

APRIL 8, 2008

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, April 8, 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 Karen Cornwell
Councilmember Sharon D. Parry
Councilmember Ken Taylor
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Thomas Hally

Also present:

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

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

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the Appointment of Cory Emery to serve on the Shade Tree Committee (Term to Expire in December, 2009); Re-Appointment of Darren Cook to serve on the Traffic Safety Committee (Term to Expire on December 31, 2009); the Re-Appointment of Bruce Lawrence to serve on the Traffic Safety Committee (Term to Expire on December 31, 2009); the Re-Appointment of Chris Fredericksen to serve on the Traffic Safety Committee (Term to Expire on December 31, 2009); Mark Reed to serve on the Traffic Safety Committee (Term to Expire on December 31, 2009); Francis Breen to serve on the Traffic Safety Committee (Term to Expire on December 31, 2008, to be followed by a two-year term); Randy Drake to serve on the Traffic Safety Committee (Term to Expire on December 31, 2008, to be followed by a two-year term); Karla LaOrange to serve on the Traffic Safety Committee (Term to Expire on December 31, 2008, to be followed by a two-year term); and, Leon Hunsaker to serve on the Traffic Safety Committee (Term to Expire on December 31, 2008, to be followed by a two-year term).

Mayor Fuhriman presented the following Resolutions:

RESOLUTION NO. 2008-05

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE HAVEN HOMELESS SHELTER AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE HAVEN HOMELESS SHELTER PROGRAM TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE

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CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the Haven Homeless Shelter Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the Haven Homeless Shelter Program is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the Haven Homeless Shelter Program.

ADOPTED by the Council of the City of Idaho Falls this 8th day of April, 2008.

APPROVED by the Mayor of the City of Idaho Falls, this 9th day of April, 2008.

APPROVED:

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor
City of Idaho Falls

ATTESTED:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk
City of Idaho Falls

(SEAL)

RESOLUTION NO. 2008-06

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE

APRIL 8, 2008

USED BY THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program are in good standing with the City of Idaho Falls and are in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the Haven Homeless Shelter and Homeless to Homeowners (H2H) Program.

ADOPTED by the Council of the City of Idaho Falls this 8th day of April, 2008.

APPROVED by the Mayor of the City of Idaho Falls, this 9th day of April, 2008.

APPROVED:

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor
City of Idaho Falls

ATTESTED:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk
City of Idaho Falls

(SEAL)

APRIL 8, 2008

RESOLUTION NO. 2008-07

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE CITY OF REFUGE HOMELESS SHELTER AND THE EVERGREEN WOMEN'S EMERGENCY SHELTER AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE CITY OF REFUGE HOMELESS SHELTER AND THE EVERGREEN WOMEN'S EMERGENCY SHELTER TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Shelter provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Homeless Shelter are in good standing with the City of Idaho Falls and are in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Shelter.

ADOPTED by the Council of the City of Idaho Falls this 8th day of April, 2008.

APPROVED by the Mayor of the City of Idaho Falls, this 9th day of April, 2008.

APPROVED:

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor
City of Idaho Falls

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ATTESTED:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk
City of Idaho Falls

(SEAL)

The City Clerk requested approval of the Minutes from the March 27, 2008 Regular Council Meeting.

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 March 1, 2008 through March 31, 2008, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 1,093,596.02
Street Fund	27,586.41
Recreation Fund	27,541.14
Library Fund	40,532.40
Municipal Equipment Replacement Fund	50,448.25
Electric Light Public Purpose Fund	36,751.51
Golf Fund	13,481.16
Traffic Light Capital Improvement Fund	173.22
Airport Fund	317,943.42
Water and Sewer Fund	176,995.22
Sanitation Fund	8,389.80
Ambulance Fund	19,599.72
Electric Light Fund	4,235,614.02
Payroll Liability Fund	2,153,045.11
TOTALS	\$ 8,201,697.40

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 April 8, 2008.

The Public Works Director submitted the following memo:

City of Idaho Falls
April 7, 2008

MEMORANDUM

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

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Public Works requests authorization to advertise to receive bids for Water and Storm Sewer Lines to be installed in Pancheri Drive from Kortnee Drive to Viva Drive.

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 Taylor
Councilmember Hally
Councilmember Lehto
Councilmember Parry
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Fuhriman requested a Representative from the Mayor's Youth Advisory Council to come forward to give the City Council a report on their recent activities.

Gabe Lopez and Ben Losinski presented a PowerPoint Presentation reviewing their trip to Washington, D. C. for the National League of Cities Conference in March.

The Airport Director submitted the following memo:

City of Idaho Falls

April 2, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: FARM LEASE AGREEMENT – BILL DIXON, JR.

Enclosed are three (3) originals of the Farm Lease Agreement with Bill Dixon, Jr. The term of this Farm Lease Agreement is for three (3) years, commencing on April 1, 2008 and ending on March 31, 2011.

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

The Airport Division recommends approval and requests the Mayor be authorized to execute the documents.

s/ Len Nelson

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It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Farm Lease Agreement with Bill Dixon, Jr. 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.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
April 7, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AWARD BID FOR PHASE 2 OF THE IDAHO FALLS POWER BUILDING RENOVATION

Attached for your consideration is the bid tabulation for the above referenced project and a letter of recommendation from Alderson, Karst & Mitro Architects. P. A. The City Attorney has reviewed the bids and concurs with the recommended bid award.

Idaho Falls Power recommends that the City Council accept the low bid of Double E Construction for the base bid and two alternates totaling \$880,889.00 and that any informalities to the bid be waived.

s/ Jackie Flowers

Councilmember Lehto requested to know whether there was anyone present who would like to comment on this award of bid. No one appeared to comment on this issue.

Councilmember Lehto stated that the following Letter of Protest was filed with the City Clerk with regard to this project:

Shook Construction Company
3219 East 81st North
Idaho Falls, Idaho 83401
March 28, 2008

Rosemarie Anderson
City Clerk of City of Idaho Falls, Idaho
P. O. Box 50220
Idaho Falls, Idaho 83405

APRIL 8, 2008

Reference: Formal Bid Opening
Phase 2 Remodel for Idaho Falls Power Project
City of Idaho Falls, Idaho

Dear Ms. Anderson:

Please consider this a Formal Letter of Protest concerning the formal bid opening of the Phase 2 Remodel for Idaho Falls Power for the City of Idaho Falls, Idaho, held at your office on Tuesday, March 25th, 2008 @ 2:30 p.m.

After the formal closing time of the bid opening and during the reading of the bid proposals, I noticed some bid packages having more documentation than others. At this time, I suspected that it was probably due to some contractors not reading and complying to the Information for Bidders Section of the Formal Specification Manual. Our company policy is to review specification manuals thoroughly as it is outlined in this section. The bidding contractors are responsible to review the Specifications and Plans prior to the bid opening and if they have any questions or clarifications to forward them to the Architect prior to bid time.

As per these stated directions in the Specification Manual the following documents were required at time of the bid for this project and were to be enclosed in the sealed envelope:

- Bid Security
- Bid Proposal
- Certificate of Eligibility
- Contractor's Affidavit Concerning Taxes

After all bid proposals were opened and read out loud and with all contractors present, including the Architect – Roxane Mitro, Brad Jordan, and yourself representing the City of Idaho Falls, I asked to clarify if all bid proposals contained the required bidding documents including the Certificate of Eligibility and Contractor's Affidavit Concerning Taxes Forms. Your response was that some did not and then Roxane Mitro indicated that all bid proposals would be reviewed and taken under advisement.

Today, I am requested for the City of Idaho Falls Legal Department to examine all bid proposal packages including the bid proposal packages presented by Double E Construction and Barry Hayes Construction to verify that all required bidding documents were submitted as outlined in the Formal Specification Manual and award the low contractor with the legally executed documents the contract.

Thank you for your consideration of this Formal Letter of Protest Request.

Sincerely,

s/ Monika Shook
Monika Shook
Vice President

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cc: Roxane Mitro

Attachments:

Information for Bidders
Bid Bond
Bid Proposal
Certificate of Eligibility
Contractor's Affidavit Concerning Taxes

Other References/Examples:

2008 "Public Funded" Non-Response Bid Proposals

New School Building for Taylor's Crossing Public Charter School

Bid: February 19, 2008, 2:00 p.m.

One contractor's bid was deemed non-responsive due to the bid bond not executed correctly and was not read.

New Grandstand @ Thunder Stadium for Bonneville School District No. 93

Bid: February 21, 2008, 2:00 p.m.

One contractor's bid was deemed non-responsive due to not having his name and address on the outside of the envelope and was not opened.

The following letter was submitted by Roxane L. Mitro from Alderson, Karst, and Mitro, Architects, P. A.:

Alderson, Karst, and Mitro
Architects, P. A.
P. O. Box 51977
Idaho Falls, Idaho 83405
April 7, 2008

Jackie Flowers
General Manager
Idaho Falls Power
140 South Capital Avenue
Idaho Falls, Idaho 83402

RE: IDAHO FALLS POWER
PHASE 2 REMODEL

On March 25, 2008 at 2:30 p.m., bids were received for the Phase 2 of the remodeling to the Idaho Falls Power Administration/Warehouse Building. At that time, bids were opened and publicly read aloud. There was a question raised at the conclusion of the bid and a protest filed later by Shook Construction, Inc. The City Attorneys reviewed the "irregularities" of the missing forms.

Bids were received from nine (9) General Contractors. Four (4) bids were complete and submitted in accordance with the requirements of the specifications and five (5) bids lack either the Certificate of Eligibility and/or

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Contractor's Affidavit Concerning Taxes forms. The low bid was submitted by Double E Construction of Idaho Falls, Idaho. Their base bid was in the amount of \$839,552.00. Alternate No. One was the construction of two (2) offices and storage room on the Mezzanine was noted as \$31,533.00. Alternate No. Two was the enlarging eight upper windows was noted as \$9,804.00. The total bid was for \$880,889.00 which was lower than our opinion of Probable Costs of \$1,200,000.00.

The Public Works Licenses and expiration dates for the General Contractor and the subcontractors listed were verified to be correct and valid. The only item which needs to be addressed by the low bidder is that his Plumbing Subcontractor will be required to obtain a City of Idaho Falls Plumbing License (which has now been taken care of).

At this time, I would recommend that the City of Idaho Falls accept the base bid along with the two Alternates since it is under the budget.

Please remember this project is a remodel and there still could be some unknowns when the construction starts.

If you have any questions, please call me.

Respectfully,

s/ Roxane L. Mitro

Roxane L. Mitro

Alderson Karst & Mitro Architects, P A

Councilmember Lehto requested the City Attorney to address the informalities that existed with the bids. The City Attorney stated that there were two certificates that were not provided as required by the bid specifications. These certificates were not normally a requirement. The bid specifications were prepared by an outside architect that had added those requirements. The documents were not required by State law. Even though the bid was technically non-compliant, the City has the authority to waive minor irregularities as long as it does not give one bidder an advantage over another bidder. The City Attorney stated that he concluded that the informality was not of such significance that it would prevent a waiver of the irregularity. The certificates are provided at the time the contract is signed.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the low bid from Double E Construction in the amount of \$880,889.00 (Base Bid plus Two Alternates) to complete Phase 2 of the Idaho Falls Power Building Renovation, waiving any informalities to the bid, and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

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Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
April 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-14, WATER LINE MATERIALS

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

It is the recommendation of Municipal Services to award the low bid meeting specifications as per Attachment "A". The apparent low bid of HD Supply Waterworks for Section IX was not accepted – items bid were not approved as an equal. Therefore, it is recommended to accept the second low bid of Ferguson Waterworks. Total purchase amount for all items will be \$444,007.40. As per the bid specification, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid meeting specifications to provide Water Line Materials per Attachment "A", to reject the apparent low bid from HD Waterworks for Section IX and, further, accept the second low bid of Ferguson Waterworks, for a total purchase amount for all items of \$444,007.40. 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
April 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-15, ONE (1) NEW 2008 TRACTOR MOUNTED WITH REAR AND SIDE FLAIL MOWERS

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

It is the recommendation of Municipal Services to accept the low bid without trade of Bonneville County Implement to furnish a 2008 John Deere Tractor mounted with Tiger Flail Mowers for an amount of \$78,445.00. It has been determined to keep trade-in Unit No. 291.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid without trade from Bonneville County Implement to furnish a 2008 John Deere Tractor mounted with Tiger Flail Mowers for an amount of \$78,445.00. 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
April 3, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-08-16, WATERBORNE RAPID DRY TRAFFIC STRIPING PAINT

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

It is the recommendation of Municipal Services to accept the bid of Pervo Paint Company. They will furnish the required specified paint for a lump sum total amount of \$54,129.50. The apparent low bid of Allstates Coating Company could not provide the paint totes as specified.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the bid of Pervo Paint Company to provide the Waterborne Rapid Dry Traffic Striping Paint for the lump sum amount of \$54,129.50. 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.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing for consideration of a ruling of similar use for the Snake River Animal Shelter, Inc. to be located in an M-1 (Manufacturing) Zone, located generally east of West River Road, west of the Snake River, and on the site of the former City Animal Shelter at 3250 West River Road (Lindsay Boulevard). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 4, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Reneé R. Magee, Planning and Building Director
SUBJECT: RULING OF SIMILAR USE – SNAKE RIVER ANIMAL SHELTER

Attached is the request for a ruling of similar use for an animal shelter at the former location of the City Animal Shelter on Lindsay Boulevard. The zoning is M-1 and public buildings are a permitted use. As stated by the applicant, the M-1 Zone does not designate the animal shelter as a use specifically allowed. However, the proposed use is similar to the historical use of the property. This 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 ruling of similar use request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Site Plan being proposed for building
Exhibit 1 March 14, 2008 Letter from Snake River Animal Shelter, Inc.

Snake River Animal Shelter, Inc.
1425 Higham Street
Idaho Falls, Idaho 83402
March 14, 2008

Reneé Magee, Director
Planning and Building
City of Idaho Falls
308 Constitution Way
Idaho Falls, Idaho 83402

Dear Ms. Magee:

APRIL 8, 2008

On behalf of the Snake River Animal Shelter, Inc. (SRAS), a non-profit corporation, I am requesting a ruling of similar use regarding plans for property located in an area zoned M-1.

The City of Idaho Falls had operated an animal shelter on City-owned property located north of Idaho Falls between West River Road and the Snake River and zoned M-1. SRAS has been working to establish an animal shelter on this same property. We have provided you with presentation materials detailing the plans for the shelter. The M-1 Zoning designation does not identify use as an animal shelter as a use specifically allowed. However, as the use is similar to the use of a public building made by the City for an animal shelter under that zoning designation, SRAS believes that the new animal shelter would be an appropriate similar use. In addition, this use would not interfere or be incompatible with other current uses in the area.

For these reasons, SRAS requests that this petition of a ruling of similar use be granted after notice and hearing. If you need any further information, please do not hesitate to contact me.

Sincerely,

s/ Peggy Hinman
Margaret B. Hinman
Secretary/Treasurer
Snake River Animal Shelter, Inc.
208-557-7885

Exhibit 2 Vicinity Map

Bill Craig, 4958 West River Road, appeared to question whether the new shelter would guarantee that animals would not escape from the shelter. He, further, requested that the area be cleaned up. He stated that he was in favor of this animal shelter as long as the whole area is cleaned up.

Councilmember Hally stated that there are private monies involved in this project that have a concern for animals. This will be a fine facility that will help solve some of the problems that Mr. Craig has presented.

Councilmember Cornwell stated that she has been involved since the beginning of this development. This whole area will be improved. Trash will be removed. The developer has great plans for this facility.

Peggy Hinman, Secretary/Treasurer for the Snake River Animal Shelter, Inc. appeared to state that the Snake River Animal Shelter is a non-profit organization. They are working towards adding to the services that are now being offered to the community through the animal services department. After the design is complete for the animal shelter, fundraising will commence, and then the long-term arrangement will be developed for the use of the City property that was formally used as an animal shelter. This area will be well-landscaped and will provide for expansion. The shelter will be operated in conjunction with the Humane Societies and animal outreach groups in Idaho Falls. This facility will also supplement the City services for animal control and adoption. Any strays would always be housed at Animal Control so that owners have the opportunity to retrieve

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their animals. This new facility would work as a supplement and compliment to Animal Control. A drop-off area would be provided to eliminate the concerns expressed by Mr. Craig.

Councilmember Hardcastle congratulated those present from the Snake River Animal Shelter for their hard work and perseverance. This has been a long time in coming. Further, Councilmember Hardcastle expressed her appreciation to Councilmember Cornwell for her hard work and dedication to this project.

Councilmember Cornwell expressed her appreciation for the City Attorney and his assistance in the development of this project.

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 approve the ruling of similar use for an animal shelter at the former location of the City Animal Shelter on Lindsay Boulevard, due to the fact that the proposed use is similar to the historical use of the property in the M-1 (Manufacturing) Zone. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman announced that the public hearing for consideration of a rezoning from R-1 (Single-Family Residential) to R-3 (Single-Family Homes through Apartments) and Final Plat for Park Place Addition, Division No. 4, located generally west of Park Place Addition, Division No. 3, north of 65th South (York Road) at the western terminus of Brigham Drive, and west of 5th West (Park Road) was withdrawn by the applicant.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing for consideration of a Planned Unit Development and Final Plat for The Narrows, Division No. 2, located generally south of Higham Street, north and west of U. S. Highway 20, and east of the Snake River. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 4, 2008

MEMORANDUM

TO: Mayor and City Council
FROM: Reneé R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT, PLANNED UNIT DEVELOPMENT,
AND FINAL PLAT – THE NARROWS, DIVISION NO. 2

Attached are the Development Agreement, Site Plan for a Planned Unit Development, and Final Plat for The Narrows, Division No. 2. The Final Plat encompasses 13 acres east of the Snake River, north of U. S. Highway 20, west of Fremont Avenue, and south of Higham Street. This Planned Unit

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Development includes 51,000 square feet of office space in 18 buildings, 48 townhouse units in 12 buildings, and a hotel of 75 rooms. The Planning Commission, at its December 4, 2007 Meeting, recommended approval with the conditions the traffic study be revised, the exterior lights be pressurized sodium, the lighting from the hotel and sign be reduced to 0.5 foot candles on the residential properties, and a variance be issued for the required 75 foot setback from the River. This request is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

Councilmember Hally stated that he would not participate in the discussion and decision on this matter, due to the fact that his wife has a strong employment relationship with the person who owned and sold the land.

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 of site |
| Slide 3 | Site Plan under consideration |
| Slide 4 | Traffic Circulation Plan |
| Slide 5 | Improvements for Higham and Fremont |
| Slide 6 | Lighting Plan |
| Slide 7 | Landscape Plan |
| Slide 8 | Final Plat under consideration |
| Slide 9 | Flood Lines and High Water Marks |
| Slide 10 | Elevation of Townhomes |
| Slide 11 | Elevation of Townhomes |
| Slide 12 | Elevation of Office Buildings |
| Slide 13 | Site Photo of former Latah Avenue Right-of-Way |
| Slide 14 | Site Photo looking west across the site |
| Slide 15 | Site Photo looking at the west side of site at new path |
| Slide 16 | Site Photo looking at existing path with North Wind Environmental in the distance |
| Slide 17 | Site Photo looking at the private drive east of North Wind Environmental |
| Slide 18 | Site Photo showing elevation difference between the flood area and where the townhouses will be located |
| Exhibit 1 | Planning Commission Minutes dated December 4, 2007 |
| Exhibit 2 | Staff Report dated December 4, 2007 |
| Exhibit 3 | Site Plan |
| Exhibit 4 | Vicinity Map |

The Planning and Building Director explained that the Traffic Study has been revised as requested by the Planning Commission. The level of service will fall on Higham Street from a "C" to an "E" or "F". The Idaho Transportation Department is proposing a traffic signal at U. S. Highway 20 and Fremont Avenue. It is hoped that as the signal is provided at this location, a gap will be provided to allow for traffic to flow more smoothly from that area. Further, the Board of Adjustment has granted a variance from the 75-foot high water mark, based upon the research by staff in terms of the FEMA Flood Control designation.

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Jason Croft, Schiess and Associates, 7103 South 45th West, appeared to state that he is the Engineer representing the Developer. He appeared to state that on average the townhomes were 14 feet higher than the high water mark that was established from the 1997 flood, but that they were within the 75 foot set back requirement. He stated that there were no basements in the townhomes. The Board of Adjustment granted the variance. He explained, further, that there is an old house on Higham Street. They will remove that house and widen the road by approximately 4-5 feet.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Development Agreement for The Narrows, Division No. 2 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 Parry
Councilmember Taylor

Nay: None

Abstain: Councilmember Hally

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Site Plan for the Planned Unit Development for The Narrows, Division No. 2 with the conditions that exterior lights be pressurized sodium, the lighting from the hotel and sign be reduced to 0.5 foot candles on the residential properties, and no building permits will be issued until the Final Plat is recorded and the Improvement Drawings are approved by the City Engineer. Roll call as follows:

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

Nay: None

Abstain: Councilmember Hally

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for The Narrows, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto

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Councilmember Taylor
Councilmember Cornwell

Nay: None

Abstain: Councilmember Hally

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to recess consideration of the Annexation Proceedings for 23.88 Acres for the Expansion of the Old Butte Road Soccer Complex to the April 24, 2008 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
