



CITY OF EMMETT

Zoning Commission

Recommendation to Emmett City Council

Application: Vacation of alley running north and south between Carson Street and Oxley Road, west of N. Commercial and east of N. Boise Ave.

Applicant: Sawtooth Land Surveying for Joseph Lanham (owner)

Date of Written Recommendation: September 30, 2019

Date of Zoning Commission Public Hearing(s): September 3, 2019

Date of City Council Public Hearing: October 8, 2019, 7:00pm

Summary of Public Testimony:

- Joe Lanham spoke to the application explaining he would like to add on to his existing building and be able to provide 10 more jobs.

Recommendation: The Commission recommends approval of Vacation application VA #19-001 to the City Council, including Section 6 of the Staff Report regarding site specific conditions of approval.

Unanimous vote.

See the attached staff report and meeting minutes for additional details.

CITY of EMMETT ZONING COMMISSION
Sept 3rd 2019 Public Hearing and Meeting Minutes

The City of Emmett's Zoning Commission held a regular meeting and two public hearing on September 3rd, 2019 at 6:00pm at 501 E. Main St. in Emmett.

Commissioners present: Jeff Chapman, Marta Henry, Bill Slabaugh, Gwen Earls, Kim Butler.

Commissioners absent: Mick Vahlberg

Staff present: Building Official/ Zoning Administrator Brian Sullivan, Planning/Recording Clerk Anna Marie Young, and Office Manager Doricela Millan-Sotelo.

Public Present: None

Building Official/Zoning Administrator: Introduced the new Commissioner Marta Henry. He explained that Marta was recently appointed by the City Council and because this was going to be her first meeting, she could just observe but of course if she had any comments/questions they would be welcome. He also introduced the new Planning Clerk, Anna Marie Young, and mentioned that she is working directly with him on the Zoning side-of-things and that the hope for the future is that she can take on much of the Zoning work for him.

Chairman Slabaugh: Called the meeting to order at 6pm. He outlined the agenda saying first they would hold two public hearings 1) for SUP 19-004 and 2) for VAC 19-001, then a regular meeting at the end. He pointed out that if a Commissioner speaks to someone outside of the hearing, they must disclose what was discussed at the public hearing.

Building Official/Zoning Administrator: Added that, along those lines, if a Commissioner were to stop by a property that is on the agenda, they must disclose that site visit as well.

~PUBLIC HEARING for SUP 19-004~

Chairman Slabaugh: Opened the Public Hearing for SUP 19-004. Asked if any Commissioner had any related discussions or site visits? There were none.

Building Official/Zoning Administrator: Introduced the SUP 19-004, he explained that because the house (located at 621 S. Washington) is in a general commercial zone, and because it's currently still a residential type structure, it could be used again

as a primary residence however that requires a Special Use Permit, following a Public Hearing Process.

Building Official/Zoning Administrator: Went over staff report and findings. He said staff found the proposed SUP to be harmonious and appropriate, and not hazardous to any neighboring properties.

Building Official/Zoning Administrator: Went over staff recommendations. Said staff recommends approval of the application but recommends that the Notice to Owner and Permit Holder in Section 6 of the Staff Report be included in the Permit: “approval of this SUP shall in no way imply the City of Emmett’s approval of the off-street parking lot or vehicle access for any future commercial use. A change of use from residential structure to different type of building occupancy may result in a requirement to modify off-street parking or vehicle access to the site e.g. if they decided to change back to a commercial building.”

Chairman Slabaugh: Reminded the Commissioners of their duty to listen and ask questions. He asked are there any questions? There were none.

Applicant Jay Michael South: He currently lives in Nampa but wishes to move to his Emmett house because the place is big enough for him and his Mother, it has enough parking, and gets them out of a “bad situation” in Nampa. He said he wished this could have happened a month ago but he understands there are things we don’t have control over. He said “we like Emmett and everyone has been friendly and welcoming.”

Chairman Slabaugh: Asked to make sure applicant understood the “Notice to Owner” in Section 6. He apologized for having to have canceled the last meeting and extended condolences to the applicant’s family on their recent loss.

Commissioner Earls: Moved to close the Public Hearing SUP #19-004

Commissioner Butler: Seconded the motion

Motion carried.

~PUBLIC HEARING FOR VA 19-001~

Chairman Slabaugh: Opened the Public Hearing for VA 19-001, Asked if any commissioners had any related discussions or site visits. There were none. He asked to hear staff’s report.

Building Official/Zoning Administrator: Introduced VA 19-001, explained that Sawtooth Land Surveying is asking approval to vacate the alley between Carson St. and Oxley Road. He went over the staff report and staff recommendations to approve the application.

He pointed out the two Impact Agency Response letters received from 1) Intermountain Gas Company, stating that they do have underground utilities in that alley way and 2) ID Power as well has utilities in that alley way. He said that he has not seen any overhead power lines there, himself, but that he knows the Applicant has been in communication with ID Power so they can work to figure that out.

Building Official/Zoning Administrator: Staff recommends approval with conditions noted in Section 6 of the Staff Report. Pointed out that the Zoning Commission does not make the final decision for this case, it is just a recommendation to City Council.

Applicant Joe Lanham: Introduced himself and said that he bought Neil out next door, he wants to put another 100 feet on our building to expand the business. He said that there is a gas line and that he has no problem with providing an easement. He said Idaho power would need a 10-foot easement on a part of the road. He said that he will make sure to use that particular side for parking. He described how he has cleaned up the property and keeps the neighborhoods happy. He said if the City can approve this we can expand and put 10 more guys to work!

Chairman Slabaugh: Asked if the Commissioners had any questions for Lanham? There were none.

Building Official/Zoning Administrator: Said he already took this City Council and they didn't see a problem with it. They just recommended that it be reviewed by the Zoning Commission first.

Applicant Lanham: Said that the welding shop is ugly but that they take pride in what we do.

Commissioner Earls: Motioned to close the Public Hearing VAC #19-001

Commissioner Butler: Seconded the motion

Motion Carried.

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~REGULAR MEETING~

Pledge of Allegiance was given

**Commissioner Earls:** Motioned to accept the agenda

**Commissioner Butler:** Seconded the motion

Motion carried.

**Chairman Slabaugh:** Reminded the Commission that there are two set of meeting minutes that need to be reviewed and approved. He asked if there were any proposed additions/changes to the May 6<sup>th</sup> 2019 meeting minutes? There were none.



**Commissioner Earls:** Moved to accept the May 6<sup>th</sup> 2019 Meeting Minutes

**Commissioner Butler:** Seconded the motion

**Chairman Slabaugh:** Asked if there were any proposed additions/changes to the June 3<sup>rd</sup> 2019 Meeting Minutes? There were none.

**Commissioner Earls:** Moved to accept the June 3<sup>rd</sup> 2019 Meeting Minutes.

**Commissioner Chapman:** Seconded the motion

Motion Carried

**Chairman Slabaugh:** Said its time to make a decision on the public hearing items. He asked the Commission if they had any thoughts/discussion on the SUP #19-004? There were none.

**Commissioner Earls:** Moved that the Application SUP #19-004 be approved including Section 6 of the Staff Report.

**Commissioner Butler:** Seconded the motion.

Motion carried

**Chairman Slabaugh:** Asked the Commission if they had any thought/discussion on the Vac #19-001? There were none.

**Commissioner Earls:** Moved that the Commission recommend approval of VAC #19-001 to the City Council, including Section 6 of Staff Report regarding site specific conditions of approval.

**Commissioner Chapman:** Seconded the motion

Motions carried.

**Chairman Slabaugh:** Asked if there were any other items from the public? There were none.

**Chairman Slabaugh:** Asked if there were any items from the Building Official?

**Building Official/Zoning Administrator:** Responded by saying that the next meeting is scheduled for October 7<sup>th</sup> 2019. He said that there will be a very large application presented at this meeting which includes a preliminary plat for a proposed new subdivision, development agreement, and variance. He said that he will make sure to send out the meeting packet at least a week in advance.

**Commissioner Earls:** Moved to close the meeting

**Commissioner Butler:** Seconded the motion

Motion carried.

Meeting Adjourned at 6:45pm.

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Chairman Bill Slabaugh

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Acting Secretary



**CITY OF EMMETT  
PLANNING & ZONING DEPARTMENT**

**STAFF REPORT**

**DESCRIPTION: VACATION APPLICATION ALLEY BETWEEN CARSON ST. AND OXLEY ROAD**

**FILE NUMBER: VAC- 19-001**

**ZONING COMMISSION PUBLIC HEARING DATE: SEPTEMBER 3, 2019 COUNCIL PUBLIC  
HEARING DATE: OCTOBER 8, 2019**

**OWNER: CITY OF EMMETT  
601 E. 3RD  
EMMETT, ID 83617**

**APPLICANT: SAWTOOTH LAND SURVEYING FOR JOSEPH LANHAM**

**SUBJECT PROPERTY: ALLEY BETWEEN CARSON STREET AND OXLEY ROAD WEST OF N.  
COMMERCIAL  
T 06N; R 01W; SECTION 6**

**STAFF PLANNER: BRIAN SULLIVAN**

**1. APPLICATION SUMMARY & OVERVIEW**

The applicant, Sawtooth Land Surveying, representing Joseph Lanham, is requesting approval to vacate an alley located between Carson Street and Oxley Road, to the west of N. Commercial Ave. and is approximately .073 acres. Public Works has stated they have no use for the alley as it does not have any utilities. The typical procedure for vacating a public right of way is both parties on either side of the vacated right of way would be deeded the property equally thru a deed. If approved, Joseph Lanham will be deeded this .073 acres of land as he is the owner of both sides.

Vacation applications are governed under Emmett City Code, Title 2, Chapter 1, Section 6 and by certain provisions of Idaho Code, Title 50, Chapter 13. Emmett City Code requires a public hearing be held before the Zoning Commission.

Staff Recommendation

Staff is recommending approval of the Vacation application.

## 2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

The parcel is generally located east of N. Boise, north of Carson Street, south of Oxley Road, and west of N. Commercial. The property is located within Township 6N, Range 1W, Section 6.

B. Current Owner(s): City of Emmett

601 E. 3<sup>rd</sup>  
Emmett, ID 83617

C. Applicant(s): Sawtooth Land Surveying

D. Present Zoning: C-Commercial

E. Present Comprehensive Plan Designation: Central Business District

F. Property Size: Approximately .073 acres.

## 3. APPLICATION PROCESS FACTS

A. Application Submittal:

The completed application for this item was received by the Zoning Department on June 10, 2019.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Emmett Zoning Commission was published in accordance with requirements of Title 50, Chapter 13, Idaho Code on August 14<sup>th</sup> and 21<sup>st</sup>, 2019. Notice of this public hearing was mailed to property owners within 300 feet of the subject property on August 13<sup>th</sup>, 2019. The physical property was posted for the public hearing on August 23, 2019.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute a Vacation as determined by Emmett City Code (ECC), Title 2, Chapter 1, Section 6. By reason of the provisions of this code, a public meeting is required before the City Council and they shall reject the request or send it to the Zoning Commission for action and their recommendation to the Council. The City Council informally reviewed the Vacation request at their July 23<sup>rd</sup> meeting and made a motion to send the application to the Zoning Commission to hold a formal public hearing.

D. Idaho State Code:

Title 50, Chapter 13 of Idaho Code outlines the requirements for vacating plats, roads, easements, etc. within unincorporated and incorporated areas. I.C. 50-1306A gives the procedure to be followed within the city limits.

## 4. LAND USE

A. Existing Land Use(s): The alley right-of-way proposed to be vacated is used by Bills Machine Shop to access both lots they own.

B. Description of Character of Surrounding Area: A commercial office building sits to the west along with the fertilizer plant. Bills Machine Shop (owned by Joseph Lanham) abuts the proposed alley vacation on the east.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

|                      | <b>COMP PLAN DESIGNATION</b> | <b>ZONING DESIGNATION</b>           | <b>LAND USE</b>        |
|----------------------|------------------------------|-------------------------------------|------------------------|
| <b>North of site</b> | Central Business District    | I, Industrial                       | Payette River          |
| <b>South of site</b> | Area of Impact               | R-1, Single Family Residential      | Residence              |
| <b>East of site</b>  | Central Business District    | C-Commercial and R-1, Single Family | Machine Shop           |
| <b>West of site</b>  | Central Business District    | Commercial and Industrial           | Vacant Land and Office |

**5. IMPACT AGENCY AND PUBLIC COMMENTS**

The following comments were received from impact agencies in response to the notice of this application:

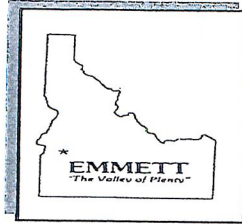
1. Letter from Linden Pitkin in support of the application.
2. Letter from Intermountain Gas, August 22, 2019.
3. Letter from Idaho Power dated August 23, 2019. (See Attached).

**6. SITE SPECIFIC CONDITIONS OF APPROVAL**

1. The City of Emmett Public Works Department and Sawtooth Land Surveying must adhere to all required elements of Idaho Code Title 50, Chapter 13 pertaining to the vacation of public rights-of-way as part of this application.
2. If approved, Sawtooth Land Surveying must follow any procedures required of the City Council to convey the public property to Joseph Lanham, including the preparation of new legal descriptions of the specific boundary to be vacated.
3. The applicant shall work with Intermountain Gas and Idaho Power to create utility easements for existing utilities. A letter was not received from the phone provider, but there are two phone towers located in the existing alley right-of-way.
4. No structure can be placed over easements for utilities.
5. Any fees associated with relocation of utilities are the responsibility of the applicant and/or owner.
6. If approved, Joseph Lanham and any subsequent owner accepts maintenance responsibility for that portion of the alley that is abandoned.

**7. STAFF RECOMMENDATION**

Staff recommends approval of the application with the conditions noted in Section 6.



CITY OF EMMETT  
MASTER PUBLIC HEARING APPLICATION

601 E. 3rd Street, Emmett, Idaho 83617 www.cityofemmett.org phone: (208) 365-9569 fax (208) 365-4651

TYPE OF APPLICATION: (Please check all that apply.)

- |                                                            |                                                      |                                                    |
|------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> ANNEXATION                        | <input type="checkbox"/> DEVELOPMENT AGREEMENT       | <input type="checkbox"/> SUBDIVISION, MODIFICATION |
| <input type="checkbox"/> APPEAL                            | <input type="checkbox"/> REZONE                      | <input checked="" type="checkbox"/> VACATION       |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> SPECIAL USE PERMIT          | <input type="checkbox"/> VARIANCE                  |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT  | <input type="checkbox"/> SUBDIVISION, PRELIMINARY    | <input type="checkbox"/> ZONING TEXT AMENDMENT     |
| <input type="checkbox"/> DESIGN REVIEW                     | <input type="checkbox"/> SUBDIVISION, FINAL          |                                                    |
|                                                            | <input type="checkbox"/> SUBDIVISION, COMBINED/MINOR |                                                    |

PROJECT NAME: LANHAN/CITY VACATION

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: SW Section: 6 Township: 6N Range: 1W Total Acres: .073

Subdivision Name (if applicable): RIVERSIDE ADDITION

Site Address: 713 N COMMERCIAL AVE Lot: \_\_\_\_\_ Block: 18

City: EMMETT

Tax Parcel Number(s): RPO6NO1006 CITY RPE8360018001B Current Zoning: C Current Land Use: COMMERCIAL

PROPERTY OWNER:

Name: Joseph Lannam

Address: 713 N. Commercial Ave

City: Emmett State: ID Zip: 83617

Telephone: 208 365 5631 Fax: \_\_\_\_\_

APPLICANT:

Name: SAWTOOTH LAND SURVEYING

Address: 2030 S. WASHINGTON AVE

City: EMMETT State: ID Zip: 83617

Telephone: 208-398-8104 Fax: \_\_\_\_\_

Email: CARL@SAWTOOTHLS.COM

I consent to this application and allow City staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

[Signature] 7/5/19

Signature: (Owner)

Date

[Signature] 7/5/19

Signature: (Applicant)

Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (S).

OFFICE USE ONLY

File No.: VAC19-001 Received By: [Signature] Date: \_\_\_\_\_ Fee: \_\_\_\_\_ Receipt No: \_\_\_\_\_





## Sawtooth Land Surveying, LLC

2030 S. Washington Ave.  
Emmett, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105

560 W. Canfield Ave., #200  
Coeur d'Alene, ID 83815  
P: (208) 714-4544  
F: (208) 719-0404

1410 Lincoln Ave., Ste. G  
Jerome, ID 83338  
P: (208) 329-5303  
F: (208) 324-3821

July 5, 2019  
Letter of Intent

City of Emmett

Please accept this letter of intent as part of the vacation process for the Alley in Block 18, of Riverside Addition. Mr. Joe Lanham would like to add onto his commercial building located at 713 N. Commercial Ave. in Emmett, which would cause him to build across an existing alley (which is not used for an alley at this time). Mr. Lanham has talked with the city and the city said that they would vacate the alley. A record of survey will be filed showing the alley vacation as part of Mr. Lanham's property shown as Parcel 2A on Record of Survey Inst. No. 318054 Gem County Records. A legal description for the alley vacation is attached with this application. There will be no compensation to the city for this property as it is not being maintained by the city at this time.



## Sawtooth Land Surveying, LLC

2030 S. Washington Ave.  
Emmett, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105

560 W. Canfield Ave., #200  
Coeur d'Alene, ID 83815  
P: (208) 714-4544  
F: (208) 719-0404

1410 Lincoln Ave., Ste. G  
Jerome, ID 83338  
P: (208) 329-5303  
F: (208) 324-3821

July 5, 2019

### Alley Vacation Legal Description

**BASIS OF BEARINGS** for this description is North  $1^{\circ}29'44''$  East, between the aluminum cap marking the S1/4 corner of Section 6, and the 5/8" rebar marking the C1/4 corner of Section 6, both in T. 6 N., R. 1 W., B.M., Gem County, Idaho.

A parcel of land known as the alley in Block 18 of Riverside Addition to Emmett, Idaho, as shown on file in Book 1 of Plats at Page 39, Gem County Records, located in the SW1/4 of Section 6, T. 6 N., R. 1 W., B.M., City of Emmett, Gem County, Idaho, more particularly described as follows;

**COMMENCING** at a 5/8" rebar PLS 14221 marking the intersection of Carson St. and N. Boise Ave.;

Thence South  $89^{\circ}43'43''$  East, coincident with the centerline of said Carson St., 30.00 feet;

Thence North  $0^{\circ}17'12''$  East, 30.00 feet to a 5/8" rebar PLS 14221 on the northerly right of way of said Carson St.;

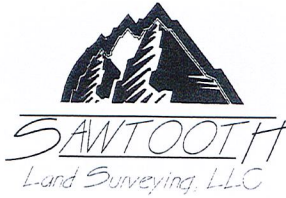
Thence South  $89^{\circ}43'43''$  East, coincident with said northerly right of way of Carson St., 141.88 feet to a 5/8" rebar PLS 14221 marking the southwest corner of the alley in Block 18, of said Riverside Addition and the **POINT OF BEGINNING**;

Thence North  $0^{\circ}14'20''$  East, coincident with the westerly line of said alley of Block 18, of Riverside Addition, 199.95 feet to a 5/8" rebar PLS 14221 on the southerly right of way of Oxley Road;

Thence North  $55^{\circ}05'46''$  East, coincident with said southerly right of way of Oxley Road, 0.16 feet;

Thence South  $89^{\circ}44'39''$  East, coincident with said southerly right of way of Oxley Road, 15.87 feet to a 1/2" rebar PLS 6552 marking the northeast corner of said alley of Block 18, of Riverside Addition;

Thence South  $0^{\circ}14'20''$  West, coincident with the easterly line of said alley of Block 18, of Riverside Addition, 200.05 feet to a 5/8" rebar PLS 14221 on said northerly right of way of Carson St.;



## Sawtooth Land Surveying, LLC

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Coeur d'Alene, ID 83815  
P: (208) 714-4544  
F: (208) 719-0404

1410 Lincoln Ave., Ste. G  
Jerome, ID 83338  
P: (208) 329-5303  
F: (208) 324-3821

October 2, 2019  
Public Utilities Easement Legal Description

**BASIS OF BEARINGS** for this description is North 1°29'44" East between an aluminum cap marking the S1/4 corner of Section 6 and a 5/8" rebar marking the C1/4 corner of Section 6, both in T. 6 N., R. 1 W., B.M., Gem County, Idaho.

A 15-foot strip of land for the purpose of a Public Utility Easement, being a portion of Block 18, of the plat of the Riverside Addition to Emmett, as shown on file in Book 1 of Plats at Page 39, Gem County Records, and located in the SE1/4 of Section 6, T. 6 N., R. 1 W., B.M., City of Emmett, Gem County, Idaho, more particularly described as follows;

**COMMENCING** at a 5/8" rebar PLS 14221 marking the intersection of N. Boise Ave. and Carson Street;

Thence South 89°43'43" East, coincident with the centerline of said Carson Street, 30.00 feet;

Thence North 0°17'12" East, 30.00 feet to a 5/8" rebar PLS 14221 marking the southwest corner of Lot 3, Block 18, of said Riverside Addition to Emmett;

Thence South 89°43'43" East, coincident with the south line of said Lot 3, Block 18, of said Riverside Addition to Emmett, 150.38 feet to the **POINT OF BEGINNING**;

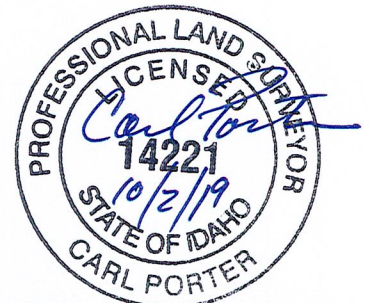
Thence North 0°14'20" East, parallel with the east line of the alley in said Block 18, a distance of 104.00 feet;

Thence South 89°43'43" East, parallel with the south line of said Block 18, a distance of 15.00 feet;

Thence South 0°14'20" West, parallel with said east line of the alley in Block 18, a distance of 104.00 feet to the south line of said Block 18;

Thence North 89°43'43" West, coincident with said south line of Block 18, a distance of 15.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 1560 square feet more or less.

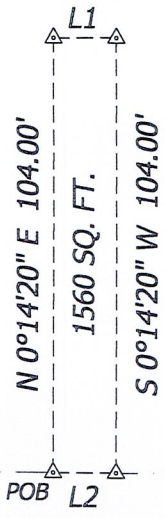




T. 6 N., R 1 W., B.M.



⊙ C1/4 COR. SEC. 6  
CPF 133067



2626.70'

N 0°17'12" E  
30.00'  
PLS 14221

S 89°43'43" E 150.38'

FND. PK  
RESET 5/8" REBAR PLS  
14221

30.00'

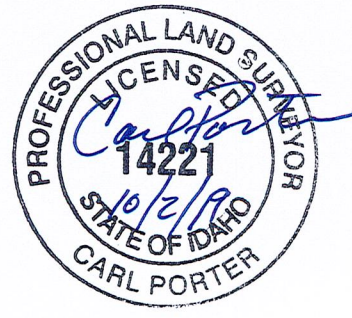
S 89°43'43" E

CARSON ST.


N. BOISE AVE.  
N 1°29'44" E  
BASIS OF BEARINGS

LINE TABLE

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 89°43'43" E | 15.00'   |
| L2   | N 89°43'43" W | 15.00'   |



⊙ S1/4 COR. SEC. 6  
CPF 299886  
MUSSEY ST.

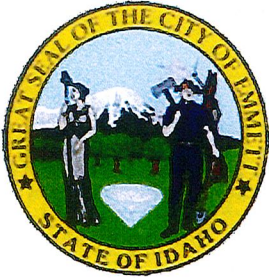
|                                                            |                                    |                                                                                                                                                                                                     |                    |
|------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| PROJECT:<br>PUBLIC UTILITIES EASEMENT<br>GEM COUNTY, IDAHO | OWNER/DEVELOPER:<br><br>JOE LANHAM | <br>2030 S. WASHINGTON AVE.<br>EMMETT, ID 83617<br>P: (208) 398-8104<br>F: (208) 398-8105<br>WWW.SAWTOOTHLS.COM | DWG #<br>19229-EX  |
|                                                            | DATE: 10/2019                      |                                                                                                                                                                                                     | PROJECT #<br>19229 |
|                                                            |                                    |                                                                                                                                                                                                     | SHEET<br>1 OF 1    |



Proposed Vacate Alley Location: VAC19-001







**Emmett Zoning Department**  
 601 E. 3<sup>rd</sup> St. Emmett, Idaho, 83617  
**Brian Sullivan:**  
 bsullivan@cityofemmett.org  
**Doricela Millan-Sotelo:** dmillan-sotelo@cityofemmett.org  
 Ph. (208)365-9569 F. (208)365-4651

## Affidavit of Legal Interest

I, JOE LANHAM, residing at 713 N. Commercial Ave, Emmett, ID being first duly sworn upon oath, depose and say:

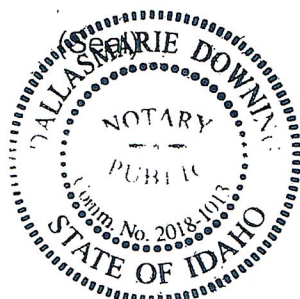
1. That I am the record owner of the property described on the attached, and I grant my permission to SALTOOTH LAND SURVEYING to submit the accompanying application pertaining to that property.
2. I agree to indemnify, defend and hold Emmett City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property, which is the subject of the application.

Dated this 5th day of July, 2019.

[Signature]  
 \_\_\_\_\_  
 Signature

State of Idaho)  
 S.S.  
 County of Bem)

On this 5th day of July, in the year of 2019, before me Doracela Millan-Sotelo a notary public, personally appeared Joseph Lanham proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.



[Signature]  
 \_\_\_\_\_  
 Notary Public  
 My Commission Expires on June 1, 2024



City of Emmett  
Zoning Commission  
601 E. 3rd St,  
Emmett, ID 83617

8/16/19

Dear Sirs,

I received your letter re proposed vacation of the alley at T.06 N. R.01 W, Sect. 6, in Emmett.

I will not be able to attend the hearing Sept. 3 re this matter; consider this letter my feelings on the matter.

I was born & raised in Emmett and we lived at 611 N. Comm. Ave. (which I now own) so I am familiar with the area in question.

I have no objection to the requested alley vacation.

Respectfully,

Linden Pitkin

P.O. Box 545

Mackay, ID 83251



August 23, 2019

City of Emmett  
Zoning Department,  
601 E. 3rd St.,  
Emmett, Id, 83617

Subject: Vacation of Easement VAC-19-001

To Planning and Zoning Dept.:

Idaho Power currently has existing overhead power lines in the alleyway that is requesting to be vacated. If the existing alleyway will no longer be owned and maintained by the City of Emmett, the current land owner of the property will need to provide Idaho Power with a legal easement for our existing facilities. These facilities have been in place and provide power to our existing customers.

If you have further questions, please call.

Thank you,

A handwritten signature in black ink that reads "Shelley King".

---

Shelley King  
Idaho Power Co.  
Regional Design Leader  
1550 S Main St.  
Payette, Idaho 83661  
208-642-6278

Cc: File  
Idaho Power ROW Dept.



*In the Community to Serve®*

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2921 Caldwell Blvd. • Nampa, ID 83651  
Phone: 208-468-6700 • 1-800-548-3679  
Fax: 208-468-6726  
[www.intgas.com](http://www.intgas.com)

August 22, 2019

City of Emmett  
Zoning Commission  
601 E 3<sup>rd</sup> Street  
Emmett, ID 83617

RE: File No. VAC-19-001

Dear Sir;

Intermountain Gas Company has received the request to vacate "an alley located in Block 18 of Riverside Addition, consisting of 0.073 acres.". After review, Intermountain Gas Company does have gas facilities in this alley to serve it's customers. Intermountain Gas Company does have a conflict with this vacation request.

Enclosed is a drawing of the existing gas facilities in the area. Please contact Brian Bettis at 208/468-6712 for any relocations or abandonments as needed. Thank you for your time and consideration in this matter.

Sincerely,  
intermountain Gas Company

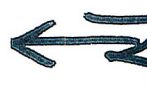
Ben Marconi  
District Operations Manager

BM/jm

Enclosure









Road Plan Workshop Meeting

September 24, 2019

The Emmett City Council held a road plan workshop meeting at 501 E. Main Street, Emmett, Idaho.

Mayor Petrie called the meeting to order at 6:00 p.m.

Mayor Gordon Petrie led the **Pledge of Allegiance**

**Council Present:** Mayor Petrie, Council President Michelle Welch, Councilman Shawn Alder, Councilman Steve Nebeker, Councilman Gary Resinkin, Councilman Henderson and Councilman Mike Stout.

**Staff Present:** Public Works Superintendent Clint Seamons, Police Chief Steve Kunka, Librarian Alyce Kelley, Systems Administrator Mike Knittel, Fire Chief Curt Christensen, Building Official Brian Sullivan, Deputy City Clerk Stephanie Johnson.

**Public Present:** Burton Briggs - Harvest Lane, Kyler Sullivan - 7344 Hillview Rd, Gerald Turner - 527 E. 2nd St, Jonathan Phillips - 92 Gem Stone Way.

Councilman Stout made a **MOTION TO APPROVE THE AGENDA AS PRESENTED. Seconded. 6 – AYES, 0 – NOES. Motion Carried.**

**Road Plan**

Clint Seamons presented the Emmett City Road Plan to the Council.

Councilman Alder made a **MOTION TO ADJOURN. A SECOND. Motion Carried.**

**Meeting adjourned at 6:43 p.m.**

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**Mayor Gordon Petrie**

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**City Clerk Lyleen Jerome**



# City of Emmett Council Meeting

September 24, 2019

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.

Mayor Gordon Petrie called the meeting to order at 7:00 p.m.

Mayor Gordon Petrie led the **Pledge of Allegiance**

Jonathan Phillips offered the **Community Invocation**

**Council Present:** Council President Michelle Welch, Councilman Shawn Alder, Councilman Gary Resinkin, Councilman Steve Nebeker, Councilman Tona Henderson, Councilman Mike Stout

**Staff Present:** Curt Christensen, Alyce Kelley, Steve Kunka, Clint Seamons, Mike Knittel, Stephanie Johnson

**Public Present:** Gerald Turner – 527 E. 2<sup>nd</sup> St., Diana Baird – Messenger Index, Rick Welch – 115 W 3<sup>rd</sup> St., Daniel Brice – 1000 E. Main St.

**Amendments to the Agenda:** None

Councilman Henderson made a **MOTION TO APPROVE THE AGENDA.SECONDED, 6 -AYES, 0- NOES. Motion Carried.**

**Declaration of Conflicts of Interest:** - None

**Declaration of Council Members' Discussion Outside an Open Meeting:** - None

## **CONSENT AGENDA:**

A. **Approval of Minutes** – September 10, 2019

B. **Approval of Accounts Payable**

Councilman Nebeker made a **MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED. SECONDED. 6 – AYES, 0- NOES. Motion Carried.**

## **ELECTED OFFICIALS:**

A. **Mayor**

1. Proclamations

A. **Emmett Rotary Club World Polio Day** Mayor Petrie proclaimed October 24th - 29th, 2019 as World Polio Week.

B. **Presentation to First Responders** - Mike Fry and Jeff Wiechmann from the Kitchen Eatery presented checks to the Gem County Sheriff Dept., EMS, Emmett Fire Department and the Emmett Police Department for the monies raised during the First Responders Crab Feed Benefit.

B. **Announcements**

C. **City Council**

## **NON-CONSENT AGENDA**

### **DISCUSSIONS:**

A. **GIS Utah Reference Network Overview** - Mike Knittel gave a presentation on the GIS Utah Reference Network. We will be receiving a MOU from the group in the near future to be presented to Counselor Sweeten.

B. **Latecomers/Credit Policy Information** - Clint Seamons discussed the Latecomer/Credit Policy Information. This plan will cover the water and sewer connections for the Latecomers.

### **BUSINESS:**

A. Appointment of Jennifer Frieboes and Jeff Wiechmann to Zoning Commission - Mayor Petrie recommended that Jennifer Frieboes and Jeff Wiechmann to a six (6) year term on the Zoning Commission. Councilman Stout made a **MOTION TO APPROVE THE APPOINTMENTS OF JENNIFER FRIEBOES AND JEFF WIECHMANN TO THE ZONING COMMISSION FOR COMPLETING THE SIX (6) YEAR TERM OF BILL SLABAUGH AND MICK VAHLBERG. Seconded. 6 - AYES, 0 - NOES. Motion Carried.**

B. Approval of Gem County Dispatch Funding Agreement and Payment of \$46,887.04. Councilman Nebeker made a **MOTION TO APPROVE THE GEM COUNTY DISPATCH FUNDING AGREEMENT AND PAYMENT OF \$46,887.04. Seconded. 6- AYES, 0- NOES. Motion Carried.**

C. Discussion of Main Street Landscaping - Council President Welch discussed the current protocol of how we maintain Main Street Landscaping. Counselor Sweeten would like to do some research on the topic and have this discussion continued until the next meeting.

## **REPORTS:**

**Building Official/City Planner** – Brian Sullivan – Gave monthly report.

**Deputy City Clerk** – Stephanie Johnson – Gave Monthly report.

**Fire** – Fire Chief – Curt Christensen – Gave Monthly report.

**Library** – Librarian Alyce Kelley – Gave Monthly report.

**Police** – Chief Kunka – Gave Monthly report.

**Public Works** – Clint Seamons – Gave Monthly report.

**System Administrator** – Mike Knittel – Gave Monthly report.

**Engineer** – None

Councilman Alder **MADE A MOTION TO ADJOURN, SECONDED, 6 – AYES, 0 – NOES. Motion Carried.**  
Meeting Adjourned at 7:54 p.m.

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Mayor Gordon Petrie

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Lyleen Jerome, City Clerk

**Idaho Gem Grant  
Application Resolution**

WHEREAS, the Emmett City Council is interested in the economic health of the community and its citizens; and

WHEREAS, the Emmett City Council wishes to support and encourage appropriate efforts within the community that promote economic development of the community and the economic well-being of its citizenry; and

WHEREAS, the Idaho Department of Commerce is offering a program specifically designed to help rural Idaho communities implement economic development strategies/projects and,

WHEREAS, this program is entitled the Idaho Gem Grant Program

NOW, THEREFORE, BE IT RESOLVED, that the Emmett City Council hereby supports and endorses an Idaho Gem Grant application for the Barrus/City of Emmett Infrastructure project;

-

BE IT FUTHER RESOLVED, that the Emmett City Council designates  
**CITY OF EMMETT** as its administrative agent for this grant.

This Resolution is in full effect upon its adoption this \_\_\_\_\_ day of October, 2019.

\_\_\_\_\_  
(Name of Official)

\_\_\_\_\_  
(Attest)

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

|                                            |                                                               |
|--------------------------------------------|---------------------------------------------------------------|
| Owner: City of Emmett                      | Owner's Contract No.: -                                       |
| Contractor: Asphalt Driveways and Patching | Contractor's Project No.: -                                   |
| Engineer: Keller Associates, Inc.          | Engineer's Project No.: 210022-046                            |
| Project: 12 <sup>th</sup> Street Pathway   | Contract Name: City of Emmett 12 <sup>th</sup> Street Pathway |

**This final Certificate of Substantial Completion applies to:**

- All Work  The following specified portions of the Work:

August 21, 2019  
**Date of Substantial Completion**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's responsibilities:  None  As follows

Amendments to Contractor's responsibilities:  None  As follows:

The following documents are attached to and made a part of this Certificate: *Punch List*.

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

|                                     |                                              |                                                                  |
|-------------------------------------|----------------------------------------------|------------------------------------------------------------------|
| <b>EXECUTED BY ENGINEER:</b>        | <b>RECEIVED:</b>                             | <b>RECEIVED:</b>                                                 |
| By: _____<br>(Authorized signature) | By: _____<br>Owner<br>(Authorized Signature) | By: <u>Branche Medda</u><br>Contractor<br>(Authorized Signature) |
| Title: <u>Project Engineer</u>      | Title: _____                                 | Title: <u>Owner</u>                                              |
| Date: <u>08/21/2019</u>             | Date: _____                                  | Date: <u>08/22/2019</u>                                          |

**PUNCH LIST FOR WORK TO BE COMPLETED BEFORE ISSUANCE OF FINAL COMPLETION FOR:**

**CITY OF EMMETT 12TH STREET PATHWAY**

- **Clean gravel mounds along edge of pathway.**
- **Remove 2 x 4 and clean up landscaping at the ped ramp on the Northeast end of the project.**



**MEMORANDUM OF UNDERSTANDING**  
between  
**THE DEPARTMENT OF TECHNOLOGY SERVICES,  
AUTOMATED GEOGRAPHIC REFERENCE CENTER**  
and  
**The City of Emmett, Idaho**

**SUMMARY**

**Effective Date:** 10/09/2019  
**Termination Date:** 10/08/2029  
**ELCID/NSCID:** ITAGRGPS

**PURPOSE**

This Memorandum of Understanding (“MOU”) is entered into between the Department of Technology Services (“the Department”), Automated Geographic Reference Center (“AGRC”), and the City of Emmett, Idaho (the “Customer” or “the City”), a duly formed and existing city pursuant to the laws of the State of Idaho, regarding The Utah Reference Network GPS (“the Network”). The City and AGRC may be collectively referred to as the “parties,” and singularly as a “party.”

This MOU document defines and describes the responsibilities of each party, the services to be provided, and other details of the agreement.

**CONTACT INFORMATION**

**Customer Contact:** Mike Knittel  
**Phone:** (208) 398-2100  
**E-mail:** [mknittel@cityofemmett.org](mailto:mknittel@cityofemmett.org)  
**Address:** 501 E. Main St., Emmett, ID 83617

**AGRC Representative:** Matt Peters, Director, Utah Automated Geographic Reference Center  
**Phone:** (801) 673-3362  
**E-mail:** [mpeters@utah.gov](mailto:mpeters@utah.gov)

**BACKGROUND**

The State of Utah, through the Department, operates AGRC. AGRC administers the Network to support highly accurate GPS measurements and also offers subscription-based access to the Network to the public. This MOU outlines the agreement that AGRC will provide a Network subscription to the Customer, and the Customer will host a Network station.





## COMMENCEMENT

This MOU is effective as of 10/09/2019, and the target implementation date is 11/01/2019.

## CUSTOMER RESPONSIBILITIES

Pursuant to this MOU, the City shall:

- Provide sufficient space for equipment mounting at a City facility in or near the City of Emmett, Idaho and a City facility in or near the City of Emmett, Idaho at no cost.
- Provide AGRC the use of the space where the equipment is mounted at no cost.
- Comply with all federal, state, and local requirements, as well as City policies and procedures.
- Install the equipment with the help of the local Trimble Dealer.
- Provide and help maintain internet connectivity.
- Not be responsible if the stations go down, get stolen, or other circumstances outside the City's control.

## AGRC RESPONSIBILITIES

Pursuant to this MOU, AGRC shall:

- Provide to the City, at no cost, the use of a GNSS receiver at a City facility in or near the City of Emmett, Idaho, and a GNSS receiver at a City facility in or near the City of Emmett, Idaho (hereinafter "equipment").
- Retain full ownership of all equipment.
- Deliver, transport, maintain, and operate the equipment.
- Comply with all federal, state, and local requirements, as well as City policies and procedures.
- Provide the City with one Network subscriptions at no cost.

## PROVISIONS

- **Authority.** The City affirms that it has authority to enter this agreement pursuant to Idaho Code § 50-301.
- **Maintenance access.** Upon reasonable prior notice (except during emergencies), the City shall provide AGRC employees or representatives with escorted access to the equipment at no cost to AGRC to enable AGRC to maintain and repair the equipment. The notice must include the names and positions of each person requiring access to the equipment. The City will provide escorted access during regular business hours and when resources are available. AGRC employees and representatives will comply with reasonable security policies and procedures of the City. AGRC employees and representatives shall not have, at any time or for any reason, (i) unescorted access to the equipment or (ii) any access to the computer network of the City and its affiliates.
- **Independent Contractor.** The parties intend by this MOU that each shall, at all times, be an independent contractor with respect to the other party, and the relationship of the parties shall not be that of principal and agent, master and servant, or employer and employee. Each party shall be solely responsible for all employment-related benefits and obligations imposed by statute,





regulation, contract, or otherwise for its employees, servants, agents, and representatives and those of its subcontractors, if any.

- **Notices.** All notices concerning this MOU, other than the day-to-day communications between the parties, shall be in writing and shall be sent to the relevant address set forth below. The parties may designate other addressees or addresses by notice to the other party. A notice shall be deemed effective (a) when given by hand delivery; (b) when sent by email; (c) three days after deposit into the U.S. mail, postage prepaid; or (d) one business day after deposit with commercial overnight delivery service, charges prepaid.

**City of Emmett**

Attn: Mike Knittel  
501 E. Main St.  
Emmett, ID 83617  
mknittel@cityofemmett.org  
Ph: (208) 398-2100

**State of Utah DTS-AGRC**

Attn: Sean Fernandez  
1 State Office Bldg, Room 5130  
Salt Lake City, UT 84114  
[sfernandez@utah.gov](mailto:sfernandez@utah.gov)  
Ph: (801) 209-9359

- **Choice of Law and Enforcement.** This MOU shall be governed by and construed by the laws of the State of Idaho. If either party brings against the other party any proceeding arising out of this MOU or arising out of disclosure or use of Confidential Information, that party may bring that proceeding only in the United States District Court in Boise, Idaho, or any state court of Idaho sitting in Emmett, Idaho, and each party hereby submits to the exclusive jurisdiction of those courts for purposes of any such proceeding. In the event it becomes necessary for either party to enforce its rights under this MOU, then with or without litigation, the prevailing party shall be entitled to recover all reasonable expenses, including attorney fees and costs, arising out of the enforcement of its rights.
- **Waiver.** The failure of a party to require the performance of a term or obligation under this MOU, or the waiver by a party of any breach, shall not prevent subsequent enforcement of such term or obligation or be deemed a waiver of any subsequent breach under this MOU. No waiver of any provision of this MOU shall be valid unless in writing and signed by the party against whom charged.
- **Assignment.** Neither party shall, in whole or in part, assign its rights or delegate its obligations under this MOU without the prior written consent of the other party, and any attempt to do so without consent shall be void. This MOU shall be binding upon and inure to the benefit of the parties' permitted successors and assigns.
- **Severability.** If any provision or part of a provision of this MOU is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision, but this MOU shall be construed as if it did not contain such invalid, illegal, or unenforceable provision. Each provision shall be deemed to be enforceable to the fullest extent available under applicable law.
- **Entire MOU.** This MOU, together with its exhibits (if any), contains the entire MOU between the parties concerning the subject matter, and it replaces and supersedes any and all prior or contemporaneous, oral or written, agreements, understandings, communications, and representations between the parties. Any terms or conditions contained in any confirmation, statement, or invoice that differ or vary the terms of this MOU are null and void and shall have no effect between the parties. This MOU may not be amended except in writing signed by the parties.



- **Authority.** Each person signing this MOU warrants that the person has full legal capacity, power, and authority to execute this MOU for and on behalf of the respective party and to bind such party.

## COSTS

AGRC will not charge a fee for providing the Customer with a subscription to the Network, and, in exchange, the Customer will host the network site.

## TERMINATION OR AMENDMENT

This MOU shall begin on the date of the last signature on this MOU and will remain in effect for a period of ten (10) years ending on 10/08/2029. The parties may renew this MOU for an additional ten (10)-year term by written amendment. Notice(s) of termination and proposed amendments should be in writing and provided to the Contacts above. Either party may terminate this MOU for any reason, or for no reason, with at least 60 days' prior written notice to the other party.

If AGRC does not retrieve the equipment within 60 days of receipt of a termination notice, the City shall be free to dispose of or sell all or any part of the equipment as it sees fit with no further liability to the City.

## SIGNATURES OF APPROVAL

By signing below, the parties agree to this Memorandum of Understanding.

| Representative  |  |                  |  |
|-----------------|--|------------------|--|
| Signature:      |  | Date:            |  |
| Name (Printed): |  | Title (Printed): |  |

| Department of Technology Services Representative |  |                  |  |
|--------------------------------------------------|--|------------------|--|
| Signature:                                       |  | Date:            |  |
| Name (Printed):                                  |  | Title (Printed): |  |

## ATTACHMENTS

- A.
- B.