

**SEPTEMBER 13, 2007**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 13, 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 Joseph Groberg  
Councilmember Karen Cornwell

Also present:

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

Mayor Fuhriman requested Kailey Smith to come forward to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested the City Council to accept the resignation of Councilmember Larry Lyon from Council Seat No. 1 effective September 6, 2007. It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the resignation of Councilmember Larry Lyon from Council Seat No. 1 effective September 6, 2007. Roll call as follows:

Aye:            Councilmember Cornwell  
                  Councilmember Hally  
                  Councilmember Groberg  
                  Councilmember Hardcastle  
                  Councilmember Lehto

Nay:            None

Motion Carried.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the August 23, 2007 Regular Council Meeting and the September 4, 2007 Executive and Council Work Session.

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 August 1, 2007 through August 31, 2007, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 1,048,266.61
Street Fund	201,765.96
Recreation Fund	25,321.61

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<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
Library Fund	53,377.96
Municipal Equipment Replacement Fund	4,788.00
Electric Light Public Purpose Fund	52,214.17
Street Capital Improvement Fund	485,905.90
Water Capital Improvement Fund	22,050.00
Traffic Light Capital Improvement Fund	596.82
Airport Fund	113,977.00
Water and Sewer Fund	319,309.72
Sanitation Fund	2,513.44
Ambulance Fund	7,112.26
Electric Light Fund	3,286,851.39
Payroll Liability Fund	2,697,390.70
<b>TOTALS</b>	<b>\$ 8,321,441.54</b>

The City Clerk presented several license applications, including a BEER License to The Sand Bar, Inc., 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 September 13, 2007.

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

Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Fuhriman requested the Representatives of the Mayor's Youth Advisory Council to come forward to present a report to the City Council. Breane Holaday and Kailey Smith updated the City Council on the activities of the Mayor's Youth Advisory Council. Miss Holaday explained that two members of the Mayor's Youth Advisory Council (Ben Losinski and Kelsey Kleiber) have been chosen to attend the National League of Cities Meeting in New Orleans, Louisiana in November. She stated, further, that the Council is planning a big event for the teenagers of Idaho Falls for New Year's Eve. Kailey Smith stated that it was determined that the Council would sponsor a dance with a DJ, along with many other activities (inflatable toys and slides). They have contacted Idaho Falls High School with regard to holding this function at the high school. They have not heard back from the high school at this time. The Mayor's Youth Advisory Council has divided into several committees – By-Laws, Public Relations, Events, and Fundraising.

Councilmember Hardcastle requested to know how often the Mayor's Youth Advisory Council meets. The two young women responded by stating that the Council meets at the City Annex Building every other week, rotating Mondays and Wednesdays.

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Mayor Fuhriman stated that the Mayor's Youth Advisory Council is organized and functioning. There are approximately 24 students on the Council.

Councilmember Cornwell requested that the City Council be notified so that they might be able to attend some of the meetings of the Mayor's Youth Advisory Council. Mayor Fuhriman stated that he would do that.

Mayor Fuhriman requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda.

Holly Jeppesen, 1430 Fairmont Drive, appeared to question whether the issue of 2 four-plexes in Desborough Place Addition has already been considered by the City Council.

Mayor Fuhriman explained that the land use change to allow for construction of two four-plexes located generally at the southern end of Teresa Bunker Elementary School site on East 16<sup>th</sup> Street, south and east of Bunker Lane, west of St. Clair Road, and legally described as Lots 1 and 2, Block 1, Desborough Place, Division No. 1 was addressed and voted on by the City Council on July 12, 2007. The land use change was approved.

Mrs. Jeppesen requested to know whether the City Council could rescind their decision.

The Assistant City Attorney stated that the City Council has voted and approved the land use change. It would be in Mrs. Jeppesen's best interest to talk with an attorney to determine what her options are.

Mayor Fuhriman told Mrs. Jeppesen to talk with Miriam Rohde, who lives in Mrs. Jeppesen's neighborhood with regard to this issue.

Kaye Wessman, 1385 East 16<sup>th</sup> Street, appeared to thank the Mayor and all of the Council people before her at this time for their civil conduct in all of the trying times. She expressed her appreciation for all of their hard work for the community. She went on to thank the Police Chief, the Fire Chief, all the Department Heads and all City Employees because she stated that she knew that everyone did a lot of hard work above and beyond the call of duty.

Mayor Fuhriman stated that he appreciated Mrs. Wessman's kind words and requested her to come to every City Council Meeting.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
September 10, 2007

MEMORANDUM

TO:           Honorable Mayor and City Council  
FROM:        Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT:     SEMPRA ENERGY TRADING NOVATION AGREEMENT

Idaho Falls Power currently holds two agreements to purchase power from Sempra Energy Trading. Sempra has been acquired by the Royal Bank of Scotland. As part of the acquisition, power purchase agreements with Sempra will be transferred to the Royal Bank of Scotland. Attached for your consideration is a Novation Agreement to affect the transfer. The agreement has been reviewed by the City Attorney.

Idaho Falls Power respectfully recommends approval of the Novation Agreement and authorization for the Mayor to sign the document.

s/ Jo Elg

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Novation Agreement with Royal Bank of Scotland 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 Groberg  
Councilmember Cornwell

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
August 31, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PRELIMINARY SCOPE CONTRACT FOR TOOTHMAN-ORTON  
ENGINEERING

Attached for your consideration is the Preliminary Scope Contract, Formulation of Services for the Rehabilitation of Runway 2/20 at the Idaho Falls Regional Airport. Work involves geotechnical sampling, surveying, and scope of work development by Toothman-Orton Engineering of Boise, Idaho. This work is covered under FAA Grant 3-16-0018-028, for an amount not to exceed \$86,527.00 with the City cost being 5% of the total.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Preliminary Scope Contract, Formulation of Services for the Rehabilitation of Runway 2/20 at the Idaho Falls Regional Airport and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

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City of Idaho Falls  
September 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: SALARY AND BENEFIT INCREASE

Attached for your consideration are wage and benefit increases for City employees.

It is respectfully requested that the Mayor and Council approve said wage and benefit increases.

s/ S. Craig Lords

City of Idaho Falls  
September 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2007-2008 POLICE WAGE AND BENEFIT PACKAGE

It is requested that the Mayor and City Council approve a total wage and benefit package of 4.9% for Sworn Police Officers effective September 16, 2007.

It is further requested that 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.

It is further requested that Mayor and Council authorize the following:

1. Shift differential of \$.25 an hour for Sworn Police Officers who start and work their shift at or after 3:00 p.m. and \$.50 an hour for Sworn Police Officers who start and work their shifts at or after 9:00 p.m.
2. Change Section XII Paragraph B of the Personnel Policy Regarding Holidays by eliminating the following: "...to a maximum of 88 hours annually."
3. Any officer of the rank of Sergeant or higher who attains a Management Certificate receives a 3% pay increase. If an officer received a Masters Certificate before being promoted they would not be eligible for management

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certificate pay. Officers receiving a management certificate are not eligible to receive any other P. O. S. T. Certificate Pay.

s/ S. Craig Lords

City of Idaho Falls  
September 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2007-2008 SALARY AND BENEFIT INCREASES FOR MUNICIPAL EMPLOYEES ASSOCIATION AND ALL OTHER NON-COVERED EMPLOYEES

It is respectfully requested that the Mayor and City Council approve a total wage and benefit package of 4.9% for all Municipal Employees Association members and all other non-covered employees 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. Change Section XII Paragraph B of the Personnel Policy Regarding Holidays by eliminating the following: "...to a maximum of 88 hours annually."

s/ S. Craig Lords

Councilmember Hally stated that this was a difficult issue. At this time, the City of Idaho Falls still maintains one of the finest insurance packages. It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the salary and benefit increase for City employees as presented. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

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City of Idaho Falls  
August 30, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-07-26, ELECTRICAL CONDUCTOR

Attached for your consideration is the tabulation for Electrical Conductor. It is the recommendation of Municipal Services to accept the low evaluated bid of the Okonite Company to furnish all items for a total amount of \$304,080.00. The Okonite Company submitted their bid as "all or none"; their total bid price for all items is less than if the bid items were awarded on an individual basis. A complete breakdown of quantity and bid amounts is listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low evaluated bid from Okonite Company to furnish all items for the Electrical Conductor bid for a total amount of \$304,080.00. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls  
August 5, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT -  
CARRIAGEGATE ADDITION, DIVISION NO. 5

Attached are the Development Agreement and Final Plat for Carriagegate Addition, Division No. 5. This plat contains 26 single-family lots and one storm water retention lot. This plat is located in the southwest corner of Carriagegate Addition and is west of South 5<sup>th</sup> West, south of Carriagegate Lane, and east and adjacent to the Butte Arm Canal. The Planning Commission recommended approval of this plat at its July 17, 2007 Meeting with the condition that Lot 31 be removed from the final plat in conformance

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with the approved Preliminary Plat. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Following is a list of exhibits used in connection with this request:

Exhibit 1 Planning Commission Minutes dated July 17, 2007  
Exhibit 2 Staff Report dated July 17, 2007  
Exhibit 3 Vicinity Map  
Exhibit 4 Copy of Final Plat

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Development Agreement for Carriagegate Addition, Division No. 5 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the Final Plat for Carriagegate Addition, Division No. 5, with the condition that Lot 31 be removed from the Final Plat in conformance with the approved Preliminary Plat and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
September 10, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: CHANGE ORDER NO. 5 – SUNNYSIDE ROAD, STP-7446 (101)

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Attached is proposed Change Order No. 5 to the Sunnyside Road Project, Yellowstone Avenue to Holmes Avenue, increasing the contract amount by an estimated \$13,257.50. This change adds pay items for traffic control during intersection work.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve Change Order No. 5 to the Sunnyside Road Project, Yellowstone Avenue to Holmes Avenue and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to recess 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 to the October 11, 2007 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Groberg  
Councilmember Cornwell

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a rezoning of 1.67 acres from R-1 (Single-Family Residential) to M-1 (Manufacturing) on property located generally south of Heritage Hills Addition, Division No. 1, north of East 33<sup>rd</sup> North (Iona Road), east of the Snake River, west of and adjacent to North 5<sup>th</sup> West (East River Road), and legally described as Heritage Hills Addition, Division No. 1. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls  
September 9, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM R-1 TO M-1 – 1.67 ACRES WEST OF EAST RIVER ROAD, IMMEDIATELY SOUTH OF HERITAGE HILLS ADDITION, DIVISION NO. 1

Attached is the application to rezone 1.67 acres from R-1 (Single-Family Residential) to M-1 (Manufacturing). This parcel which is approximately 73 feet in width and 1,000 in length is located adjacent to East River Road and immediately south of Heritage Hills, Division No. 1. The Planning Commission reviewed this rezoning request and recommended approval of the request at its July 17, 2007 Meeting. The Comprehensive Plan designates this area as the higher education employment center. This rezoning 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 rezoning request:

Slide 1	Vicinity map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo showing approved Preliminary Plats
Slide 4	Comprehensive Plan
Exhibit 1	Planning Commission Minutes dated July 17, 2007
Exhibit 2	Staff Report dated July 17, 2007
Exhibit 3	Vicinity Map

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to explain how this narrow piece of land should be developed. There was a misunderstanding about the southern boundary line of the property purchased by the applicant.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the rezoning of 1.67 acres from R-1 (Single-Family Residential) to M-1 (Manufacturing) on property located generally south of Heritage Hills Addition, Division No. 1, north of East 33<sup>rd</sup> North (Iona Road), east of the Snake River, west of and adjacent to North 5<sup>th</sup> West (East River Road), and legally described as Heritage Hills Addition, Division No. 1 and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Groberg  
Councilmember Cornwell

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Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg to recess consideration of an annexation request for Goose Lake Addition, Division No. 1 to the November 8, 2007 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of an annexation prior to platting of a portion of Moody Lane, south of Sunnyside Road. 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 AND INITIAL ZONING OF R-1 – A PORTION OF MOODY LANE, SOUTH OF SUNNYSIDE ROAD

Attached is the Annexation Ordinance for a 0.1 acre of the former Moody Lane, south of Sunnyside Road and north of Wheatstone Drive. Moody Lane is located between Shadow Mountain Trail and Springfield Drive. The Planning Commission recommended annexation and initial zoning of R-1 at its July 17, 2007 Meeting. This annexation 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 annexation request:

Slide 1 Vicinity Map showing surrounding zoning  
Slide 2 Aerial Photo  
Slide 3 Aerial Photo - Close-up  
Slide 4 Aerial Photo – Close-up  
Slide 5 Comprehensive Plan  
Slide 6 Site Photo of Moody Lane

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- Exhibit 1 Planning Commission Minutes dated July 17, 2007  
Exhibit 2 Staff Report dated July 17, 2007  
Exhibit 3 Vicinity Map

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

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

**ORDINANCE NO. 2718**

**BOB PECK – MOODY LANE – SHADOW MOUNTAIN**

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 Groberg 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 Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Groberg

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 Groberg, to establish the initial zoning for 0.1 Acre of the former Moody Lane south of Sunnyside Road and north of Wheatstone Drive 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 Groberg  
Councilmember Hally  
Councilmember Lehto

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Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to recess consideration of the annexation request for Berrybrook Estates Addition, Division No. 2 to the September 27, 2007 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a rezoning of 9.31 Acres from R-2A (Apartments, not to exceed 8-plexes) to R-3 (Apartments) on property located generally at the northeast corner of 12<sup>th</sup> Street and Hoopes Avenue, west of Lakewood Aspens, and legally described as a Metes and Bounds Legal Description of 9.31 Acres, West Half, Southeast Quarter, Section 21, Township 2 North, Range 38 (Summerhill), East of the Boise Meridian. 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: REQUEST TO REZONE FROM R-2A TO R-3 – 9.31 ACRES ON THE NORTHEAST CORNER OF 12<sup>TH</sup> STREET AND HOOPES AVENUE

Attached is the rezoning request to rezone 9.31 acres of the northeast corner from R-2A (Eight-Plexes) to R-3 (Apartments). The Comprehensive Plan designates this area as high density residential, a designation with which both zones comply. The Planning Commission, at its August 7, 2007 Meeting, recommended approval of this request in a 5 to 2 vote. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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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 rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close-up
Slide 4	Comprehensive Plan
Slide 5	Site Plan
Slide 6	Site Photo looking northeast across site from 12 <sup>th</sup> Street
Slide 7	Site Photo looking east
Slide 8	Site Photo looking northwest across site
Slide 9	Site Photo looking south towards 12 <sup>th</sup> Street
Slide 10	Site Photo looking west across site
Exhibit 1	Planning Commission Minutes dated August 7, 2007
Exhibit 2	Staff Report dated August 7, 2007
Exhibit 3	Vicinity Map

Thomas Mannschreck, 413 West Idaho, Suite 200, Boise, Idaho, appeared to state that this parcel of land is attractive to his development firm. The larger building is a 2-story, 48-unit (age restricted) senior building. He stated that the sole reason for requesting the R-3 Zoning is driven by this senior building as the R-2A Zone allows for only 8-unit complexes. Two of the family buildings tucked in the corner of this development are 12-unit complexes. They are similar to those developed in Parkwood Meadows development. Mr. Mannschreck gave a brief description of what would be housed in the senior building. The allowed density in the R-2A Zone is 25 units per acre. The allowed density in the R-3 Zone is 35 units per acre. With the senior facility alone, the density would be approximately 18 units per acre. Mr. Mannschreck explained, further, that two of the buildings in the corner would be 3-story buildings, the remainder of the buildings would be 2-story.

Steven Frei, 4071 North 5<sup>th</sup> West, appeared to state that this property is long overdue for development. The undeveloped roadway through this area is being used. It is dusty and dirty when conditions are dry. In the spring, it is a mud bog. Further, it is a fire hazard during the dry summer months. Many neighbors have expressed that they would like to have this land developed into something that would enhance the neighborhood. The request for 2-story and 3-story buildings is consistent with what is seen in the surrounding neighborhood. In order to achieve the 35 units per acre, a 5-story or 6-story building would have to be built, along with underground parking to accommodate a building of that size. Mr. Frei stated that the only area that would allow for that type of development would be along the river. He stated, further, that he supported the zone change to allow for this development.

Ralph Woodmansee, 2070 12<sup>th</sup> Street, appeared to state that he was in favor of the project as it was presented. His kitchen and dining room windows face to the north, directly toward that property. At first, he explained that he was concerned with the traffic that might result from this development. In thinking about this further, he stated that the road would be developed some day anyway. This development would be less invasive than another alternative.

Donn Wall, 2016 East 12<sup>th</sup> Street, appeared to state that he lives directly across the street from this field. It is an eyesore. The field caught fire this summer. He had to call for a fire truck. Mr. Wall expressed his concern for the increase in traffic as this area is in a school zone. He made a request of the developer that a 4-way stop be placed at the corner of Hoopes Avenue and 12<sup>th</sup> Street.

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Councilmember Hardcastle expressed her concern for the R-3 Zone, citing the example of the Teton Apartments public hearings from 8 years ago. That property was already zoned R-3 and the apartments were legally zoned to be constructed at that location. Councilmember Hardcastle stated that since there is already R-3 Zoning around the proposed development, she was a little more comfortable with the zone change from R-2A to R-3.

Councilmember Groberg stated that he appreciated the work Mr. Mannschreck has done with the Planning and Building Division and, also, for his knowledge of the Zoning Ordinance. He reminded the City Council that they are only able to approve the zone change at this time; they are not approving the development. Councilmember Groberg requested to know whether Mr. Mannschreck owned the property in question. Mr. Mannschreck stated that they are under contract to purchase this property, so they will own it. Councilmember Groberg requested to know how Hoopes Avenue would be developed. Mr. Mannschreck stated that he is in the process of negotiating with the owners on all sides to develop all of Hoopes Avenue.

Councilmember Hardcastle requested the Planning and Building Director to come forward and address whether it would be considered a hardship under the Planned Unit Development requirements to request 3-story buildings in an R-2A Zone.

The Planning and Building Director stated that Councilmember Hardcastle was correct, that by statute it would require a unique physical limitation. The Planning and Building Director shared a couple of examples where variances were granted by the Board of Adjustment to allow for structure size.

Larry Christensen, 2145 Pend O'reille Circle, appeared to state that he was excited to see a development in this location. He requested to know why this property was originally zoned R-2A. He expressed his concern for the 3-story buildings at this location as it would obliterate his view of the western sky. Mr. Christensen stated that there are two schools in this area and expressed his concern for the safety of children due to the heavy traffic at four different times during the day. He stated that there has been vandalism in his subdivision. A large pond is located in their subdivision that is approximately 8 to 10 feet deep. This pond is breeding mosquitoes. It is unsanitary due to approximately 1 foot of duck manure in the bottom of that pond. Mr. Christensen stated that he would like to see the buildings kept to a maximum of 2-stories.

Mr. Mannschreck re-appeared to state that he is requesting only 2 buildings be 3-story. There are two issues that this development is constrained by in the R-2A Zone and the PUD regulations and they are the 3-story height limitation and the single building of 48 units. He explained, further, that prior to submittal of an application to the Planning Commission, the developer held a meeting at the Eastern Idaho Technical College, with meeting notice larger than the state statute requirements. Approximately 12 to 15 people responded to this meeting. At the end of the meeting, most everyone was happy with the development plans. Basically, the City Council is seeing exactly what was presented to the neighborhood at that meeting and to the Planning Commission during their public hearing. Mr. Mannschreck stated that when they go into a new neighborhood, they want to be a good neighbor. That is one reason why this development will not be developed to the limits imposed by the Zoning Ordinance. He stated, further, that his firm has hired a traffic engineer to conduct a traffic study, which will be submitted to the Planning and Building Director. He requested the traffic engineer to determine whether a 4-way stop could be imposed at Hoopes Avenue and 12<sup>th</sup> Street, and further, given the street configuration, whether it could be striped to provide for a center turn lane. The traffic engineer answered in the affirmative to both of the issues. The other item that the traffic study provided was that single-family homes generate 12 to 14 vehicle trips per day. The multi-family and family component to this development will generate approximately 7 to 8 vehicle trips per front door per day. That is approximately 50% less than the single-family residences. The

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senior apartment component will generate approximately 3 vehicle trips per day, with the assisted living component generating virtually no vehicle trips per day.

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

Councilmember Lehto stated that he has received many calls complaining about activities on this piece of land, from late night parties to mud-bogging. He stated that he would be voting in favor of this development.

Councilmember Groberg stated that the R-2A Zone allows for the density of the development being proposed. This zone does not allow for 3-story buildings or the single large unit for seniors. Councilmember Groberg explained that he wanted the neighbors to the proposed development to know that the City Council is voting on the zone change at this time, not the proposed development.

Councilmember Lehto stated that he would be making contact with the Parks and Recreation Division Director and the Public Works Division Director regarding the pond that Mr. Christensen talked about. The City of Idaho Falls has purchased pellets that will knock down mosquito larvae. The City has been actively monitoring any standing water in storm ponds and using the pellets to destroy mosquito larvae on a regular basis. This is mostly in response to West Nile concerns.

Councilmember Hally explained that any time there is development, it will generate traffic. He stated that he did not believe that two buildings with one more story would significantly increase traffic in this area. His greatest fear is that if the City Council rezones this property to R-3, that this development might not take place as presented. This land is an eyesore and an activity nuisance at this time.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the rezoning request of 9.31 Acres from R-2A (Apartments, not to exceed 8-plexes) to R-3 (Apartments) on property located generally at the northeast corner of 12<sup>th</sup> Street and Hoopes Avenue, west of Lakewood Aspens, and legally described as a Metes and Bounds Legal Description of 9.31 Acres, West Half, Southeast Quarter, Section 21, Township 2 North, Range 38 (Summerhill), East of the Boise Meridian and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye:            Councilmember Groberg  
                  Councilmember Hally  
                  Councilmember Lehto  
                  Councilmember Cornwell  
                  Councilmember Hardcastle

Nay:            None

Motion Carried.

There being no further business, it was moved by Councilmember Cornwell, seconded by Councilmember Hally, that the meeting adjourn at 8:45 p.m.

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CITY CLERK

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MAYOR PROTEM

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