

**OCTOBER 11, 2007**

---

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 11, 2007, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent:

Councilmember Joe Groberg

Also present:

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

Mayor Fuhriman requested Lauren Parry to come forward to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the September 27, 2007 Regular Council Meeting.

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented the following Expenditure Summary dated September 1, 2007 through September 30, 2007, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 810,769.74
Street Fund	299,225.43
Recreation Fund	19,059.17
Library Fund	50,466.17
Municipal Equipment Replacement Fund	78,750.52
Electric Light Public Purpose Fund	53,278.68
Municipal Capital Improvement Fund	3,000.00
Street Capital Improvement Fund	317,323.96
Airport Fund	127,510.61
Water and Sewer Fund	409,576.17
Sanitation Fund	19,438.54
Ambulance Fund	13,478.06
Electric Light Fund	3,090,623.79
Payroll Liability Fund	2,133,065.87
<b>TOTALS</b>	<b>\$ 7,425,566.71</b>

**OCTOBER 11, 2007**

---

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 October 11, 2007.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
October 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ADVERTISEMENT FOR BIDS

Municipal Services respectfully requests authorization to advertise to receive bids for the following items approved in the 2007-2008 Budget:

1. Equipment;
2. Equipment and Materials for Electrical Generation, Transmission, Distribution, Fiber Optics, Metering and Signalization;
3. Water Pipe Fittings and Other Water Line Equipment and Materials;
4. Sewer Department Materials and Supplies;
5. Road Salt and Sand (Street Department);
6. Aggregate (Crushed Gravel) (Street Department);
7. Asphalt Plant Mix/Modified Crack Sealant (Street Department);
8. Traffic Striping Paint and Solvent;
9. Motor Fuels, Lubricants and Services; and the Fuel obtained through a computerized fuel dispensing system.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Lehto, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Fuhrman stated that the Representatives of the Mayor's Youth Advisory Council will report to the City Council on October 25, 2007.

Tiffany Mahnami, 1223 Cabin Cove, appeared to express her concerns regarding the proposed Day Care Licensing requirements. Councilmember Cornwell explained briefly what the new Day Care Licensing requirements would be. She stated that

**OCTOBER 11, 2007**

---

Idaho is so far behind the other states. The reasoning for this licensing is to provide a safe environment for children. Mayor Fuhriman, further, clarified that the public meetings for the Day Care Licensing will be highly publicized. Councilmember Cornwell stated that if Ms. Mahnami could provide an e-mail address, then she would receive a notice of the public meeting. Councilmember Lehto requested to know whether there will be a Council Work Session on the Day Care Licensing. Councilmember Cornwell stated that there would. This would provide another opportunity for the public to provide input into this licensing.

Jerry Jayne, 1568 Lola Street, appeared to state that the Greenbelt is the treasure of the City. He expressed his concern for keeping the Greenbelt non-motorized. As there is a new Segway shop in town, he did not want to see them allowed to run on the Greenbelt. The City Code is not very clear with regard to this. Parts of the Greenbelt were built with assistance from the Federal Land and Water Conservation Fund which prohibits motorized vehicles. Due to the aesthetics of the Greenbelt and the safety issue involved, he requested that a revision be made to the City Code that prohibits all motorized machinery on the Greenbelt, with the exception of motorized wheelchairs.

Mayor Fuhriman agreed with Mr. Jayne and stated that the Parks and Recreation Council Committee has already discussed this at one of their recent meetings.

The City Attorney stated that he was looking at this issue today. He agreed with Mr. Jayne, in that there is nothing in the City Code that prohibits the use of Segways along those portions of the bikeway path that were not funded by the Federal grant. The Mayor and City Council are looking at this issue at this time.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
October 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PURCHASE OF STREET SWEEPERS – STATE OF IDAHO BID

It is the recommendation of Municipal Services to accept the bid of Metroquip, Inc. of Meridian, Idaho, to furnish the required Street Sweepers per State of Idaho Bid.

They would furnish Two (2) New Elgin Eagle Series F Street Sweepers mounted on a 2007 Sterling Model SC 8000 Chassis for an amount of \$185,781.00 each. Total purchase price for two (2) units \$371,562.00.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to accept the bid of Metroquip, Inc. for the purchase of Two (2) Elgin Eagle Series F Street Sweepers Mounted n a 2007 Sterling Model SC 8000 Chassis for an amount of \$185,781.00 each per the State of Idaho Bid. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

**OCTOBER 11, 2007**

---

Nay: None

Motion Carried.

City of Idaho Falls  
October 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CITY/COUNTY ELECTION CONTRACT AGREEMENT

Attached for your consideration is the City/County Election Agreement. It is respectfully requested that Council approve and authorize the Mayor to execute the agreement.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the City/County Election Contract Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
October 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: DELTA AIRPORT CONSULTANTS – WORK ASSIGNMENT NO. 18

Attached for your consideration is the proposed Work Assignment No. 18 to the Engineering Agreement with the City of Idaho Falls for engineering services at the Idaho Falls Regional Airport. The Work Assignment includes additional Construction Phase Service for the General Aviation Ramp Project which is associated with the airfield electrical/markings modifications provided in order to comply with the certification.

It is respectfully requested that Council approve the assignment and authorize the Mayor to execute the document.

s/ S. Craig Lords

**OCTOBER 11, 2007**

---

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve Work Assignment No. 18 to the Engineering Agreement with Delta Airport Consultants and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
October 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2007-2008 SALARY AND BENEFIT INCREASES FOR IDAHO FALLS FIREFIGHTER LOCAL 1565

It is respectfully requested that the Mayor and City Council approve a wage and benefit package of 4.9% for Idaho Falls Firefighter Local 1565 for a one year contract effective September 16, 2007.

It is requested this package be allocated as follows:

1. 3% Wage and Longevity Increase.
2. 1.9% Allocated to the Blue Shield increase. The additional Blue Shield increase will be covered by increasing the employees deductible for Major Medical from \$100.00 to \$250.00 effective October 1, 2007.
3. \$25.00 specialty pay per month not to exceed two (2) special teams. Specialty teams may be limited to Idaho Collapse Search and Rescue Technicians, Hazardous Materials Technicians, Self-Contained Breathing Apparatus Technicians, and on shift fire investigations.
4. 3% Spanish pay for those who test fluent in the Spanish language.
5. Change move up language for those working out of classification from 12 hours to 8 hours and increase Platoon Captain pay from \$.75 an hour to \$1.50 per hour.
6. Adjust paramedic pay from 5% to 8% upon certification and designation as a paramedic and after 3 years of serving as a paramedic shall be paid 12% of base rate.

**OCTOBER 11, 2007**

---

7. Add an additional step to the longevity schedule from 10 years to 11 years.
8. Adjust paramedic language to include drivers.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the 2007-2008 Salary and Benefit Increases for Idaho Falls Firefighter Local 1565 as presented in the above memo. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
October 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: LEASE AGREEMENT – NOISE PARK CARETAKER

Attached for your consideration is a Lease Agreement between the City of Idaho Falls and Tyler Smith for the purpose of providing housing at Noise Park and assigning tenant's duties to be performed at Noise Park as described. The term of the lease is for one-year commencing October 12, 2007 and is deemed to be automatically renewed for additional periods of one-year upon the same terms and conditions as set forth. The lease has been reviewed and 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 lease agreement.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the Lease Agreement between the City of Idaho Falls and Tyler Smith for the purpose of providing housing at Noise Park and assigning tenant's duties to be performed at Noise Park as described and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

**OCTOBER 11, 2007**

---

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
October 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: TAUTPHAUS PARK MULTI-PURPOSE SHELTER RE-ROOF/  
INSULATION PROJECT – CHANGE ORDER NO. 1

The Division of Parks and Recreation respectfully requests ratification of Change Order No. 1 in the amount of \$4,200.00 for the Tautphaus Park Multi-Purpose Shelter Re-Roof/Insulation Project. This Change Order allows the contractor to add two additional inches of fiberglass insulation to the roof as specified by Thermal Design to help alleviate any concerns regarding roof condensation. It is therefore submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to ratify the execution of Change Order No. 1 to Vern Clark and Sons Construction Company, Inc. allowing the contractor to add two additional inches of fiberglass insulation to the roof as specified by Thermal Design to alleviate any concerns regarding roof condensation and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
October 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: BLM RECREATION TRAIL PERMIT

**OCTOBER 11, 2007**

---

Attached for your consideration is the permit issued by the Bureau of Land Management for the purpose of constructing a public access recreational trail. This permit allows the City to construct the proposed greenbelt extension on the prescribed right-of-way established between the Pancheri Bridge and South Tourist Park.

The attached grant has been reviewed and approved by the City's Right-of-Way Agent and the City Attorney. It is therefore the recommendation to approve said permit and to have the Mayor and City Clerk sign and execute the agreement.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the grant and permit issued by the Bureau of Land Management for the purpose of constructing a public access recreational trail and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
October 3, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT, CASTLEROCK APARTMENTS -  
LOT 4, BLOCK 1, FIRST AMENDED, WEST RIDGE  
COMMERCIAL, DIVISION NO. 1

Attached is the Development Agreement for Castlerock Apartments which was constructed on Lot 4, Block 1, First Amended Plat of West Ridge Commercial, Division No. 1. This Development Agreement addresses the construction and costs of an oversized water line in Old Butte Road. This Division respectfully requests the approval of this Development Agreement.

s/ Renée R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Development Agreement for Castlerock Apartments to be located on Lot 4, Block 1, First Amended Plat of West Ridge Commercial Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

**OCTOBER 11, 2007**

---

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
October 3, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT, IDAHO BREWING COMPANY -  
NORTHWEST CORNER OF TRASK STREET AND CHAMBERLAIN  
AVENUE

Attached is the Development Agreement for the Idaho Brewing Company which is located on the northwest corner of Trask Street and Chamberlain Avenue. This Development Agreement provides for participation in the construction of Trask and Chamberlain, which are presently gravel streets. This Division respectfully requests the approval of this Development Agreement.

s/ Renée R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Development Agreement for Idaho Brewing Company and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
October 9, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ORDINANCE CHANGING NAME OF MILLIGAN ROAD TO SNAKE  
RIVER PARKWAY

**OCTOBER 11, 2007**

---

Attached is an Ordinance changing the name of Milligan Road west of Utah Avenue to Snake River Parkway. The Division respectfully requests adoption of this Ordinance.

s/ Renée R. Magee

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

**ORDINANCE NO. 2719**

AN ORDINANCE CHANGING THE NAME OF MILLIGAN ROAD (WEST OF UTAH AVENUE AND NORTH OF PANCHERI DRIVE WITHIN EAGLE ROCK TOWN CENTER, DIVISION NO. 1), A STREET LOCATED WITHIN THE CITY OF IDAHO FALLS, TO SNAKE RIVER PARKWAY; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
October 2, 2007

MEMORANDUM

TO: Mayor and Council  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: COUNCIL AGENDA ITEM

I respectfully submit the attached Ordinance for Safe Operation and Control of Motor Vehicles for your approval at the City Council Meeting of October 11, 2007.

Thank you for your consideration.

s/ J. K. Livsey

**OCTOBER 11, 2007**

---

Councilmember Hardcastle stated that there have been many complaints regarding people driving unsafely.

The City Attorney stated that the Ordinance does not prohibit a person from using a cell phone while driving. It would require evidence that the driver was driving the vehicle in an unsafe manner.

Councilmember Hardcastle stated that there are many people who think that the Ordinance should be more strict.

Jerry Jayne, 1568 Lola Street, appeared to question how this ordinance was different than any other law, with regard to driving erratically.

Councilmember Hardcastle explained that this Ordinance gives more strength to the law.

The City Attorney stated that this provides another tool to law enforcement to provide for safe driving on the City streets.

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

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

AN ORDINANCE ENACTING SECTION 9-10-10 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROHIBITING ACTIVITIES THAT INTERFERE WITH THE DRIVING OF MOTOR VEHICLES OR MOTOR CYCLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

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

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

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

City of Idaho Falls  
September 9, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1 AND FINAL PLAT - BERRYBROOK ESTATES ADDITION, DIVISION NO. 2

**OCTOBER 11, 2007**

---

Attached are the Annexation Ordinance, Annexation Agreement, and Final Plat entitled Berrybrook Estates Addition, Division No. 2. This one lot plat is located on Stosich Lane south of Skyline High School and east of Grizzly Avenue. The requested initial zoning is R-1. At its July 17, 2007 Meeting, the Planning Commission recommended approval of this annexation, final plat, and initial zoning. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Site Photo
Exhibit 1	Planning Commission Minutes dated July 17, 2007
Exhibit 2	Staff Report dated July 17, 2007
Exhibit 3	Copy of Final Plat
Exhibit 4	Vicinity Map

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 Hally, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Berrybrook Estates Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2720**

**BERRYBROOK ESTATES 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.

**OCTOBER 11, 2007**

---

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Hardcastle  
Councilmember Lehto  
Councilmember Hally

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 Hally, seconded by Councilmember Hardcastle, to establish the initial zoning for Berrybrook Estates Addition, Division No. 2 as R-1 (Single-Family Residential) 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 Lehto  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to accept the Final Plat for Berrybrook Estates 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:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

Mayor Fuhriman announced that the public hearing for consideration of a Planned Unit Development and Final Plat for the development of 4-Plex Units on property located generally south of John Adams Parkway, north and adjacent to 9<sup>th</sup> Street, east of Lincoln Drive, and legally described as Lot 31, Block 5, First Amended Plat for Linden Park Addition, Division No. 1 was withdrawn by the applicant.

**OCTOBER 11, 2007**

---

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a T-1 Overlay Zone for a portion of Lot 1, Block 1, Parkwood Addition, Division No. 1. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 3, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: T-1 OVERLAY ZONE – A PORTION OF LOT 1, BLOCK 1, PARKWOOD ADDITION, DIVISION NO. 1

Attached is the application to establish a T-1 Overlay Zone on the western portion of Lot 1, Block 1, of Parkwood Addition, Division No. 1. This request would establish the T-1 Zone on a parcel of ground southeast of the intersection of First Street and Woodruff Avenue. The Planning Commission considered this request at its September 4, 2007 Meeting and recommended approval provided the overlay is located west of former Smith's Food King and east of Fenway Park. Staff concurs with this recommendation. This zoning request is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Site Photo of the front of Smith Shopping Center toward tower location behind the building
Slide 4	Site Photo from rear of shopping center where the tower is proposed on the west side
Slide 5	Site Photo of parking area behind Smith's Shopping Center
Slide 6	Site Photo of west side of tower
Slide 7	Site Photo of site under consideration
Slide 8	Site Photo of close up of site under consideration
Slide 9	Site Elevations
Slide 10	Map of Tower Zone Locations

The Planning and Building Director explained further that the equipment buildings that go with the tower can be 90 feet in height. These towers are to provide for co-location.

Nefi Garcia, 380 West Lawndale Drive, Salt Lake City, appeared to state that he is a representative for Verizon Wireless. He stated that he was present to answer any questions from the Mayor and City Council.

Councilmember Hardcastle requested to know whether he has camouflaged any towers. Mr. Garcia gave a brief explanation of the towers that he has camouflaged.

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

**OCTOBER 11, 2007**

---

Councilmember Lehto requested the Planning and Building Director to explain whether the Planning Commission considered placing the tower on the east side of the building, rather than the west side of the building.

The Planning and Building Director stated that the Planning Commission had a brief discussion about placing the tower on the west side of Smith's Shopping Center. They determined that the tower would be more obtrusive in the front of the building, rather than in the back of the building.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to establish the T-1 Overlay Zone on the western portion of Lot 1, Block 1, of Parkwood Addition, Division No. 1 and, further, that the City Planner be instructed to reflect said amendment on the zoning maps located in the Planning Office. Roll call as follows:

Aye:            Councilmember Hally  
                  Councilmember Hardcastle  
                  Councilmember Lehto  
                  Councilmember Cornwell

Nay:            None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, that the meeting adjourn at 8:10 p.m.

---

CITY CLERK

---

MAYOR

\*\*\*\*\*