

11:00 a.m.

Call to order by Scott Smith, Chairman
Acknowledge guests of the Board
Disclosure of conflicts of interest
Agenda; delete action or discussion items

Action and Discussion Items:

Agenda Item No. 1: Public Hearing 2015 PDA Annual Report.

Agenda Item No. 2: Minutes.

Motion to approve and/or amend Minutes of January 20, 2016.

Agenda Item No. 3: Financial Report.

Motion to approve and/or amend January 2016 Income and Expenses.

Agenda Item No. 4: Payment Requests/Reimbursements.

(a) Idaho Accelerator Center November 2015 utilities in the amount of \$1,113.87.

Agenda Item No. 5: Review and Approval of Letter in Opposition to HB404.

Upcoming Events/Information:

Positron Building Furnace/Water Damage Update. There is a meeting scheduled with ISU Counsel on Friday, February 19, 2016 to discuss and determine liability.

Matters exist for discussion in an executive session as per I.C. §74-206(1)(e)

Motion: "I move that we enter into an executive session as per Idaho Code §74-206(1)(e) to consider preliminary negotiations involving matters of trade or commerce in which the PDA may be in competition with other jurisdictions."

Adjourn.

AGENDA ITEM

NO. 2

POCATELLO DEVELOPMENT AUTHORITY MEETING MINUTES
February 17, 2016

Members present: Chad Carr, Larry Fisher, Cynthia Hill, Thomas Ottoway, Scott Smith (Chairman), and John Regetz with Bannock Development Corporation (ex-officio)

Members excused: Brian Blad, Steve Brown, and Russell Meyers

Members absent: Howard Manwaring

Staff present: Lon Crowell, Executive Director; Dean Tranmer and Tiffany Olsen, City Legal Dept.; Merrill Quayle, Development Engineer, and Joyce Stroschein, City Finance Dept.

Chair Smith called the meeting to order at 11:05a.m.

Introductions, Conflicts, and Agenda: No guests were in attendance, no conflicts were disclosed pertaining to the agenda and there were no deletions made to the agenda.

Action and Discussion Items:

Agenda Item No. 1: Public Hearing on the PDA 2015 Annual Report. **L. Crowell** presented the Pocatello Development Authority's 2015 Annual Report pursuant to Idaho Code §50-2006(c) via Public Hearing at 11:07 a.m. There were no comments given either in person or in writing from any members of the public. The Public Hearing was closed at 11:09 a.m. **It was MSC (C. Hill, T. Ottoway)** to accept the 2015 PDA Annual Report.

Agenda Item No. 2: Minutes. The Minutes of the regularly scheduled meeting of January 20, 2015 were reviewed. **It was MSC (C. Hill, T. Ottoway)** to approve the January 20, 2016 Minutes as presented.

Agenda Item No. 3: Financial Reports. **J. Stroschein** presented the Financial Reports for the month of January 2016. At month end, the Authority had cash on hand of \$5,986,974.05. The checking account balance was \$3,398,827.56, the savings account was \$746,232.86, and cash being held by Zions Trust amounted to \$1,841,913.63. The Authority recognized above normal financial activity during the month of January. The Authority received revenues totaling \$826,072.01 of which \$880.12 was interest earnings on cash invested. The \$1,000.00 received on the note receivable applied \$189.64 towards the principal of the note. Property tax revenue totaled \$633,309.83 for the North Yellowstone District, \$72,920.32 for the Naval Ordnance District, \$64,756.12 for the North Portneuf District, and \$54,015.98 for the Pocatello Regional Airport District. Expenses paid for the month totaled \$2,862.81. The Authority incurred an annual Trustee account fee for the North Yellowstone debt service of \$2,000.00. Legal fees for the North Portneuf District were \$618.00. The administrative expense for lunch and board member service totaled \$244.81. Year to date revenues of \$986,011.59 are greater than expenses of \$714,018.91. Overall Net income of \$271,992.68. **J. Stroschein** reminded the Board that a net loss indicates the use of cash reserves. **It was then MSC (C. Carr, L. Fisher)** to approve the January 2016 Financial Report as presented.

Agenda Item No. 4: Payment Requests/Reimbursements.

- (a) **It was MSC (C. Hill, C. Carr)** to pay the Idaho Accelerator Center's November 2015's invoice in the amount of \$1,113.87 contingent upon the Chairman or the Executive Director's recommendation after the meeting with ISU

representatives/general counsel on February 19, 2016 in which liability of the facility and monthly utilities should be discussed.

Agenda Item No. 5: Review and Approval of Letter in Opposition to HB404. **L. Crowell** summarized House Bill 404 which, if passed, would require the PDA to reimburse telecommunications companies 100% to move their facilities due to redevelopment or other projects within an urban renewal area. **L. Crowell** prepared a letter requesting the House Local Government Committee Chairman to hold the bill in Committee and asked for the Boards support in sending the letter. **C. Hill** asked if the letter could also list the PDA Board Members, **C. Carr** asked for his name not to be included as a potential conflict of interest due to his employment. It was **MSC (C. Hill, L. Fisher. Carr abstained)** to send the letter as prepared.

2. Chair Smith called for a motion for the Board to go into an executive session to discuss a matter regarding negotiations involving matters of trade or commerce in which the PDA is in competition with other jurisdictions. **It was moved and seconded (C. Carr, C. Hill)** to adjourn to executive session pursuant to Idaho Code §74-206(1)(e) at approximately 11:28 a.m. **The motion passed** by roll call vote (**Ayes: Carr, Fisher, Hill, Ottoway, Smith; Nays: None**). John Regetz remained in the meeting for Executive Session. Development within the North Portneuf District was discussed as well as the creation of a TIF District. The Board reconvened to regular session at 11:51 a.m. by **MSC (C. Hill, T. Ottoway)**.

3. Upcoming Events/Information:

L. Crowell asked the Board for their level of interest in participating or receiving more information in the development of an economic development strategic plan which would identify industry clusters that exist or can be created that would best benefit the Pocatello economy and outline a plan to build and strengthen those clusters. The implementation of the strategies within the plan will have the potential to recruit jobs, foster growth, and redevelop our community. The cost for the company Better City to complete the project is \$120,000. It is anticipated that the fee can be covered through a combination of local, state and federal funding (potentially up to 50% could be provided from an EDA Grant). The remaining funding could come from a number of sources, including the City of Pocatello and PDA. **C. Carr** asked for a sample plan for the Board's review. **Chair Smith** said he would support the plan but was hesitant to see the Board's commitment until the Board was fully aware of all participants in the funding. **L. Crowell** will contact Better City and request a sample plan as well as their attendance at a future PDA meeting to provide more information and answer any questions the Board may have.

4. Adjournment: There being no additional business, the meeting adjourned at 11:58 a.m. by **MSC (T. Ottoway, C. Carr)**.

By: 
Tiffany G. Olsen, Secretary

AGENDA ITEM

NO. 3

FINANCIAL

REPORTS

Pocatello Development Authority

Balance Sheet by Class

As of January 31, 2016

	1-General Fund	3-North Yellowstone	4-Naval Ordnance	6-North Portneuf	7-Pocatello Regional Airport	TOTAL
ASSETS						
Current Assets						
Checking/Savings						
Checking Wells Fargo	2,111,010.65	683,752.68	257,056.26	64,138.12	282,869.85	3,398,827.56
Savings Wells Fargo	746,196.66	36.20	0.00	0.00	0.00	746,232.86
Zions 2012 Bnd Fnd 7110526D	0.00	73,729.50	0.00	0.00	0.00	73,729.50
Zions Bnd Reserve Fnd 7110526B	0.00	677,555.99	0.00	0.00	0.00	677,555.99
Zions Rev Alloc Fnd 7110526	0.00	1,090,628.14	0.00	0.00	0.00	1,090,628.14
Total Checking/Savings	2,857,207.31	2,525,702.51	257,056.26	64,138.12	282,869.85	5,986,974.05
Other Current Assets						
Accrued Interest Income	14,006.82	0.00	0.00	0.00	0.00	14,006.82
Prepaid	1,122.00	0.00	0.00	0.00	0.00	1,122.00
Property Tax Receivable	0.00	16,368.29	0.00	11,665.93	0.00	28,034.22
Total Other Current Assets	15,128.82	16,368.29	0.00	11,665.93	0.00	43,163.04
Total Current Assets	2,872,336.13	2,542,070.80	257,056.26	75,804.05	282,869.85	6,030,137.09
Other Assets						
Inventory - Leasehold	424,779.00	0.00	0.00	0.00	0.00	424,779.00
Note Receivable	244,894.11	0.00	0.00	0.00	0.00	244,894.11
Total Other Assets	669,673.11	0.00	0.00	0.00	0.00	669,673.11
TOTAL ASSETS	3,542,009.24	2,542,070.80	257,056.26	75,804.05	282,869.85	6,699,810.20
LIABILITIES & EQUITY						
Liabilities						
Long Term Liabilities						
Deferred Interest Receivable	13,606.34	0.00	0.00	0.00	0.00	13,606.34
Deferred Notes Receivable Rev	244,518.75	0.00	0.00	0.00	0.00	244,518.75
Deferred Tax Revenues	0.00	13,893.61	0.00	11,665.93	0.00	25,559.54
Total Long Term Liabilities	258,125.09	13,893.61	0.00	11,665.93	0.00	283,684.63
Total Liabilities	258,125.09	13,893.61	0.00	11,665.93	0.00	283,684.63
Equity						
Fund Balance	3,543,184.37	2,023,968.39	205,991.72	142,390.94	228,597.47	6,144,132.89
Net Income	-259,300.22	504,208.80	51,064.54	-78,252.82	54,272.38	271,992.68
Total Equity	3,283,884.15	2,528,177.19	257,056.26	64,138.12	282,869.85	6,416,125.57
TOTAL LIABILITIES & EQUITY	3,542,009.24	2,542,070.80	257,056.26	75,804.05	282,869.85	6,699,810.20

Pocatello Development Authority
Profit & Loss by Class
January 2016

	<u>1-General Fund</u>	<u>3-North Yellowstone</u>	<u>4-Naval Ordnance</u>	<u>6-North Portneuf</u>	<u>7-Pocatello Regional Airport</u>	<u>TOTAL</u>
Ordinary Income/Expense						
Income						
Interest Income	829.37	50.75	0.00	0.00	0.00	880.12
Personal Property tax replace	0.00	23,003.35	6,043.21	404.91	1,262.85	30,714.32
Principal received on notes	189.64	0.00	0.00	0.00	0.00	189.64
Property Taxes	0.00	610,306.48	66,877.11	64,351.21	52,753.13	794,287.93
Total Income	<u>1,019.01</u>	<u>633,360.58</u>	<u>72,920.32</u>	<u>64,756.12</u>	<u>54,015.98</u>	<u>826,072.01</u>
Gross Profit	1,019.01	633,360.58	72,920.32	64,756.12	54,015.98	826,072.01
Expense						
Administrative	244.81	0.00	0.00	0.00	0.00	244.81
Professional Services						
Other Professional Services	0.00	2,000.00	0.00	618.00	0.00	2,618.00
Total Professional Services	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>	<u>618.00</u>	<u>0.00</u>	<u>2,618.00</u>
Total Expense	<u>244.81</u>	<u>2,000.00</u>	<u>0.00</u>	<u>618.00</u>	<u>0.00</u>	<u>2,862.81</u>
Net Ordinary Income	<u>774.20</u>	<u>631,360.58</u>	<u>72,920.32</u>	<u>64,138.12</u>	<u>54,015.98</u>	<u>823,209.20</u>
Net Income	<u><u>774.20</u></u>	<u><u>631,360.58</u></u>	<u><u>72,920.32</u></u>	<u><u>64,138.12</u></u>	<u><u>54,015.98</u></u>	<u><u>823,209.20</u></u>

At month end the Authority had cash on hand of \$5,986,974.05. The checking account balance was \$3,398,827.56, the savings account was \$746,232.86, and cash being held by Zions Trust amounted to \$1,841,913.63.

Pocatello Development Authority recognized above normal financial activity during the month of January. The Authority received revenues totaling \$826,072.01 of which \$880.12 was interest earnings on cash invested. The \$1,000.00 received on the note receivable applied \$189.64 towards the principal of the note. Property tax revenue totaled \$633,309.83 for the North Yellowstone District, \$72,920.32 for the Naval Ordnance District, \$64,756.12 for the North Portneuf District, and \$54,015.98 for the Pocatello Regional Airport District.

Expenses paid for the month totaled \$2,862.81. The Authority incurred an annual Trustee account fee for the North Yellowstone debt service of \$2,000.00. Legal fees for the North Portneuf District were \$618.00. The administrative expense for lunch and board member service plaque totaled \$244.81.

Year to date revenues of \$986,011.59 (see page 3) are greater than expenses of \$714,018.91. Overall Net income of \$271,992.68. Reminder a net loss indicates the use of cash reserves.

Pocatello Development Authority
Profit & Loss by Class
October 2015 through January 2016

	<u>1-General Fund</u>	<u>3-North Yellowstone</u>	<u>4-Naval Ordnance</u>	<u>6-North Portneuf</u>	<u>7-Pocatello Regional Airport</u>	<u>TOTAL</u>
Ordinary Income/Expense						
Income						
Interest Income	3,321.57	148.33	0.00	0.00	0.00	3,469.90
Miscellaneous Income	0.00	0.00	0.00	0.00	256.40	256.40
Personal Property tax replace	0.00	23,003.35	6,043.21	404.91	1,262.85	30,714.32
Principal received on notes	753.86	0.00	0.00	0.00	0.00	753.86
Property Taxes	0.00	614,018.50	66,877.11	64,351.21	52,753.13	797,999.95
Transfers in	152,817.16	0.00	0.00	0.00	0.00	152,817.16
Total Income	<u>156,892.59</u>	<u>637,170.18</u>	<u>72,920.32</u>	<u>64,756.12</u>	<u>54,272.38</u>	<u>986,011.59</u>
Gross Profit	156,892.59	637,170.18	72,920.32	64,756.12	54,272.38	986,011.59
Expense						
Administrative	804.03	0.00	0.00	0.00	0.00	804.03
Capital Land purchase	157,609.06	0.00	0.00	142,390.94	0.00	300,000.00
Dues and Memberships	5,750.00	0.00	0.00	0.00	0.00	5,750.00
Economic Grants Issued	250,000.00	0.00	0.00	0.00	0.00	250,000.00
Professional Services						
Other Professional Services	0.00	2,000.00	0.00	618.00	0.00	2,618.00
Total Professional Services	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>	<u>618.00</u>	<u>0.00</u>	<u>2,618.00</u>
Transfers out	0.00	130,961.38	21,855.78	0.00	0.00	152,817.16
Utilities	2,029.72	0.00	0.00	0.00	0.00	2,029.72
Total Expense	<u>416,192.81</u>	<u>132,961.38</u>	<u>21,855.78</u>	<u>143,008.94</u>	<u>0.00</u>	<u>714,018.91</u>
Net Ordinary Income	<u>-259,300.22</u>	<u>504,208.80</u>	<u>51,064.54</u>	<u>-78,252.82</u>	<u>54,272.38</u>	<u>271,992.68</u>
Net Income	<u><u>-259,300.22</u></u>	<u><u>504,208.80</u></u>	<u><u>51,064.54</u></u>	<u><u>-78,252.82</u></u>	<u><u>54,272.38</u></u>	<u><u>271,992.68</u></u>

AGENDA ITEM

NO. 4



In the Community to Serve™

SERVICE FOR
IDAHO STATE UNIVERSITY
1500 ALVIN RICKEN DR
POCATELLO, ID 83201-2783

www.intgas.com

ACCOUNT NUMBER 030 140 3000 5
DATE DUE Jan 4, 2016
BILL DATE Dec 14, 2015
AMOUNT DUE \$1,223.67

COUNT SUMMARY

Previous Balance	\$497.67
Payment Received 12/8/2015 Thank you	-497.67
Current Gas Charges	1,223.67
Amount Due on 1/4/16	\$1,223.67

Any balance remaining after the due date is subject to a late payment charge of 1% per month.

CUSTOMER SERVICE & EMERGENCY SERVICE
208-377-6840 - Boise/Treasure Valley
1-800-548-3679 - All Other

Emergencies: 24 hours a day
Non-emergencies: Mon-Fri, 7 a.m. - 7 p.m.

Email: customerservice@intgas.com
Mail: Intermountain Gas Company,
Attn: Customer Service, PO Box 7608, Boise, ID
83707-1608. Please include your account number.

CALL BEFORE YOU DIG **811**

January						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Payment Due ▲
See "Ways to Pay Your Bill"
on the back of this page.

Gas Charges

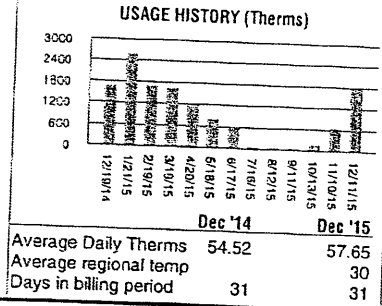
BILLING PERIOD 11/11/15 - 12/11/15 31 DAYS

METER NUMBER 482108029

METER READ DATE 12/11/15

Next scheduled read 1/14/16

RATE GS-1 General



Note: Charges for current services are due and payable upon receipt of bill and are past due as noted. **This bill does not extend the due date of past bills.**

CURRENT READING	PREVIOUS READING	USAGE 100 CU FT	BILLING FACTOR	THERMS BILLED
6712	- 5073	= 1639	x 1.090500	= 1,787
Customer Charge				9.50
Weighted Average Cost of Gas 1,787 Therms x \$0.32764				585.49
Pipeline Costs and PGA Adjustment 1,787 Therms x \$0.18403				328.86
Distribution Charge 200 Therms x \$0.16666				33.33
Distribution Charge 1,587 Therms x \$0.14546				230.85
Principal Franchise Fee				35.64
Total Gas Charges				\$1,223.67

NOVEMBER
LACLOZ

MESSAGE CENTER:

PLEASE KEEP THIS PORTION FOR YOUR RECORDS.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT, MAKING SURE THE RETURN ADDRESS SHOWS IN THE ENVELOPE WINDOW.



In the Community to Serve™

Has your mailing address or phone number changed? Check here and provide details on back.

ACCOUNT NUMBER 030 140 3000 5

DATE DUE Jan 4, 2016

AMOUNT DUE \$1,223.67



IDAHO STATE UNIVERSITY
ATTN: JAMIE HANSEN
PO BOX 8137
POCATELLO ID 83209-0001

PO BOX 64
BOISE ID 83732-0064

Please enter amount enclosed

\$ []

Write account number on check and make payable to IGC.

480301403000500001223670000122367



www.idahopower.com

Questions? Contact us at:
PO BOX 70, Boise, ID 83707.
Or call (208) 388-2323 (Treasure Valley)
or (800) 488-6151. Se habla español.
For faster service please call
Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: IDAHO STATE UNIV
Account Number: 2206362358
Billing Date: 12/30/2015
Print Date: 12/30/2015

Due Date	Please Pay
01/14/2016	\$6,309.34

Account Activity	Previous Balance	\$6,026.86
	Payments - Thank You	\$6,026.86 CR
	Balance Forward	\$0.00
	Current Charges	\$6,309.34
	Account Balance	\$6,309.34

Please Note: Any unpaid balances may be assessed a monthly charge of 1 percent. Any credit on the account will be applied to future bills or can be refunded upon customer request. Returned payments may be resubmitted electronically. Items remaining unpaid will be charged a \$20 fee.

idahopower.com: **Get outage information; sign up for myAccount and access your account 24/7; pay your bill; Now Mobile Friendly! see daily and hourly use; learn how to save.** Visit idahopower.com and get started!



Consider joining Idaho Power in supporting Project Share, a valuable community service that uses voluntary contributions to assist individuals and families who need help paying their energy bills during the winter heating season. To make a pledge, visit our Web site (idahopower.com) or mark the appropriate box on the back of the pay stub.

Please detach and retain the portion below with your payment. Please bring entire bill when paying at a retail station.



PO BOX 70
BOISE, ID 83707

(208) 388-2323 (Treasure Valley) or (800) 488-6151

ACCOUNT NUMBER **DUE DATE** **PLEASE PAY**
2206362358 **01/14/2016** **\$6,309.34**

Please write your account number on your check or money order made payable to **Idaho Power**.

Amount Enclosed \$

Project Share pledge,
noted on reverse side.

Address/Phone Correction,
noted on reverse side.



17961 2 AV 0.388
IDAHO STATE UNIV
%JAMIE HANSEN MAIL STOP 8137
921 S 8TH AVE
POCATELLO, ID 83201-5377

T20: 09003225 73 17961

2



PROCESSING CENTER
P.O. BOX 34966
SEATTLE, WA 98124-1966

22063623580000630934 00000000 000630934 1230 3



Questions? Contact us at:
 PO BOX 70, Boise, ID 83707.
 Or call (208) 388-2323 (Treasure Valley)
 or (800) 488-6151. Se habla español.
 For faster service please call!
 Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: IDAHO STATE UNIV
 Account Number: 2206362358
 Billing Date: 12/30/2015
 Print Date: 12/30/2015

www.idahopower.com

Service Agreement No: 0030510811

Service Location: 1500 ALVIN RICKEN DR ACC / POCATELLO, ID

Next Read Date: 12/31/2015

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
10347311	11/01/15	11/30/15	30	Regular	0	20913	1	20913/OFF
10347311	11/01/15	11/30/15	30	Regular	0	31022	1	31022/MID
10347311	11/01/15	11/30/15	30	Regular	0	0	1	0/ON

On Peak kW	Billing kW	BLC	Actual kW	Power Factor	Power Factor Adj
0	275	397	238	77.83%	37

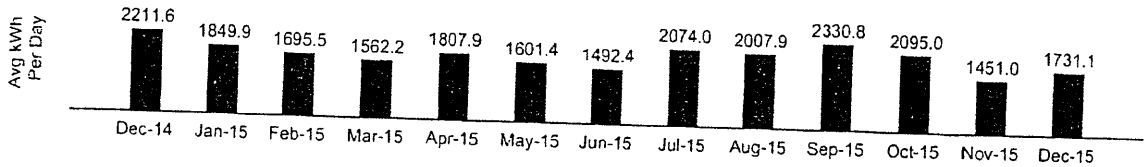
Large General Service Schedule 09P

Service Charge	\$285.00
Non-Summer Demand Charge 275 @ \$4.47 per kW	\$1,229.25
Basic Charge 397 @ \$1.28 per kW of BLC	\$508.16
Mid-Peak Non-Summer Energy Charge @ \$0.040556 per kWh	\$1,258.13
Off-Peak Non-Summer Energy Charge @ \$0.039194 per kWh	\$819.66
Annual Adjustment Mechanism	\$236.25
Franchise Fee 1.00%	\$43.36
Facility Charge	\$1,765.52
Energy Efficiency Services	\$164.01
Current Charges - Electric Service	\$6,309.34

3815.20

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generation

Your Electric Use Pattern



2206362358

[Faint, mostly illegible text and markings at the bottom of the page]

SERVICE ADDRESS

1500 ALVIN RICKEN DR

ACCOUNT NUMBER	CYCLE	BILL DATE	DUE DATE
49855-31526	22-27	12/29/15	1/13/16

RATE CLASS : COMMERCIAL

Last payment amount/date: 232.18 12/14/15

LAST BILL AMOUNT 232.18
 PAYMENTS 232.18
 ADJUSTMENTS .00
 BALANCE FORWARD 00

Service	Period	Days	Meter	Number	MULT	TOTAL	Current	Previous	Usage
WA	11/09/15	12/08/15	29	28849	1.000	TGAL	2891	2886	5
WA	11/09/15	12/08/15	29	34676	1.000	TGAL	87	87	23
							USAGE FOR 12/14		0
WA	Consumption						17.70		Total
WA	LINE SERVICE CHARGE						9.10		
WA	CONSUMPTION						8.75		
WA	LINE SERVICE CHARGE								
WA	TOTAL WATER								35.55
FL	4 INCH FIRE LINE 11/30/15 12/31/15						8.90		8.90
SW	BILLING FEE						6.25		
SW	CONSUMPTION						20.95		
SW	TOTAL SEWER								27.20
GA	GARBAGE BILLING CHG 11/30/15 12/31/15						1.62		
GA	GARBAGE-CONTAINER 11/30/15 12/31/15						151.82		
GA	CONTAINER RENTAL 11/30/15 12/31/15						10.03		
GA	TOTAL GARBAGE								163.53

TOTAL CURRENT CHARGES
 BALANCE FORWARD 235.18
 TOTAL AMOUNT DUE .00
 235.18

HOLIDAY OVERFLOW WILL BE PICKED UP 12/26-12/31/ ITEMS WILL ONLY BE COLLECTED IF IN BAGS OR BOXES BY THE GARBAGE CART ON PICKUP DAY. CHRISTMAS TREE BOXES WILL BE LOCATED AT CITY HALL AT 911 N 7TH, RAINEY PARK ON S ARTHUR AVE & BY THE ENTRANCE TO SISTER CITY PARK ON POCATELLO CREEK RD 12/28/15-1/12/16.



A MUNICIPAL CORPORATION OF IDAHO



AGENDA ITEM NO. 5

February 4, 2016

House Local Government Committee
The Honorable Lynn Luker, Chairman
Room EW05
Boise, ID 83720-0038

Pocatello Development Authority Response to HB404

Dear Chairman Luker:

The Pocatello Development Authority (PDA) is the urban renewal agency representing properties within the municipal boundaries of the City of Pocatello and including some Bannock County property. The PDA currently manages four (4) urban renewal areas and four (4) subsequent Tax Increment Financing (TIF) districts of which one (1) is fully functional and paying off a bond for significant public infrastructure, two (2) are semi-functional and paying for maintenance of some public and minor private infrastructure one (1) is not performing due to bankruptcy of the primary business located within that district. The PDA is also a member of the Redevelopment Association of Idaho (RAI) and fully supports the letter provided by Elam & Burke on behalf of the RAI.

The proposed bill, HB404, would require the PDA to reimburse telecommunications companies 100% to move their facilities due to redevelopment or other projects within an urban renewal area. Over the past twenty-seven (27) years, the PDA has provided payment and repayment for substantial public, quasi-public and some private infrastructure to promote and pursue redevelopment of underutilized properties and increased economic growth in Pocatello. The ability to negotiate with developers and utilities for payment or repayment based on anticipated TIF income in the past has allowed us to protect tax dollars for the betterment of the tax payers and our community. These negotiations and agreements based on increment do not offer guaranteed funding but provide a schedule based entirely on actual increment received. Not only is this bill unprecedented in Idaho as a public agency, but it is bad business to expect the PDA to fund the relocation of telecommunications facilities up front without a guaranteed funding stream or the opportunity to negotiate terms.

The City of Pocatello is a strong proponent of the Pocatello Development Authority and also works in conjunction with Bannock Development Corporation. These entities leverage urban renewal and tax increment financing to provide the necessary means to attract business, jobs, and employment. Employment provides more local income and a greater demand for the telecommunications services that could be provided by these companies.

Therefore, we respectfully request that you **hold HB404 in Committee**.

Please feel free to contact me should you have any further questions or concerns. I may be reached by phone at 208-234-6184 or by email lcrowell@pocatello.us.

Sincerely,

Pocatello Development Authority



Lon Crowell, Executive Director

Enclosure

cc: The Honorable Kathleen Sims, Vice Chairman
The Honorable Vito Barbieri
The Honorable Christy Perry
The Honorable Lance Clow
The Honorable Wendy Horman
The Honorable Luke Malek
The Honorable Gary Collins
The Honorable Don Cheatham
The Honorable Thomas Loertscher
The Honorable Eric Redman
The Honorable Hy Kloc
The Honorable John McCrostie
The Honorable Mark Nye
Chelsea Cantrell, Secretary



February 3, 2016

VIA EMAIL

House Local Government Committee
The Honorable Lynn Luker, Chairman
Room EW05
Boise, ID 83720-0038

RE: Redevelopment Association of Idaho, Inc.'s Response to **HB404**

Dear Chairman Luker:

I am the current President of the Redevelopment Association of Idaho, Inc. (RAI). The members of RAI include a majority of the urban renewal/redevelopment agencies in the State. The RAI was formed for the purpose of, and is committed to, facilitation of communication between and among Idaho redevelopment practitioners, education and encouragement of best practices in the redevelopment enterprise, facilitation of compliance with applicable state laws, and improvement of accountability and advancement of the effectiveness of the redevelopment tool. Since RAI's incorporation in late-2010, RAI has regularly advised and updated its membership as to all changes to the urban renewal laws and/or laws impacting urban renewal agencies. RAI also has had the opportunity to assist representatives of the Idaho State Tax Commission with the collection of data. RAI works closely with representatives of the Association of Idaho Cities.

For the reasons set forth below, RAI opposes **HB404** and respectfully requests you **hold HB404 in Committee**. RAI's concerns are as follows:

- The constitutionality of the proposed language in HB404 is unknown. In *State v. Idaho Power Co.*, 81 Idaho 487, 346 P.2d 596 (1959), the Idaho Supreme Court held a statute purporting to change the common law rule by requiring the Idaho board of highway directors to pay relocation costs of utilities violated Article VIII, § 2, of the Idaho Constitution, which prohibits the State from lending its credit.¹

¹ The Court also held the statute unconstitutional as a violation of Article VII, § 17, which limits the expenditures of gasoline taxes.

- The Idaho Supreme Court later reaffirmed the common law rule that utilities are permissive users of the right-of-way and are required to bear the expense of relocating their facilities in *Mountain States Telephone and Telegraph Co. v. Boise Redevelopment Agency*, 101 Idaho 30, 607 P.2d 1084. In *Mountain States*, the Court did not address the constitutionality of whether urban renewal agencies are able to pay the costs of relocation, as the Court held there was no clear legislative direction requiring payment of the relocation costs. As a result, whether an agency's payment of relocation costs violates Article VIII, § 4 of the Idaho Constitution remains an open question.
- Similarly, in *Ada County Highway District v. Idaho Public Utilities Commission*, 151 Idaho 1, 253 P.3d 675 (2011), the Court acknowledged when ACHD requires a utility to relocate its facilities that are within a public right-of-way, ACHD is not required to bear any of the utility's relocation costs.
- The anticipated source of repayment is not clear, as the proposed language is included in the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), and there is no reference to the ability to pay relocation costs using tax increment/revenue allocation funds as authorized by the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"). Very few urban renewal agencies have any revenue sources outside of tax increment/revenue allocation funds.
- The proposed language creates a requirement to pay relocation costs, but is not limited by an "ability to pay." Urban renewal agencies have no authorization to levy funds to pay for relocation costs and new districts have zero revenue stream. Why should a private telecommunications service provider be entitled to guaranteed repayment when other partners are limited by the agency's anticipated revenue stream?
- Pg.3, ll: 12-15: The trigger for pursuing an agency for repayment of relocation costs is overly broad and likely would include any relocation made in an urban renewal area even if not specifically tied to an agency project. In some instances, the boundaries of the urban renewal area are larger than the boundaries of the revenue allocation area, and the ability to use tax increment/revenue allocation funds outside of a revenue allocation area are limited.
- Pg. 3, ll: 17-20: The intent to apply payment of relocation costs retroactively is inappropriate. These costs were likely not contemplated in current, existing projects, and therefore, it is not reasonable to force unanticipated relocation costs on an agency, which may be detrimental to existing obligations.
- Pg. 3, ll: 22-25: The definition of "cost of relocation" is overly broad and would allow a telecommunications service provider to demand payment for upgrade costs in addition to relocation costs. Language should be added providing "any increase in the value of the new facility" should also be deducted from the cost of relocation.

- During the 2015 Legislative Session, an ad hoc group of Legislators and stakeholders met to address issues concerning urban renewal, and ultimately, HCR 17 passed, mandating the creation of the Urban Renewal Interim Committee, which started meeting in August 2015. The issue of requiring urban renewal agencies to pay relocation costs was not raised or addressed by the working group or the Interim Committee. HB404 is an end-run around the working group and the Interim Committee efforts.
- It is not good policy to single out an urban renewal agency for repayment of relocation costs using public dollars when no other public entity is required to pay. In the end, the funds expended to relocate facilities will not be owned by the public. The risk of relocation is solely on the telecommunications service provider, and there is no reason to transfer that risk to a public entity. To the extent negotiated voluntary payment of relocation costs is contemplated by the Law and the Act, that should continue, but payment should not be mandatory.
- Relocation presents an opportunity to the telecommunications service providers and allows them an opportunity to upgrade equipment, and if associated with an economic development project, may increase the potential customer base.

Based on the foregoing, there is simply no basis to overturn the common law rule which acknowledges utility providers are permissive users and do not have a property interest in the right-of-way, and therefore, upon demand must move its facilities at its expense. RAI respectfully requests you **hold HB404 in Committee**.

Please feel free to contact me at 208.883.7006 or griedner@ci.moscow.id.us should you have any further questions or concerns.

Sincerely,



Gary Riedner
President

c: The Honorable Kathleen Sims, Vice Chairman
The Honorable Vito Barbieri
The Honorable Christy Perry
The Honorable Lance Clow
The Honorable Wendy Horman
The Honorable Luke Malek
The Honorable Gary Collins
The Honorable Don Cheatham
The Honorable Thomas Loertscher
The Honorable Eric Redman
The Honorable Hy Kloc
The Honorable John McCrostie
The Honorable Mark Nye
Chelsea Cantrell, Secretary

4848-9101-4701, v. 1

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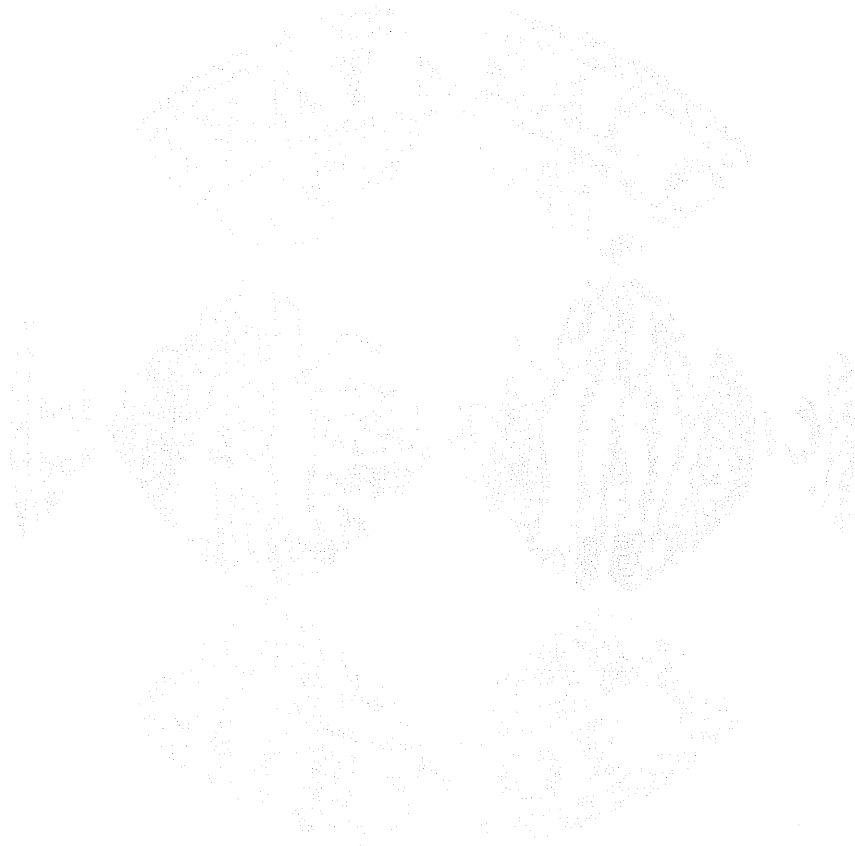
STATEMENT OF PURPOSE

RS24111

The purpose of this legislation is to place language in Idaho Code that will provide a mechanism to recover the cost of relocating telecommunication facilities. Additionally, this legislation sets forth the amount to be recovered and a description of how it would be calculated.

FISCAL NOTE

There is no fiscal impact on the General Fund.



Contact:
Representative Mike Moyle
(208) 332-1000

Statement of Purpose / Fiscal Note

H0404

REVISED REVISED REVISED REVISED REVISED REVISED

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2007, IDAHO CODE, TO PROVIDE
2 FOR REIMBURSEMENT OF TELECOMMUNICATIONS SERVICE PROVIDERS BY URBAN RE-
3 NEWAL AGENCIES FOR RELOCATION OF FACILITIES, TO DEFINE TERMS AND TO MAKE
4 A TECHNICAL CORRECTION.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 50-2007, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 50-2007. POWERS. Every urban renewal agency shall have all the powers
10 necessary or convenient to carry out and effectuate the purposes and pro-
11 visions of this act, including the following powers in addition to others
12 herein granted:

13 (a) To undertake and carry out urban renewal projects and related ac-
14 tivities within its area of operation; and to make and execute contracts and
15 other instruments necessary or convenient to the exercise of its powers un-
16 der this act; and to disseminate slum clearance and urban renewal informa-
17 tion;

18 (b) To provide or to arrange or contract for the furnishing or repair
19 by any person or agency, public or private, of services, privileges, works,
20 streets, roads, public utilities or other facilities for or in connec-
21 tion with an urban renewal project; to install, construct, and reconstruct
22 streets, utilities, parks, playgrounds, off-street parking facilities,
23 public facilities, other buildings or public improvements; and any improve-
24 ments necessary or incidental to a redevelopment project; and to agree to
25 any conditions that it may deem reasonable and appropriate attached to fed-
26 eral financial assistance and imposed pursuant to federal law relating to
27 the determination of prevailing salaries or wages or compliance with labor
28 standards, in the undertaking or carrying out of an urban renewal project and
29 related activities, and to include in any contract let in connection with
30 such a project and related activities, provisions to fulfill such of said
31 conditions as it may deem reasonable and appropriate;

32 (c) Within its area of operation, to acquire by purchase, lease, op-
33 tion, gift, grant, bequest, devise, eminent domain or otherwise, any real
34 property or personal property for its administrative purposes, together
35 with any improvements thereon; to hold, improve, renovate, rehabilitate,
36 clear or prepare for redevelopment any such property or buildings; to mort-
37 gage, pledge, hypothecate or otherwise encumber or dispose of any real
38 property; to insure or provide for the insurance of any real or personal
39 property or operations of the municipality against any risks or hazards, in-
40 cluding the power to pay premiums on any such insurance; and to enter into any
41 contracts necessary to effectuate the purposes of this act: Provided how-
42 ever, that no statutory provision with respect to the acquisition, clearance

1 or disposition of property by public bodies shall restrict a municipality
2 or other public body exercising powers hereunder in the exercise of such
3 functions with respect to an urban renewal project and related activities,
4 unless the legislature shall specifically so state;

5 (d) With the approval of the local governing body: (1) prior to ap-
6 proval of an urban renewal plan, or approval of any modifications of the
7 plan, to acquire real property in an urban renewal area, demolish and remove
8 any structures on the property, and pay all costs related to the acquisition,
9 demolition, or removal, including any administrative or relocation ex-
10 penses; and (2) to assume the responsibility to bear any loss that may arise
11 as the result of the exercise of authority under this subsection in the event
12 that the real property is not made part of the urban renewal project;

13 (e) To invest any urban renewal funds held in reserves or sinking funds
14 or any such funds not required for immediate disbursement, in property
15 or securities in which savings banks may legally invest funds subject to
16 their control; to redeem such bonds as have been issued pursuant to section
17 50-2012, Idaho Code, at the redemption price established therein or to pur-
18 chase such bonds at less than redemption price, all such bonds so redeemed or
19 purchased to be canceled;

20 (f) To borrow money and to apply for and accept advances, loans, grants,
21 contributions and any other form of financial assistance from the federal
22 government, the state, county, or other public body, or from any sources,
23 public or private, for the purposes of this act, and to give such security
24 as may be required and to enter into and carry out contracts or agreements
25 in connection therewith; and to include in any contract for financial as-
26 sistance with the federal government for or with respect to an urban renewal
27 project and related activities such conditions imposed pursuant to federal
28 laws as the municipality may deem reasonable and appropriate and which are
29 not inconsistent with the purposes of this act;

30 (g) Within its area of operation, to make or have made all surveys and
31 plans necessary to the carrying out of the purposes of this act and to con-
32 tract with any person, public or private, in making and carrying out such
33 plans and to adopt or approve, modify and amend such plans, which plans may
34 include, but are not limited to: (1) plans for carrying out a program of vol-
35 untary compulsory repair and rehabilitation of buildings and improvements,
36 (2) plans for the enforcement of state and local laws, codes and regulations
37 relating to the use of land and the use and occupancy of buildings and im-
38 provements and to the compulsory repair, rehabilitation, demolition, or
39 removal of buildings and improvements, and (3) appraisals, title searches,
40 surveys, studies, and other plans and work necessary to prepare for the un-
41 dertaking of urban renewal projects and related activities; and to develop,
42 test, and report methods and techniques, and carry out demonstrations and
43 other activities, for the prevention and the elimination of slums and urban
44 blight and developing and demonstrating new or improved means of providing
45 housing for families and persons of low income and to apply for, accept and
46 utilize grants of funds from the federal government for such purposes;

47 (h) To prepare plans for and assist in the relocation of persons, in-
48 cluding individuals, families, business concerns, nonprofit organizations
49 and others displaced from an urban renewal area, and notwithstanding any
50 statute of this state to make relocation payments to or with respect to such

1 persons for which reimbursement or compensation is not otherwise made, in-
2 cluding the making of such payments financed by the federal government;

3 (i) To exercise all or any part or combination of powers herein granted;

4 (j) In addition to its powers under subsection (b) of this section,
5 an agency may construct foundations, platforms, and other like structural
6 forms necessary for the provision or utilization of air rights sites for
7 buildings and to be used for residential, commercial, industrial, and other
8 uses contemplated by the urban renewal plan, and to provide utilities to the
9 development site; and

10 (k) To use, lend or invest funds obtained from the federal government
11 for the purposes of this act if allowable under federal laws or regulations.

12 (l) In the event that a telecommunications service provider is re-
13 quired to relocate its facilities to accommodate an Idaho urban renewal
14 agency project within its area of operation as described in subsection
15 (b) of this section, an urban renewal agency shall directly reimburse the
16 telecommunications service provider one hundred percent (100%) of the cost
17 of relocation of its facilities. The provisions of this subsection shall
18 also apply to any such facility relocation in the process of being conducted
19 on the effective date of this act if such relocation cost has not previously
20 been agreed upon in writing between the agency and service provider.

21 (m) As used in this section:

22 (1) "Cost of relocation" means the entire cost incurred by the telecom-
23 munications service provider attributable to the relocation of the
24 utility facility after deducting any salvage value derived from the old
25 utility facility.

26 (2) "Telecommunications service provider" means any provider of
27 telecommunications services in the state of Idaho as defined in section
28 62-603(13), Idaho Code.

Better City

City of Pocatello Economic and Urban Development Project

Objective: Create economic prosperity for the City Pocatello.

Strategy: Develop an economic development strategic plan that will identify which industry clusters exist or can be created that would best benefit the Pocatello economy and outline a plan to build and strengthen those clusters. Create an urban renewal plan that will enhance the quality of life for residents to attract and retain the talent needed to increase job opportunities. The proposed economic development and community development activities will be based on economic reality, thereby maximizing the ability to implement the strategy. The implementation of these strategies will have the potential to recruit jobs, foster growth, and redevelop the community.

Economic Development Work Plan:

- 1) Perform demographic profile of community
- 2) Inventory assets: real estate, specialized equipment, human capital, incentives, etc;
- 3) Examine existing jobs, wages and clusters;
- 4) Analyze employment growth and job loss patterns and determine causes;
- 5) Conduct a "cluster analysis" that will identify economic clusters that have a disproportionate impact on the local economy in terms of job and wage creation, and identify new or emerging clusters that have the greatest potential for growth;
- 6) Create an implementation strategy for developing economic clusters that have the greatest potential for positive impact;
- 7) Analyze educational core competencies and opportunities for technology transfers;
- 8) Determine needs and opportunities with industrial/business parks and develop strategies, where necessary, to maximize the benefit to the City;
- 9) Assist with airport development plans;
- 10) Identify opportunities to create local wealth through entrepreneurship;
- 11) Examine existing job incubators/accelerators and assess whether there is a need for new centers or opportunities to strengthen existing operations;
- 12) Determine the ability of existing entrepreneurial resources to mentor, facilitate business plan creation, provide a continuum of funding and other functions necessary for successful growth;
- 13) Identify grants to assist with implementation and complete grant application process when needed;
- 14) Begin strategy implementation;

Urban Renewal Work Plan:

- 1) Perform high level market studies for retail, housing, entertainment, and office development opportunities;
- 2) Determine which opportunities will provide the largest impact to the community and prioritize potential projects based on that assessment;
- 3) Identify best sites for redevelopment;
- 4) Work with City officials to select one of the projects with the greatest opportunity for impact and that has the most interest from the City/public;
- 5) Look for grants that may be able to provide funding;
- 6) Develop project financials for the selected project and perform gap analysis;
- 7) Identify alternatives for gap financing;
- 8) Calculate new tax revenue that will result from project;
- 9) Create financial package and attract bank support;
- 10) Recruit and secure developer via a Letter of Intent or Development Agreement;
- 11) Take proposal to City for approval;
- 12) Identify other major issues that negatively affect the City's ability to attract and retain the best employment opportunities and create a plan to address those areas;

Timeline:

Work can begin immediately. The economic development work plan is estimate to take approximately six months to complete. Portions of the urban renewal work plan will be performed concurrently with the economic development work plan. Depending on the time required to select a project, the urban renewal plan may take an additional 4-6 months.

Proposed Cost Structure:

The proposed fee for the entire project is \$120,000. It is anticipated that the fee can be covered through a combination of local, State, and Federal funding. The City of Pocatello qualifies for Federal assistance through the Economic Development Administration (EDA) which may provide up to 50% of the project costs.

**POCATELLO DEVELOPMENT AUTHORITY
NOTICE OF FILING 2015 ANNUAL REPORT AND
PUBLIC MEETING TO REPORT FINDINGS AND TAKE PUBLIC COMMENT**

Notice is hereby given that the Pocatello Development Authority, an urban renewal agency, (the "Agency") will hold a meeting on Wednesday, February 17, 2016, at the hour of 11:00 a.m., in the Paradise Conference Room at Pocatello City Hall, 911 North 7th, Pocatello, Idaho, to present its 2015 Annual Report of activities and to take comments from the public regarding those activities pursuant to Idaho Code §50-2006(c). A copy of the 2015 Annual Report was filed with the City of Pocatello and is available at the office of the City Clerk for examination during regular business hours. Persons wishing to examine a copy of the Agency's 2015 Annual Report or requesting other information may also contact Mr. Lon Crowell, Executive Director of the Pocatello Development Authority at the City of Pocatello Planning and Development Services Department at 208-234-6184.

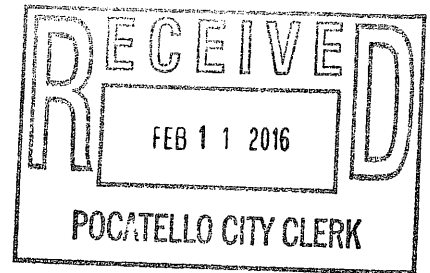
The Paradise Conference Room at City Hall, as well as ingress and egress, are accessible to the disabled. Interpreters for persons with hearing impairments and/or taped information for persons with visual impairments can be provided upon five days' notice. For accessibility arrangements please contact the City ADA Coordinator at 234-6248.

Publication: Tuesday, February 9, 2016

sent to Journal 2/2/16.

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock



LN 23122

KAREN MASON

being first duly sworn on oath deposes and says: that SHE was at all times herein mention a citizen of the United States of America more than 21 years of age, and the Principal Clerk of the Idaho State Journal, a daily newspaper, printed and published at Pocatello, Bannock County Idaho and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

Feb. 09	2016	Feb.	_____	2016
Feb.	_____	Feb.	_____	2016
Feb	_____	Feb.	_____	2016
Feb.	_____	Feb.	_____	2016

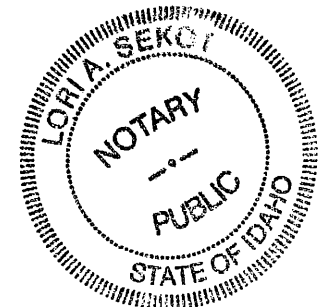
That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

STATE OF IDAHO
COUNTY OF BANNOCK

On this 09th. of Feb. in the year of 2016, before me, a Notary Public, personally appeared KAREN MASON Known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary of Public

Lori A. Sekot
Residing at Arimo exp. 03/03/2021



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February 9, 2016
LN23122

Notice of Public Hearing - Pocatello Development Authority

OT Olsen, Tiffany <tolsen@pocatello.us>
To: ISJ Legals;

Reply all |
Tue 2/2/2016 8:16 AM

Notice of PDA hrg 2015...
24 KB

Download

Action Items

COPY

Good Morning,

Can you please publish the attached in the Journal on Tuesday, Feb. 9, 2016. Please direct the billing to my attention.

Thanks so much.

Tiffany

*Tiffany G. Olsen
Paralegal/Assistant to the City Attorney
City of Pocatello
911 North 7th, P.O. Box 4169
Pocatello, ID 83205
Telephone: (208) 234-6149
Facsimile: (208) 239-6986*

**POCATELLO DEVELOPMENT AUTHORITY
NOTICE OF FILING 2015 ANNUAL REPORT AND
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Publication: Tuesday, February 9, 2015

IDAHO STATE PUBLISHING
PO BOX 431
POCATELLO ID 83204
(208)232-4161

ORDER CONFIRMATION

Salesperson: LORI DAVIE

Printed at 02/02/16 11:29 by lda20

Acct #: 104660

Ad #: 1414275

Status: N

CITY OF POCATELLO
P.O. BOX 4169
POCATELLO ID 83201

Start: 02/09/2016 Stop: 02/09/2016
Times Ord: 1 Times Run: ***
STDP 2.00 X 48.00 Words: 211
Total STDP 96.00
Class: 0001 LEGAL NOTICES
Rate: L2 Cost: 72.17
Affidavits: 1

Contact: TIFFANY OLSEN
Phone: (208)234-6149
Fax#:
Email: tolsen@pocatello.us
Agency:

Ad Descrpt: LN23122 POCATELLO DE
Given by: *
Created: lda20 02/02/16 11:24
Last Changed: lda20 02/02/16 11:29

COMMENTS:

02/02/16 Tiffany emailed ad, sent proof ld

PUB ZONE EDT TP START INS STOP SMTWTFS
ISJ A 96 S 02/09

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO STATE PUBLISHING
PO BOX 431
POCATELLO ID 83204
(208)232-4161

ORDER CONFIRMATION (CONTINUED)

Salesperson: LORI DAVIE

Printed at 02/02/16 11:29 by lda20

Acct #: 104660

Ad #: 1414275

Status: N

**POCATELLO DEVELOPMENT
AUTHORITY
NOTICE OF FILING 2015 ANNUAL
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February 9, 2016

LN23122