

JUNE 12, 2008

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 12, 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 Jared D. Fuhriman
Councilmember Ken Taylor
Councilmember Thomas Hally
Councilmember Sharon D. Parry
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Ida Hardcastle

Also present:

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

Mayor Fuhriman requested Boy Scout Austin Cottam to come forward to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the May 22, 2008 Regular Council Meeting, the June 6, 2008 Council Work Session and Executive Session, and the June 9, 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 May 1, 2008 through May 31, 2008, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 1,115,360.08
Street Fund	27,644.17
Recreation Fund	21,532.86
Library Fund	68,141.24
Municipal Equipment Replacement Fund	93,690.38
Electric Light Public Purpose Fund	48,101.74
Golf Fund	48,666.89
Municipal Capital Improvement Fund	2,212.36
Street Capital Improvement Fund	1,205.00
Traffic Light Capital Improvement Fund	35,883.46
Airport Fund	234,376.17
Water and Sewer Fund	529,361.66
Sanitation Fund	479,918.27
Ambulance Fund	15,631.49
Electric Light Fund	3,507,774.02
Payroll Liability Fund	2,348,810.17
TOTALS	\$ 8,578,409.96

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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 June 12, 2008.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 6, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA - ACKNOWLEDGE RECEIPT OF
ADDENDUM TO LIMITED DELEGATION AGREEMENT WITH
UAMPS

The City of Idaho Falls has a Delegation Agreement with UAMPS to perform certain activities required under new federal electric reliability standards. The agreement identifies activities that UAMPS will perform on behalf of the City. It is anticipated that changes will occur to this delegation agreement as new standards are promulgated and as functions of various entities continue to be formalized. Attached is an addendum to this agreement clarifying additional activities that will be delegated to UAMPS. The attorney has reviewed this addendum.

Idaho Falls Power requests Council acknowledge receipt of the Addendum to the Limited Delegation Agreement.

s/ Jackie Flowers

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
June 12, 2008

MEMORANDUM

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

The Division of Parks and Recreation respectfully requests authorization to receive bids for construction of a Bear Exhibit to be located at the Tautphaus Park Zoo.

s/ David J. Christiansen

The Public Works Director submitted the following memo:

JUNE 12, 2008

City of Idaho Falls
June 2, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – AIRPORT WATER LINE, GRANDVIEW
TO THE VILLAGE

Public Works requests authorization to advertise to receive bids to install a water line across the Airport from Grandview to The Village.

s/ Chad Stanger

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 Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memos:

City of Idaho Falls
May 30, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: GRANT AGREEMENT

Request for City Council to approve and Mayor to sign all documents related to the Acceptance of a Grant Offer from the Federal Aviation Administration AIP-3-16-0018-029 for the Rehabilitation of Runway 2/20 in the amount of \$8,066,071.00. This represents 95% funding of the project with 5% matching requirement by the City of Idaho Falls and includes authority to amend if necessary for an additional 15%.

s/ Len Nelson

JUNE 12, 2008

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Grant Agreement from the Federal Aviation Administration No. AIP-3-16-0018-029 for the Rehabilitation of Runway 2/20 in the amount of \$8,066,071.00 (representing 95% funding of the project with a 5% matching requirement by the City of Idaho Falls); give authorization to amend if necessary for an additional 15%; 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.

City of Idaho Falls
June 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONTRACT CHANGE ORDER

The Airport Division recommends Mayor and City Council approval to accept attached Contract Change Order from DC Electric, Inc.

DC Electric, Inc. to shorten Okonite cable, materials and labor included. Total amount: \$1,245.00.

Please present to Mayor and City Council for consideration at their next regular Council Meeting, June 12, 2008.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to a approve Change Order No. 1 to D C Electric, Inc. for the Upgrading Power to Jet Ways for the Converters and Heaters at the Airport and, further, give authorization for the Airport Director to sign said the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

JUNE 12, 2008

The Fire Chief submitted the following memo:

City of Idaho Falls
June 11, 2008

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Dean Ellis, Fire Chief
SUBJECT: FIREWORKS ORDINANCE

The Fire Chief respectfully requests the Mayor and City Council to approve and adopt changes to the City Ordinance relating to Fireworks.

s/ Dean Ellis

Councilmember Hardcastle requested Fire Marshall Ken Anderson to come forward to explain this Ordinance Amendment.

Fire Marshall Ken Anderson appeared to explain that this Ordinance Amendment is mostly a housekeeping issue. This will not change the way that the City will handle fireworks stands currently. Presently, there is no language in the Fireworks Ordinance that would allow events that use pyrotechnic effects. This change would allow the organization and regulation of those types of events.

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

ORDINANCE NO. 2756

AN ORDINANCE REPEALING SECTIONS 6-2-1 THROUGH 6-2-19, AND RE-ENACTING SECTIONS 6-2-1 AND 6-2-2 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2006 EDITION OF THE NFPA 1123 CODE FOR FIREWORKS DISPLAY; 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 Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

JUNE 12, 2008

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 6, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: IDAHO FALLS' POWER BUILDING - CHANGE ORDER NO. 1

Attached is Change Order No. 1 to the Idaho Falls Power Building Renovation Project (Phase 2) for \$23,573.00 and four additional days.

Idaho Falls Power requests Council approve this Change Order and authorize the Mayor to sign the document.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Change Order No. 1 to Double E Construction for the Idaho Falls Power Building Renovation Project, Phase 2 and, further, give authorization for the Mayor 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 Municipal Services Director submitted the following memos:

City of Idaho Falls
May 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHILD CARE ORDINANCE

Please find attached a copy of the Child Care Ordinance.

JUNE 12, 2008

It is respectfully requested that the Mayor and City Council adopt said Ordinance.

s/ S. Craig Lords

Councilmember Taylor stated that this Ordinance was passed on the first reading only at the previous Council Meeting. He, also, addressed the two brief changes that were made from the previous Council Meeting. The full background check will now be conducted every other year. Further, a temporary license would be available as long as that person is supervised closely until the background check is complete.

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

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 6-3-1 THROUGH 6-3-13 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ESTABLISHMENT OF CHILD CARE PROVIDER LICENSING AND STANDARDS; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING EFFECTIVE DATE.

Kathy Reynolds, 1480 Antares Drive, appeared to request that all licensed providers be allowed to carry out the term of their license with the State of Idaho, before applying with the City of Idaho Falls. She expressed her concern for the amount work that will go into the licensing procedure in a short period of time. The child care providers should follow the regulations for City licensure, but would not have to license with the City of Idaho Falls until the State license expires.

Following a brief discussion, it was determined that licensing with the City would be accomplished much more gracefully if the day care providers would apply with the City when the State License expires.

The City Clerk suggested that all day care providers would provide a copy of their current State License. At that time, a spreadsheet would be developed to monitor the expiration date of their State License. One month prior to that expiration, the City would send applications and information for Day Care Licensing with the City.

The foregoing Ordinance was presented by title only. Councilmember Taylor moved, and Councilmember Hardcastle seconded, that the Ordinance be passed on the second reading only and, further, give authorization for the Assistant City Attorney to prepare language regarding "Time to File". Roll call as follows:

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

Nay: None

Motion Carried.

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Councilmember Cornwell expressed her appreciation for Kathy Reynolds, Holly Borresen, and Brandy Warnecke and the time and work that they have put into developing the Day Care Ordinance and Licensing Requirements.

City of Idaho Falls
June 5, 2008

MEMORANDUM

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

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

s/ S. Craig Lords

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 current Health Insurance Program. 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
May 28, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLIC RETENTION AND DESTRUCTION OF RECORDS
ORDINANCE

Please find attached a copy of the Public Retention and Destruction of Records Ordinance amending Sections 1-14-12 and 1-14-13 of the Idaho Falls City Code.

It is respectfully requested that the Mayor and City Council adopt said Ordinance.

s/ S. Craig Lords

JUNE 12, 2008

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

ORDINANCE NO. 2757

AN ORDINANCE AMENDING SECTIONS 1-14-12 AND 1-14-13 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR A CHANGE TO THE PUBLIC RECORDS RETENTION AND DESTRUCTION PROVISION; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Taylor moved, and Councilmember Hardcastle 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 Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
June 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-20, REFUSE CONTAINERS

Attached for your consideration is the tabulation for Bid IF-08-20, Refuse Containers.

It is the recommendation of Municipal Services to accept the low bid of Rule Steel – 2B to furnish Nineteen (19), Thirty Yard Roll-Off Refuse Containers at a unit price of \$5,025.00 each and Forty (40) Three Yard Refuse Containers at a unit price of \$500.00 each. The total purchase amount will be \$115,475.00.

s/ S. Craig Lords

JUNE 12, 2008

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid from Rule Steel – 2B to furnish Nineteen (19) Thirty-Yard Roll-Off Refuse Containers at a unit price of \$5,025.00 each and Forty (40) Three Yard Refuse Containers at a unit price of \$500.00 each, for a total purchase amount of \$115,475.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
June 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-21, ELECTRICAL CONDUCTOR

Attached for your consideration is the tabulation for Electrical Conductor. It is the recommendation of Municipal Services to accept the low evaluated bid as listed on Attachment "A". The apparent low bid submitted by Bidder No. 3 – Anixter for Item 1 did not meet the specifications for the required length of conductor per reel and still comply with the not to exceed amount for the reel's actual dimensions. It is also recommended that we reject all bids for Item No. 6 due to a specification error.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low evaluated bid as listed on Attachment "A", as the apparent low bid submitted by Bidder No. 3 – Anixter for Item 1 did not meet the specifications for the required length of conductor per reel and still comply with the not to exceed amount for the reel's actual dimensions and, further, reject all bids for Item No. 6 due to a specification error. Roll call as follows:

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

Nay: None

Motion Carried.

JUNE 12, 2008

City of Idaho Falls
June 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-22, ONE (1) NEW 2008 OR NEWER COMBINATION
HIGH PRESSURE SEWER CLEANER AND CATCH BASIN
CLEANER MOUNTED ON ONE (1) NEW 2008 OR NEWER CAB
AND CHASSIS

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

The apparent low bid submitted by MetroQuip, Inc. primarily did not comply with the design for the debris unloading system; and the dewatering and compaction specification. A copy of their entire list of exceptions from their bid submittal is attached. Therefore, it is the recommendation of Municipal Services to accept the next low bid No. 2A of Schow's Truck Center to furnish a new 2008 Combination Sewer Cleaner Mounted on a 2009 Cab and Chassis for an amount of \$279,981.00 without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low evaluated bid No. 2A from Schow's Truck Center to furnish a new 2008 Combination Sewer Cleaner Mounted on a 2009 Cab and Chassis for an amount of \$279,981.00 without trade-in and, further, reject the apparent low bid from MetroQuip, Inc. as it primarily did not comply with the design for the debris unloading system and the dewatering and compaction specification. 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
June 4, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-23, NEW CIRCUIT BREAKERS – DEAD TANK TYPE
AND SUBSTATION POWER TYPE FOR THE WESTSIDE AND
RACK SUBSTATIONS

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Attached for your consideration is the tabulation for Bid IF-08-23, New Circuit Breakers – Dead Tank Type and Substation Power Type for the Westside and Rack Substations.

It is the recommendation of Municipal Services to accept the low evaluated bid of Siemen's to furnish all items in both sections for a total amount of \$158,926.00. A complete breakdown of quantity and bid amounts is listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low evaluated bid of Siemen's to furnish all items in both sections for a total amount of \$158,926.00 as listed on Attachment "A". Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
June 12, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – PIERSON LAND WORKS, INC.

Attached for your consideration is a Professional Services Agreement between the City of Idaho Falls and Pierson Land Works, Inc. of Jackson, Wyoming. The contract, in the amount of \$12,140.00, provides for an update to the existing Ryder Park Master Plan prior to design, permitting and construction of the park.

The Parks and Recreation Division respectfully requests approval and authorization for the Parks and Recreation Director to sign and execute said contract documents.

s/ David J. Christiansen

JUNE 12, 2008

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Professional Services Agreement between the City of Idaho Falls and Pierson Land Works, Inc. to provide for an update to the existing Ryder Park Master Plan prior to design, permitting and construction of the park and, further, give authorization for the Parks and Recreation Director to sign 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 Planning and Building Director submitted the following memos:

City of Idaho Falls
June 9, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE PROVIDING FOR ADOPTION OF THE 2008
NATIONAL ELECTRICAL CODE

Attached is the Ordinance adopting the current or 2008 National Electrical Code. Adoption of this Edition by July 1, 2008, will bring the City of Idaho Falls into compliance with Section 54-1001 of the Idaho Code which requires uniformity between the State of Idaho and local governments. The Division respectfully requests adoption of this Ordinance which has been prepared by the office of the City Attorney.

s/ Renée R. Magee

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

ORDINANCE NO. 2758

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 7-8-1 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE CURRENT NATIONAL ELECTRICAL CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

JUNE 12, 2008

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 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
June 9, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – BERKSHIRE APARTMENTS, DIVISION NO. 1

Attached is the Final Plat entitled Berkshire Apartments, Division No. 1. This Final Plat is a one lot plat south and adjacent to Science Center Drive, west and north of Anderson Street, and east of U. S. 20. At its May 6, 2008 Meeting, the Planning Commission recommended approval of this Final Plat. Staff concurs with this recommendation and respectfully requests approval of this plat.

s/ Renée R. Magee

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat entitled Berkshire Apartments, 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 Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

JUNE 12, 2008

City of Idaho Falls
June 9, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST FOR RULING OF SIMILAR USE – ASSISTED LIVING CENTER IN C-1, LIMITED RETAIL BUSINESS ZONE

Attached is the request for a ruling of similar use by Larry Reinhart and Robert Utterbeck for 14 buildings in an assisted living center in the C-1 Zone. The request of the applicant is based on the permitted use, motels, which are also a temporary residence. Dwellings are allowed in the C-1 Zone but the definition of dwelling specifically excludes motels and rest homes. Rest homes are defined as a “building for the care and lodging of elderly or incapacitated persons” under the Zoning Ordinance. The applicant has also filed a request for rezoning the subject parcel but it cannot be considered by the Planning Commission until July 1, 2008. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Robert Utterbeck, 3351 Charleston Lane, appeared to apologize for their oversight on this zoning issue. He stated that the following letter was submitted to the Planning and Building Director as an explanation:

June 5, 2008

Larry Reinhart/Bob Utterbeck
Teton Peaks Investment, LLC
P. O. Box 50540
Idaho Falls, Idaho 83405

Gardens Assisted Living Center – West Broadway/Westridge

Renee Magee
City of Idaho Falls
P. O. Box 50220
Idaho Falls, Idaho 83405

Renee:

As per our discussion, we are requesting the Idaho Falls City Council and Mayor approve a Conditional Use for the Gardens Assisted Living Center to allow the permit for the construction to go forward as we simultaneously rezone the property to an R-3A Zone in lieu of the C-1 Zone we are currently zoned.

In explanation, we interpreted the zoning of C-1 to be adequate for the Gardens per the Zoning Ordinance 7-10-2 Use Requirements G. Dwellings and Home Occupations. It has been pointed out that the use under Article II

JUNE 12, 2008

Definitions Dwellings: Rest Homes – Assisted Living is excluded from the zone. We have filed for a zone change to remedy our oversight but we are committed to a letter of intent to design and build the Gardens Project by November 1, 2008 with another party. Our understanding of the zoning has always been that the C-1 allowed for mixed use which is how we have proceeded in our development approach. At present, there are apartments and office buildings proposed or being built at this location. Additionally, we are negotiating for a pure commercial project as well. The project is bordered on the east by R-3 and the west by C-1 so this would not seem to create any spot zoning or conflicts of use. We apologize for our oversight but the timeline of the rezone would put us in default with our customer for completion of the project. Thank you for your consideration.

Best Regards,

s/ Larry Reinhart
Larry Reinhart

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the ruling of similar use in a C-1 (Limited Retail Business) Zone for the Garden Assisted Living Center to be located in the northwest portion of Lot 2, Block 1, Westridge Addition, Division No. 1 and owned by Teton Peaks Investment, LLC. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
June 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PAVING EQUIPMENT RENTAL, 2008

On June 3, 2008, bids were received and opened for the Paving Equipment Rental, 2008. A tabulation of the bid results is attached.

Public Works recommends award to the sole bidder, TMC Contractors, Inc., in the amount of \$55,650.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

JUNE 12, 2008

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the sole bid from TMC Contractors, Inc. to complete the Paving Equipment Rental, 2008 Project in the amount of \$55,650.00 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
June 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ADJUSTMENT OF MANHOLES, WATER VALVE
BOXES AND STREET MONUMENTS, 2008

On June 3, 2008, bids were received and opened for the Adjustment of Manholes, Water Valve Boxes and Street Monuments, 2008. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, TMC Contractors, Inc., in the amount of \$36,510.00; 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. to complete the Adjustment of Manholes, Water Valve Boxes and Street Monuments, 2008 Project in the amount of \$36,510.00 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.

JUNE 12, 2008

City of Idaho Falls
June 2, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY AND EASEMENT VACATION – PORTIONS OF ROWLAND AVENUE, WAID STREET AND A UTILITY EASEMENT, NORTH BEL-AIRE ADDITION

The owner and developer of lands located in the North Bel-Aire Addition has requested vacation of portions of Rowland Avenue, Waid Street, and a utility easement. These rights-of-way and easement were dedicated at the time of platting and have never been improved or used.

Public Works requests authorization for the City Attorney to prepare documents to accomplish these vacations.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to give authorization for the City Attorney to prepare the necessary documents to vacate portions of Rowland Avenue, Waid Street, and a utility easement in North Bel-Aire Addition. 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
June 9, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: GEOLOGICAL SUPPORT SERVICE AGREEMENT – WELL NO. 18

Attached is a proposed agreement between the City and Clearwater Geosciences, LLP for geological support services related to Well No. 18, in the amount of \$16,862.50. This agreement replaces an outdated 2004 agreement which was not completed because of water rights issues.

JUNE 12, 2008

Public Works recommends approval of this agreement; 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 Geological Support Service Agreement between the City of Idaho Falls and Clearwater Geosciences, LLP for geological support services related to Well No. 18 in the amount of \$16,862.50 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.

City of Idaho Falls
June 9, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: AUTHORIZING RESOLUTION – IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY DOCUMENTS RELATED TO WASTEWATER PLANNING GRANT

Attached is a proposed Resolution by the City Council authorizing Mayor Fuhriman to sign all applications, grant agreements, and other documents related to Wastewater Planning Grant.

Public Works recommends approval of this Resolution.

s/ Chad Stanger

RESOLUTION NO. 2008-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS AUTHORIZING MAYOR JARED D. FUHRIMAN TO SIGN ALL APPLICATIONS, GRANT AGREEMENTS, AND OTHER DOCUMENTS RELATING TO WASTEWATER PLANNING GRANTS.

WHEREAS, the City of Idaho Falls intends to develop a plan for wastewater facilities for the City of Idaho Falls water system, such plan being necessary to determine the needs of the area for health, safety, and well being of the people; and,

JUNE 12, 2008

Attached is a proposed Engineering Services Agreement with Murray, Smith and Associates, Inc., to perform a "Wastewater Facilities Plan Study". The study is intended to evaluate the City's wastewater infrastructure and identify needs for a 20-year planning period. The cost of the study is \$150,000.00 of which the City is applying for a matching grant from the Idaho Department of Environmental Quality in the amount of \$75,000.00.

Public Works recommends selection of the firm Murray, Smith and Associates to perform the "Wastewater Facilities Plan Study" and the fee negotiation by the Engineering Department in the amount of \$150,000.00; and, authorization for the Mayor and City Clerk to sign the appropriate documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the Engineering Services Agreement with Murray, Smith, and Associates, Inc. to perform a "Wastewater Facilities Plan Study", the fee negotiation by the Engineering Department in the amount of \$150,000.00 and, further, give authorization for the Mayor 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
June 9, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STATE/LOCAL AGREEMENTS, SAFE ROUTES TO SCHOOL
 PROJECTS - SOUTH HOLMES AVENUE PATHWAY AND
 PANCHERI DRIVE PATHWAY

Attached are two (2) State/Local Agreements for Safe Routes to Schools Projects which include a South Holmes Avenue Pathway and Pancheri Drive Pathway. The projects require construction funding by the City of approximately \$95,000.00. When the projects are completed and accepted, the State of Idaho will reimburse the City in the amount of the construction costs.

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

s/ Chad Stanger

JUNE 12, 2008

Councilmember Hardcastle stated that she has received many requests regarding making these pathways safer for children.

Chris Staley, 1927 North 55 West, appeared to state that Idaho Falls Community Pathways submitted the two proposals, with the assistance of the City Engineering Department.

Mayor Fuhriman expressed his appreciation to Mr. Staley for their assistance in pursuing these agreements.

RESOLUTION NO. 2008-12

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for development of a Safe Routes to School Project; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A011(513) is hereby approved.

2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City.

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I, hereby certify that the above is a true copy of a Resolution passed at a Regular Meeting of the City Council, City of Idaho Falls, held on June 12, 2008.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the State/Local Agreements for Safe Routes to Schools Projects, which include a South Holmes Avenue and a Pancheri Drive Pathway in the approximate amount of \$95,000.00 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

JUNE 12, 2008

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing for consideration of the removal of a Planned Unit Development (PUD) Overlay and Final Plat for property located generally south of 33rd South (Pioneer Road), straddles Sidehill Canal, west of Interstate 15, and legally described as Sunnyside Crossroads Regional Center, 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
June 9, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REMOVAL OF PLANNED UNIT DEVELOPMENT AND FINAL PLAT – SUNNYSIDE CROSSROADS REGIONAL CENTER, DIVISION NO. 1

Attached is the application to remove the Planned Unit Development (PUD) and a Final Plat entitled Sunnyside Crossroads Regional Center, Division No. 1. This Final Plat is located at the southwest corner of the intersection of I-15 and Sunnyside Road/33rd South. It was initially approved as a three-lot plat and Planned Unit Development. The Planning Commission considered the Final Plat and request to remove the PUD on May 5, 2008, and recommended approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée 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 request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Exhibit 1	Planning Commission Minutes dated May 6, 2008
Exhibit 2	Staff Report dated May 6, 2008
Exhibit 3	Copy of Plat

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the applicant originally requested the Planned Unit Development. In making this request, it is causing the developer some concerns about financing. The applicant is requesting that the Planned Unit Development designation be removed.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to change the zone from HC-1 with a Planned Unit Development (PUD) Overlay to HC-1 on Sunnyside Crossroads Regional Center, Division No. 1 and that the City Planner be instructed to reflect said amendment and zoning change on the Comprehensive Plan and official Zoning Map located in the Planning Office. Roll call as follows:

JUNE 12, 2008

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

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat entitled Sunnyside Crossroads Regional Center, 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 Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing for Community Development Block Grant (CDBG) Comprehensive Annual Performance and Evaluation Report (CAPER). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 9, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL REPORT, 2008

Attached is the draft of the Fourth Annual Report for Community Development Block Grant (CDBG) Funds. This report summarizes how CDBG Funds have been spent in the past four fiscal years. Comments on this annual report may be accepted at this public hearing or submitted in writing until June 26, 2008. Any comments will be considered prior to finalizing the draft and submitting it to the U. S. Department of Housing and Urban Development.

s/ Renée R. Magee

JUNE 12, 2008

Jan Blickenstaff presented a PowerPoint Presentation regarding this annual report. Following is a list of exhibits used in connection with this request:

- Slide 1 Major Accomplishments for 2007 CDBG Program:
 - a. Second Playground made Accessible
 - b. IFDDC BID renewed
 - c. Ten Housing Rehabilitation Projects completed by EICAP
 - d. Four Homes made ADA Accessible by LIFE, Inc.
 - e. Six Neighborhood Cleanups completed (18 total)
 - f. Two TRPTA fully accessible buses purchased
 - g. Twelve Graffiti Cleanups completed by Citizens Watch Patrol
 - h. Uptown Trailer Park Relocation Assistance provided to 50+ Families
 - i. Downtown Façade Program completed 17 projects
 - j. Yellowstone Highway Median Landscaping completed by Urban Renewal
 - k. ADA Policies updated and published
 - l. City Website ADA information updated
- Slide 2
 - a. Every CDBG Project must meet:
 - 1. HUD National Objectives
 - Low and Moderate Income
 - Household Income
 - Disability
 - Idaho Falls 4 Person Family less than \$45,500.00
 - Eliminate Conditions of Slum and Blight
 - Property conditions
 - Leading to General Area Deterioration
- Slide 3
 - a. Projects must also meet the:
 - Goals of City's Five Year Strategic Plan
 - Selected for the Annual Action Plan
- Slide 4
 - a. Community Development Priority:
 - Support neighborhood revitalization activities that promote public health, safety and welfare
 - b. Economic Development Priority:
 - Improve economic conditions throughout the community, principally for Low to Moderate Income (LMI) persons
 - c. Housing Development Priority:
 - Encourage the development of new, affordable single-family, multi-family, and special needs housing in the community through private developers and non-profits.
 - d. Public Service Priority:
 - Encourage social service providers, faith-based groups, private businesses, school districts, non-profit agencies and community leaders to work together to comprehensively meet the needs of families in poverty.
- Slide 5 Map showing LMI Neighborhoods – Distribution of Projects
- Slide 6 Financial Summary:

JUNE 12, 2008

As of April 1, 2008

Four Year Total	\$1,792,740	Expended	Balance
FY04	491,000	98.7%	6,226.38
FY05	465,540	100%	0.00
FY06	418,940	86.7%	72,509.84
FY07	417,257	7.1%	384,254.10
			462,990.32

- Slide 7
 - a. 18.8% allocated to Grant Administration (20% allowed) \$ 338,239
 - b. 81.2% allocated on projects \$1,454,501
 - c. 84.2% of project funding allocated to LMI Projects – 70% required
 - d. 15.8% of project funding to Slum and Blight – 30% allowed
- Slide 8 Photo of City of Idaho Falls Neighborhood Cleanup - Dumpster
- Slide 9 Photo of Northeastern Avenue Parking Lot
- Slide 10 Photo of Highland Park Streets Asphalt Surfacing – Before
- Slide 11 Photo of Highland Park Streets Asphalt Surfacing – After
- Slide 12 Photo of Habitat for Humanity Project
- Slide 13 Photo of Home with ADA Ramp
- Slide 14 Two Photos of ADA Accessible Playground
- Slide 15 Two Photos of ADA Accessible Playground
- Slide 16 Two Photos of Uptown Trailer Park – Before
- Slide 17 Idaho Falls Downtown Plan
- Slide 18 Proposed Yellowstone Median
- Slide 19 Two Photos of Yellowstone Avenue Median – Before
- Slide 20 Photo of Grand Hotel – Before
- Slide 21 Photo of Grand Hotel – After
- Slide 22 Photo of Park Avenue Antique Mall – Before
- Slide 23 Photo of Park Avenue Antique Mall – After
- Slide 24 Photo of Sign at “Lily’s” Selected Consignments
- Slide 25 Photo of Corner of Broadway and Park Avenue – Before
- Slide 26 Photo of Corner of Broadway and Park Avenue – After
- Slide 27 Two Photos of Executive Suites – Before and After
- Slide 28 Photo of City of Refuge and Shepherd’s Inn
- Exhibit 1 Draft of Annual Report dated June, 2008

Mr. Blickenstaff stated that the public comment period will still be open for two additional weeks, with Council consideration to take place following the comment period.

There being no further discussion either in favor of or in opposition to this Community Development Block Grant (CDBG) Comprehensive Annual Performance and Evaluation Report (CAPER), Mayor Fuhrman closed the public hearing.

The Assistant City Attorney shared the language he was considering to add to the Day Care Ordinance regarding the earlier discussion about operating under the State license until that expiration date before applying with the City of Idaho Falls. This would also take into consideration any fingerprinting requirements for employees that have not been fingerprinted in more than two years.

JUNE 12, 2008

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, that the meeting adjourn at 8:40 p.m.

CITY CLERK

MAYOR
