

**FEBRUARY 28, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 28, 2008, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman  
Councilmember Ken Taylor  
Councilmember Thomas Hally  
Councilmember Sharon D. Parry  
Councilmember Karen Cornwell

Absent was:

Councilmember Michael Lehto  
Councilmember Ida Hardcastle

Also present:

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

Mayor Fuhriman requested Boy Scout Jacob Williams to lead those present in the Pledge of Allegiance.

Mayor Fuhriman stated that there was a tragedy on Wednesday evening (February 27, 2008) resulting from a high speed chase. He expressed his appreciation to the Idaho Falls Police Department and the Bonneville County Sheriff's Office for the work that was done to bring the situation to a quick end. He commented, further, for those present not to lose faith in our community.

Mayor Fuhriman requested Council confirmation for Thomas Hally to serve on the Idaho Falls Redevelopment Agency (Term to expire on December 31, 2010). It was moved by Councilmember Cornwell, seconded by Councilmember Taylor, to confirm the appointment of Thomas Hally to serve on the Idaho Falls Redevelopment Agency. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the February 14, 2008 Council Work Session and the February 14, 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 February 28, 2008.

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

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Aye: Councilmember Parry  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Airport Director submitted the following memos:

City of Idaho Falls  
February 8, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: CONSENT TO ASSIGNMENT

Attached for City Council approval is the Consent to Assignment, assigning the Airport Lease from John Richardson to Stephen R. Christian.

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

Please present to City Council for the February 28, 2008 Meeting Agenda.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Consent to Assignment of Airport Lease Agreement from John Richardson to Stephen R. Christian 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 Cornwell  
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls  
February 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: LEASE AGREEMENT WITH STANDARD PARKING – DRAFT

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Enclosed is the draft of the Lease Agreement with Standard Parking. Please submit the same to the Mayor and City Council for consideration for February 28, 2008 City Council Meeting.

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

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Lease Agreement with Standard Parking Corporation 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 Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
February 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – DRAFT

Enclosed is the draft of the Professional Services Agreement with Toothman-Orton Engineering. Please submit the same to the Mayor and City Council for consideration for February 28, 2008 City Council Meeting.

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

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Professional Services Agreement with Toothman-Orton Engineering and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

The Fire Chief submitted the following memos:

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City of Idaho Falls  
February 11, 2008

MEMORANDUM

TO: Mayor and City Councilmembers  
FROM: Dean Ellis, Fire Chief  
SUBJECT: ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE

The Fire Chief respectfully requests your approval for the adoption of the 2006 International Fire Code as written by the International Code Council which includes fire sprinklers in 3-plexes and above.

s/ Dean Ellis

LaMar Hayward, Vice President and Owner of 3-D Fire Protection Services, Inc., 7558 South Teapot Drive, appeared to state that he makes his living installing fire protection systems. He expressed his concern for the reports he has seen in the news media. Mr. Hayward stated that the fire sprinkler systems do save lives. The actual costs for fire sprinkler systems in this area for residential (3 and above multi-family units) fire protection are \$2.50 to \$6.00 per square foot depending on the options and type of construction. The average cost is \$2.75 to \$3.00 per square foot for apartments. He stated that he has installed many sprinkler systems for apartment owners in Rexburg. One night at approximately 3:00 a.m., a candle that was left burning on a speaker caught fire. The sprinkler system sensed the fire and dispensed water, putting the fire out. Mr. Hayward reviewed, again, for the Mayor and City Council how the Scottsdale, Arizona program works. He stated, further, that he charges \$172.00 to provide the mandatory fire sprinkler system annual maintenance. He requested that the Mayor and City Council adopt the Ordinance as it is written.

Ray Ellis, 2940 Sawtooth, appeared to state that he is a licensed Building Contractor with the City of Idaho Falls. The exemption from providing fire sprinkling systems was provided through the Idaho Division of Building Safety through the Building Code Board of which Bart Larson is the State Fire Marshall. The Board, through their expertise, decided to opt out of the requirement for fire sprinkling systems in 3-plexes and above. When the regulations are proposed, they must go before the House and the Senate in order to be approved. Builders have a vested interest in the safety of their buildings both during construction and after the building becomes someone's home. Whenever the proposed building codes are changed, the Building Contractor acts as the consumer advocate. It is the builder's role to make sure that those proposals are necessary and that they are cost effective before they are adopted so that residences stay affordable. In a recent survey of which Idaho Falls is considered to be a metropolitan area, with a median income of approximately \$38,000.00 and a median priced residence being \$132,000.00, for each thousand dollars in additional costs 143 residents were taken out of the affordable housing market. He stated that he would never diminish the role that cost effective building codes play in providing for occupant's safety and health. New construction is safer than ever. There is no study or data to back up the claim that new construction will collapse faster under the new requirements. The success of smoke alarms as low cost life savers cannot be understated. As smoke alarm systems are installed and maintained, fire deaths go down. According to the U. S. Fire Administration, less than 4% of residential fatalities between 2001 and 2004 were reported as occurring in homes with working smoke alarm systems. There have been no studies demonstrating the efficacy of fire sprinklers with smoke alarms vs. smoke alarms alone. Mr. Ellis stated that a nationwide survey

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conducted by the National Association of Home Builders Research Center and completed by 102 builders constructing 5,527 residences with fire sprinklers in 2006, stated that the median cost of installing those fire sprinklers was \$5,573.00 in a residence of a median size of 2,271 square feet. One of the trade-offs spoken of was the reduction in insurance costs. In a survey conducted by sprinkler advocates, the reduction in insurance costs was approximately 2% to 10%.

Ken Savage, 2080 Cascade Drive, appeared to state that he calls on 20-30 small business owners every day with a majority of the calls being to building contractors. They are a group of very responsible business owners. Mr. Savage requested the Mayor and City Council to sit down with Mr. Hyrum Johnson and other building contractors to determine if other avenues can be taken with regard to this issue. He stated, further, that if the Mayor and City Council are not willing to meet with the building contractors, then the Mayor and City Council need to stay out of the building regulations.

Marilyn Harris, 1193 East 49 North, appeared to state that she works in the building industry under design. She is also a member of the East Idaho Home Builders Association. She implored the Mayor and City Council to look closely at this Ordinance. She stated that she works with people every day that need to work within the budget that the building contractor has set for them. If sprinkler systems are required, then the budget dwindles even more. Mrs. Harris stated that she recognizes the struggles that young people have trying to get into an affordable home. Further, she submitted the following letter from a builder that was unable to attend this meeting:

Design Construction  
P. O. Box 50338  
Idaho Falls, Idaho 83405  
1-208-529-3577  
1-208-681-6436  
February 28, 2008

City of Idaho Falls

RE: Third and Final Hearing on Fire Protection for Three and Four Plexes

TO WHOM IT MAY CONCERN:

I was disappointed to hear about the third and final hearing regarding fire protection for tri-plexes and four-plexes today. I find it sad the City of Idaho Falls has chosen to quietly ramrod this through.

In the present economic outlook do you have any idea of the additional costs that will be incurred. I would hope no one is of the opinion this decision must be made for safety concerns. I am sure the two fire sprinkler firms in town are in favor and have lobbied for this.

The facts are in Idaho 2007 there were ten fire related deaths. Not one of those deaths can be attributed to a newer in code facility.

Idaho Falls does not have to lead the nation in such matters and it is about time our local public employees and elected officials use some common sense and stop distorting the facts. I feel it is imperative for the City to table this matter and research this subject from all aspects. I personally cannot attend

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your meeting today, but I would like to see the data you have drawn on to make such a bold move. You should publicly be willing to support with factual information your proposal.

If the City of Idaho Falls wants to be innovative and lead the way in the State of Idaho and the nation let them address how to eliminate one of the leading causes of death in this state and in the nation. Let's get some control on the medical and pharmaceutical establishments. Five minutes of research will show you how over 400,000 plus people die yearly from medical and prescription mistakes. We are talking about trillions of dollars of saving not to mention the pain, sorrow, and suffering.

The proposal you are addressing today would not have saved one life in the State of Idaho in the year 2007.

The proposal you are addressing today would not reduce by one penny insurance costs. The facts are: Insurance paid out more in 2007 for water damage from fire sprinkler systems than for fire damage. Ten years ago the cost of installing fire sprinklers could be offset in five to ten years by reduced insurance premiums. That is not the case today! In some cases the installation of fire sprinklers has increased the insurance cost of their coverage!

Think about this! If the City of Idaho Falls or the State of Idaho had mandated updating live safety codes and compliance to the older places of residence and that had been in effect in the year 2007, maybe and only maybe a certain percentage of those ten deaths would have been different.

The fact is the present IRC 2006 code does not require what you are proposing! The fact is every three years there is a group of lobbyists pushing for fire sprinklers in residential applications. If you have done your homework and if those pushing your proposal will be honest you will fast discover special interest groups are involved here! The supporters of this are your big labor unions (PIPE FITTERS) and those industries who supply the materials for those trades! I have sat in three different meetings over the past several years along with your local building and fire official as the national UBC and IBC officials have explained the politics of this lobbying. If these officials have not called your attention to this information then they are remiss in their duty.

The State of Idaho mandated the local municipalities to adopt the 2006 IBC and 2006 IRC. The legislature did not mandate what you are proposing! What you are proposing is not part of the present codes. Now if the local officials claim that it is then why is it necessary for your to address this?

I trust that you as elected officials will exhibit common sense and stay in the guidelines with what our State Legislators have mandated. If you must pursue your line of reasoning, then I implore you to use common sense and table this matter for further investigation. You just might find certain individuals have approached and disseminated distorted information.

Thank you,

Kendall Christensen

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Mrs. Harris stated that this change will hurt the economy and the builders. Building contractors are responsible. They are presently overloaded with regulations and fees. They are honest and true in what they do.

Councilmember Parry requested to know whether Mrs. Harris was aware of how many three- and four-plexes are built each year versus the number of single family residences. Mrs. Harris stated that out of 500 building permits issued, there were 299 issued for multi-family units. This new regulation will cause rent to increase by \$40.00 per month. This will take away a person's ability to move into a nice apartment. They will have to move into something that does not meet today's regulations.

Councilmember Taylor requested to know whether Mrs. Harris knew how many of those multi-family units were actually three- and four-plexes. Mrs. Harris stated that she believed that 90% of the multi-family units were three- and four-plexes.

Mayor Fuhrman presented the following letter:

KK Custom Homes  
P. O. Box 24  
Rigby, Idaho 83442  
208-745-5155  
February 28, 2008

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

Dear City Council:

As a contractor licensed to do business in the City of Idaho Falls, we have been carefully following the possible ordinance of mandating fire suppression systems in 3-4 unit dwellings. We are not opposed to fire sprinklers as a choice for a property owner to make, but we are opposed to mandating an ordinance that cannot empirically prove it will save more lives than any current codes (i.e., smoke detectors, egress windows/doors, structural integrity of the building).

Specifically, we have the following concerns regarding the fire sprinkler ordinance:

- **CONSTRUCTION COSTS:** Sprinkler systems will add \$4-\$6/square feet to the cost of a building.<sup>1</sup> A 1500 square foot apartment would add an additional \$7,500/unit (\$30,000.00 total in a 4-plex). In investment terms, this would add \$40-\$60/month to the cost of renting a unit. (\$160-\$240 more in financing costs per month for the entire unit.)
- **MAINTENANCE:** Costs are unknown. If we require annual maintenance, who is going to enforce that? If you do enforce it, who is going to pay for the enforcement – taxes or the property owner directly? If they are put into an escrow account, we've added another \$10-\$20/month to the cost of ownership.
- **AFFORDABILITY:** Every \$1,000 increase in cost reduces the number of people who would qualify for a project. The maintenance costs are also

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detrimental to cash flow, return on investment and basic ownership. *When we raise rents to justify the added cost, we preclude the people who need the most protection (kids and the elderly) from the best living quarters (newer units).*

- **LACK OF QUALIFIED FIRE SUPPRESSION CONTRACTORS:** There may not be enough licensed and qualified contractors to install sprinklers in every new 3-plex and 4-plex in Idaho Falls. An ordinance would force the current companies to scramble to find new help and it would create a berth for new, inexperienced fly-by-night contractors to vie for business, and install faulty equipment/systems.
- **LEGAL LIABILITY OF BUILDERS:** Builders are averse to warranting any “flooding” issues that may be caused by discharge of sprinkler systems, in the case of a fire or not. Just because a builder specifically indemnifies himself from legal procedures/property loss does not mean he won’t be named in a lawsuit for damages.
- **INCREASE IN HOME VALUATIONS/TAXES:** When construction costs rise so does the market value of the home. This in turn will increase property taxes.

Hypothetically speaking, when permits of 3- and 4-unit buildings drop by 50% because it is cheaper to build them elsewhere than in Idaho Falls where is the additional money going to come from to run the building department? Increasing permits and fees and taxes will only drive builders/owners out of town and thereby decreasing the number of permits even further. Additionally, will passing this ordinance effectively put Idaho Falls on that slippery slope of mandating sprinklers in all new construction? When all building permits drop by 50% and there are fewer and fewer applications for annexation into the City, where will the funds come for the building department?

### **MYTHS REGARDING FIRE SPRINKLERS IN EAST IDAHO:**

- **MYTH: HOMEOWNERS INSURANCE PREMIUM DEDUCTIONS JUSTIFY THE COST.** According to an All State Agent<sup>2</sup> in Idaho Falls, the total savings in premiums would only amount to about 3%-5%, the same as installing an alarm system. (A \$500 premium would only average a savings about \$15-\$25.) Other companies may offer more of a discount, but even at 20%, an owner will only save about \$100/year. If this myth were true, you would find many custom builders/homeowners/investment companies adding this package as a matter of standard policy.
- **MYTH: SPRINKLERS EXTINGUISH FIRES.** A sprinkler system will save the home from burning down. These type of sprinkler systems are meant to keep a fire suppressed (not extinguished) for up to ten minutes. After that, it is up to the Fire Department to get a call, mobilize, arrive, hook up and extinguish.<sup>3</sup>

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- MYTH: ALL SPRINKLER SYSTEMS ARE EQUAL. The sprinkler systems for residences through 4-plexes are *not* the same as commercial systems. Commercial systems are designed to protect property and carry a high volume of water and pressure.<sup>4</sup>
- MYTH: HOUSE FIRES KILL MORE PEOPLE NOW THEN THEY EVER HAVE. The number of fire fatalities has dropped significantly in the past 20 years due in large part to smoke detectors/construction techniques, products and more effective building codes.<sup>5</sup>
- MYTH: SPRINKLERS WILL NEVER NEED MAINTENANCE. “Like any piece of mechanical equipment, sprinkler systems must be inspected, tested, and maintained to ensure a high degree of reliability ... Testing fees will be directly related to the market demand.”<sup>6</sup>
- MYTH: SMOKE ALARMS DON'T WORK. According to a report released by the U. S. Fire Administration in 2001, “Smoke Alarms save lives and money. 38% of residences had an operable alarm during a fire, but these fires accounted for only 8% of total property loss. Only 6% of U. S. homes are not equipped with smoke alarms, yet 40% of residences with fire had no installed alarm. *Alarms operate with more frequency in apartments than in one- and two-family homes. The reason may be that professional property managers are generally responsible for maintaining the alarms, not the property dwellers (emphasis added).* Multiple-fatality fires are less likely to have working smoke alarms.”<sup>7</sup>

According to the U. S. Census Bureau<sup>8</sup> and the Idaho Department of Health and Welfare<sup>9</sup> from 2000 to 2005 there were the following deaths due to fires per population in Idaho (*not* Idaho Falls):

# Fire Deaths ID	8	6	6	12	12	18
Deaths/MM Population	6.2	4.5	4.5	8.8	8.6	12.6
	2000	2001	2002	2003	2004	2005

To put those numbers in perspective, there were more accidental deaths in 2005 (at home) due to falls (55) and poisoning by drugs (47) than by fires. That's not to mention the accidental deaths to motorcyclists (22), collisions with other vehicles (82) and non-collision deaths (93). If we are concerned about people dying in fires at home, why don't we ban the use of residential ladders, hanging Christmas lights, changing light bulbs or any other hazardous act about 2' in the home? Or we could outlaw drugs in a home and require that all drugs must be administered by a nurse. We could use the same reasoning of mandating sprinklers by charging \$4/square foot for new buildings, homes, 4-plexes, etc. and use the money to fight cancer! (2,356 died from cancer in 2005) or heart disease (2,443). The very thought of mandating these ridiculous laws flies in the face of reason, although the money might be better spent for such a statistically small number.

How many of you would be willing to pay an extra \$4+/square foot for the current home you live in, or an extra \$50-\$100/month in rents? For some people it might be worth it and in that case buy it yourself, but for those who need affordable housing and can't afford it, you push them into older, less

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expensive units that may not have the egress or smoke alarm systems to protect them.

Every life is precious. Every life deserves protecting. Smoke alarm systems, better construction techniques and products WORK! Passing this City Ordinance is a knee-jerk reaction, not a decision based on sound logic. As a company, we strongly urge you to reject the proposed law.

Sincerely,

s/ Benjamin K. Davis  
Benjamin K. Davis, VP  
Kozy Kabin/KK Custom Homes

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<sup>1</sup>Letter from EIHBA sent February 2008.

<sup>2</sup>Call to All State Insurance Company in Idaho Falls, Idaho on February 27, 2008.

<sup>3</sup>Call to 3-D Fire Protection in Idaho Falls, Idaho on February 27, 2008.

<sup>4</sup>[http://www.smokealarmswork.org/firesprinklers/CHBAP Position Paper.pdf](http://www.smokealarmswork.org/firesprinklers/CHBAP%20Position%20Paper.pdf).

<sup>5</sup><http://www.smokealarmswork.org/firesprinklers/firelosses.html>.

<sup>6</sup>[http://www.usfa.dhs.gov/citizens/all\\_citizens/home\\_fire\\_prev/sprinklers/facts.shtm](http://www.usfa.dhs.gov/citizens/all_citizens/home_fire_prev/sprinklers/facts.shtm).

<sup>7</sup><http://www.usfa.dhs.gov/downloads/pdf/tfrs/v1115.pdf>.

<sup>8</sup><http://www.census.gov/popest/states/NST-ann-est.html>.

<sup>9</sup>[http://www.healthandwelfare.idaho.gov/portal/alias\\_Rainbow/lang\\_en-US/tabID\\_3457/DesktopDefault.aspx](http://www.healthandwelfare.idaho.gov/portal/alias_Rainbow/lang_en-US/tabID_3457/DesktopDefault.aspx).

William Bozung, 110 North 3918 East, Rigby, Idaho, appeared to state that he is the Sales and Marketing Manager for Comfort Construction. He stated that his company builds duplexes and three- and four-plexes. Comfort Construction is in the process of purchasing land in the City of Idaho Falls for the same purpose, as this is a large part of their business. Costs have increased greatly over the past few years. It is difficult to get people into homes and apartments at the price that they want to pay. With the increase of \$10,000.00 to \$20,000.00 for the installation of sprinkler systems, these units are no longer attractive to investors. New homes are much safer than those constructed 20 years ago. Renters are being forced into older homes where life safety is an issue.

Donna Oe, 2550 West Barberry Lane, appeared to state that she has not seen information that a sprinkler system is any more effective than a very affordable smoke detector system. She requested that the City Council vote "No", research the data, and get the facts.

Randy Skidmore, 5220 East Comish Drive, appeared to state that as he was driving the other day, he passed an old log house. He stated that he was sad to see that after about 120 years, the roof had finally caved in. The reason that he shared this experience is to question, "When is enough, enough?" The structure that he spoke of had lasted approximately 90 years and was built without any regulations. It was a simpler time. Mr. Skidmore questioned why more regulations were being required for safety. The problem is that many cannot afford it. He reviewed for City Council how costs increase from the building lot to the finished product. He stated that he has been involved in the construction business to see how laws progress and he felt that these sprinkler systems will eventually be required in every structure.

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Scott Tallman, S. R. Tallman Construction, 5308 Cabana, Ammon, Idaho, appeared to state that he was a licensed building contractor in the City of Idaho Falls. He stated that he works in the first-time homeowner industry. Most of the houses that he builds are under \$175,000.00. In meeting with homebuilders within their limited budget, many deals have fallen apart over \$1,000.00 because people could not afford to have that increase. Budgets are extremely tight. He requested the Mayor and City Council to review this Ordinance further and make an educated decision.

Hyrum Johnson, 997 Silkwood, appeared to state that the quotes that were given to the City Council two weeks ago for fire sprinkler systems were real quotes from real house plans within the City of Idaho Falls. There are a ton of peripheral costs that are associated with the fire sprinkler systems. Mr. Johnson requested those that were present who were opposed to the Ordinance to raise their hands. Approximately 70% of those present raised their hands. Mr. Johnson stated that the more units that are being constructed, the costs can be spread among those units. The Ordinance being considered will not help the lower income people. This will not put sprinklers in the homes of the people who are dying. The fire statistics overwhelming show that the No. 1 cause of death is smoking. This is primarily a lower income issue. The types of homes that are burning, where people are dying, are almost exclusively older homes. Now, multi-family homes are built with a 1- to 2-hour fire wall separating each unit. That will allow for 1 to 2 hours for the Fire Department to arrive and put out any fire in that unit. This Ordinance will push the highest risk people into the highest risk housing. Retrofitting older homes would be less costly than this proposal. Mr. Johnson described the composition of the Boards for the International Code Council and the Fire Code Board within the International Code Council, stating that there are no Architects, Engineers, or Builders on either of those Boards. No one is more qualified to understand the issues for the City of Idaho Falls than the building contractors present at this meeting. Mr. Johnson requested to sit down with the Mayor and City Council to develop a task force to find ways to save lives. He was turned down. He stated that he has some good suggestions for ways to save lives in the next year. Again, he requested an opportunity to meet with the Mayor and City Council to share that information. In the past two weeks, he has conducted more research regarding the reliability of the fire sprinkler systems. There have been four recalls in the past ten years totaling more than 40,000,000 sprinkler heads. Fire Chief Ellis did not know anything about these recalls. Multi-family homes are built safer than ever before. Fires would be contained. Another ridiculous cost does not need to be added. He called on the Mayor and City Council, along with surrounding jurisdictions to form a task force in which builders, architects, engineers, firemen and citizens can look at the data and come up with real proposals for our community.

There was a brief discussion regarding where some of the statistics came from in earlier comments made.

Travis Poole, 3834 East 127 North, appeared to state that he was the owner of Advanced Contracting. Sprinkler systems are not always required in commercial buildings. Exits, length of hallways, and how quickly people can get out of the building are considerations.

Councilmember Parry requested to know from Mr. Poole whether there was a sentiment out there that if the City of Idaho Falls adopts the International Fire Code, 2006 Edition, whether other jurisdictions would follow. Mr. Poole stated that to be true, without a doubt. Smaller jurisdictions follow larger jurisdictions as they do not have the money to conduct the research themselves.

Blake Jones, 3333 East 65 South, appeared to request how many jurisdictions have adopted the Code without the exemption.

Councilmember Hally stated that the legislature opts out of legislation, placing it on the shoulders of the local jurisdictions. He stated, further, that they opt out due to

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political pressure. He stated, further, that Pocatello and Boise have adopted the International Fire Code, 2006 Edition without the exemption.

Ron Cook, 1177 Corrine, appeared to state that he is a Real Estate Agent with ReMax Realty. From an investment standpoint, 3- and 4-plexes will not be built in Idaho Falls any longer due to the cost of construction. They will be constructed in places where it is cheaper to construct these buildings. There is very little cash flow in 3- and 4-plexes now.

Dave Dance, 6634 South 46 East, appeared to state that he is a member of the Home Builders Association and a licensed building contractor with the City of Idaho Falls. He stated that government tells builders where the line is, building contractors do not have any input as to where that line is. He is a member of an industry that is heavily regulated. This is a regulation that is not needed. The government should not be telling building contractors and homeowners what should be placed in the homes that are being built.

Ken Anderson, Fire Marshall, appeared to state that the request is to adopt the International Fire Code, 2006 Edition, as written. This is not retroactive to older homes. Further, it is not applicable to single-family homes or duplexes. In the year 2007, the number of 4-plexes built in Idaho Falls was three (3). In a comparative analysis, in 2007 the City of Idaho Falls had 143 multi-family units within 27 buildings, the City of Ammon had 16 multi-family units within 4 buildings, and Bonneville County had 4 multi-family units within 1 building. Sprinklers are required by the type of occupancy. The local housing authority database indicates that within Bonneville County there are 489 people that receive Section 8 funding for housing. There are approximately 96,500 people in Bonneville County according to the 2006 Census.

Councilmember Parry requested to know whether there were any three-plexes built in Idaho Falls in 2007. The Fire Marshall stated that there were no three-plexes constructed in Idaho Falls in 2007.

Dean Ellis, Fire Chief, appeared to state that many facts and figures have been presented in the past few weeks. The building contractors indicate that sprinkling three- and four-plexes may not be the best use of money to save lives. For a four-plex that was recently built in Idaho Falls, with 1120 square feet per unit, the total bid for a base fire sprinkler system, was \$13,985.00. For the flush-mount sprinkler system with an antifreeze unit, there would be an additional fee of \$950.00. The annual maintenance fee from 3-D Fire Protection Service is \$172.00 and Gem State Fire Protection relates costs of \$100.00 to \$200.00. Smoke alarms are a life safety tool. The City of Idaho Falls has a program whereby if the Fire Department is called to a home that does not have a smoke detector, the City provides that smoke detector. If the smoke detector does not have batteries, the Fire Department will provide those batteries. If an individual goes to the Fire Department and requests a smoke detector, the Fire Department will provide a smoke detector. All of this is done at no charge. The National Fire Protection Association states that people with smoke alarms in their homes have a 50% better chance of surviving a fire. If a sprinkler system is added to this equation, there is a 97% better chance of surviving a fire. The fire walls that are required by code prevent a fire from spreading to another unit for 1 to 2 hours, but those fire walls do nothing to stop the fire in the unit of origin. Smoke and heat are what kill people before the fire does. Lower income families, the elderly, and young children are the higher end statistics in fire deaths. The Fire Department, as a whole, approaches the requirement for fire sprinkler systems in three-plexes and above as a life safety issue. Tenants in those units deserve that life safety factor. The Fire Chief stated that he wants people living in these units to be safe, as well as having his firefighters safe. Light weight construction burns quicker. Fire sprinkler systems are tested to a higher pressure than a regular plumbing system. From the United States Fire Administration,

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sprinkler head failure rate is 1 in 16,000,000. He stated, further, that he was unaware of any sprinkler head recalls. There has not been a problem in Idaho Falls. The Fire Chief requested that the City Council approve the Ordinance as written. All major metropolitan cities in Idaho have adopted this Code.

Councilmember Taylor stated that the Mayor and City Council have spent a lot of time listening and talking about this issue.

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

**ORDINANCE NO. 2742**

AN ORDINANCE REPEALING SECTIONS 7-10-1 THROUGH 7-10-12, AND RE-ENACTING SECTIONS 7-10-1 THROUGH 7-10-5 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORINDANCE; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Taylor moved, and Councilmember Cornwell 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 third and final reading, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
February 11, 2008

MEMORANDUM

TO: Mayor and City Councilmembers  
FROM: Dean Ellis, Fire Chief  
SUBJECT: ADOPTION OF THE AMENDMENT TO THE 2006 INTERNATIONAL BUILDING CODE

The Fire Chief respectfully requests your approval for the adoption of the amendment to the 2006 International Building Code. This amendment provides for the fire sprinkling of 3-plexes and above so as to be in line with the International Fire Code.

s/ Dean Ellis

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

**ORDINANCE NO. 2743**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTION 7-1-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING REMOVAL OF THE EXEMPTION OF AUTOMATIC SPRINKLER SYSTEMS FOR THREE- AND FOUR-PLEXES; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Taylor moved, and Councilmember Cornwell 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 third and final reading, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay; None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
February 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 2003

Municipal Services respectfully requests authorization to charge off as uncollectable, all utility accounts that have not had a transaction since 2003, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$249,656.46, which is .45% of sales for that year.

It is further requested that authorization be given to charge off the following accounts as uncollectible: Ambulance \$418,679.40 and Returned Checks \$1,651.24.

s/ S. Craig Lords

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It was moved by Councilmember Taylor, seconded by Councilmember Cornwell, to charge off as uncollectible, all utility accounts that have not had a transaction since 2003, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets in the amount of \$249,656.46; Ambulance in the amount of \$418,679.40; and, Returned Checks in the amount of \$1,651.24, as presented. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
February 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-09, NEW VEHICLES

Attached for your consideration is the tabulation for Bid IF-08-09, New Vehicles. It is the recommendation of Municipal Services that we award to the low bid meeting specifications as per Attachment "A". The apparent low bid for Item VIII was rejected because of an exception – could not meet the required GVW. Therefore, it is recommended to accept the second low bid of Smith Chevrolet. It is also recommended we reject all bids for Item VIII/Sewer Unit and Item XIII, no acceptable bids were received; and purchase required units per formal quote or bid.

The trade-in units will go to the dealer with the exception of Items B, J, K, and Q which will be sold to Development Workshop, who agreed to meet the amount bid by the dealer; and Items D and M will be retained by the City.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Cornwell, to award to the low bid meeting specifications as per Attachment "A"; to reject the low bid for Item VIII as they could not meet the required GVW and accept the second low bid of Smith Chevrolet; to reject all bids for Item VIII/Sewer Unit and Item XIII as no acceptable bids were received; and, purchase required units per formal quote or bid. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Cornwell  
Councilmember Parry

Nay: None

Motion Carried.

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City of Idaho Falls  
February 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: IDAHO FALLS DOWNTOWN DEVELOPMENT CORPORATION  
LEASE EXTENSION AGREEMENT

Attached for your consideration is a proposed Lease Extension Agreement between the City of Idaho Falls and the Idaho Falls Downtown Development Corporation for City owned property located at 450 "B" Street and Yellowstone Avenue.

Said Agreement has been reviewed and approved by Dale Storer, City Attorney.

It is respectfully requested that Council approve said Lease Agreement and authorize the Mayor to execute the document.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Cornwell, to approve the Lease Extension Agreement between the City of Idaho Falls and the Idaho Falls Downtown Development Corporation for City owned property located at 450 "B" Street and Yellowstone Avenue and, further, give authorization for the Mayor and City Clerk to execute the necessary documents.

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Parry  
Councilmember Cornwell

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
February 28, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: OLDCASTLE PRECAST, INC. EASEMENT AGREEMENT

Attached for your consideration is an Easement Agreement between Oldcastle Precast, Inc. and the City of Idaho Falls. The purpose of conveyance is to provide a permanent public recreational easement for the construction of a

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pedestrian and bicycle path. The Agreement has been prepared by the City Attorney.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said agreement.

s/ David J. Christiansen

It was moved by Councilmember Parry, seconded by Councilmember Taylor, to approve the Easement Agreement between Oldcastle Precast, Inc. and the City of Idaho Falls and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
February 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – ASHALT OVERLAY, 2008

On February 19, 2008, bids were received and opened for the Asphalt Overlay, 2008 Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, HK Contractors, Inc. in the amount of \$421,550.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Parry, seconded by Councilmember Taylor, to accept the low bid from HK Contractors, Inc. in the amount of \$421,550.00 to complete the Asphalt Overlay, 2008 Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally

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Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
February 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – SEAL COATING, 2008

On February 19, 2008, bids were received and opened for the Seal Coating, 2008 Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, TMC Contractors, Inc., in the amount of \$71,136.00; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Parry, seconded by Councilmember Taylor, to accept the low bid from TMC Contractors, Inc. in the amount of \$71,136.00 to complete the Seal Coating, 2008 Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Parry to conduct Annexation Proceedings for Chantilly Addition, Division No. 2. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
February 25, 2008

MEMORANDUM

TO: Mayor and Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF PB, AND FINAL PLAT ENTITLED CHANTILLY ADDITION, DIVISION NO. 2

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Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat entitled Chantilly Addition, Division No. 2. The requested initial zoning is PB. This annexation request is for 2.5 acres east and adjacent to Merlin Drive, south of Sunnyside Road, and west of Delaware Avenue. The Planning Commission at its January 22, 2008 Meeting recommended approval in a 5 to 1 vote. This annexation request is now being submitted to 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 showing the parcel under consideration                       |
| Slide 3   | Final Plat under consideration  |
| Slide 4   | Comprehensive Plan  |
| Slide 5   | Preliminary Plat  |
| Slide 6   | Site Photo shows distance between AmeriTitle entrance and Elk Creek Drive |
| Slide 7   | Site Photo looking east across site                                       |
| Slide 8   | Site Photo looking at the north end of site                               |
| Exhibit 1 | Planning Commission Minutes dated January 22, 2008                        |
| Exhibit 2 | Staff Report dated January 22, 2008                                       |
| Exhibit 3 | Vicinity Map  |
| Exhibit 4 | Copy of Final Plat  |

The Planning and Building Director stated that the Final Plat is in accordance with the City's Subdivision Ordinance. She stated, further, that the Planning Commission placed a condition on approval of this Final Plat that when the next annexation is presented, a revised Preliminary Plat will also be submitted.

Todd Meyers, 645 Hickory Lane, appeared representing Morgan Construction. He indicated, for the Mayor and City Council, the other developments that Morgan Construction has constructed. A 20,000 square foot building is proposed for this area. Due to the shift in the market (from smaller office buildings to larger ones), the old Preliminary Plat does not meet their current needs. Mr. Meyers reviewed the plans for future development of this area.

There being no further discussion 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 Chantilly Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Cornwell  
Councilmember Parry

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2744**

**CHANTILLY ADDITION, DIVISION NO. 2**

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

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

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Parry  
Councilmember Cornwell

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 Chantilly Addition, Division No. 2 as PB (Professional/Business Office) 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 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 Chantilly Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Parry to conduct Annexation Proceedings for George Washington Estates Addition, Division No. 7. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
February 25, 2008

MEMORANDUM

TO: Mayor and Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF R-3A, AND FINAL PLAT -  
GEORGE WASHINGTON ESTATES ADDITION, DIVISION NO. 7

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat entitled George Washington Estates Addition, Division No. 7. This is a Final Plat for five office lots and one storm water retention lot south of Sunnyside Road and east of George Washington Parkway. The requested initial zoning is R-3A, Offices and Apartments. The Planning Commission recommended approval at its October 2, 2007 Meeting. This Annexation request is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

Councilmember Parry indicated that she was part of the discussion and decision for this matter while serving on the Planning Commission and requested to be excused from the discussion and decision on this matter before the Mayor and City Council.

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	Aerial Photo showing surrounding zoning
Slide 2	Vicinity map showing final plat under consideration
Slide 3	Aerial Photo
Slide 4	Comprehensive Plan
Slide 5	Final Plat under consideration
Slide 6	Aerial Photo showing preliminary plat
Slide 7	Site Photo looking south from Crestwood Lane
Slide 8	Site Photo looking southwest at the office buildings
Slide 9	Site Photo showing Crestwood Lane
Slide 10	Site Photo looking north from Providence Way
Exhibit 1	Planning Commission Minutes dated October 2, 2007

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- Exhibit 2     Staff Report dated October 2, 2007
- Exhibit 3     Vicinity Map
- Exhibit 4     Copy of Final Plat

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this Final Plat is more or less in compliance with the Preliminary Plat.

Mayor Fuhriman requested to know whether Crestwood Lane would be continued into Bonneville County. The Planning and Building Director stated that the City Engineer has contacted the Department Head for Bonneville County Road and Bridge. That Department Head stated that Bonneville County will seriously consider building the remainder of Crestwood Lane.

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 Hally, seconded by Councilmember Cornwell, to approve the Annexation Agreement for George Washington Estates Addition, Division No. 7 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye:            Councilmember Taylor  
                  Councilmember Hally  
                  Councilmember Cornwell

Nay:            None

Abstain:       Councilmember Parry

Motion Carried.

At the request of Councilmember Hally, the City Attorney read the following Ordinance by title:

**ORDINANCE NO. 2745**

**GEORGE WASHINGTON ESTATES ADDITION, DIVISION NO. 7**

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 Hally moved, and Councilmember Cornwell 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:

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Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

Nay: None

Abstain: Councilmember Parry

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 Hally, seconded by Councilmember Cornwell, to establish the initial zoning for George Washington Estates Addition, Division No. 7 as R-3A (Offices and Apartments) 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 Cornwell  
Councilmember Hally  
Councilmember Taylor

Nay: None

Abstain: Councilmember Parry

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Cornwell, to accept the Final Plat for George Washington Estates Addition, Division No. 7 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 Cornwell

Nay: None

Abstain: Councilmember Parry

Motion Carried.

Mayor Fuhriman announced that the public hearing for consideration of a ruling of similar use in the I & M-1 (Industrial and Manufacturing) Zone for a Bio-Remediation Demonstration Project located generally south of Hemmert Avenue, north of and adjacent to Pop Kroll Way, east of Holmes Avenue, and legally described as Lots 1 and 2, Block 1, Pop Kroll Addition, Division No. 1 was withdrawn by the Applicant.

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There being no further business, it was moved by Councilmember Cornwell, seconded by Councilmember Taylor, that the meeting adjourn at 9:15 p.m.

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CITY CLERK

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MAYOR

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