16.24 of this Title and applicable provisions of Idaho Code Title 50.
- G. The “Final Short Plat Subdivision” shall be submitted to the City Surveyor for review for substantial conformity to the plat reviewed by the City Council and applicable State statutes and City ordinance provisions.

1. If the submitted final plat is not found to be in substantial conformity, the City Surveyor will notify the applicant and the applicant will be given the opportunity to make necessary corrections to achieve substantial conformity.
 2. The applicant must re-submit a corrected plat within thirty (days) from the date of notification by the City Surveyor.
 3. Failure to re-submit a corrected plat in conformity with the approved plat will result in a denial and require the applicant to submit a new application.
- H. The “Final Short Plat Subdivision” shall contain applicable certification statements pursuant to Section 16.24.050 of this Title.
- I. Upon a determination by the City Surveyor that the “Final Short Plat Subdivision” is in conformity with the requirements of this Title, appropriate City signatures may be affixed to the Plat.
- J. After obtaining all required signatures, the Plat shall be submitted to the County Clerk for review and recording in the County “Records of Plats” in accordance with applicable provisions of this Title and Idaho Code Title 50.
- K. The applicant shall provide the City Surveyor with a copy, on CAD film, of the recorded Plat and an electronic (digital) AutoCad® (DWG) format file within thirty (30) days of recording.
- L. Expiration of the approval to record the Short Plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new application.
- M. All other applicable provisions of this Title shall be met.

Chapter 16.20 Preliminary Subdivision Plat Application

Sections:

- 16.20.010 Preliminary Plat – Purpose**
16.20.020 Application and Fees
16.20.030 Preliminary Plat Submittal
16.20.040 Preliminary Plat Review
16.20.050 Review Criteria

16.20.060 Planning and Zoning Commission Recommendation

16.20.070 Expiration of Planning and Zoning Commission's Recommendation

16.20.010 Preliminary Plat – Purpose: The purpose of the preliminary plat application is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto shall be in compliance with the provisions of this Title, other applicable City regulations and ordinances and applicable provisions of Idaho Code, Title 50, Chapter 13 Plats and Vacations.

16.20.020 Application and Fees: The applicant or their authorized representative, after completing the Pre-application Concept Review shall file an application for preliminary plat approval with the Planning and Development Services Department on a form prescribed by the City, together with ten (10) full size copies (18" x 24") and six (6) 11" X 17" drawings of the preliminary plat and the appropriate application fee paid in full.

16.20.030 Preliminary Plat Submittal: The preliminary plat shall be prepared and stamped, signed and dated by a professional land surveyor and/or engineer licensed by the State of Idaho and in current standing. The plat map shall be clearly identified as a "Preliminary Plat". The preliminary plat shall include the following information:

- A. Proposed name of the subdivision and its location by quarter-quarter section, township, and range, in bold letters at the top of the sheet.
- B. Name, address, and phone number of applicant(s) and/or owner(s) of record and a copy of the deed of record and current title report. If the applicant is not the owner of record, then duly executed authorization from the owner(s) is required.
- C. Name, address and phone number of the professional land surveyor preparing the plat.
- D. Scale, north arrow, date of preparation and revisions.
- E. Vicinity map clearly showing the proposed subdivision in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.
- F. Topography by two-foot (2') contours based on NAVD 88 datum including the origin of the source and the date, or other datum approved by the City, shown on the same sheet as the subdivision layout and extending a minimum of fifty (50) feet beyond the perimeter of the subject property.

- G. Location of water features such as, but not limited to, streams, canals, irrigation facilities, ditches, washes, lakes, wetlands, floodways and floodplains.
- H. Platted streets, utilities, permanent structures to remain, water wells, and property deeded, dedicated or described for public use and Municipal boundary lines within or adjacent to the tract of land.
- I. Current instrument number and ownership of all contiguous property and the name of any recorded contiguous subdivision(s).
- J. Existing zoning classification(s) of the subject property shall be mapped and labeled.
- K. The acreage of the subject property.
- L. The boundary of the subject property to be subdivided shall be fully dimensioned.
- M. Proposed street layout, including location, width, grade and proposed names (public and private) and existing and potential connections to contiguous land(s).
- N. Lot dimensions, the size of each lot, sequentially numbered lots and the total number of lots listed by note.
- O. Location, width, and use of proposed and existing easements.
- P. The location, size and designated use of all land proposed to be dedicated or reserved for public or private use.
- Q. Any proposed private on-site septic system(s) for any lot(s) or parcel(s) will be subject to City Code Chapter 13.16.
- R. Preliminary engineering calculations demonstrating adequate volume, pressure and quality of water supply to the proposed subdivision can be achieved.
- S. Preliminary engineering calculations demonstrating adequate waste water disposal and layout of the system including locations of outlets, subject to approval of the City.
- T. Preliminary engineering calculations demonstrating adequate stormwater quantity and quality standards for the City can be satisfied.

- U. Letters from all affected public utility providers confirming the availability of their respective services to accommodate the proposed development.
- V. A traffic impact study will be required for any subdivision creating one hundred (100) or more peak-hour trips based on the Institute of Transportation Engineers Trip Generation Handbook (current edition).
- W. Proposed street names shall be no longer than fifteen (15) characters, including spaces and shall not be repetitive or similar to existing street names within the City. Proposed street names must be pronounceable and reviewed and approved by the City.

16.20.40 Preliminary Plat Application Review:

- A. Upon receipt of the preliminary plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.
- B. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
 - 1. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
- C. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the Planning and Zoning Commission at a regularly scheduled meeting.
- D. The City will place a sign (or signs) on the subject tract to provide notice to the public of the proposed subdivision.
- E. Pursuant to Section 67-6521, Idaho Code, any affected person may at any time prior to final action on a subdivision application, if no public hearing has been held, petition the City Council in writing to hold a public hearing pursuant to Section 67-6512, Idaho Code.
- F. Representatives from the following City departments and affected agencies shall be given the opportunity to review the plat and provide comments.

1. City Public Works staff shall review the preliminary plat for the following:
 - a. Basic street plans such as proposed right-of-way width, curb, gutter and sidewalk location and width, and planter strips.
 - b. Basic public utility plan.
 - c. The proposed subdivision does not impede the future extension of streets and/or utilities to adjacent lands or recreational access to public lands.
 - d. Grading and drainage control measures.
 - e. City Water Pollution Control Department for review of sewage disposal.
 - f. City Water Department for review of water supply.
 - g. City Streets and Traffic Departments for review of new streets and traffic impacts on existing roadways.
 - h. Science and Environmental staff shall review plans for environmental impacts including but not limited to erosion and storm drainage.
2. Planning and Development Services shall review the preliminary plat for consistency with applicable zoning and development codes.
3. City Legal Department regarding applicable legal issues.
4. City Parks and Recreation Department for recommendations regarding parks and recreation facilities.
5. The City Fire Department shall review existing and proposed hydrant placement, fire apparatus access routes, design and location of required turn-around area(s) for developments.
 - a. Construction standards for structures will be reviewed with applicable building permit applications.
6. Southeast Idaho Department of Health for review of on-site water and sewage disposal, if applicable.

7. School District 25 officials shall review for impacts to school facilities.
 8. Idaho Transportation Department officials shall provide written comment, where the land abuts a State controlled roadway, for review of right-of-way, access drives and intersection design.
 9. Affected public utility providers.
- G. The reviewing representatives/departments shall transmit their recommendations to the Planning and Development Services staff in writing within fourteen (14) days from the date that notice is provided. If no written comments are submitted by the required date, it shall be assumed that there are no concerns regarding the proposed subdivision.
- H. Planning and Development Services staff will prepare a written report for the Planning and Zoning Commission. The report will contain an evaluation of compliance with applicable ordinance provisions along with all comments resulting from the preliminary plat review process.

16.20.050 Review Criteria: The Planning and Zoning Commission shall review the preliminary plat, at a scheduled meeting, for compliance with applicable ordinance provisions subject to the following review criteria:

- A. The subdivision proposal complies with applicable provisions of this Title.
- B. The subdivision proposal complies with all applicable City design standards and development regulations.
- C. The subdivision proposal complies with all applicable zoning requirements of the underlying zoning district, applicable overlays, and other applicable development standards.
- D. All public facilities including streets, sidewalks, curbs, gutters, water, sewer, fire protection, and sanitation services can be provided to the newly created lots and accommodate future extension to adjacent land.
 1. The use of a “control strip” intended to control or prevent the future extension of public facilities or development of adjacent land is prohibited.

- E. If City Public Works determines that the proposed subdivision will result in significant traffic impacts pursuant to §16.20.030(V), then a “Traffic Impact Study” will be required as part of the Commission’s review.
- F. The proposal provides for a continuation of a connected transportation system unless topography or natural features prevents a connection to abutting streets or property.
- G. The proposed subdivision provides for bicycle and pedestrian transportation routes and amenities in accordance with Bannock Transportation Planning Organization’s adopted Bicycle and Pedestrian Plans.
- H. Public utilities are provided to the newly created lots in public rights-of-way or in appropriately sized easements.

16.20.060 Planning and Zoning Commission Recommendation: The Commission, by motion, may issue a recommendation (approval or denial), with or without conditions, or continue the meeting to a set date and time.

- A. The Planning and Zoning Commission’s recommendation shall be reduced to writing and mailed to the applicant.
 - 1. The recommendation may also be made available to other affected persons upon request.
 - 2. The Commission’s recommendation may be subject to “Reconsideration” by the City Council by an affected person pursuant to City Code Title 17 provisions.
- B. A recommendation of approval constitutes authorization for the subdivider to proceed with the preparation of the final plat application.
- C. If the Planning and Zoning Commission is unable to recommend approval of a preliminary plat, as submitted, due to a determination of non-compliance with applicable municipal code provisions, the following options are available:
 - 1. The Commission may discuss changes to the preliminary plat that would resolve non-compliant issues with the applicant and offer the applicant with the opportunity to agree to make such changes.

- a. At the discretion of the Commission, said changes may be attached as conditions of a recommendation for approval; or
 - b. The Commission may continue the meeting in order to provide the applicant with the opportunity to make such changes to the preliminary plat and submit the revised preliminary plat to the Commission for review at a subsequent meeting.
2. If the Commission and the applicant are not able to resolve non-compliant issues then the Commission shall, by motion, recommend denial of the preliminary plat application.
 - a. The applicant may seek “Reconsideration” of the Commission’s recommendation for denial by the City Council pursuant to City Code Title 17 “Reconsideration” provisions; or
 - b. The applicant may, at their own discretion, proceed with the preparation and submittal of the final plat application pursuant to the provisions of Chapter 16.24 of this Title.

16.20.070 Expiration of Planning and Zoning Commission’s Recommendation:

- A. The Commission’s recommendation is valid for a period of two (2) years from the date the recommendation is reduced to writing and mailed to the applicant.
 1. The complete final plat application must be submitted to the Planning and Development Services prior to the expiration of the two year period.
 2. Failure to submit the complete final plat application prior to the two year expiration date shall require the submittal of a new preliminary plat application pursuant to this Chapter.

Chapter 16.24 Final Subdivision Plat Application

Sections:

- | | |
|------------------|--|
| 16.24.010 | Purpose |
| 16.24.020 | Application and Fees |
| 16.24.030 | Final Plat Application Requirements |
| 16.24.040 | Final Plat Requirements |
| 16.24.050 | Final Plat Certificates |
| 16.24.060 | Final Plat Application Review |
| 16.24.070 | Final Plat Approval |

16.24.080 Recording the Final Plat

16.24.090 Recording of Phases

16.24.100 Structures, Improvements and Building Permits

16.24.110 Subdivision Surety Bond and Warranty Bond

16.24.010 Purpose: This Chapter addresses the submittal requirements and the review, approval and recording requirements for a Final Subdivision Plat.

16.24.020 Application and Fees: After the review and a recommendation of approval of the preliminary plat application by the Planning and Zoning Commission, the subdivider may proceed with the preparation of a final plat application pursuant to the provisions of this Chapter .

- A. The final plat application, with applicable fees shall be submitted to the Planning and Development Services Department within the required two (2) year approval period pursuant to Section 16.20.070 of this Title.

16.24.030 Final Plat Application Requirements:

- A. A completed Final Subdivision Plat Application.
- B. Planning, Surveying and Engineering review fees paid in full.
- C. Two (2) 18" x 24" full sized copies and a PDF copy of the final plat (in accordance with all items required under Title 50, Chapter 13, Idaho Code), an 11"x 17" and 8.5" x 11" reduction of the plat.
- D. Two (2) 18" x 24" full sized copies and a PDF copy of construction drawings for streets, water, sewer, sidewalks, storm water, curbs and other public improvements and utilities. One copy of which shall be returned to the applicant after the plans are reviewed and marked-up by City staff.
- E. The final plat shall be prepared in accordance with applicable provisions of Idaho Code, Title 50, Chapter 13 and with City survey standards and with City engineering design and construction standards.

16.24.040 Final Plat Requirements: The final plat shall include the following minimum requirements:

- A. The name and general location of the subdivision by quarter-quarter section, township and range, in bold letters at the top of the sheet.

- B. North arrow, basis of bearing and scale of the plat.
- C. Surveyor's name, company name, address and official seal of the Idaho registered and licensed land surveyor preparing the plat.
- D. The tract boundary must be accurately drawn showing the proper direction and dimensions of all boundary lines of the subdivision. Basis of bearing shall be City of Pocatello datum based on the East Zone of the Idaho State Plane Coordinate System.
- E. The street names, widths, lengths, bearings, curve data on centerlines of proposed streets, alleys and easements desired or necessary; the boundaries, bearings and dimensions of all parcels within the subdivision intended to be dedicated to the use of the public; and the sizes, lines, dimensions, curve data and number of all lots, blocks and/or parts reserved or excepted for any reason within the subdivision.
- F. The widths of abutting streets and alleys and street names. The names and boundaries of all adjoining recorded subdivisions shall be shown upon the plat offered for record. The adjoining subdivisions shall be clearly drawn to show their relationship to the plat offered for record. If adjoining land is not platted it should be noted as such.
- G. All linear dimensions shall be shown to the nearest .01 of a foot and all bearings shall be shown to the nearest second of arc. All curves shall be defined by the radius, central angle, tangent, arc length, chord distance and chord bearing. The description and location of all monuments used to control the survey shall be shown.
 - 1. All monuments shall be set in accordance with Title 50, Section 13, Idaho Code. All exterior boundary corners shall be marked with 5/8" diameter by 24" minimum length iron rod with 2-inch diameter aluminum cap. All exterior boundary corners shall also be marked with a metal "T" type fence post at least 6' in length set immediately adjacent to the required corner monument.
 - 2. Street monument vaults shall meet City standards and be placed a maximum of 600' apart with a 2" aluminum cap on top of a 5/8" x 24" iron rebar. All other center-line monuments shall be a 2" aluminum cap on top of a 5/8" x 24" iron rebar.
- H. All lots and blocks shall be numbered sequentially throughout the plat in accordance with Idaho Code Title 50, Chapter 13 and City engineering and survey standards.
- I. The total acreage of the entire development and square footage of each lot, common areas and open space areas.

- J. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. In addition to the requirements of Title 50, Chapter 13, Idaho Code. The exterior boundary of the subdivision shall be tied to not less than two public land corners or corners recognized by the County Surveyor.
- K. The NAVD 88 datum (date and source) utilized for the construction drawings shall be stated on the construction drawings.
- L. The required certifications shall be lettered on the plat for the following: the Idaho professional land surveyor's "certificate of survey", owner's dedication certificate with notary public acknowledgement, approval by the City Council and acceptance of any public dedications, approval by the Engineer for the City, approval by the City Surveyor and other certificates as required by the County and Idaho Code.

16.24.050 Final Plat Certificates: The following certificates must appear on the Final Plat:

- A. A certificate confirming that the Pocatello City Council has approved the final plat and accepts all public dedications contained in the plat. Said certificate is to be signed by the Mayor of the City of Pocatello and the City Clerk.
- B. A certificate confirming the approval of the Engineer for the City of Pocatello. Said certificate is to be signed by the Engineer for the City of Pocatello.
- C. A certificate confirming the approval of the City Surveyor for the City of Pocatello. Said certificate is to be signed by the City Surveyor for the City of Pocatello.
- D. A certificate for the County Treasurer attesting to the fact that all property taxes have been paid. All Final Plats must be submitted for recording to the County within 30 days of being approved, signed and dated by the City.
- E. A certificate confirming the approval of the Surveyor for the County.
- F. A certificate signed by the County Recorder containing the recording date and instrument number of the plat.
- G. A certificate, signed by the owner or owners of the tract containing the subdivision plat. The signature(s) of the owner(s) must be acknowledged by a Notary Public. The owner's certificate must contain the following:
 - 1. The correct legal description of the subdivided tract and contain a statement as to their intention to include the described land in the plat and make a dedication of all public streets, easements, land and/or rights-of way shown on the plat.

2. A sewage system (sanitary) restriction statement attesting to the fact that the City of Pocatello has agreed, in writing, that all of the lots in the subdivision plat will be served by the City's existing public sewage system.
 3. A water restriction statement attesting to the fact that the City of Pocatello has agreed, in writing, that all of the lots in the subdivision plat will be served by the City's existing public water system.
 4. A statement attesting whether all or part of the subject property is either outside the boundaries of an existing irrigation entity or is located within such boundaries pursuant to Idaho Code 31-3805(1). If all or part of the subject property is located within the boundaries of an existing irrigation entity then the statement shall comply with the applicable provisions of Idaho Code 31-3805.
 5. A statement acknowledging that no building permits will be issued for any structures or improvements upon any of the proposed subdivision lots until;
 - a. The Final Subdivision Plat has been approved and signed by the City and recorded with the County; and
 - b. All required public dedicated structures, infrastructure and/or improvements have been constructed and accepted by the City.
- H. A certificate signed and stamped by the Idaho professional land surveyor who conducted the survey and prepared the final plat attesting to the correctness of the plat and that all required monuments have been set and/or that a post-monumentation agreement has been executed pursuant to Idaho Code 50-1332.
- I. A declaration stating whether or not there are recorded covenants conditions, and restrictions including the instrument recording number, if applicable.

16.24.060 Final Plat Application Review: After having been prepared in accordance with Idaho Code Title 50, Chapter 13, and the requirements set forth under this Title, the final plat application shall be submitted to the Planning and Development Services Department within the two (2) year validity period set forth in Section 16.20.070 of this Title. The final plat shall be in substantial conformance to the preliminary plat as reviewed and recommended by the Planning and Zoning Commission.

- A. Unless changes made directly reflect specific Planning and Zoning Commission recommendations, a final plat fails substantial conformity if any of the following occur:
 1. The number of lots has increased or a significant change in the configuration of lots.
 2. Street alignment has changed significantly.

3. Additional streets are proposed.
 4. A significant change, more than 10%, in the size or location of open space whether public or private.
 5. Other proposed changes which may have affected the preliminary plat reviewed by the Planning and Zoning Commission.
- B. City staff will review the final plat application for substantial conformity.
1. If the final plat application is not in substantial conformance the final plat application will be considered incomplete and returned to the applicant.
 - a. In the event that an incomplete application is returned more than two (2) times, additional application fees shall be required.
 2. If the applicant desires to make changes affecting the substantial conformity of the final plat, then the plat application will be re-submitted to the Planning and Zoning Commission for review and a new recommendation pursuant to the preliminary plat provisions of this Title.
 - a. The re-submittal of a preliminary plat for review by the Planning and Zoning Commission will require the applicant to submit a new application fee according to the application fee schedule.

16.24.070 Final Plat Approval: Final approval of a subdivision plat is validated by the signatures of the appropriate City and County officials pursuant to Idaho Code Title 50 and all applicable City Code provisions. All final plats submitted to the City must comply with the “Essentials of Plats” pursuant to Idaho Code Section 50-1304 and applicable City engineering and survey standards.

- A. After City staff approves substantial conformity and completeness for the final plat application a meeting will be scheduled for City Council consideration for approval.
- B. Subject to City Council consideration and approval and prior to recording, the Final Plat is subject to the following review process:
 1. A full sized copy, drawn to scale, will be submitted to the City Surveyor for review and comment.
 2. The City Surveyor will review the final plat for compliance with applicable survey provisions of Idaho Code and this Title.

3. The City Surveyor will return the submitted copy with review comments to the subdivider's surveyor within thirty (30) days of submittal.
 - a. If corrections are required, a corrected copy and the original copy with comments will be re-submitted to the City Surveyor for review.
 - b. Subsequent reviews, if required by the City Surveyor, shall be subject to additional review fees.
 4. Upon receiving authorization from the City Surveyor, the subdivider may submit the final plat to the Surveyor for the County for review.
 5. Upon receiving authorization from the Surveyor for the County, the subdivider may submit the final plat on CAD film to the City Surveyor in order to obtain the authorized City signatures.
 6. After all required City signatures are affixed to the final plat the subdivider will be notified that the final plat may be picked up and presented to the County for recording.
- C. The approval of the Final Subdivision Plat by the City, as signified by the signatures of the appropriate City officials, does not constitute the City's acceptance of, or the responsibility for, any public facilities, improvements or infrastructure associated with the development and construction of the subdivision.
- D. Expiration of the approval to record the final plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new subdivision application.

16.24.080 Recording the Final Plat: City approval of the final plat does not guarantee County approval for recording. After County signatures are obtained and the final plat is recorded, the subdivider is responsible for submitting one (1) full size copy of the recorded plat on CAD film and an electronic (digital) AutoCad® (DWG) format file to the City Surveyor within thirty (30) days of recording.

- A. Final Plat Recording Options: Authorization by the City for the subdivider to submit a final plat for recording to the County is signified by obtaining all required approval signatures from the City pursuant to one of the following processes.
1. Authorization to record a final plat prior to development and acceptance of required public infrastructure and improvements requires the subdivider to submit a duly

executed “Subdivision Surety Bond” pursuant to Section 16.24.110 of this Title prior to obtaining all required approval signatures from the City.

2. Authorization to record a final plat after the construction and development and acceptance, by the City, of required public infrastructure and improvements requires the developer to submit a duly executed warranty bond pursuant to §16.24.110(E) of this Title prior to obtaining all required approval signatures from the City.
3. Authorization to record a final plat prior to actual completion and approval of all infrastructure and improvements may be approved by the Public Works Director pursuant to the applicable provisions of the engineering, design and development regulations approved by the City and pursuant to compliance with the provisions of Sections 16.24.070 through 16.24.110 of this Title.

16.24.090 Recording of Phases: An approved Final Plat may be recorded in phases subject to the following:

- A. At the time of recording only the current phase proposed for development is to be shown on the Final Plat Map.
- B. Additional phases that have been reviewed and approved by the City Council as part of the original final subdivision plat application may be offered for recording subject to compliance with Sections 16.24.010 through 16.24.110 of this Title.
- C. The Final Plat Map of the additional phases offered for recording must conform to the original final plat subdivision plat application as approved by the City Council.
- D. All phases proposed with the final plat application must be recorded within two (2) years from the date the original final plat application was approved by the City Council otherwise said approval becomes null and void.
 1. Said two (2) year time period may be extended by the City Council.
- E. Any reconfiguration or changes affecting the original approved final plat application will require review and approval by the City Council prior to recording.

16.24.100 Structures, Improvements and Building Permits:

- A. Building permits may be issued for structures or improvements on subdivision lots under any one of the following circumstances:
 1. The approved Final Subdivision Plat has been signed by the City and recorded with the County and all required public dedicated structures, infrastructure and

improvements have been properly constructed, inspected and officially accepted by the City.

2. The approved Final Subdivision Plat or a phase thereof, has been signed by the City and recorded with the County and all required public infrastructure and improvements have been extended to the furthest lot line of the lot requesting the building permit and have been properly constructed, inspected and officially accepted by the City.
 - a. If the developer desires to record a Final Subdivision Plat prior to completion of all required public infrastructure and improvements then the developer shall be required to adhere to the Subdivision Surety Bond provisions of Section 16.24.110 of this Chapter for the remaining incomplete portion(s) of the recorded subdivision.
 3. A building permit may be issued to a subdivision lot pursuant to § (2) above if the only remaining incomplete infrastructure component is the street pavement and both the City Fire Department and the Public Works Department have determined that the street pavement sub base is sufficient to provide for emergency vehicle access to the lot until pavement is installed. Said determination shall be in writing.
- B. The City will not maintain any streets or provide water, sewer or sanitation services to any subdivision lots until the Final Subdivision Plat has been approved and signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed and officially accepted by the City.
- C. All development, improvements or other activities associated with the development and construction of an approved subdivision plat shall be solely the responsibility of the developer and shall be subject to applicable engineering, design and development regulations adopted by the City of Pocatello.

16.24.110 Subdivision Surety Bond and Warranty Bond:

- A. Prior to obtaining required signatures of City officials necessary for authorization for the subdivider to record a final subdivision plat, the subdivider shall provide the City with a Subdivision Surety Bond (Surety Bond) in order to ensure proper completion of all public infrastructure and improvements required to be installed in the subdivision. The Surety Bond shall be issued in the name of the developer (as defined below) and subject to these provisions.

1. Subdivider: Is defined as the person(s) or entity with vested ownership or operational control of the subject property or their legally authorized

representative responsible for the subdivision of the subject property.

2. Developer: Is defined as the individual or entity with ownership and/or operational control of the development of the public infrastructure and improvements associated with the subdivision.
 3. A Subdivision Surety Bond is not required for a Short Plat Subdivision that does not require any public dedication of new right of way.
 4. A Short Plat Subdivision that includes the dedication of right-of-way and associated infrastructure and improvements is subject to the provisions of this Section.
- B. The Surety Bond shall be in a form and contain such provisions as authorized by City Council and approved by the City Legal Department. The Surety Bond shall include at minimum, but not be limited to the following:
1. Incorporation by reference the official name of the final subdivision plat and all data which is used to compute the total estimated cost of the public infrastructure and improvements and public utilities. Said data is to be prepared by the developer in accordance with the Idaho Standards for Public Works for Construction and submitted, in the appropriate electronic format, to the Public Works Department for review and approval.
 2. Two sets of construction drawings and an electronic copy of the plans shall be submitted to the Public Works Department for review and approval.
 3. Subject to approval of the estimated cost data and construction drawings, the Surety Bond amount shall be set at a minimum of 125% of the estimated cost of the required public infrastructure and improvements.
 4. The form of the Surety Bond shall be a performance surety bond issued by a surety acceptable to and also signed by the City with the City named as the obligee.
 - a. A valid Surety Bond shall remain in effect for the duration of the project and until the full release by the City at the satisfaction of the required two (2) year warranty period.
 - b. Failure to maintain the required Surety Bond shall result in the suspension of City authorization to continue with all development activities until such time as the Surety Bond is reinstated to the satisfaction of the City.

5. Completion date of the public infrastructure and improvements and public utilities within a period of time not to exceed two (2) years from the date the Surety Bond is executed.
6. The Public Works Director shall have authority over the Surety Bond proceeds which may be released, in whole or in part, only upon written approval of the Public Works Director.
7. If the Surety Bond proceeds, in whole or in part, are inadequate to pay the cost of the completion of the public infrastructure and improvements and public utilities according to City standards for whatever reason, then the developer shall be responsible for the deficiency.
8. Building permits shall not be issued for any lot in the subdivision until the final subdivision plat has been recorded and all public infrastructure and improvements have been completed and accepted by the City and/or the service/utility provider.
9. The developer shall submit written and notarized disclosure statement and a current title report attesting to the fact that there are no outstanding bills, liens or other encumbrances associated with any portion of the public infrastructure and improvements being offered to the City for acceptance.
10. In the event of the developer's failure to perform, all of the City's costs of obtaining the proceeds of the Surety Bond shall be deducted from the Surety Bond proceeds.
11. The developer agrees to hold the City, its agents, employees, public officials, and directors, harmless from any and all liability which may arise as a result of the public infrastructure and improvements which are installed until such time as the City accepts the public infrastructure and improvements.

C. Disposition and Release of the Surety Bond:

1. The developer giving the Surety Bond provided for here-in, shall be responsible for all costs, materials and workmanship of infrastructure and improvements and public utilities.
2. At the completion of the work, the developer giving the Surety Bond shall submit to the Public Works Department, one CAD film copy of the final construction drawings and a digital copy of the "as-built" drawings in accordance with the City electronic format and a certificate of completion signed by the developer and the developer's project engineer.

3. At completion of the work, the developer shall submit a written request to the Public Works Director requesting the City Council to accept the public infrastructure and improvements and release the Surety Bond in part or in whole.
4. The Public Works Director shall, within fifteen (15) business days of the receipt of the developer's written request, authorize City staff to conduct an inspection of the public infrastructure and improvements and prepare a written inspection report.
5. Upon completion of the inspection and the inspection report, the Public Works Director shall determine if the requested public infrastructure and improvements have been properly completed and passed inspection or if said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection.
6. Upon a determination of proper completion, the Public Works Director shall present the request to accept the public infrastructure and improvements to the City Council for final action.
7. Upon a determination that said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection, the Public Works Director will provide the developer with a copy of the inspection report and a detailed "punch list" of the deficiencies.
 - a. The developer must complete all identified deficiencies and pass required inspections in order to obtain a determination of proper completion and have their request for acceptance presented to the City Council for final action.
8. In the event the developer fails to properly complete the public infrastructure and improvements and/or fails to comply with all applicable development standards within established time-lines, the Public Works Director has the authority to initiate execution of the Surety Bond.

D. Partial Release Permitted: The Public Works Director may, upon receipt of a written request from the developer, authorize a partial release of the Surety Bond in accordance with the following schedule:

| <u>Percentage of Work Value Completed</u> | <u>Maximum % of surety Eligible for Release</u> |
|--|--|
| 25% of Total Surety Value | Up to 20% of Original Surety |
| 50% of Total Surety Value | Up to 20% of Original Surety |
| 75% of Total Surety Value | Up to 20% of Original Surety |
| 100% of Total Work | Up to 25% of Original Surety |

1. Based on this schedule, the City would retain 15% of the original Surety Bond amount.

2. Upon the proper execution of the required Warranty Bond pursuant to § “E” below the City will release any remaining balance of the Surety Bond.

E. Warranty Bond Requirements:

1. The warranty time period of two (2) years for all public infrastructure and improvements shall begin on the date following the completion of all said infrastructure and improvements and final acceptance by the City Council.
2. The required Warranty Bond shall be for a minimum of \$25,000 or a maximum of five percent (5%) of 125% of the original cost estimate for the required infrastructure and improvements, whichever is the greater amount.
 - a. The City of Pocatello shall be designated as the beneficiary with the right of execution and the bond shall cover the durability, condition, materials and workmanship of the infrastructure and improvements.
 - b. In lieu of providing a Warranty Bond, the developer may provide a cash surety with a title company or a financial institution with the City of Pocatello designated as the beneficiary and the cash surety is in conformance with the provisions of this Section.
 - c. A developer and/or a developer’s contractor that is a licensed and bonded contractor within the City of Pocatello may utilize their contractor’s bond in lieu of a separate Warranty Bond, provided said contractor’s bond complies with the provisions of this Section.
3. If during the warranty period the durability, condition, materials, or workmanship of any of the infrastructure or improvements fails or shows unusual deterioration the Public Works Director shall provide written notice to the developer detailing the issues and required corrections and establish a reasonable time-line for the repair work to be completed.
4. If the developer fails to make the required corrections within the reasonable time set per §3 above, the Public Works Director may declare such developer in default and initiate execution and use of the Warranty Bond to defray the cost of required work.
 - a. In the event the Warranty Bond is insufficient to cover the cost of making such corrections, the developer shall be responsible for all additional costs.
 - b. If corrections have been required by the Public Works Director, the original warranty period shall be extended an additional one (1) year, for that work which

has been corrected, from the date all required corrections have been completed and approved by the Public Works Director.

5. The developer shall acknowledge and agree to the Warranty Bond provisions of this Section as a written condition in the required "Development Agreement" to be executed with the City prior to authorization to initiate construction activities pursuant to the provisions of Municipal Code Chapter 12.

Chapter 16.28 Property Line Adjustment Provisions

Sections:

- 16.28.010 Definitions**
- 16.28.020 Standards**
- 16.28.030 Application**
- 16.28.040 Implementation**
- 16.28.050 Final Approval**

16.28.010 Definitions:

- A. A Property Line Adjustment is the relocation of or elimination of a common property line between abutting properties that does not create an additional unit of land.
- B. Common Property Line is a property line between abutting properties and may consist of one or more connected line segments.

16.28.020 Standards:

- A. The adjusted properties must comply with all applicable zone district requirements.
 1. All existing and proposed structures must comply with applicable setbacks.
 2. The adjusted properties must comply with applicable minimum lot/parcel size and configuration requirements.
- B. City staff may allow the adjustment of common property lines within a platted subdivision without being subject to replatting or plat vacation requirements pursuant to Title 50, Chapter 13, Idaho Code or land division requirements of Title 16 of the City Municipal Code, provided that the adjustment does not result in the increase or decrease in the number of lots or parcels within the subdivision or result in the reconfiguration of the subdivision lot(s) or parcel(s) in a manner that affects its original integrity.

16.28.030 Application:

- A. An application and applicable fees must be submitted to the Planning & Development Services.

1. A copy of the current recorded deed(s) for each affected property.
 2. A site plan map showing the existing property lines and dimensions, the location of all existing structures and setbacks and the size of each affected property.
 3. A site plan showing the proposed adjusted property line(s) and dimensions, the location of all existing structures and setbacks and the size of each affected (adjusted) property.
 4. The signatures of the current owner(s) of the affected properties.
 5. A copy of the original plat for properties within an existing platted area.
- B. Planning & Development Services staff shall review property line adjustment applications within five (5) days from official receipt of the application and applicable fees and determine compliance with the above provisions.
1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
 2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
- C. Staff review and determination is a ministerial action subject to applicable standards adopted by the City.
- D. City staff shall notify the affected parties concerning compliance with these standards.

16.28.040 Implementation:

- A. An approved property line adjustment shall be implemented by the recording of a "Record of Survey" pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys and the recording of the appropriate deed(s) with the County Clerk.
1. The relocation (adjustment) of common property lines shall be surveyed and monumented pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys.
 2. The "Record of Survey" shall be submitted to the City Surveyor for review prior to being recorded and shall contain the signature and date of approval of the City Surveyor.
 3. A "Record of Survey" map shall be filed with the County surveyor and a full size copy of the filed survey shall be submitted to the City Planning & Development Services.

4. Appropriate deeds shall be recorded with the County Clerk and shall contain the names of the affected parties, the description(s) of the adjusted line(s) references to the original recorded deeds for the affected properties and signatures of the affected parties with proper acknowledgements. A copy of the recorded deeds shall be submitted to the City Planning & Development Services.

16.28.050 Final Approval:

- A. Planning & Development Services staff shall review the “implementation” documents for compliance with the above provisions and shall notify the affected parties.
- B. No building permits or other land use permits shall be issued for the affected properties until the provisions of this Chapter have been met.

Section 3: That this Ordinance shall be in full force and effect after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this ____ day of August, 2016.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

SUMMARY OF
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTIONS OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO, 1983 MORE PARTICULARLY SECTIONS 10.04.040, 10.04.060, 10.04.080, 10.04.090, 10.04.140, 10.08.040, 10.08.070, 10.08.080, 10.08.140, 10.12.020, 10.16.010, 10.16.080, 10.30.080, 10.34.020, and 10.34.030 TO AMEND THE POSITION OF "TRAFFIC ENGINEER" TO "CITY ENGINEER AND/OR HIS/HER DESIGNEE"; SECTIONS 10.34.050, 10.34.050, AND 10.34.080 AMENDING THE POSITION OF "TRAFFIC ENGINEER" TO "POCATELLO POLICE DEPARTMENT"; AMENDING SECTION 10.16.030 TO ALLOW FOR "OR WHEN FLASHING" SCHOOL ZONE SPEED LIMIT SIGNAGE IN CONJUNCTION WITH THE TIMEFRAME; ENACTING A NEW SECTION 10.16.090 "CONSTRUCTION SPEED ZONE LIMIT" TO PROVIDE FOR AUTHORITY TO REDUCE SPEED LIMIT IN CONSTRUCTION AREAS AS APPLICABLE; AMENDING SECTION 10.08.130 TO INCORPORATE A NO PARKING ZONE FOR ALL OF OLYMPUS DRIVE, FROM POCATELLO CREEK INTERSECTION TO EAST CHUBBUCK ROAD; REMOVE GARFIELD AVENUE FROM GOULD STREET TO BRIDGER STREET FROM SECTION 10.16.040; AMENDING SECTION 10.16.050 TO INCLUDE HIGHLAND BLVD. AND KIRKHAM ROAD WITH A SPEED LIMIT OF 35MPH; AND AMENDING SECTION 10.16.060 TO INCLUDE SOUTH VALLEY ROAD WITH A SPEED LIMIT OF 45MPH; PROVIDING THAT ALL OTHER SECTIONS OF CHAPTER 10.16 SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

The full text of this ordinance is available at the City Clerk's Office, Pocatello Municipal Building, 911 North 7th, Pocatello, Idaho.

THE FOREGOING SUMMARY IS APPROVED for publication this 18th day of August, 2016 by the City Council of the City of Pocatello.

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. _____ and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this _____ day of August, 2016.

A. DEAN TRANMER, City Attorney

PUBLISH:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTIONS OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO, 1983 MORE PARTICULARLY SECTIONS 10.04.040, 10.04.060, 10.04.080, 10.04.090, 10.04.140, 10.08.040, 10.08.070, 10.08.080, 10.08.140, 10.12.020, 10.16.010, 10.16.080, 10.30.080, 10.34.020, and 10.34.030 TO AMEND THE POSITION OF "TRAFFIC ENGINEER" TO "CITY ENGINEER AND/OR HIS/HER DESIGNEE"; SECTIONS 10.34.050, 10.34.050, AND 10.34.080 AMENDING THE POSITION OF "TRAFFIC ENGINEER" TO "POCATELLO POLICE DEPARTMENT"; AMENDING SECTION 10.16.030 TO ALLOW FOR "OR WHEN FLASHING" SCHOOL ZONE SPEED LIMIT SIGNAGE IN CONJUNCTION WITH THE TIMEFRAME; ENACTING A NEW SECTION 10.16.090 "CONSTRUCTION SPEED ZONE LIMIT" TO PROVIDE FOR AUTHORITY TO REDUCE SPEED LIMIT IN CONSTRUCTION AREAS AS APPLICABLE; AMENDING SECTION 10.08.130 TO INCORPORATE A NO PARKING ZONE FOR ALL OF OLYMPUS DRIVE, FROM POCATELLO CREEK INTERSECTION TO EAST CHUBBUCK ROAD; REMOVE GARFIELD AVENUE FROM GOULD STREET TO BRIDGER STREET FROM SECTION 10.16.040; AMENDING SECTION 10.16.050 TO INCLUDE HIGHLAND BLVD. AND KIRKHAM ROAD WITH A SPEED LIMIT OF 35MPH; AND AMENDING SECTION 10.16.060 TO INCLUDE SOUTH VALLEY ROAD WITH A SPEED LIMIT OF 45MPH; PROVIDING THAT ALL OTHER SECTIONS OF CHAPTER 10.16 SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, the City Engineering Department in conjunction with the Street Department have reviewed Chapter 10.16 as it relates to the speed regulations of vehicles and traffic and have recommend numerous amendments to said code; and

WHEREAS, the position of City Traffic Engineer no longer exists within the City therefore staff recommends all references to this position be modified to reflect the "City Engineer and/or his/her designee"; and

WHEREAS, the Pocatello Police Department issues restricted area and visitor permits as outline in PMC Sections 10.34.040 and 10.34.050 and regulates unlawful use of decals or permits as outlined in PMC Section 10.34.080, therefore the position of "Traffic

Engineer” should be changed to “Pocatello Police Department” to be consistent with current policy; and

WHEREAS, the City Street Department has purchased “when flashing” signals to accompany school zone signage. The School District #25 Administration as well as the City Police Chief are in full support of this addition and believe it to be beneficial to the traffic flow and decrease congestion when a speed reduction is not warranted (i.e. when children are not at play during school hours); and

WHEREAS, the City Public Works Department crews perform construction and maintenance work on City streets each year while allowing traffic to continue along the same roadway. In the best interests of safety, for the City employees as well as the vehicle operators, City Staff recommends enacting a new City Code, modeled after the State Code, giving authority to the City Engineer to reduce traffic speed limit(s) when necessary in construction zones; and

WHEREAS, with the lane extension of Olympus Drive, City Staff recommends that from its intersection with Pocatello Creek Road to East Chubbuck Road be a “No Parking” area identified in the City Code with no sign on the roadway required;

WHEREAS, a traffic study was conducted on March 21, 2016 to consider the speed on Garfield Avenue between Gould Street and Bridger Street, which study provided a recommendation of 28mph or lower. Therefore, City Staff recommends that this section of roadway be removed from Section 10.16.040 “Areas Thirty Miles Per Hour” thereby allowing the roadway to be marked 25mph under Section 10.16.020 “General Speed Limit”; and

WHEREAS, there are three (3) additional speed limits for roadways that need to be added to the City Code due to the addition of new roads within our system and some existing roads being left out of the Code. Highland Blvd. and Kirkham Road shall be added to

Section 10.16.050 “Areas Thirty Five Miles Per Hour” and South Valley Road shall be added to Section 10.16.060 “Areas Forty Five Miles Per Hour”; and

WHEREAS, City Staff presented the above code modifications, additions, and deletions to the City Council at the August 11, 2016 Study Session at which time the Council directed the preparation of an Ordinance;

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

Section 1: That Sections 10.04.040, 10.04.060, 10.04.080, 10.04.090, 10.04.140, 10.08.040, 10.08.070, 10.08.080, 10.08.140, 10.12.020, 10.16.010, 10.16.080, 10.30.080, 10.34.020, and 10.34.030 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended as the position of “Traffic Engineer” no longer exists in the City and the position of “City Engineer and/or his/her designee” shall replace the position of “Traffic Engineer” in all references contained within these Sections of Chapter 10.

Section 2: That Sections 10.34.040, 10.34.050, and 10.34.080 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended as the position of “Traffic Engineer” no longer exists in the City and the position of “Traffic Engineer” referenced in the above Sections shall be replaced with “Pocatello Police Department” to be consistent with current policy.

Section 3: That Section 10.08.130 “Parking Prohibited on Designated Streets; No Signs Required” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended to read as follows:

10.08.130 Parking Prohibited on Designated Streets; No Signs Required

Memorial Drive from the intersection of East Terry Street to the intersection of East Bonneville Street.

Olympus Drive from the intersection of Pocatello Creek Road to East Chubbuck Road

Pine Street, easterly from the east right of way line of Wilson Avenue to the intersection of Yellowstone Avenue, and from the intersection of Yellowstone Avenue easterly along the northerly curb line a distance of one hundred thirty feet (130'), and along the southerly curb line a distance of thirty feet (30').

Section 4: That Section 10.16.030 "Areas Twenty Miles Per Hour/School Zones" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended to read as follows:

10.16.030: AREAS TWENTY MILES PER HOUR/SCHOOL ZONES:

After due consideration of the need therefor, there is established a maximum speed limit not to exceed twenty (20) miles per hour in the following areas, which are school zones; except, however this speed limit shall be in effect only Monday through Friday, inclusive, from seven o'clock (7:00) A.M. until ~~five~~ four thirty o'clock (~~5~~4:30) P.M., or when flashing, from the last Monday in August through June 15 of each year from the first day to the last day of school as regulated by School District No. 25 and Holy Spirit Catholic School Calendar's for each school year:

Section 5: That Section 10.16.040 "Areas Thirty Miles Per Hour" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended to read as follows:

10.16.040 Areas Thirty Miles Per Hour

| | | |
|----------------------------|---|---|
| Fifteenth Avenue | | From Oak Street to <u>East</u> Bonneville Street except the area indicated for Washington School zone |
| Garfield Avenue | - | From Gould Street to West Bridger Street |
| Hiline Road | | From Pocatello Creek Road to <u>E. Quinn Road</u> , except the area indicated for Syringa School zone |

Section 6: That Section 10.16.050 “Areas Thirty Five Miles Per Hour” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended to read as follows:

10.16.050 Areas Thirty Five Miles Per Hour

| | |
|-----------------------|--|
| Gould Street | From McKinley Avenue to Garfield |
| <u>Highland Blvd.</u> | <u>From Buchanan Avenue to Valleyview Drive</u> |
| Hiline Road | From E. Quinn to the city limits |
| <u>Kirkham Road</u> | <u>From South Valley Road to 2nd Avenue</u> |
| Main Street | From West Custer to King Street |

Section 7: That Section 10.16.060 “Areas Forty Five Miles Per Hour” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be amended to read as follows:

10.16.060 Areas Forty Five Miles Per Hour

| | |
|--------------------------|---|
| South Second Avenue | From the pumphouse at the south end of Ross Park to <u>Kirkham Road</u> . Cheyenne, except that portion governed by the 20-mile per hour curve warning sign and the railroad crossing area |
| <u>South Valley Road</u> | <u>From South 5th Avenue to Bannock Highway</u> |

Section 8: That a new Section titled 10.16.090 “Construction Zone Speed Limit” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be enacted to read as follows:

10.16.090 CONSTRUCTION ZONE SPEED LIMIT

The City Engineer and/or his/her designee is hereby authorized to determine whether the lawfully posted speed limit should be temporarily lowered during construction activities on City roadways so as to permit the movement of traffic in an orderly and safe manner. All temporary speed limit signage shall be posted in accordance to the Idaho Transportation Department Traffic manual and/or the Manual on Uniform Traffic Control Devices.

Section 9: That all other Sections of Chapter 10 shall remain in full force and effect.

Section 10: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this ____ day of August, 2016.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

20(d)

SUMMARY OF
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCA TELLO, A MUNICIPAL CORPORATION OF IDAHO, CHANGING THE DESIGNATED ZONE OF 7.26 ACRES OF PROPERTY LOCATED AT 1800 GARRETT WAY, POCA TELLO, IDAHO FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL/COMMERCIAL/ PROFESSIONAL (RCP), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY IDAHO, (BASIS OF BEARING AS SHOWN ON A RECORD OF SURVEY MAP INSTRUMENT NUMBER 760780), DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, AS SHOWN ON SAID RECORD OF SURVEY MAP;

THENCE ALONG THE EAST LINE OF SAID SECTION 22, ALSO BEING THE CENTERLINE OF MCKINLEY AVENUE AS SHOWN ON THE AFORESAID RECORD OF SURVEY NORTH 00°21'00" EAST A DISTANCE OF 254.24 FEET;
THENCE LEAVING SAID SECTION LINE NORTH 89°39'00" WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID MCKINLEY AVENUE;

THENCE CONTINUING NORTH 89°39'00" WEST A DISTANCE OF 549.72 FEET TO A POINT OF NON-TANGENCY ON A 1,540.02 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS NORTH 28°57'49" EAST, SAID POINT BEING THE **POINT OF BEGINNING**.

THENCE FOLLOWING SAID CURVE, IN A CLOCKWISE DIRECTION, AN ARC DISTANCE OF 289.78 FEET, THROUGH A CENTRAL ANGLE OF 10°46'52", PARALLEL WITH AND 97.00 FEET LEFT OF, THE CENTERLINE OF IDAHO STATE PROJECT NUMBER FS 1024 (6), (THE CHORD OF SAID CURVE BEARS NORTH 55°38'45" WEST A DISTANCE OF 289.35 FEET) TO A 2" ALUMINUM CAP STAMPED LS 4473 BEING 97.00 FEET LEFT OF ENGINEER'S STATION 74+40.40 OF SAID STATE PROJECT CENTERLINE THE TANGENT OF WHICH BEARS NORTH 50°15'19" WEST;

THENCE ALONG A SPIRAL CURVE TO THE RIGHT, PARALLEL WITH SAID PROJECT CENTERLINE, THE TANGENT OF WHICH BEARS NORTH 50°15'19" WEST A DISTANCE OF 339.63 FEET (THE CHORD OF WHICH BEARS NORTH 46°08'27" WEST A DISTANCE OF 339.46 FEET), TO A 2" ALUMINUM CAP STAMPED LS 4473 BEING AT THE POINT OF TANGENCY OF A LINE THAT BEARS NORTH 44°

07'49" WEST AND BEING 97.00 FEET LEFT OF SAID PROJECT CENTERLINE STATION 70+90.40;

THENCE CONTINUING ALONG A LINE PARALLEL WITH AND 97.00 FEET LEFT OF SAID PROJECT CENTERLINE NORTH 44°07'49" WEST A DISTANCE OF 193.21 FEET TO A 2" ALUMINUM CAP STAMPED LS 4473 AT THE SOUTHEAST CORNER OF PARCEL NUMBER 1 AS SHOWN ON SAID RECORD OF SURVEY MAP;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL NUMBER 1 NORTH 15°04'07" EAST A DISTANCE OF 287.76 FEET TO A 2" ALUMINUM CAP STAMPED LS 4473 AT THE NORTHEAST CORNER OF SAID PARCEL NUMBER 1;

THENCE SOUTH 78°06'00" EAST A DISTANCE OF 96.75 FEET;

THENCE SOUTH 89°54'24" EAST A DISTANCE OF 241.53 FEET;

THENCE SOUTH 00°20'43" WEST A DISTANCE OF 90.00 FEET;

THENCE SOUTH 89°54'24" EAST A DISTANCE OF 212.01 FEET;

THENCE SOUTH 00°21'00" WEST A DISTANCE OF 704.366 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 7.26 ACRES, MORE OR LESS.

PROVIDING THAT THE OFFICIAL ZONING MAP BE AMENDED TO INCORPORATE THIS REZONING; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

The full text of this ordinance is available at the City Clerk's Office, Pocatello Municipal Building, 911 North 7th, Pocatello, Idaho.

THE FOREGOING SUMMARY IS APPROVED for publication this 18th
day of August, 2016 by the City Council of the City of Pocatello.

CITY OF POCATELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

I have reviewed the foregoing summary and believe that it provides a true
and complete summary of Ordinance No. _____ and that the summary provides
adequate notice to the public of the contents of this ordinance.

DATED this _____ day of August, 2016.

A. DEAN TRANMER, City Attorney

PUBLISH:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, CHANGING THE DESIGNATED ZONE OF 7.26 ACRES OF PROPERTY LOCATED AT 1800 GARRETT WAY, POCATELLO, IDAHO FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL/COMMERCIAL/PROFESSIONAL (RCP), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY IDAHO, (BASIS OF BEARING AS SHOWN ON A RECORD OF SURVEY MAP INSTRUMENT NUMBER 760780), DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, AS SHOWN ON SAID RECORD OF SURVEY MAP;

THENCE ALONG THE EAST LINE OF SAID SECTION 22, ALSO BEING THE CENTERLINE OF MCKINLEY AVENUE AS SHOWN ON THE AFORESAID RECORD OF SURVEY NORTH 00°21'00" EAST A DISTANCE OF 254.24 FEET; THENCE LEAVING SAID SECTION LINE NORTH 89°39'00" WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID MCKINLEY AVENUE;

THENCE CONTINUING NORTH 89°39'00" WEST A DISTANCE OF 549.72 FEET TO A POINT OF NON-TANGENCY ON A 1,540.02 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS NORTH 28°57'49" EAST, SAID POINT BEING THE **POINT OF BEGINNING**.

THENCE FOLLOWING SAID CURVE, IN A CLOCKWISE DIRECTION, AN ARC DISTANCE OF 289.78 FEET, THROUGH A CENTRAL ANGLE OF 10°46'52", PARALLEL WITH AND 97.00 FEET LEFT OF, THE CENTERLINE OF IDAHO STATE PROJECT NUMBER FS 1024 (6), (THE CHORD OF SAID CURVE BEARS NORTH 55°38'45" WEST A DISTANCE OF 289.35 FEET) TO A 2" ALUMINUM CAP STAMPED LS 4473 BEING 97.00 FEET LEFT OF ENGINEER'S STATION 74+40.40 OF SAID STATE PROJECT CENTERLINE THE TANGENT OF WHICH BEARS NORTH 50°15'19" WEST;

THENCE ALONG A SPIRAL CURVE TO THE RIGHT, PARALLEL WITH SAID PROJECT CENTERLINE, THE TANGENT OF WHICH BEARS NORTH 50°15'19" WEST A DISTANCE OF 339.63 FEET (THE CHORD OF WHICH BEARS NORTH 46°08'27" WEST A DISTANCE OF 339.46 FEET), TO A 2" ALUMINUM CAP STAMPED LS 4473 BEING AT THE POINT OF TANGENCY OF A LINE THAT BEARS NORTH 44°07'49" WEST AND BEING 97.00 FEET LEFT OF SAID PROJECT CENTERLINE STATION 70+90.40;

THENCE CONTINUING ALONG A LINE PARALLEL WITH AND 97.00 FEET LEFT OF SAID PROJECT CENTERLINE NORTH 44°07'49" WEST A DISTANCE OF 193.21 FEET TO A 2" ALUMINUM CAP STAMPED LS 4473 AT THE

SOUTHEAST CORNER OF PARCEL NUMBER 1 AS SHOWN ON SAID RECORD OF SURVEY MAP;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL NUMBER 1 NORTH 15°04'07" EAST A DISTANCE OF 287.76 FEET TO A 2" ALUMINUM CAP STAMPED L.S. 4473 AT THE NORTHEAST CORNER OF SAID PARCEL NUMBER 1;

THENCE SOUTH 78°06'00" EAST A DISTANCE OF 96.75 FEET;

THENCE SOUTH 89°54'24" EAST A DISTANCE OF 241.53 FEET;

THENCE SOUTH 00°20'43" WEST A DISTANCE OF 90.00 FEET;

THENCE SOUTH 89°54'24" EAST A DISTANCE OF 212.01 FEET;

THENCE SOUTH 00°21'00" WEST A DISTANCE OF 704.366 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 7.26 ACRES, MORE OR LESS.

PROVIDING THAT THE OFFICIAL ZONING MAP BE AMENDED TO INCORPORATE THIS REZONING; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, the Planning and Zoning Commission held a public hearing on May 13, 2015, to consider this rezoning request as required by law and thereafter recommended approval of the request to rezone the above described property from Commercial General to Residential/Commercial/Professional; and

WHEREAS the action taken was in compliance with the laws of the State of Idaho and of the City of Pocatello; and

WHEREAS, the City Council being fully advised and having held a public hearing on the request on June 4, 2015, in compliance with the laws of the State of Idaho and of the City of Pocatello, having thereafter determined to grant the rezoning request;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF POCA TELLO AS FOLLO WS:

Section 1: That the above described property previously zoned Commercial
General (CG), be, and the same hereby is, rezoned Residential/Commercial/Professional (RCP).

Section 2: That this Ordinance repeals all ordinances or parts of ordinances in
conflict herewith.

Section 3: That the official zoning map adopted by the City of Pocatello and on file
be amended to incorporate the change of zoning provided for in this Ordinance.

Section 4: That this Ordinance shall be in full force and effect from and after its
passage, approval, and publication according to law, the rule requiring that an ordinance be read on
three separate occasions having been dispensed with.

PASSED AND APPROVED this 18th day of August, 2016.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

STATE OF IDAHO)
)
) ss:
)
County of Bannock)

On this _____ day of August, 2016 before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Ruth E. Whitworth, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
My commission expires: _____

PUBLISHED: