

NOVEMBER 13, 2008

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 13, 2008, in the Council Chambers located in the City Annex Building at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor ProTem Ida Hardcastle
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Thomas Hally
Councilmember Sharon D. Parry
Councilmember Ken Taylor

Absent was:

Mayor Jared D. Fuhriman

Also present:

Dale Storer, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor ProTem Hardcastle requested Boy Scout Harrison Hollyoak to come forward to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor ProTem Hardcastle requested Council confirmation for the Re-Appointment of Keith Kennedy to serve on the Fire Code Board of Appeals (Term to Expire in April, 2013).

The City Clerk requested approval of the Minutes from the October 23, 2008 Regular Council Meeting and the November 4, 2008 Council Work Session.

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented the following Expenditure Summary dated October 1, 2008 through October 31, 2008, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 1,317,480.41
Street Fund	115,547.96
Recreation Fund	26,670.27
Library Fund	110,181.80
Municipal Equipment Replacement Fund	40,686.74
Electric Light Public Purpose Fund	56,890.33
Business Improvement District	11,400.00
Golf Fund	20,113.61
Municipal Capital Improvement Fund	20,000.00
Street Capital Improvement Fund	32,174.09
Water Capital Improvement Fund	1,601.16

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FUND	TOTAL EXPENDITURE
Traffic Light Capital Improvement Fund	39,622.94
Airport Fund	7,409,559.85
Water and Sewer Fund	574,126.73
Sanitation Fund	168,804.48
Ambulance Fund	42,491.29
Electric Light Fund	3,392,936.55
Payroll Liability Fund	2,997,917.03
TOTALS	\$16,378,205.24

The City Clerk presented several license applications, including BEER Licenses to Bowl-ero, Get-N-Go Convenience Store, and Wasabi Japanese Restaurant and Sushi Bar, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on November 13, 2008.

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Lehto
 Councilmember Parry
 Councilmember Hardcastle
 Councilmember Taylor
 Councilmember Hally
 Councilmember Cornwell

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memos:

City of Idaho Falls
October 27, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONSENT TO ASSIGNMENT OF LEASE – BRIAN BALL

Attached for City Council approval is the Consent to Assignment of Lease assigning the Airport Lease from Brian Ball dba 223RS LLC to Tacy Ball. The Hangar is located at 2030 International Drive, Idaho Falls, Idaho 83402.

Shan Perry, Assistant City Attorney, has prepared and approved said lease.

Please present to the Mayor and City Council for consideration at their next Regular City Council Meeting.

s/ Len Nelson

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It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Consent to Assignment of Hangar Lease Agreement from Brian Ball dba 223RS LLC to Tacy Ball for the Hangar located at 2030 International Drive and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
October 27, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONSENT TO ASSIGNMENT OF LEASE – TIMOTHY LEAHY

Attached for City Council approval is the Consent to Assignment of Lease assigning the Airport Lease from Timothy Leahy to Terry A. Todd. The Hangar is located at 2530 Foote Drive, No. 4, Idaho Falls, Idaho 83402.

Shan Perry, Assistant City Attorney, has prepared and approved said Lease.

Please present to the Mayor and City Council for consideration at their next Regular City Council Meeting.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Consent to Assignment of Hangar Lease Agreement from Timothy Leahy to Terry A. Todd for the Hangar located at 2530 Foote Drive, No. 4 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

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City of Idaho Falls
October 31, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: SKYWEST AIRLINES – AMENDMENT TO IDAHO FALLS
REGIONAL AIRPORT AGREEMENT

Attached for City Council approval is SkyWest Airlines – Amendment to Idaho Falls Regional Airport Scheduled Airline Operating Agreement and Terminal Building Lease.

Shan Perry, Assistant City Attorney, has prepared and approved said lease.

Please present to the Mayor and City Council for consideration at their next Regular City Council Meeting.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Amendment to Idaho Falls Regional Airport Scheduled Airline Operating Agreement and Terminal Building Lease with SkyWest Airlines and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls
October 31, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: HORIZON AIRLINES – AMENDMENT TO IDAHO FALLS
REGIONAL AIRPORT AGREEMENT

Attached for City Council approval is the Horizon Air Industries, Inc. – Amendment to Idaho Falls Regional Airline Operating Agreement and Terminal Building Lease.

Shan Perry, Assistant City Attorney, has prepared and approved said lease.

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Please present to Mayor and City Council for consideration at their next Regular City Council Meeting.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Horizon Air Industries, Inc. Amendment to Idaho Falls Regional Airline Operating Agreement and Terminal Building Lease and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
November 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: UPPER PLANT REWIND - CHANGE ORDER NO. 1

Attached is information pertaining to Change Order No. 1 to the Upper Plant Rewind Project. The Change Order is for \$128,589.00 and a new completion date of February 21, 2009.

Idaho Falls Power requests Council approval of this Change Order and authorization for the Mayor to sign the documents.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Change Order No. 1 to National Electric Coil/Bureau Veritas North America, Inc. for the Upper Plant Rewind Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

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Nay: None

Motion Carried.

City of Idaho Falls
November 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZE THE MAYOR TO EXECUTE THE INDEMNIFICATION AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND BRAD ELDREDGE

Attached is a copy of the Indemnification Agreement between the City of Idaho Falls and Brad Eldredge.

Idaho Falls Power respectfully requests authorization for the Mayor to execute this Agreement.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Indemnification Agreement between the City of Idaho Falls and Brad Eldredge and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
November 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: REQUEST TO PURCHASE ADDITIONAL SLUDGE MIXERS

Municipal Services respectfully requests authorization to purchase Two (2) New Digester Mechanical Sludge Mixers for the Sewer Waste Water Treatment Plant from City of Idaho Falls Bid IF-08-19 (P. O. No. 47632). This bid was

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awarded on June 24, 2008, to Westech Engineering, Inc. for an amount of \$138,000.00. This second purchase will be for the exact same units and for the same price.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to approve the purchase of Two (2) New Digester Mechanical Sludge Mixers for the Sewer Waste Water Treatment Plant per the City of Idaho Falls Bid No. IF-08-19 (P. O. No. 46732) to Westech Engineering, Inc. for an amount of \$138,000.00. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
November 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PURCHASE A NEW 2008 OR NEWER BACKHOE LOADER PER CITY OF POCATELLO BID

It is the recommendation of Municipal Services to accept the bid of Western States Equipment, Idaho Falls, Idaho, to furnish the subject equipment per City of Pocatello Bid of November 15, 2005. They would furnish a New 2008 or Newer Caterpillar, 4 X 4 with extendable hoe for a final amount of \$88,438.49; minor deletions and additions will be made with net increase from bid amount of \$2,540.00. The Supplier has agreed to allow us to piggy-back their original bid to City of Pocatello and honor the bid amount with said changes.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to accept the bid of Western States Equipment to furnish the New 2008 or Newer Caterpillar, 4 X 4 with extendable hoe for a final amount of \$88,438.49, including minor deletions and additions per the City of Pocatello Bid of November 15, 2005. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry

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Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
November 10, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-03, TWO (2) NEW 2008 OR NEWER FORCE FEED
SNOW LOADERS

Attached for your consideration is the tabulation for Bid IF-09-03, Two (2) New 2008 or Newer Force Feed Snow Loaders.

It is the recommendation of Municipal Services to accept the sole bid of Cate-ID Equipment Rental and Sales LLC to furnish Two (2) New 2008 Force Feed Snow Loaders for a total amount of \$372,062.00 for both units without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to accept the sole bid of Cate-ID Equipment Rental and Sales LLC to furnish Two (2) New 2008 Force Feed Snow Loaders for a total amount of \$372,062.00 for both units without trade in. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
November 13, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PANCHERI TO SOUTH TOURIST PATHWAY – CHANGE ORDER
NO. 2

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Attached for your consideration is Change Order Number Two for the purchase and installation of six TrafficGuard Round Post Key Lock Bollards to be placed on the pathway to restrict vehicle access. Cost for the proposed Change Order is \$5,760.00. It is anticipated that this cost will be absorbed in the original local match amount previously submitted to the Idaho Transportation Department for this project. The City Engineer has reviewed said Change Order and has recommended approval. It is therefore submitted for your approval and to have the Mayor and City Clerk sign and execute said Agreement.

s/ David J. Christiansen

It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to approve Change Order No. 2 to the Pancheri Drive to South Tourist Park Pedestrian/Bike Pathway Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
November 13, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: IDAHO FALLS AQUATIC CENTER – MAINTENANCE SERVICE AGREEMENT

The Parks and Recreation Division respectfully requests approval of the contract as specified between the City of Idaho Falls and Fountain Janitorial for the purpose of providing janitorial services for the Idaho Falls Aquatic Center. The term of the contract is for one year and will expire on September 30, 2009. It is therefore submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to approve the Maintenance Service Agreement with Fountain Janitorial for a one year period ending September 30, 2009 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
September 8, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT -
INTERMOUNTAIN BUSINESS AND TECHNOLOGY PARK,
DIVISION NO. 7

Attached are the Development Agreement and Final Plat entitled Intermountain Business and Technology Park, Division No. 7. The existing zoning is I & M-1. The Planning Commission recommended approval of the Final Plat at its August 19, 2008 Meeting. Staff concurs with the recommendation. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Development Agreement for Intermountain Business and Technology Park, Division No. 7 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for Intermountain Business and Technology Park, Division No. 7 and,

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further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: AMENDED MANAGEMENT AGREEMENT – IDAHO FALLS
DOWNTOWN DEVELOPMENT CORPORATION

Attached is the Amended Management Agreement with the Idaho Falls Downtown Development Corporation. The Corporation is requesting an additional \$20,000.00 in Business Improvement District monies to fund management assistance; provide additional advertising, promotion events, and educational workshops; and wayfaring signage for downtown. The Agreement has been reviewed by the City Attorney. The Amended Management Agreement is now being submitted to the Mayor and Council for approval.

s/ Renee R. Magee

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Amendment to the Management Agreement with Idaho Falls Downtown Development Corporation and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

NOVEMBER 13, 2008

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: AMENDED ANNEXATION AGREEMENT – IDAHO FALLS STATE TRAILER SUPPLY

Attached is the Amended Annexation Agreement for Idaho Falls State Trailer Supply. This Agreement provides for payment of water connection fees to the Developer for the extension of the North Yellowstone water main pursuant to Section 8-4-14(C), City Code. This Annexation Agreement is now being submitted to the Mayor and Council for approval.

s/ Renee R. Magee

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Amended Annexation Agreement for Idaho Falls State Trailer Supply and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Ayes: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: SECOND AMENDED DEVELOPMENT AGREEMENT – SNAKE RIVER LANDING, DIVISION NO. 1

Attached is the Second Amended Development Agreement for Snake River Landing, Division No. 1. The Agreement has been amended to provide for the city participation in the bridge constructed over the Porter Canal. The total cost for this participation is anticipated to be \$120,448.00. This Development Agreement is now being submitted to the Mayor and Council for approval.

s/ Renee R. Magee

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It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Second Amended Development Agreement for Snake River Landing, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
November 7, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Steve Roos, Chief of Police
SUBJECT: MEMORANDUM OF UNDERSTANDING – CITY OF IRWIN
DISPATCH SERVICES

Attached is the Memorandum of Understanding between the City of Irwin and the City of Idaho Falls. The Agreement states that the City of Idaho Falls will provide dispatch services to the City of Irwin for \$100.00 for Fiscal Year 2008-2009.

I respectfully request approval of this Memorandum of Understanding at the City Council Meeting of November 13, 2008.

s/ Steve Roos

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to approve the Memorandum of Understanding between the City of Irwin and the City of Idaho Falls for Dispatch Services and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

NOVEMBER 13, 2008

The Public Works Director submitted the following memos:

City of Idaho Falls
October 30, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SALES AGREEMENT – PARK PLACE WELL SITE

Attached is a proposed Sales Agreement with Park Place Joint Venture, LLP, to purchase real property needed for Well No. 18. The purchase price is \$60,000.00, plus closing costs of \$719.44.

Public Works requests approval of this purchase; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the Sales Agreement with Park Place Joint Venture LLP, to purchase real property needed for Well No. 18 in the amount of \$60,000.00 plus closing costs of \$719.44 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 6, THE MEADOWS, DIVISION NO. 2

The owner of Lot 1, Block 6, The Meadows, Division No. 2, has requested vacation of a portion of a utility easement located on this property. Public Works requests authorization for the City Attorney to prepare documents needed to accomplish this vacation.

s/ Chad Stanger

NOVEMBER 13, 2008

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to give authorization for the City Attorney to prepare the documents necessary to vacate a portion of a utility easement located in Lot 1, Block 6, The Meadows, Division No. 2. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 4, BLOCK 1, SUNNYSIDE
CROSSROADS REGIONAL CENTER NORTH, DIVISION NO. 2

The owner of Lot 4, Block 1, Sunnyside Crossroads Regional Center North, Division No. 2, has requested vacation of a portion of a utility easement located on this property. Public Works requests authorization for the City Attorney to prepare documents needed to accomplish this vacation.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to give authorization for the City Attorney to prepare the documents necessary to vacate a portion of a utility easement located in Lot 4, Block 1, Sunnyside Crossroads Regional Center North, Division No. 2. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

NOVEMBER 13, 2008

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 4, BLOCK 1, INTERMOUNTAIN
BUSINESS AND TECHNOLOGY PARK, DIVISION NO. 2

The owner of Lot 4, Block 1, Intermountain Business and Technology Park, Division No. 2 has requested vacation of a portion of a platted utility easement located on this property. Public Works requests authorization for the City Attorney to prepare documents needed to accomplish the requested vacation.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to give authorization for the City Attorney to prepare the documents necessary to vacate a portion of a utility easement located in Lot 4, Block 1, Intermountain Business and Technology Park, Division No. 2. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Parry to conduct a public hearing to establish the fees for Planning and Building Division GIS Digital Data and Public Works Division GIS Digital Data (Public Hearing continued from the October 23, 2008 Regular Council Meeting). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 15, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ESTABLISHMENT OF FEE FOR COMPUTERIZED MAPPING
SYSTEM

Attached is a Resolution establishing a fee for GIS data. Under Idaho Code Section 50-345, a City may establish a fee for the development, maintenance, and dissemination of digital forms of the system. The proposed fee does not

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address official paper maps or maps in such formats as “jpg” or “pdf” which do not permit manipulations of the digital data. The fee is the same fee as established by Bonneville County and Ada County for digital data. This Division respectfully requests consideration of this fee and adoption of the Resolution.

s/ Renee R. Magee

There being no further comments either in favor of or in opposition to this request, Mayor ProTem Hardcastle closed the public hearing.

The following Resolution was presented:

RESOLUTION NO. 2008-18

WHEREAS, Idaho Code Section 50-345 establishes the ability of a City to impose and collect fees for the development, maintenance, and dissemination of digital forms of a computerized mapping system; and,

WHEREAS, the City of Idaho Falls has established a computerized mapping system for such information as land use, plats, and zoning; and,

WHEREAS, the Mayor and Council of the City of Idaho Falls held a public hearing on a fee for digital data on October 23, 2008; and,

WHEREAS, the Council wishes to establish an equitable fee for the purpose of defraying the development, maintenance, and dissemination costs of such digital data;

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

1. **Establishment of Fees.** The fee of \$100.00 per request is hereby established for digital data in manipulative forms such as “shape” data.

2. **Signed License Agreement Necessary for Release of Data.** The fee shall be accompanied by an Agreement signed by the party requesting digital data. Such agreement shall be in a form acceptable to the City Attorney.

3. **Effective Date.** This Resolution shall be effective on and after December 1, 2008.

DATED this 13th day of November, 2008.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

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ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Resolution establishing an equitable fee for the purpose of defraying the development, maintenance, and dissemination costs of digital forms of a computerized mapping system and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Parry to conduct a public hearing for consideration of the Amendment to Fiscal Year 2008-2009 Community Development Block Grant Annual Action Plan. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: PUBLIC HEARING – AMENDMENT TO FISCAL YEAR 2008-2009
COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION
PLAN

Attached is a request to allocate \$35,000.00 to Code Enforcement for a full-time Zoning Enforcement Officer and \$15,000.00 to purchase a passenger van for Development Workshop. This will re-allocate funds originally designated to the Development Workshop to purchase the Child Development Facility from the State of Idaho. Written comments on this Amendment to the Annual Action Plan will be received by the Grant Administrator until December 13, 2008.

s/ Renee R. Magee

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Jan Blickenstaff, Grant Administrator, appeared to state that the City's Community Development Block Grant Strategic Plan allows City Council to change the projects that were selected that year, and to move money around where projects are not occurring. The requirement is to have a public hearing on one night, then take written or oral comments for the next 30 days. Following the end of the comment period, this issue will come before the Mayor and City Council for adoption of the amendments to the Annual Action Plan.

Councilmember Hally requested to know whether the Code Enforcement Officer would be an ongoing expense to the Grant.

The Grant Administrator stated that this is a request to expand a Code Enforcement Officer from a part-time position to a full-time position for one year only.

Councilmember Hally explained that the building to be purchased by Development Workshop has been waiting for more than 1-1/2 years for the State of Idaho, for legal reasons, to come up with a bid price. The Development Workshop, with this grant and money previously set aside, cannot move forward at this time. That frees up \$50,000.00 for use by Code Enforcement.

There being no further discussion either in favor of or in opposition to this request, Mayor ProTem Hardcastle closed the public hearing.

Mayor ProTem Hardcastle requested Councilmember Parry to conduct Annexation Proceedings for Candy Cottage, Division No. 1. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 4, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION WITH INITIAL ZONING OF RSC-1, FINAL PLAT, AND RSC-1 SITE PLAN – CANDY COTTAGE, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, Final Plat, and Site Plan for Candy Cottage, Division No. 1. This three lot final plat is located on the southwest corner of Bonita Drive and Woodruff Avenue. Annexation and initial zoning of RSC-1 are being requested for the western 0.1 acre of this plat. The Planning Commission recommended approval of the annexation, RSC-1 zoning, final plat, and site plan with the condition the parking in the clear site triangles be eliminated. This request is being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo with property outlined in red
Slide 3	Aerial Photo – close up
Slide 4	Aerial Photo showing Final Plat
Slide 5	Final Plat under consideration

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- Slide 6 Site Plan under consideration
- Slide 7 Landscape Plan
- Slide 8 Building Elevation
- Slide 9 Comprehensive Plan
- Slide 10 Site Photo showing existing Candy Cottage
- Slide 11 Site Photo showing Candy Cottage and proposed building site
- Slide 12 Site Photo showing proposed building on site
- Slide 13 Site Photo looking west across Lot 3
- Exhibit 1 Planning Commission Minutes dated October 7, 2008
- Exhibit 2 Staff Report dated October 7, 2008
- Exhibit 3 Vicinity Map
- Exhibit 4 Copy of Final Plat
- Exhibit 5 Copy of Site Plan

The Planning and Building Director stated that due to the small size of this annexation (0.1 Acre), an Annexation Agreement was not needed as any fees that would be collected would be negated by the development of the Annexation Agreement. In addition, public improvements are not addressed in an Annexation Agreement.

Todd Meyers, 645 Hickory Lane, appeared as the representative for Morgan Construction. Candy Cottage is proposing to build a second building, where the kitchen and office will be located. The original building will be used for display and sales. Mr. Meyers, further, explained where the storm water would flow into Lot 3. Should a building be proposed in the future for Lot 3, storm drainage will be officially addressed.

There being no further discussion either in favor of or in opposition to this annexation request, Mayor ProTem Hardcastle closed the public hearing.

Due to the fact that there was no Annexation Ordinance provided for this annexation, motions for this will be provided at the next Regular City Council Meeting of November 25, 2008.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Cornwell, that the meeting adjourn at 8:07 p.m.

CITY CLERK

MAYOR
