

**JANUARY 24, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 24, 2008, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Sharon Parry

Also present:

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

Mayor Fuhriman requested Boy Scout Jeff Hanson to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the January 10, 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 January 24, 2008.

The Public Works Director submitted the following memos:

City of Idaho Falls  
January 15, 2008

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for the Asphalt Overlay, 2008 Project.

s/ Chad Stanger

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City of Idaho Falls  
January 15, 2008

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for Seal Coating, 2008 Project.

s/ Chad Stanger

City of Idaho Falls  
January 15, 2008

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for Adjustment of Manholes, Water Valve Boxes and Street Monuments, 2008 Project.

s/ Chad Stanger

City of Idaho Falls  
January 15, 2008

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for Paving Equipment Rental, 2008 Project.

s/ Chad Stanger

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

Aye: Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

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Councilmember Hally

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Fire Chief submitted the following memo:

City of Idaho Falls  
January 22, 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 International Fire Code, 2006 Edition, as published by the International Code Council, on the first reading only (see attached Ordinance by the City Attorney), and also approval for the City Attorney's Office to be authorized to prepare the necessary amendment to Ordinance No. 2728, which adopted the 2006 Edition of the International Building Code, taking out the exemption for 3- and 4-plexes. In amending the IBC to read the same as the IFC, this will allow both codes to be the same in the requirements for sprinkling Group R Occupancies, which will be anything 3-plex and above.

s/ Dean Ellis

Councilmember Hardcastle requested Fire Marshall Ken Anderson to come forward at this time to further explain this Ordinance.

Ken Anderson, Fire Marshall, 525 8<sup>th</sup> Street, appeared to state that buildings are engineered to provide for all of the systems required. When the fire protection system is removed, it becomes difficult to maintain the structural integrity of the building. That is the reason for making the International Building Code the same as the International Fire Code regulations regarding the sprinkling of Group R Occupancies. Home fire sprinklers will use less water in a fire situation. The sprinklers will affect the amount of fire death losses being experienced at this time. This is a proactive attempt to protect the citizens of our community.

Councilmember Hally questioned whether there were certain exceptions that may be allowed during construction if sprinkler systems are used.

The Fire Marshall explained that if sprinkler systems were excluded, it might cost the building contractor more in the long run. For example, the installation of more fire hydrants would be required if sprinkler systems were exempted. Sprinkler systems would pay for themselves, with insurance benefits going back to the property owner.

Councilmember Hally requested to know how many of the local jurisdictions have adopted the full 2006 Edition of the International Building Code.

The Fire Marshall explained that many of these jurisdictions have been waiting to see what the City of Idaho Falls is going to do.

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Councilmember Hardcastle stated that she views the exception as a safety issue. The Fire Marshall agreed.

Councilmember Lehto stated that his chief concern was that the International Code Council passed the International Building Code and International Fire Code with the requirement for sprinkling 3-plexes and above. The Idaho State Legislature provided for an exemption to this requirement. He felt that it was not prudent to go against the International Code Council.

Councilmember Hardcastle expressed her appreciation to the Fire Marshall for all of the work he has put into this issue.

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-10-1 THROUGH 7-10-12 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 ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. It was moved by Councilmember Hardcastle, seconded by Councilmember Taylor, to pass this Ordinance on the First Reading Only and, further, give authorization for the City Attorney to prepare the necessary amendment to Ordinance No. 2728 adopting the 2006 Edition of the International Building Code removing the exemption for 3- and 4-plexes and that the 2006 Edition of the International Fire Code and the 2006 Edition of the International Building Code be the same in the requirements for sprinkling Group R Occupancies (which will be anything 3-plex and above). Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
January 17, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-03, STATOR REWIND OF THE BULB TURBINE UPPER PLANT

**JANUARY 24, 2008**

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Attached for your consideration is the tabulation for Bid IF-08-03, Stator Rewind of the Bulb Turbine Upper Plant.

The apparent low bid submitted by Wood Group Generator Services did not meet the required specifications. The exceptions and reasons are described on Attachment "A". Therefore, it is the recommendation of Municipal Services to accept the next low bid of National Electric Coil per the evaluated bid price of \$689,664.00. It is also recommended that the Council waive the minor irregularities listed in the second low bid.

s/ S. Craig Lords

**Attachment "A"**

**Bid IF-08-03, Stator Rewind for the Bulb Turbine Upper Plant Bid Evaluation**

**Wood Group Generator Services**

Idaho Falls Power proposes to reject this bid for the following reasons:

Invitation to Bid clearly states that "only firm prices on bids will be accepted". The following items were not based upon firm prices:

- Item No. 2 includes a price in the bid but has placed the following conditions on this item (which would impact cost) within narrative provided by the Contractor:
  - Contractor proposes to turn over any regulated waste from the cleaning process (Item No. 2) to the owner for disposal. It is our view that this would be covered by Item No. 6 and is incidental to Item No. 2. Idaho Falls Power does not have the capacity to handle this waste nor do we have a firm estimate of what this would cost.
  - Work Scope Detail 6.1.4.3 indicates that any components requiring re-insulation, repair or replacement will be on a time and materials basis.
  - "Extra" charge will be applied should new ring brackets be necessary.
- Transportation costs are said to vary depending upon gas prices;
- Item no. 5 was quoted as "time and materials";
- Item No. 7 was not priced but indicated they will pass along any taxes that are applicable.

**Additionally, the following statements were made within the bid that causes concern over potential for variability in the final price:**

- Contractor indicates safety or training of their personnel will be at time and materials. Idaho Falls Power believes that would be incidental to completing the work of the bid per Item No. 6. Contractor indicates that the owner is responsible for providing electricians and control technicians but does not indicate for what duration, at what point within the process, and at what location. This could result in additional cost to the utility if it is not within the "owner's responsibility" as identified in the bid

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- documents. (Idaho Falls Power assumes this is standard language for when the rewind is done at the site, probably does not apply but they should not have included it.)
- Standard Customer Responsibilities 4.2 (Page 2) indicates that the owner is to provide transportation to and from the repair facility in New Mexico. This is in direct conflict with the bid requirements identified and would impact the overall cost to the utility.
- Pricing and Payment 5.2 (Page 3) includes the following clause “anticipated turnaround is...subject to prior sales and commitments.” This coupled with the fact that Idaho Falls Power does not have confidence that windings can be adequately manufactured in 12 days causes concern that the schedule is not firm and will impact the overall cost to the utility.

Additionally, Idaho Falls Power has identified a number of other problems or concerns with the bid:

- The bid is significantly less than the Engineer’s Estimate (\$700,000.00) and less than the cost of Idaho Falls Power’s last rewind project which occurred seven years ago. The cost increase for copper alone causes this bid to be suspect.
- Idaho Falls Power engineering analysis does not support that the rewinds can be manufactured within the 12 days identified on the schedule.
- While the contractor did provide references, evaluation of these projects does not demonstrate experience with the project as specified – all references appear to be for thermal units and only 24 of 155 involved stator rewinds.
- Contractor has requested a cap on liquidated damages (Note, all three bidders requested adjustments to liquidated damages.)
- Contractor has suggested its Terms and Conditions govern (all three bidders have proposed similar conditions) including that legal jurisdiction be within the state of Texas.
- Contractor has indicated a need for specialty tooling and equipment to be provided by the Owner.
- Contractor reserves the right to adjust pricing with the owner required to dispute the price within a set timeframe, and the disputed amount earns interest.
- Warranty has contingency that parts/components will only be under warranty for 90 days from delivery. The stator will likely not be operational by that time.
- Procedure describes VPI coils and also global VPI of stator. Not sure how global VPI is done on machine with these dimensions. Staff did not receive an inquiry from Contractor regarding dimensions of the unit adding to our concern of their ability to do this. (Global VPI not specified in bid documents.)

Councilmember Lehto requested to know whether there was anyone in the audience who wished to make comments regarding the low bid being rejected. There were none.

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It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to reject the apparent low bid submitted by Wood Group Generator Services which did not meet the required specification and, further, accept the next low bid from National Electric Coil per the evaluated bid price of \$689,664.00 waiving the minor irregularities listed. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
January 15, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-05, TWO (2) NEW 2008 SIDE LOAD REFUSE CONTAINER BODIES – 29 CUBIC YARD MOUNTED ON TWO (2) NEW 2008 CAB AND CHASSIS AND TWO (2) NEW 2008 REAR HAND LOAD REFUSE BODIES – 20 CUBIC YARD MOUNTED ON TWO (2) NEW 2008 CAB AND CHASSIS

Attached for your consideration is the tabulation for the refuse trucks listed above.

It is the recommendation of Municipal Services to accept the sole bid for Section I of Robideaux Motors to furnish Two (2) New 2008 Waste Refuse Container Bodies Mounted on 2008 GMC Cab and Chassis for a total amount of \$297,583.70 with trade-in Unit No. 757 and Unit No. 771.

It is also recommended we accept the sole bid for Section II of Robideaux Motors to furnish Two (2) New 2008 Rear Hand Load Refuse Bodies Mounted on 2008 GMC Cab and Chassis for a total amount of \$254,875.56 with trade-in Unit No. 776.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the sole bid for Section I of Robideaux Motors to furnish Two (2) New 2008 Waste Refuse Container Bodies Mounted on 2008 GMC Cab and Chassis for a total amount of \$297,583.70 with trade-in Unit No. 757 and Unit No. 771 and, further, accept the sole bid for Section II of Robideaux Motors to furnish Two (2) New 2008 Rear Hand Load Refuse Bodies Mounted on 2008 GMC Cab and Chassis for a total amount of \$254,875.56 with trade-in Unit No. 776. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
January 15, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-06, DISTRIBUTION TRANSFORMERS

Attached for your consideration is the tabulation for Bid IF-08-06, Distribution Transformers.

It is the recommendation of Municipal Services to accept the lowest evaluated bid item meeting specifications as listed on Attachment "A" for a total purchase amount of \$365,651.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the lowest evaluated bid item meeting specifications for Distribution Transformers as listed on Attachment "A" for a total purchase amount of \$365,651.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
January 15, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-07, MONOTUBE STEEL STREET LIGHT POLES

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Attached for your consideration is the tabulation for Bid IF-08-07, Monotube Steel Street Light Poles.

It is the recommendation of Municipal Services to accept the low bid meeting specifications of Codale Electric. They will furnish one hundred – 30-foot poles for a total amount of \$93,800.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid meeting specifications of Codale Electric to furnish one hundred 30-foot Monotube Steel Street Light Poles for a total amount of \$93,800.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
January 18, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CENTER PARTNERS, INC. – PARKING LOT LEASE EXTENSION

Attached for your consideration is Center Partners, Inc. Lease Extension for the parking lot located at 1800 International Way.

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 Hardcastle, to approve the Lease Extension Agreement with Center Partners, Inc. for the parking lot located at 1800 International Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

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Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
January 24, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: SOUTH TOURIST PARK TO SUNNYSIDE ROAD PATHWAY  
PROJECT – ITD ENHANCEMENT PROJECT RESOLUTION

Attached for your consideration is a Resolution indicating the City of Idaho Falls' intent to submit an application to obtain Idaho Transportation Department Enhancement Funds to construct a portion of greenbelt pathway from South Tourist Park to Sunnyside Road.

The Resolution is therefore submitted for your approval.

s/ David J. Christiansen

**RESOLUTION NO. 2008-01**

WHEREAS, the City desires to extend an existing multi-purpose path from its existing terminus at the South Tourist Park south to Sunnyside Road;

WHEREAS, grants are available from the Idaho Department of Transportation for the purpose of providing and supporting the recreational programs and projects of a nature similar to such multi-purpose path extension;

WHEREAS, in order to qualify for such grant, the grant recipient must provide 7.34% financial match, as part of its local share;

WHEREAS, under the terms of the grant, the grant recipient must be responsible for and assume and provide for the maintenance of the project;

NOW, THEREFORE, it is hereby resolved as follows:

1. That the City does hereby declare its intent to move forward with such multi-purpose path extension and its desire to apply for and meet the eligibility requirements of such ITD grant;

2. That the City forthwith notify the ITD that it has secured the necessary local match from the Rotary Club International No. 380 for such project; and,

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3. That the City hereby declares its intent and commitment to provide for the maintenance of such project, subject to due appropriation and compliance with the budgeting laws of the State of Idaho.

DATED this 25<sup>th</sup> day of January, 2008, and approved by the City Council on the 24<sup>th</sup> day of January, 2008.

s/ Jared D. Fuhriman  
Mayor Jared D. Fuhriman

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Resolution for the South Tourist Park to Sunnyside Road Pathway Project for Idaho Transportation Department Enhancement Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
January 22, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: FINAL PLAT – BOOZER ADDITION, DIVISION NO. 4

Attached is the Final Plat entitled Boozer Addition, Division No. 4. This one-lot plat is located north of West Broadway Avenue, south of Wardell Street, and east and contiguous to I-15. The Planning Commission considered this Plat at its January 15, 2008 Meeting and recommended approval. Staff concurs with this recommendation. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to accept the Final Plat entitled Boozer Addition, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute said Final Plat. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell

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Councilmember Hally  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
January 22, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – SUNTERRA  
ADDITION, DIVISION NO. 3

Attached are the Development Agreement and Final Plat entitled Sunterra, Division No. 3. This 21-acre Final Plat contains 38 single-family residential lots and 3 non-building lots, two of which are landscape lots adjacent to South Holmes Avenue. It is located south of Township Road, west and contiguous to Holmes Avenue, and north of York Road. The Planning Commission considered this request at its December 4, 2007 Meeting and recommended approval. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Development Agreement for Sunterra Addition, Division No. 3 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 Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to accept the Final Plat for Sunterra Addition, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto

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Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
January 22, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: SITE PLAN, RSC-1 ZONE – LOT 4, BLOCK 2, THIRD AMENDED  
PLAT FOR PARKWOOD MEADOWS ADDITION, DIVISION NO. 1

Attached is the site plan for a 10,200 square foot commercial building located east of Woodruff Avenue, south of Hoopes Avenue, and north of Parkwood Street in the RSC-1 Zone. The Planning Commission reviewed this site plan and recommended approval with the condition parking stalls 11, 12, and 13 be removed and be replaced with landscaping. Staff concurs with this recommendation. This site plan is not being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to accept the Final Plat for Lot 4, Block 2, Third Amended Plat for Parkwood Meadows Addition, Division No. 1 with the condition that parking stalls 11, 12, and 13 be removed and landscaping replace the parking stalls to encourage efficient entry into the parking area. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
January 22, 2008

MEMORANDUM

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

**JANUARY 24, 2008**

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I respectfully request approval of the attached Ordinance providing for an amendment of the Records to be Kept Ordinance, Section 4-13-11, allowing the Leads-on-Line Software. This Ordinance will be presented for your approval at the City Council Meeting of Thursday, January 24, 2008.

Thank you for your consideration.

s/ Steve Roos

Councilmember Hardcastle requested Chief Roos to come forward to give a further explanation for this Ordinance Amendment.

Chief Roos appeared to explain that currently, all of the pawn records are hand-written. The Department is running approximately 60 days behind on entering those pawn records into a data base. The Leads-on-Line Software allows the pawnbrokers to enter this information directly on-line. Making this change would result in a savings of approximately \$12,000.00 to the City. This information would be readily available to surrounding jurisdictions, which would allow for quicker records checks. Chief Roos stated, further, that he has contacted the pawnbrokers individually, followed up by written correspondence, as to what negative impacts this change might have on them. He said that he has not had any direct feedback from any of the pawnbrokers, but in a roundabout fashion heard that one of the dealers stated that they would now have to purchase a computer in order to provide this information. Chief Roos stated that pawnbrokers must provide information to the Internal Revenue Service that this program would automatically provide for them. There is no cost to the pawnbrokers for this program, only an internet connection. The City's cost is approximately \$2,700.00.

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 4-13-11 OF  
THE CITY CODE OF IDAHO FALLS, IDAHO;  
AMENDING RECORDS TO BE KEPT; PRESERVING  
PRIOR ORDINANCE; PROVIDING FOR  
METHODOLOGY; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

**JANUARY 24, 2008**

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City of Idaho Falls  
January 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 1, SOUTH TOWNE INDUSTRIAL PARK, DIVISION NO. 1

As earlier approved, the City Attorney prepared documents to vacate an easement located in Lot 1, Block 1, South Towne Industrial Park, Division No. 1.

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

s/ Chad Stanger

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

**ORDINANCE NO. 2735**

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

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

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

Nay: None

Motion Carried.

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Annexation Proceedings Prior to Platting for Lot 5, Block 1, Sunnyside Industrial and Professional Park were withdrawn by the Applicant.

Mayor Fuhriman requested those present who had concerns for the City Council that were not otherwise on the Council Agenda to come forward at this time.

Stephanie Rose, 150 11<sup>th</sup> Street, appeared to state that she was a member of the Sidewalk and Crosswalk Committee for the Idaho Falls Community Pathways Group. She submitted the following photos from the Ridge Avenue District which were taken on January 24, 2008. A telephone call was made to the Zoning Enforcement Officer the first week of January about the large number of businesses and churches that were not clearing the snow from sidewalks. Some had piled parking lot snow in the middle of sidewalks. The Zoning Enforcement Officer stated that she would issue warnings and make sure that the churches and businesses understood the snow removal ordinance.

- Exhibit 1 Site Photo of Ash Street at old "Little Deli" building. The Museum of Idaho parking lot snow is piled in the middle of the sidewalk. No action has been taken to clear the snow.
- Exhibit 2 Site Photo of Bennett's Paint and Glass parking lot snow pushed into pile obstructing sidewalk at Chertz. Note that picture at left is directly across the street meaning there is no choice but to walk in the street at this intersection. No action has been taken to remedy the problem.
- Exhibit 3 Corner Street sidewalk and Elm Street sidewalk at the YMCA. They did clear the walk on their north along Elm after 3 neighborhood residents called and requested this.
- Exhibit 4 This is the area at 17<sup>th</sup> Street and Boulevard at the crosswalk intersection that Hawthorne Elementary children use. It does not appear to have ever been shoveled, though you can see the business plows the parking lot right up to the sidewalk edge.
- Exhibit 5 This is the sidewalk in front (left) and to the side (right) of Common Cents gas station at 17<sup>th</sup> Street and Holmes Avenue. Note the big parking lot pile overflowing onto the sidewalk area along Holmes. It is obvious that there is significant foot traffic through this area, as it is stomped down. It is irregular and difficult to walk on. Looking east on 17<sup>th</sup>, you can see that the walks in front of the bank and Albertsons are not cleared either. In fact, little on 17<sup>th</sup> is.
- Exhibit 6 "Jamie" who agreed to be photographed as she makes her way through parking lots in front of Shopko, Sam's Club, Albertson's, etc. in order to walk home from work. The photo on the right shows why she has to do this every day. She lives off of Boulevard and works for a fast food restaurant. She does not have a car and has to walk most places.
- Exhibit 7 Another unfortunate pedestrian who allows his photo to be taken as he trudges home along Channing Way on a trip to the grocery store in Ammon. He also does not drive. He said "It's been pretty awful..." Many sidewalks along Channing do not appear to have been cleared for a long time – if ever.

Mrs. Rose stated, further, that there seems to be some confusion as to who is responsible for enforcing the snow removal ordinance.

Chris Daley, 1927 North 55 West, appeared to state that he was with Idaho Falls Community Pathways Group. Mr. Daley submitted the following letters regarding the condition of sidewalks:

**JANUARY 24, 2008**

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January 23, 2008

Dear Mayor Fuhriman and Members of the City Council,

I am writing to urge your support of the CDBG sidewalk repair proposal submitted by Planning and Zoning in conjunction with Idaho Falls Community Pathways (IFCP).

My interest in bikeable, walkable communities is both personal and professional. In our work as Diabetes Educators at the EIRMC Wellness Center, my colleagues and I regularly encounter families frustrated with pedestrian/cyclist safety issues in our community. Research confirms what is intuitive – people who live in pedestrian and cyclist-friendly communities are more physically active and thus, healthier. Consequently, I represent EIRMC on IFCP with the shared goal of improving Idaho Falls' walkability and bikeability as a means of community health promotion.

My concern also stems from involvement with the Crow's and Original Townsite Historic Neighborhood Association (COTHNA). Feedback from neighborhood surveys and meetings was the genesis for the sidewalk proposal. We are a neighborhood of pedestrians and cyclists and sidewalk condition is a repeated complaint – particularly of young parents and seniors. As a major conduit for pedestrian and cyclist travel into the downtown, foot traffic in our area surpasses probably any other residential area in the City, and as one of its oldest developments, our sidewalks are in pretty awful shape.

With large portions of the neighborhood being low to moderate income, sidewalk repairs are out of reach for many homeowners – especially those pouring significant amounts of money into renovation and repairs on aging homes. The preservation of these neighborhoods hinges on people being willing to do this. Cities around the nation are looking for ways to encourage investment in older neighborhoods, and implementation of the sidewalk program is one way our City could show commitment to this endeavor. I also believe that implementing such a program for those in financial need may also light a fire under others who can afford it and just have not “gotten around to it”. We saw some of this with the CDBG cleanup last summer. Upgrades are contagious.

Finally, in the event that the grant is awarded for the sidewalk program, I want to assure you that COTHNA will happily assist in the planning, advertising and implementation of the project. I hope that our assistance with the CDBG cleanup last summer shows clearly our commitment to partnering with the City in neighborhood rehabilitation and preservation and efficient use of the CDBG funds.

I know there are many worthy places these limited funds could be used. Judging from those presented in December, you could not make a poor choice. In its favor, the sidewalk proposal meets multiple objectives set forth by HUD for CDBGs – from enhanced safety and health to the remediation of slum and

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blight, to the continued revitalization of traditional neighborhoods and the historic downtown. Investment in pedestrian infrastructure helps bring a City to life and keeps it vital and healthy.

Respectfully yours,

s/ Stephanie Rose  
Stephanie Rose, RN CDE, EIRMC  
Wellness Center and COTHNA  
Chairperson  
150 11<sup>th</sup> Street

January 22, 2008

Dear Mayor Fuhriman and Idaho Falls City Council,

When she heard the adults in her life discussing the proposed CDBG sidewalk repair program, seven-year-old Chloe chimed in with her assessment of the situation. We explained that she could send her thoughts to you, she was pleased to do so. She sends this message in support of the sidewalk repair program:

“When Max and I are riding our bikes in the summer, there is this bump on the sidewalk that makes us fall over. I would like to have this fixed so we can ride our bikes without getting in the hole. Also, when Max is riding his heelies he would fall into the hole. It is important to have good sidewalks because old people can walk into holes and fall. There’s a lot of old people in our neighborhood. That’s all – from Chloe Bauer.”

s/ Chloe Bauer  
Chloe Bauer  
150 11<sup>th</sup> Street  
Idaho Falls, Idaho 83404

Mayor Fuhriman stated that there does appear to be some confusion as to who has jurisdiction. He requested Chief Roos to come forward to give the Police Department’s perspective regarding snow removal.

Chief Roos appeared to state that he had done some research earlier in the day regarding how many tickets have been written for not clearing snow from sidewalks. He stated that he has gone back two decades and not found one ticket being written. When a complaint is received, property owners have been contacted by giving them a copy of the City Code regarding snow removal. The property owners have been told to resolve this issue. Chief Roos stated that there may have to be coordination between the Planning and Building Division and the Police Department regarding how to handle these complaints. Several options were considered for enforcement.

The Planning and Building Director stated that the Zoning Enforcement Officer has sent out letters or contacted the offenders by telephone. The Planning and Building Director stated that there is a flyer that is sent out in utility bills on a monthly basis. She would contact the Municipal Services Director to place information about snow removal in that flyer to be mailed with utility bills next winter season.

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Stephanie Rose re-appeared to state that the Zoning Enforcement Officer has taken action with several property owners along Ash Street. They have been warned to remove the snow from the sidewalks. Mrs. Rose has talked with the Manager at the 17<sup>th</sup> Street Albertson's store.

Mayor Fuhriman explained that this was the final Council Meeting in the Idaho Falls Power Building. The City Council Chambers will be located at 680 Park Avenue (the City Annex Building) beginning February 14, 2008.

There being no further business, it was moved by Councilmember Cornwell, seconded by Councilmember Hally, that the meeting adjourn at 8:20 p.m.

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CITY CLERK

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MAYOR

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