

JULY 10, 2008

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 10, 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 Sharon D. Parry
Councilmember Ken Taylor
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Thomas Hally

Absent was:

Mayor Jared D. Fuhriman
Councilmember Karen Cornwell

Also present:

Shan Perry, Assistant City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor ProTem Hardcastle requested Councilmember Michael Lehto to come forward to lead those present in the Pledge of Allegiance.

Mayor ProTem Hardcastle and Councilmembers honored Shawn Roberts with an Outstanding Community Service (Life Saving) Award. On June 21, 2008, at great risk to his life and his property, Shawn pulled in front of a van that had run over an eight-year-old Michael Pereira at the intersection of Skyline Drive and Grandview Drive. The driver of the van did not know that the bike and boy were under the front bumper. Shawn drove his new motorbike in front of the van, jumped off of it causing it to crash, then stopped the van after it had dragged the boy about thirty feet.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the June 24, 2008 Special Council Meeting, the June 29 and 30, 2008 Council Work Session, and the July 2, 2008 Executive 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 June 1, 2008 through June 30, 2008, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 674,377.03
Street Fund	53,574.35
Recreation Fund	16,081.70
Library Fund	42,462.03
Municipal Equipment Replacement Fund	40,254.00

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FUND	TOTAL EXPENDITURE
Electric Light Public Purpose Fund	61,734.01
Business Improvement District Fund	11,400.00
Golf Fund	29,907.77
Street Capital Improvement Fund	172,156.21
Airport Fund	149,213.60
Water and Sewer Fund	476,142.92
Sanitation Fund	3,235.90
Ambulance Fund	9,555.59
Electric Light Fund	3,452,205.54
Payroll Liability Fund	2,269,581.16
TOTALS	\$ 7,461,881.81

The City Clerk presented several license applications, 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 July 10, 2008.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
July 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO RECEIVE BIDS FOR TREE TRIMMING

Idaho Falls Power respectfully requests authorization to bid for the FY 2009 line clearance tree trimming project.

s/ Jackie Flowers

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
July 10, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: AUTHORIZATION TO BID IRRIGATION – OLD BUTTE ROAD SOCCER COMPLEX

The Division of Parks and Recreation respectfully requests authorization to receive bids for irrigation materials and installation at the Old Butte Soccer complex.

s/ David J. Christiansen

JULY 10, 2008

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
June 23, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg, Assistant Idaho Falls Power Director
SUBJECT: AGREEMENT WITH LAMOYNE HYDE

Attached for your consideration is an Agreement with LaMoyne Hyde regarding tree removal at his property. The trees are located within the easement and need to be trimmed or removed in order to maintain proper clearances. Idaho Falls Power will bear associated compensation cost as well as cost for removal of trees.

Idaho Falls Power respectfully recommends approval of the Agreement and authorization for the Mayor to sign the document.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Agreement with LaMoyne Hyde regarding the removal of trees at his property 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

Nay: None

Motion Carried.

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City of Idaho Falls
June 20, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: SMALL GENERATION NET METERING AND INTERCONNECTION
AGREEMENT BETWEEN JOANNA WALLIN AND IDAHO FALLS
POWER

Attached is the Small Generation Net Metering and Interconnection Agreement between Joanna Wallin at 645 Lincoln Drive and Idaho Falls Power. The City Attorney has reviewed the agreement.

Staff recommends that City Council approve the Agreement and that the Mayor be authorized to execute the document.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Small Generation Net Metering and Interconnection Agreement between Joanna Wallin at 645 Lincoln Drive and Idaho Falls Power and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 7, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PROPOSALS FOR CITY'S LIFE INSURANCE

It is respectfully requested that Mayor and Council authorize Municipal Services to receive proposals for the City's Life Insurance Program.

s/ S. Craig Lords

JULY 10, 2008

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to give authorization for the Municipal Services Division to receive proposals for the City's Life Insurance Program. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-25, ONE (1) NEW 2008 OR NEWER GENERAL PURPOSE WHEEL TRACTOR WITH LOADER

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Tractor Sales and Auto to furnish a 2008 Holland Tractor for an amount of \$47,900.00 with trade-in Unit No. 173.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid of Tractor Sales and Auto to furnish a 2008 Holland Tractor for an amount of \$47,900.00 with trade-in Unit No. 173. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 7, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEAVE WITHOUT PAY FOR JULIE JACKSON

JULY 10, 2008

It is respectfully requested that Council authorize Leave Without Pay for Julie Jackson.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to give authorization for Leave Without Pay for Julie Jackson. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO DISPOSE AND SELL CNG VAN NO. 832

It is respectfully requested that Mayor and Council authorize disposal of CNG Van No. 382, and allow Mr. Melvin Jensen of St. George, Utah to purchase it in the amount of \$2,000.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to authorize disposal of CNG Van No. 382 and allow Mr. Melvin Jensen of St. George, Utah to purchase it in the amount of \$2,000.00. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

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City of Idaho Falls
July 10, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK SKATE PARK BID AWARD

On Tuesday, July 8, 2008 at 10:00 a.m., bids were officially opened for the proposed Skate Park Project to be located at Tautphaus Park. The sole responsive bid for the project was from Grindline Skateparks of Seattle, Washington, in the amount of \$306,030.00. The bid includes SP-1: Mobilization, SP-2: Drainage Facilities and Bid Alternative 1.

The Parks and Recreation Division respectfully requests approval of the plans and specifications as presented and recommends authorization to execute said contract.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to accept the sole responsive bid from Grindline Skateparks in the amount of \$306,030.00 (including SP-1: Mobilization, SP-2: Drainage Facilities and Bid Alternative 1), approve the plans and specifications as presented to complete the Tautphaus Park Skate Park and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: RESOLUTION ADOPTING FOURTH ANNUAL REPORT -
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG)

Attached is a Resolution approving the Fourth Annual Report for Community Development Block Grant monies. This report was the subject of a Council

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public hearing on June 12, 2008, and no additional comments have been received. The Division respectfully requests adoption of this Resolution.

s/ Renee R. Magee

RESOLUTION NO. 2008-14

RESOLUTION OF THE CITY OF IDAHO FALLS
ADOPTING THE FOURTH ANNUAL REPORT FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the City of Idaho Falls became an Entitlement City under the criteria of Title I of the Housing and Community Development Act of 1974, as amended;

WHEREAS, the City of Idaho Falls receives annual grant funding as an Entitlement City;

WHEREAS, the Act requires an Annual Report describing how the grant funds were used and the resulting benefits;

WHEREAS, the required public notice was given and the public hearing on the Fourth Annual Report held before City Council on June 12, 2008 to receive public comments and the public comment period of fifteen days was opened;

WHEREAS, the comment period has closed and no comments were received to be considered and incorporated into the plan; and,

WHEREAS, all requirements for adopting the report have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls to adopt the Fourth Annual Report and submit it to the U. S. Department of Housing and Urban Development.

DATED this 10th day of July, 2008.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

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It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Resolution approving the Fourth Annual Report for Community Development Block Grant Funds (CDBG) and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – SECOND AMENDED PLAT FOR WESTRIDGE
ADDITION, DIVISION NO. 1

Attached is the Final Plat entitled Second Amended Plat of Westridge Addition, Division No. 1. This Final Plat and the request for a variance for the length of the cul-de-sac were reviewed by the Planning Commission at its June 3, 2008 Meeting. The Commission in a 7 to 1 vote recommended denial of the variance and, therefore, the Final Plat on the basis the circumstances were created by the Developer and there is no extraordinary hardship. The length of the cul-de-sac serving the 36 dwellings constructed in nine structures is 600 feet. Permanent dead end streets in this zone are limited to 400 feet in length. This Final Plat and the request for a variance are now 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:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo of site
Slide 3 Final Plat under consideration
Slide 4 Emergency Access Road from the cul-de-sac through a development that the City Council approved as a ruling of similar use to connect to West Broadway
Slide 5 Site Photo looking east across the site
Slide 6 Site Photo looking north at the street stub from West Broadway
Slide 7 Site Photo looking west
Slide 8 Site Photo looking south

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The Planning and Building Director explained, further, that the Planning Commission recommended denial of the variance of the basis that they felt that while this area had unique circumstances in that it was originally envisioned to be a commercial shopping center. As that market has not been there, the area has been developing as offices or multi-family housing. The storm water retention pond, therefore, limits the possibilities for this area.

Amy Jolley, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared to address the two sections of the Zoning Ordinance that the Planning Commission cited in the denial for the variance. The first Zoning Code Section 10-1-18(c)(2) regarding extraordinary hardship does inflict an extraordinary hardship on the developer of this property due to the shape of the property, the 700 foot of the peninsula, and there is no looping opportunity to the north, south, or east. Commercial development on this property is not an option as there is residential development in the area at this time. The second section of the Zoning Ordinance 10-1-18(c)(7) regarding the circumstances being created by the developer does not apply as the developer purchased this property seventeen years ago under the current configuration. He did not choose the shape of the land, the market for the area, and the inability to loop roadways through this peninsula were not created by the developer. Ms. Jolley stated that the reasoning behind the Subdivision Ordinance is to provide for traffic flow. She conducted a small personal traffic study in this area. This area will not be a high traffic area. The emergency access will provide for emergency vehicles needing to access this area.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that there is a project going in north of this development. That development will allow cross access in this area. The private access road will be built to allow for emergency vehicle access and looping of utilities. This will be a positive addition to the City of Idaho Falls.

Larry, Reinhart, 1740 Bramble Lane, appeared to state that the access road allows a better opportunity for looping utilities in this area. He explained, further, that the Planning Commission has approved the change of zone for his assisted living development to R-3A.

The Planning and Building Director stated that the Planning Commission did not see the full view of the private road, so they were unable to understand what the private road would accomplish. She felt that the Planning Commission made their decision on the basis that there could be an alternative development for this land. In some communities, a 750-foot cul-de-sac is a standard length. There are no alternatives to the east or to the south. The proposed development will minimize the travel from commercial to residential. She, further, cited some alternatives to the proposed development. The proposed development is probably the best lay-out for this property, as the townhomes will be sold in the future as each lot will be condominiumized and individual ownership will be provided.

Councilmember Parry reviewed the Planning Commission minutes regarding this development. She indicated that the Subdivision Ordinance and Land Use Ordinance need to be updated.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the variance for the length of the cul-de-sac, accept the Final Plat entitled the Second Amended Plat of Westridge Addition, Division No. 1, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat and, further, instruct the Planning and Building Director and City Attorney to write Findings of Fact, Conclusions of Law and Decision for this request. Roll call as follows:

Aye: Councilmember Hally
 Councilmember Taylor
 Councilmember Lehto

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Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
July 6, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – BINGHAM ADDITION, DIVISION NO. 1

Attached is the Final Plat for Bingham Addition, Division No. 1. This Final Plat creates two lots adjacent to and north of 19th Street east of the Union Pacific Railroad, west of Rollandet Avenue, and south of 17th Street. The property is within the City and is zoned GC-1. The Planning Commission recommended approval of this Final Plat at its June 3, 2008 Meeting. This Plat 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 accept the Final Plat for Bingham Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 6, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ORDINANCE CREATING IDAHO FALLS ACCESSIBILITY COMMISSION

Attached is an Ordinance creating the Idaho Falls Accessibility Commission. The purpose of the Commission is to advise the Mayor and Council on priority of accessibility to City of Idaho Falls facilities and programs and to serve as a

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Board of Review for complaints regarding ADA accessibility. This Ordinance has been reviewed by the Office of the City Attorney. The Division respectfully requests passage of this Ordinance.

s/ Renee R. Magee

Councilmember Lehto requested to know why another board is being created, when the City already has staff that handles basically what is being outlined in this memo.

The Grants Administrator explained that originally the Americans with Disabilities Act required a Task Force be appointed to review the City's inventory for compliance. This inventory has not been reviewed since 1995 to determine what projects have been completed. Therefore, another inventory needs to be conducted. The Department of Justice recommends that there be a permanent commission to continue the task of updating the accessibility inventory within the City. This Accessibility Commission would keep the City's inventory current and up-to-date.

Councilmember Lehto requested to know how compelled would the City Council be to accept any of all of the recommendations and monetary assignments that come with those recommendations.

The Grants Administrator stated that the City is not compelled to complete all of the recommendations, but at least the City Council would have a defense that the City is considering ADA and keeping current. Should there be a challenge, it would make the City look better because they are current on the ADA requirements.

Councilmember Lehto suggested that a Task Force be appointed to update the accessibility inventory, as was done in 1995.

The Grants Administrator stated that the City could appoint a Task Force. The Commission would be a permanent solution, whereby recommendations could be made for the City Council to consider during the budgeting process.

The Planning and Building Director gave a brief history of the previous Task Force that conducted the initial accessibility inventory.

Following a discussion regarding the reasoning and need for this Commission, it was moved by Councilmember Parry, seconded by Councilmember Lehto, to table consideration of this Ordinance. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Parry
Councilmember Taylor

Nay: Councilmember Hally

Motion Carried.

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT – INTERMOUNTAIN BUSINESS
AND TECHNOLOGY PARK, DIVISION NO. 6

JULY 10, 2008

Attached is the Development Agreement for Intermountain Business and Technology Park, Division No. 6. The Final Plat was previously approved by the City Council after recommendation by the Planning Commission. The Division respectfully requests approval of this agreement.

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. 6 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
July 3, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Steve Roos, Chief of Police
SUBJECT: COUNCIL AGENDA ITEMS

I respectfully request approval of the attached Ordinances:

1. An Ordinance amending Section 4-1-5 of the City Code of Idaho Falls, Idaho; regarding temporary licenses.
2. An Ordinance amending Section 4-15-9 of the City Code of Idaho Falls, Idaho; regarding public transportation operator's license restrictions.
3. An Ordinance repealing Section 4-21-17 of the City Code of Idaho Falls, Idaho; relating to the temporary licenses for massage therapists.

These Ordinances will be presented for your approval at the City Council Meeting of Thursday, July 10, 2008.

Thank you for your consideration.

s/ Steve Roos

JULY 10, 2008

Councilmember Hardcastle requested Lt. Ken Brown from the Police Department to come forward to explain the Ordinance amendments. He explained that temporary licenses are being issued at this time under the current ordinance, when the background check is not totally complete. This should not be allowed. Lt. Brown stated that the Police Department has sent letters regarding this change all Public Conveyance and Taxi Companies, as well as to all Massage Therapists. The Police Department has received no negative responses to the proposed Ordinance amendments.

At the request of Councilmember Hardcastle, the Assistant City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2762

AN ORDINANCE AMENDING SECTION 4-1-5 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING TEMPORARY LICENSE; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

At the request of Councilmember Hardcastle, the Assistant City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2763

AN ORDINANCE AMENDING SECTION 4-15-9 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING PUBLIC TRANSPORTATION OPERATOR'S LICENSE RESTRICTIONS; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

JULY 10, 2008

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, 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 Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

At the request of Councilmember Hardcastle, the Assistant City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2764

AN ORDINANCE REPEALING SECTION 4-21-17 OF THE CITY CODE OF IDAHO FALLS, IDAHO; RELATING TO THE TEMPORARY LICENSE FOR MASSAGE THERAPISTS; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

JULY 10, 2008

City of Idaho Falls
July 7, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 18, BLOCK 1, BATTLE CREEK
ESTATES SUBDIVISION

As previously authorized, the City Attorney has prepared documents to vacate a portion of an easement located in Lot 18, Block 1, Battle Creek Estates Subdivision.

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

s/ Chad Stanger

At the request of Councilmember Lehto, the Assistant City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2765

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Parry seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, 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 Hardcastle

Nay: None

Motion Carried.

JULY 10, 2008

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – NICK’S TRADING POST BUILDING DEMOLITION

On June 10, 2008, bids were received and opened for demolition of Nick’s Trading Post building. A tabulation of the bid results is attached. Subsequent to the bid opening, the apparent low bidder, Landon Excavating, Inc., discovered a substantial omission in their bid and requested that the bid be withdrawn from consideration.

Based upon that withdrawal, Public Works recommends award to the next low bidder, HK Contractors, Inc., in the amount of \$76,900.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

Councilmember Parry stated that she understood the fiscal implications of restoring the Nick’s Trading Post building. She stated that she would be voting “No” on this demolition bid as she did not feel that it was the best use of assets.

Councilmember Hally stated that he appreciated the information from the Historic Preservation Commission and the information from the Planning and Building Director regarding the restoration of the Boise Historic Reserve Street Armory. He stated that if there is a need, it can be accomplished economically, and does not get in the way of other needed projects, he would support restoring a building. Having toured the Nick’s building, it is a tremendous liability that the City cannot afford to begin to bring about to a useable condition. He stated, further, that he would be voting in favor of the demolition.

Councilmember Hardcastle stated that he was very sensitive to this building demolition. Something has to be done with this building. The City does not have the money to restore this building in the foreseeable future. A law enforcement center is needed at this time.

Councilmember Lehto stated that this building was originally considered as a way for the City Council to move some City services and offices adjacent to City Hall to provide for accessibility. The building was purchased at fair market value. At the time, the City Council felt that the building was salvageable. Councilmember Lehto thanked staff, members of the community, Idaho Falls Downtown Development Corporation and the Idaho National Laboratories for their studies on the structural soundness of the building and the historical significance of the building. The City Council was considering all options this past winter, when a major portion of the back one-third of the building roof collapsed. The City Council has struggled mightily with the decision to demolish this building. Parts of the building may be salvaged with the demolition process.

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the bid from HK Contractors, Inc. in the amount of \$76,900.00 to demolish the Nick’s Trading Post building and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally
Councilmember Taylor

Nay: Councilmember Parry

Motion Carried.

City of Idaho Falls
July 8, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – CONSTITUTION WAY AND SHOUP AVENUE
PARKING LOT

On June 17, 2008, bids were received and opened for construction of the Constitution Way and Shoup Avenue Parking Lot. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, TMC Contractors, Inc., in the amount of \$117,132.05; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the low bid from TMC Contractors, Inc. in the amount of \$117,132.05 to complete the Constitution Way and Shoup Avenue Parking Lot as presented and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Parry to conduct Annexation Proceedings for Lot 5, Block 1, Sunnyside Industrial and Professional Park (Recessed from the June 24, 2008 Special Council Meeting). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

JULY 10, 2008

City of Idaho Falls
June 16, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF I & M-1 – LOT 5, BLOCK 1, SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PARK

Attached are the Annexation Ordinance and Annexation Agreement for Lot 5, Block 1, Sunnyside Industrial and Professional Park. This is an annexation request for one lot of 1.8 acres. The requested initial zoning is I & M-1, Industrial and Manufacturing. The Planning Commission considered this request at its October 2, 2007 Meeting and recommended approval in a 5 to 2 vote. This annexation request is now 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 parcel under consideration
Slide 2	Aerial Photo showing property
Slide 3	Aerial Photo – close up of area
Slide 4	Comprehensive Plan for area
Slide 5	Site Photo looking south from the site parking lot
Slide 6	Site Photo looking east from the parking lot
Slide 7	Site Photo looking west across site
Slide 8	Site Photo looking at the front of the site
Slide 9	Site Photo looking at the front of the site north across site
Exhibit 1	Planning Commission Minutes dated October 2, 2007
Exhibit 2	Staff Report dated October 2, 2007
Exhibit 3	Vicinity Map

The Planning and Building Director stated that there are utilities in the area that are capable of serving this site located in Sunnyside Road. The City Sewer Department has tested this site and will continue to test the waste water discharge from this site. This parcel is contiguous and adjacent to the City of Idaho Falls. She explained further that the City of Idaho Falls has a Waste Water Ordinance that specifies what can be entered into our waste water collection system and plant and when that waste water needs to be treated before entering the City's system.

Darrel Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that there are a variety of reasons for this annexation request, those being sewer, water, power, police protection and fire protection being among them. Printcraft Press has been in the City waste water system before as they were in the City limits at one point. If Printcraft Press is unable to establish an easement to connect to the City services, they would still like to annex into the City of Idaho Falls.

Doyle Beck, 3655 Professional Way, appeared to state that he represents Sunnyside Park Utilities and submitted a binder to each member of the City Council for his

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presentation. Mr. Beck stated that, in his opinion, it is not good public policy to pluck a lot from a County subdivision and annex it into the City of Idaho Falls, particularly when the City Council does not have the reasoning behind this annexation request. He stated that he was present this evening so that the City Council can make an informed decision regarding this annexation. This is not about sewer and has never been about sewer. The utility company was told that there would be 30 employees in this establishment. He stated that the utility company accepted that and allowed the connection to their system. The utility company then endured six months of arguments, agreements, rules, and regulations. Sunnyside Park Utilities then determined that Printcraft Press adopted the notion to lie, deny, and dump. There have been multiple lawsuits since that time. There have been multiple communications with the owner Luke Boyle. The problem is not with Mr. Boyle, but with his tenants Printcraft Press. Sunnyside Park Utilities offered sewer in the beginning, they have continued to offer sewer and will continue to offer sewer, but it will be subject to their rules and regulations, to state law, and compensation for damages that have been incurred. Following is the summary of the binder contents provided by Mr. Beck (Complete Binder can be found in the City Clerk's Office):

Material Safety Data Sheets (MSDS) Section:

Page 1 Copy of Hazardous Materials Discharged by Room
Page 2 Copy of small excerpts from the MSDS (Material Safety Data Sheets)

Expert Reports Section:

Page 3 Copy of Expert Report from Eric Nuttall, Ph.D. dated April 11, 2008
Page 4 Continuation of Expert Report from Eric Nuttall, Ph.D. dated April 11, 2008
Page 5 Copy of Sunnyside Utilities Daily Wastewater Flow – Flow rate versus time prior to system failure
Page 6 Photo of typical infiltrator prior to installation. This is similar to the drain field system used at Sunnyside
Page 7 Photo of ponding at the surface above the septic system and photo of typical clogged septic pipe
Page 8 Photo of soil shown in the drain field under a breached infiltrator. The soil shown in the photograph is coarse sand and gravel with no observable indication of plugging and photo of waste discharge pipe from SIPP. Please note that there is no indication of plugging or ink staining inside pipe.
Page 9 Assignment (2) addressing the potential impact of brine and other chemicals on the septic system bacteria.
Page 10 Photo of wastewater pipe entering the septic tank. In my opinion, the exit pipe from Printcraft at cut-off time showed no signs of ink coating or plugging and photo of breached infiltrator showing no signs of soil/system plugging.
Page 11 Expert Report on “Brine” and “Hydroquinone”.
Page 12 Expert Report on “Hydroquinone” continued and “Copper and Zinc”.
Page 13 Expert Report on “Copper and Zinc” continued and “Silver”.
Page 14 Expert Report on “Silver” continued and References.

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Page 15	Expert Report of References continued.
Page 16	Deposition of Eric E. Nuttall.
Page 17	Deposition of Eric E. Nuttall, continued.
Page 18	Deposition of Eric E. Nuttall, continued.
Page 19	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008.
Page 20	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 21	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 22	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 23	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 24	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 25	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 26	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 27	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 28	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 29	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, continued.
Page 30	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, References List.
Page 31	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, References List, continued.
Page 32	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, List of Attachments.
Page 33	Expert Report from Robert C. Starr, Ph.D. dated April 11, 2008, List of Attachments, continued.

Local Limits Section:

Page 34	Local Limits, Section No. 8-1-12 from the City of Idaho Falls City Code.
Page 35	Septic Tank Wastes, Section 8-1-92 from the City of Idaho Falls City Code.

Disclosure Section:

Page 36	Dumper Disclosure Form
Page 37	City of Idaho Falls Septage Hauler Chain of Custody Form
Page 38	City of Idaho Falls Request for Billing for Septic Tank Dumping at the Wastewater Treatment Plant.
Page 39	City of Idaho Falls Loads Dumped Form
Page 39A	Deposition of Travis Waters dated April 25, 2007.
Page 39B	Deposition of Travis Waters dated April 25, 2007, continued.

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Plumbing Section:

- Page 40 Sole Permit – Withdrawn
- Page 41 Permit/Inspection Log – Red Tagged
- Page 41A Deposition of Travis Waters dated April 25, 2007, continued.
- Page 41B Deposition of Travis Waters dated April 25, 2007, continued.
- Page 41C Deposition of Travis Waters dated April 25, 2007, continued.
- Page 41D Deposition of Travis Waters dated April 25, 2007, continued.

Decision Section:

- Page 42 Memorandum Decision and Order between Printcraft Press, Inc. (Plaintiff) and Sunnyside Park Utilities, Inc., Sunnyside Park Owners Association, Inc. and Sunnyside Industrial and Professional Park, LLC (Defendants).
- Page 43 Memorandum Decision and Order, continued.
- Page 44 Memorandum Decision and Order, continued.
- Page 45 Memorandum Decision and Order, continued.
- Page 46 Memorandum Decision and Order, continued.
- Page 47 Memorandum Decision and Order, continued.
- Page 48 Memorandum Decision and Order, continued.
- Page 49 Memorandum Decision and Order, continued.
- Page 50 Memorandum Decision and Order, continued.
- Page 51 Memorandum Decision and Order, continued.
- Page 52 Memorandum Decision and Order, continued.
- Page 53 Memorandum Decision and Order, continued.
- Page 54 Memorandum Decision and Order, continued.
- Page 55 Memorandum Decision and Order, continued.
- Page 56 Memorandum Decision and Order, continued.
- Page 57 Memorandum Decision and Order, continued.
- Page 58 Memorandum Decision and Order, continued.
- Page 59 Memorandum Decision and Order, continued.
- Page 60 Memorandum Decision and Order, continued.
- Page 61 Order on Motions to Reconsider between Printcraft Press, Inc. (Plaintiff) and Sunnyside Park Utilities, Inc., Sunnyside Park Owners Association, Inc. and Sunnyside Industrial and Professional Park, LLC (Defendants).
- Page 62 Order on Motions to Reconsider, continued.

Pictures Section:

- Page 63 Photo of machines plumbed to sink, photo of other machines plumbed to drain.
- Page 64 Photo of back yard and front yard of Printcraft Press.
- Page 65 Photo of ink sink and photo of drum next to sink.
- Page 66 Photo of bathroom used to store chemicals and photo of more machines plumbed to sink.

Idaho Code Section:

- Page 67 Copy of Idaho Code Section 50-222 – Annexation by Cities.

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Page 68	Copy of Idaho Code Section 50-222 – Annexation by Cities, continued.
Page 69	Copy of Idaho Code Section 50-222 – Annexation by Cities, continued.
Page 70	Copy of Idaho Code Section 50-222 – Annexation by Cities, continued.
Page 71	Copy of Idaho Code Section 50-222 – Annexation by Cities, continued.
Page 72	Copy of Idaho Code Section 50-222 – Annexation by Cities, continued.
Page 73	Copy of Planning Commission Minutes reflecting Planning and Building Director comments regarding the Annexation and Initial Zoning of I & M-1 Zoning for Lot 5, Block 1, Sunnyside Industrial and Professional Park.

Mr. Beck stated that this not about sewer, it is about accountability and responsibility.

Councilmember Hally requested to know why Mr. Beck wanted to stop the annexation to the City. It would seem that Mr. Beck would appreciate not having to deal with Printcraft Press any longer.

Mr. Beck stated that he was not present to address the annexation, but he was just identifying for the Mayor and City Council what has happened in the past. The City Council needs to make an informed decision for this annexation.

Lawry Wilde, 1605 Teakwood, appeared to state that he represents CTR Management, who manages the Printcraft Press building. He stated that Mr. Beck has provided a lot of information. There is ongoing litigation from both sides presently being conducted. Mr. Wilde stated, further, that they represent Luke and Gerry Boyle who are the owners of the building. He said that they would comply with all City regulations should this annexation be approved. If this was not a sewer issue, then Mr. Beck would not have been addressing the sewer problems. This has yet to be tried in a court of law. The Mayor and City Council has only heard an interpretation from Mr. Beck.

Councilmember Lehto requested to know whether there were any pending or current Department of Environmental Quality violations or sanctions against this facility.

Mr. Wilde stated that there are none. There have been multiple investigations due to a “concerned citizen”. Photos have been forwarded to the Department of Environmental Quality and the Department has come to their facility and determined that all issues have been addressed. Mr. Wilde stated, further, that they would welcome any pretreatment processes that the City requires. Currently, there are quite a few that are already being done. Pretreatment of many of the waste water chemicals have been done even prior to hooking to the Sunnyside Park Utilities system.

Councilmember Parry questioned Mr. Wilde about the waste water review that has been conducted and the future reviews that will be conducted.

Mr. Wilde stated that the City of Idaho Falls inspected the facility when they were disconnected from the Sunnyside Park Utilities system, so that they could explore whether the City would take the waste that was generated from this facility. The Sewer Department has conducted a follow-up inspection. Mr. Wilde stated that he did not know the results of that inspection, but if there were measurements over the limits, the City would have contacted the facility with that determination. He explained, further, that for almost two years, sewage from their facility has been pumped into 4,000 gallon tanks and has been taken to the City’s Wastewater Treatment Plant. Those contents have been analyzed before being placed into the City’s system. Mr. Wilde identified for the Mayor and City Council the locations that Printcraft Press has operated within and without the City

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limits. He stated that their facility is being blamed for an inadequate septic system and the failure thereof from the flows from this facility. That is what has led to this dispute.

Councilmember Parry requested the Public Works Director to come forward to address whether the contents of the 4,000 gallon tanks were analyzed before the contents were placed into the City's Wastewater Treatment Facility.

The Public Works Director appeared to state that there were some analyses of the contents of the tanks. Some questions have been raised subsequently, due to the legal action involved, prompting other testing to be performed. The contents have meet the City's requirements and no "red flags" have been raised with the City's effluent discharge as the City has complied with the regulations for that discharge. Regardless of whether the waste is in violation or not, once they are connected to the City's system and with the current questions being raised, they will be analyzed even closer before they are connected. If there are violations, there are pretreatment standards and regulations in effect that would handle those issues.

The Planning and Building Director re-appeared to explain that this land would not be annexed by a strip of land, as Mr. Beck contends. Everything to the west of this annexation request is in the City of Idaho Falls. The request is simply to cross the street from the present City limits.

Councilmember Lehto requested to know whether the Fire Chief or his representative has reviewed this facility. The Planning and Building Director explained that should this annexation take place, it would be part of a general inspection program. Bonneville County should have provided a Certificate of Occupancy, as this building is occupied.

Lawry Wilde re-appeared to state that a Certificate of Occupancy has been issued by Bonneville County for this facility. The Fire Marshall has addressed concerns with regard to this facility and they have worked through those.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Annexation Agreement for Lot 5, Block 1, Sunnyside Industrial and Professional Park and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

At the request of Councilmember Parry, the Assistant City Attorney read the following Ordinance by title only:

JULY 10, 2008

ORDINANCE NO. 2766

LOT 5, BLOCK 1, SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PARK

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Parry moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Parry, seconded by Councilmember Hally, to establish the initial zoning for Lot 5, Block 1, Sunnyside Industrial and Professional Park as I & M-1 (Industrial and Manufacturing) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Parry to conduct Annexation Proceedings for Bristol Heights Addition, Division No. 3. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

JULY 10, 2008

City of Idaho Falls
July 6, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT -
BRISTOL HEIGHTS ADDITION, DIVISION NO. 3

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Bristol Heights Addition, Division No. 3. This parcel for 17 single-family lots and one landscape lot is located east and adjacent to South 5th West (Park-Taylor Road), south of Sunnyside Road, west of Nathan Lane, and north of Township Road. The Planning Commission reviewed this annexation request at its June 3, 2008 Meeting and recommended approval with the condition the Final Plat contain a sewer easement for the home to the north. This request is now 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 showing surrounding land uses
Slide 3	Aerial Photo with Final Plat superimposed on the Preliminary Plat
Slide 4	Final Plat under consideration showing sewer easement for the home to the north
Slide 5	Site Photo looking at the site
Slide 6	Site Photo looking north along Rockingham Circle
Slide 7	Site Photo looking north along Daytona Circle
Slide 8	Site Photo looking south
Exhibit 1	Planning Commission Minutes dated June 3, 2008
Exhibit 2	Staff Report dated June 3, 2008
Exhibit 3	Vicinity Map
Exhibit 4	Aerial Photo

Darrel Kofoed, Mountain River Engineer, 1020 Lincoln Road, appeared to answer any questions from the Mayor and City Council. There were no questions or comments.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Annexation Agreement for Bristol Heights Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor

JULY 10, 2008

Councilmember Lehto
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

At the request of Councilmember Parry, the Assistant City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2767

BRISTOL HEIGHTS ADDITION, DIVISION NO. 3

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Parry moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Parry, seconded by Councilmember Hally, to establish the initial zoning for Bristol Heights Addition, Division No. 3 as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

JULY 10, 2008

Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for Bristol Heights Addition, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: 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 a rezoning for a portion of Blocks 12 through 15 and rights-of-way for Waid and Rowland Streets, Bel-Aire Addition, Division No. 3 from R-1 (Single-Family Residential) to C-1 (Limited Retail Business) (with the condition that the land west of Vernon be zoned C-1 (Limited Retail Business) and the land east of Vernon be zoned C-1 (Limited Retail Business) with a PUD (Planned Unit Development) Overlay), on property located generally south of Lincoln Road, north of Wheeler, east of Northgate Mile, and west of Alameda. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 6, 2008

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: REZONING FROM R-1 TO C-1, PORTION OF BLOCKS 12-15
AND RIGHTS-OF-WAY FOR WAID AND ROWLAND STREETS -
BEL-AIRE ADDITION, DIVISION NO. 3

Attached is the application to rezone a portion of Blocks 12 through 15 and rights-of-way for Waid and Rowland Streets, Bel-Aire Addition, Division No. 3, from R-1 to C-1. This parcel is located south of Lincoln Road, east of Pinecrest Golf Course, north of Wheeler Street, and west of Hollipark Drive. The Planning Commission reviewed this request and recommended rezoning to C-1 west of Vernon and C-1 with a PUD Overlay east of Vernon/Bennett Avenue. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

JULY 10, 2008

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 rezoning request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo showing property
- Slide 3 Aerial Photo – Close-up
- Slide 4 Comprehensive Plan
- Slide 5 Site Photo looking east across property
- Slide 6 Site Photo looking north
- Slide 7 Site Photo looking west toward golf course
- Slide 8 Site Photo showing view of Vernon/Bennett
- Slide 9 Site Photo showing view of Rowland
- Exhibit 1 Planning Commission Minutes dated June 3, 2008
- Exhibit 2 Staff Report dated June 3, 2008
- Exhibit 3 Vicinity Map of Site
- Exhibit 4 Aerial Photo of Site

Todd Smith, Alpine, Utah, appeared to state that the usage for this property is for storage units. Storage tends to be a wonderful buffer between residential and commercial uses.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the rezone for a portion of Blocks 12 through 15 and rights-of-way for Waid and Rowland Streets, Bel-Aire Addition, Division No. 3 from R-1 (Single-Family Residential) to C-1 (Limited Retail Business) (with the condition that the land west of Vernon be zoned C-1 (Limited Retail Business) and the land east of Vernon be zoned C-1 (Limited Retail Business) with a PUD (Planned Unit Development) Overlay), on property located generally south of Lincoln Road, north of Wheeler, east of Northgate Mile, and west of Alameda and, further, that the City Planner be instructed to reflect said zoning change on the official Zoning Map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Taylor, that the meeting adjourn at 9:55 p.m.

CITY CLERK

MAYOR
