

**MAY 22, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 22, 2008, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

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

Also present:

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

Mayor Fuhriman requested Boy Scout D. J. Brackett to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the May 7, 2008 Council Work Session and the May 8, 2008 Regular Council Meeting.

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 May 22, 2008.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO SOLICIT PROPOSALS FOR UPPER PLANT REWIND CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES

Idaho Falls Power respectfully requests authorization to solicit proposals for on-site construction administration and inspection services during the upper plant rewind project this fall. The stator rewind has been bid and awarded, city staff will be used to remove the stator and reinstall the rewound stator. As has been the case in previous rewind projects, outside engineering services is desired to oversee the removal project, assist in evaluating integrity of components as the stator is removed, and assist with quality control on the rewind contract.

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Attached is a copy of the project detail sheets for this project from the Capital Improvement Plan.

s/ Jackie Flowers

**Exhibit "A"**

**Idaho Falls Power  
Capital Improvement Program  
Project Detail Sheet**

**Operation:** Bulb Turbine Project

**Project Title:** Rewind Generator

**Estimated Project Cost:** \$700,000.00

**Anticipated Budget Year:** 2009

**Anticipated Construction Year:** 2008 and 2009

**Description and Justification:** Rewind Upper Plant Generator, On-Line for Twenty-Five Years. Planned maintenance to extend the life of the plant.

**Project Location:** Upper Plant

**Project Delay Consequences:** Higher cost of copper coils

**Internal Forces Used to Complete Project:** Yes

**Relationship to Comprehensive Plan or Other Divisional Capital Plans:**  
Independent of any other divisional plan.

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO SOLICIT  
PROPOSALS FOR TRAFFIC MODELING SERVICES

Idaho Falls Power respectfully requests authorization to solicit proposals for traffic modeling services to provide coordination along four arterials where cabinet upgrades have been completed.

Attached is a copy of the project detail sheets related to this project from the Capital Improvement Plan.

s/ Jackie Flowers

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The Municipal Services Director submitted the following memo:

City of Idaho Falls  
May 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for Two (2) New Digester Mechanical Sludge Mixers for the Sewer Waste Water Treatment Plant.

s/ S. Craig Lords

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Airport Director submitted the following memos:

City of Idaho Falls  
May 29, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: PROPOSAL – PASSENGER FACILITY CHARGE (PFC)

The Airport Division recommends Mayor and City Council approval to accept attached Agreement with Airport Solutions, LLC.

Shan Perry, Assistant City Attorney, has reviewed and approved said Agreement.

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Please present to Mayor and City Council at the next regular City Council Meeting.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to accept the proposal from Airport Solutions, LLC to complete the Passenger Facility Charge (PFC) Application No. 4 and, further, give authorization for the Airport Director to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 15, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: AIRPORT LEASE AGREEMENT – YOST DEVELOPMENT, LLC

Attached for City Council approval is the Airport Lease Agreement for Yost Development, LLC, c/o Duane Yost, for City-owned property located at 2853 Foote Drive, Idaho Falls, Idaho 83402.

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

Please present to Mayor and City Council for consideration at their next Regular City Council Meeting on May 22, 2008.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Airport Lease Agreement with Yost Development, LLC for City-owned property located at 2853 Foote Drive and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

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Nay: None

Motion Carried.

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: AIRPORT LEASE AGREEMENT – CRAIG D. JACKSON

Attached for City Council approval is the Airport Lease Agreement for Craig D. Jackson, for City-owned property located at 2060 International Drive in Idaho Falls, Idaho 83402.

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

Please present to Mayor and City Council for consideration at their next Regular City Council Meeting on May 22, 2008.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Airport Lease Agreement with Craig D. Jackson for City-owned property located at 2060 International Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ANNA INC. TO COMPLETE THE RELAY UPGRADE

**MAY 22, 2008**

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On February 11, 2008, City Council authorized Idaho Falls Power to solicit proposals for Electromechanical Relay Upgrade Project. Relays will be upgraded at all four hydropower plants. Attached is a copy of the Capital Improvement Plan Project Detail Sheet for your reference.

Idaho Falls Power has completed review of the two proposals. Staff recommends awarding the project to Anna Inc. for \$150,000.00.

s/ Jackie Flowers

**Exhibit "A"**

**Idaho Falls Power  
Capital Improvement Program  
Project Detail Sheet**

**Operation:** Gem State Project

**Project Title:** Replace Electromechanical Relays

**Estimated Project Cost:** \$240,000.00 (\$60,000.00 Gem State, \$60,000.00 Upper Plant, \$60,000.00 City Plant, \$60,000.00 Lower Plant)

**Anticipated Budget Year:** 2008 and 2009

**Anticipated Construction Year:** 2008 and 2009

**Description and Justification:** Replace old style relays with SEL micro process or relays.

**Project Location:** City Plant, Upper Plant, Lower Plant, and Gem State

**Project Delay Consequences:** Current equipment is outdated and availability of parts is an issue. Failure to upgrade could result in lost operation time and revenue pending season.

**Internal Forces Used to Complete Project:** Yes

**Relationship to Comprehensive Plan or other Divisional Capital Plans:**  
Independent to any other divisional plan.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Professional Services Agreement with Anna, Inc. to complete the Relay Upgrade in the amount of \$150,000.00 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 Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

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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: BID IF-08-18, ONE (1) NEW 2008 OR NEWER CAB AND CHASSIS WITH DUMP BED (10-WHEEL)

Attached for your consideration is the tabulation for Bid IF-08-18, One (1) New 2008 or Newer Cab and Chassis with Dump Bed (10-Wheel) for the Water Department.

It is the recommendation of Municipal Services to accept the low bid of Schow's Truck Center to furnish One (1) New 2009 Sterling LT9500 Cab and Chassis Mounted with a 2009 Williamsen Manufacturing Dump Body for an amount of \$110,894.00 with Trade-In Unit No. 98.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid from Schow's Truck Center to furnish One (1) New 2009 Sterling LT9500 Cab and Chassis Mounted with a 2009 Williamsen Manufacturing Dump Body for an amount of \$110,894.00 with Trade-In Unit No. 98. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PURCHASE OF ASPHALT MIX

**MAY 22, 2008**

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The State of Idaho Transportation Department recently awarded the contract for Bituminous (Hot Asphalt) Plant Mix for 2008 to H-K Contractors, Inc. Municipal Services respectfully requests authorization to purchase the City's requirements for 3/4", 1/2", and 3/8" Hot Mix per the State Contract No. 06811B108.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to purchase the City's requirements for Bituminous (Hot Asphalt) Plant Mix for 2008 from H-K Contractors, Inc. per State of Idaho Contract No. 06811B108. Roll call as follows:

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

Nay:            None

Motion Carried.

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.

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

s/ S. Craig Lords

Councilmember Taylor expressed his appreciation for Councilmember Cornwell's efforts in the development of this Ordinance. This Ordinance has been in the development process for more than one year.

Councilmember Taylor requested anyone present to come forward who had comments regarding this Ordinance. No one appeared.

Councilmember Lehto stated that if anyone had comments that they wished to submit, they should contact Councilmember Taylor or Councilmember Cornwell. Those comments will then be read in at the following Council Meeting.

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

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**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.

The foregoing Ordinance was presented by title only. Councilmember Taylor moved, and Councilmember Hardcastle seconded, that the Ordinance be passed on the first reading only. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
May 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: SANITATION RATE ORDINANCE

Attached is an Ordinance proposing increase to the charges by the City of Idaho Falls for removing sanitary waste.

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

s/ Chad Stanger

Councilmember Lehto requested those present who had comments regarding this fee increase to come forward at this time.

Frank Dobbe, 1093 Atlantic Street, appeared to express his concern for the fee increases being proposed this evening. He stated that he is a senior citizen on a fixed income. Mr. Dobbe presented a formula to the Mayor and City Council that he felt would be a better way of handling an increase in fees.

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Mayor Fuhriman expressed his concern for Mr. Dobbe and other senior citizens who are struggling to make a living on a fixed income, but stated that the fee increases were necessary to repair and maintain an aging water system. Further, these comments would be considered under the next Ordinance addressing water fee increases.

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

**ORDINANCE NO. 2751**

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-6-17 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; ESTABLISHING SANITARY WASTE REMOVAL CHARGES; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: WATER RATE ORDINANCE

Attached is an Ordinance proposing increases to charges by the City of Idaho Falls for providing water service.

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

s/ Chad Stanger

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

**ORDINANCE NO. 2752**

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-4-36 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR SEVERABILITY AND ESTABLISHING 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 the second and third readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 5, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: WATER SYSTEM CONNECTION ORDINANCE

Attached is an Ordinance proposing increases to charges for connections to the City's water system.

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

s/ Chad Stanger

Ray Ellis, 2940 Sawtooth, appeared to state that he was representing the Homebuilders Association of Eastern Idaho. He stated that as a matter of policy the Association believes that growth should pay for itself. He expressed his concern regarding whether developers pay for the infrastructure when the development of the land takes place. He, further, requested what methodology was used to justify the increase. Mr. Ellis stated that, as an

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Association, they have studied how different fees and charges have been implemented. He shared the following statement:

Idaho law distinguishes taxes and fees. A tax is a forced contribution by the public at large to meet public needs and thus must be approved by legislative enactment. Whereas, a fee is a charge for a direct service rendered to a particular consumer that can be enacted as part of the municipality's police or regulatory power. The courts have construed the authority to impose a fee narrowly, finding that such a fee must be reasonably related to the services provided by a city. Fees that have been passed by cities simply to raise revenue or to be directed toward a project that benefits the public at large have been struck down as an unconstitutional tax. However, special consideration has been given to sewer and water connection fees. The bonding provisions of the Idaho Constitution, as well as the Idaho Revenue Bonding Act, allow fees to be collected for sewer and water projects authorized under the bonding procedures in part to provide for all expenses of operation, maintenance, replacement, and depreciation of the system. Further, the courts have interpreted the law to allow municipalities to accumulate collective revenues from rates, charges or fees to fund the cost of replacement of system components which are ordinary and necessary.

Mr. Ellis stated that he understood that there were various areas of the City in which the infrastructure was in need of replacement. He wanted to be sure that the funding for those particular replacement projects were appropriately expensed.

The Public Works Director appeared to explain that the City of Idaho Falls operates the well system on approximately one well per one square mile. The monies from the Water Connection Fees being considered, are designed to construct the well and the infrastructure to deliver that water to the rest of the system. In one square mile of development, the City calculates the equivalency of single-family residences that could be built, divides that into the cost of the well and piping, etc. to run the water into the system (this does not include the infrastructure that the developers put in). This provides the cost for the Water Connection Fees. The Public Works Director explained, further, that the City wants to be ready for development by having water available at the time of annexation. Those developments do not always come in concentric mile proposals. There are little appendages that develop. Wells have to be ready in those areas, to be able to provide adequate fire protection and adequate water pressure for those developments.

Councilmember Lehto requested the Public Works Director to explain who owns the infrastructure in the development. The Public Works Director explained that there is a front footage fee that is included in this Ordinance. This fee is intended for when a developer or the City puts in a line across the frontage of a development. That gives the ability to recoup the costs for the developer or for the City, depending on who installed the improvements. The Public Works Director stated that Mr. Ellis also wanted the assurance that the funds were expended for the project they were collected for. The funds are kept by category and, by Ordinance, those funds can only be spent for the improvements in that category.

Mr. Ellis stated that he now has an understanding for how the funds are collected and expended and he is comfortable with what the City of Idaho Falls is doing. He stated that, speaking for the Homebuilders Association of Eastern Idaho, he supports the fee increases.

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Councilmember Hally commented that before the fee increase is implemented, the City of Idaho Falls was collecting \$620.00 for Water Connection Fees, the City of Ammon collects \$1,775.00, and the City of Pocatello collects \$2,700.00.

Shawn Branson, 2499 Blue Canyon Circle, appeared to question what the actual costs for a well are at this time, what will they be in the future, and where the City of Idaho Falls is regarding water issues.

Councilmember Lehto stated that the City is actively involved in the water issues. Mayor Fuhrman is on a Water Committee. The City of Idaho Falls water future is solid. Continuous discussions are held at the Public Works Council Committee Meetings regarding the future of the City's water supply.

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

**ORDINANCE NO. 2753**

AN ORDINANCE AMENDING SECTIONS 8-4-14 OF THE CITY CODE OF IDAHO FALLS, IDAHO; CHANGING A REFERENCE TO THE UNIFORM BUILDING CODE IN SUCH SECTION TO THE INTERNATIONAL BUILDING CODE; INCREASING THE AMOUNT OF WATER CONNECTION FEES; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

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 the second and third readings, 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  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – WATER AND STORM LINES, PANCHERI DRIVE  
FROM KORTNEE DRIVE TO VIVA DRIVE

**MAY 22, 2008**

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On May 6, 2008, bids were received and opened for installation of Water and Storm Lines on Pancheri Drive from Kortnee Drive to Viva Drive. A tabulation of the bid results is attached.

Public Works recommends award of this contract to Con-Ex, LLC of Boise, in the amount of \$239,559.00; and, authorization for the Mayor and City Clerk to sign the bid documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the bid from Con-Ex, LLC to complete the Water and Storm Lines on Pancheri Drive from Kortnee Drive to Viva Drive Project in the amount of \$239,559.00 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 Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls  
May 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: CHANGE ORDER NO. 1 - SANITARY SEWER PROJECT,  
PHASE 2

Attached is proposed Change Order No. 1 to the Sanitary Sewer Project, Phase 2. As proposed, this Change Order increases the quantities for the project and the contract amount by \$116,820.00.

Public Works recommends approval of this Change Order; 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 Change Order No. 1 to Planned and Engineered Construction, Inc. for the Sanitary Sewer 2008 Project, Phase 2 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 14, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ENGINEERING SERVICES AGREEMENT – WELL NO. 18,  
BLACK AND VEATCH CORPORATION

Attached is a proposed Agreement between the City and Black and Veatch Corporation to provide engineering design services for Well No. 18 Booster Pump Station and related items. The amount of compensation for this Agreement is not to exceed \$248,852.00.

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 Agreement between the City of Idaho Falls and Black and Veatch Corporation to provide engineering design services for Well No. 18 Booster Pump Station and related items in an amount not to exceed \$248,852.00 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.

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City of Idaho Falls  
May 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – INTERMOUNTAIN BUSINESS AND TECHNOLOGY PARK

In 1995, the developers of Intermountain Business and Technology Park dedicated an easement for use as a storm water retention pond. A portion of the easement was not useable because of lava rock and the developers granted another easement to accommodate the development's storm water needs.

Public Works requests authorization for the City Attorney to prepare documents to vacate this easement.

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 an easement in Intermountain Business and Technology Park. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Parry to conduct Annexation Proceedings for the Expansion of the Old Butte Road Soccer Complex. At the request of Councilmember Parry, the City Clerk read the following memos regarding this annexation:

City of Idaho Falls  
April 4, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION AND INITIAL ZONING OF M-1, EXPANSION OF OLD BUTTE ROAD SOCCER COMPLEX

Attached is the Annexation Ordinance for a 24-acre parcel located north of West Broadway, west of Old Butte Road, and south of Clarence Drive. An expansion of the soccer complex is proposed for this parcel. On March 18,

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2008, the Idaho Falls Planning Commission approved the Conditional Use Permit for the Soccer Complex pending annexation and recommended the annexation and initial zoning of M-1. This annexation request is being submitted to the Mayor and Council for consideration.

s/ Reneé 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                                     |
| Slide 3   | Comprehensive Plan                               |
| Exhibit 1 | Planning Commission Minutes dated March 18, 2008 |
| Exhibit 2 | Staff Report dated March 18, 2008                |
| Exhibit 3 | Vicinity Map                                     |

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Annexation Agreement for the expansion of the Old Butte Road Soccer Complex and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Purchase Agreement for the expansion of the Old Butte Road Soccer Complex and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2754**

**OLD BUTTE ROAD SOCCER COMPLEX EXPANSION**

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 Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

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 the expansion of the Old Butte Road Soccer Complex as M-1 (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 Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

**MAY 22, 2008**

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

City of Idaho Falls  
May 20, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF I & M-1 AND FINAL PLAT - ENVIRONMENTAL EXCELLENCE ADDITION, DIVISION NO. 3

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Environmental Excellence Addition, Division No. 3. The requested initial zoning is I & M-1, Industrial and Manufacturing. The Planning Commission held a public hearing on this annexation request on March 18, 2008, and recommended approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Reneé 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                                     |
| Slide 3   | Aerial Photo – Close Up                          |
| Slide 4   | Comprehensive Plan                               |
| Slide 5   | Final Plat under consideration                   |
| Exhibit 1 | Planning Commission Minutes dated March 18, 2008 |
| Exhibit 2 | Staff Report dated March 18, 2008                |
| Exhibit 3 | Vicinity Map                                     |
| Exhibit 4 | Aerial Photo                                     |
| Exhibit 5 | Copy of Final Plat                               |

Councilmember Parry requested the Planning and Building Director to explain the strip of land on the west side of the development. The Planning and Building Director explained that Bonneville County owns a 70' to 80' strip of land in that area. Bonneville County is proposing another annexation, which will be before the Planning Commission on June 17, 2008.

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

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

**MAY 22, 2008**

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2755**

**ENVIRONMENTAL EXCELLENCE 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 Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry

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 Environmental Excellence Addition, Division No. 3 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:

**MAY 22, 2008**

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

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for Environmental Excellence 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 Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Parry  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Parry, seconded by Councilmember Hardcastle, that the meeting adjourn at 8:30 p.m.

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CITY CLERK

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MAYOR

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