

**AUGUST 9, 2007**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 9, 2007, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Larry Lyon

Also present:

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

Mayor Fuhriman requested Ian Leatherman to come forward to lead those present in the Pledge of Allegiance. Mr. Leatherman then thanked the City Council for all that they have done for him in the past six years. He thanked Councilmember Lehto for introducing him to Mayor Fuhriman and for assisting him in other activities. He thanked Mayor Fuhriman for allowing him to be on the Mayor's Youth Advisory Council. Mr. Leatherman stated that he is happy to be a citizen of Idaho Falls and he plans on returning here once he has completed his education at Boston College.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the July 26, 2007 Regular Council Meeting, the July 30, 2007 Council Work Session, and the August 6, 2007 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 July 1, 2007 through July 31, 2007, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 1,247,618.13
Street Fund	145,124.77
Recreation Fund	20,043.13
Library Fund	57,949.90
Municipal Equipment Replacement Fund	48,193.75
Electric Light Public Purpose Fund	50,317.22
Street Capital Improvement Fund	390,533.09
Traffic Light Capital Improvement Fund	147,670.31

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<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
Airport Fund	407,293.68
Water and Sewer Fund	834,297.43
Sanitation Fund	9,869.80
Ambulance Fund	8,039.22
Electric Light Fund	3,021,183.63
Payroll Liability Fund	1,539,311.67
<b>TOTALS</b>	<b>\$ 7,927,445.73</b>

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 August 9, 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 Groberg  
                  Councilmember Hally  
                  Councilmember Lehto  
                  Councilmember Cornwell  
                  Councilmember Hardcastle

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. Breanne Holaday appeared to state that she would be a Senior at Skyline High School. John Kusera appeared to state that he would be a Senior at Idaho Falls High School. Ms. Holaday explained that the Mayor's Youth Advisory Council met Wednesday afternoon. They reviewed some projects that the Mayor's Youth Advisory Council could consider in assisting children. There are many clubs in Idaho Falls. They did not want to step on anyone's toes. The Council determined that they could provide assistance for the elementary school children in the area. John Kusera explained that the Bonneville Youth Development Council has done a lot of work. The Mayor's Youth Advisory Council determined that they wanted to work in tandem with their cause. He stated, further, that the Mayor's Youth Advisory Council wanted to develop a communication between the two Councils. There has been a suggestion to develop a summer camp for younger kids in the summer of 2008. This would provide morality education, drug and alcohol education, as well as just having fun. The Mayor's Youth Advisory Council will help in the Harvestfest to be held in October. Further, the By-Laws will need to be amended. Mr. Kusera stated that they are trying to lay a good foundation for years to come.

Councilmember Cornwell requested to know whether the Mayor's Youth Advisory Council was aware of the Rotary Youth Leadership Academy Program which is held each summer. She explained that this is a three-day intensive leadership program that young people come out of, stating that their life has changed. This program is held at the College of Southeastern Idaho in Twin Falls, Idaho. She invited the representatives to contact her so that she might provide the details of this program.

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Mr. Kusera stated that the Mayor's Youth Advisory Council discussed the possibility of some of their representatives attending a Leadership Conference in New Orleans, Louisiana in November of this year.

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

Helen Stanton, 1020 Vissing Street, appeared to state that she is a Vista Volunteer. Her Vista Program recruits and trains volunteers to go into long-term care facilities to check the quality of care and to make the residents as happy as they possibly can be. They have encouraged some of the care facilities to take their residents to parks and the greenbelt. Many of these people are in wheelchairs. Some of the facilities have purchased buses with lifts in order for their residents to be able to go to parks and along the greenbelt. Within the last two months, Mrs. Stanton has received calls and complaints from the residents who go to the greenbelt about the irresponsible dog owners. They feel that their rights to enjoy the greenbelt are being ignored and disrespected by irresponsible dog owners who use the greenbelt and do not have their animals leashed and do not clean up after their animals. On average, every fifteen minutes there are thirteen people and three dogs passing her home which is located on the greenbelt (she recruited her grandchildren to count). Within one week, if all dog owners were irresponsible, that would leave 2,016 piles of dog feces for people to step in. Children and other people with disabilities travel this greenbelt path. She gave an example of one of her residents. A person in a wheelchair cannot get back on their van unless any messes are washed off of the wheels of her chair. She was unable to clean her wheelchair by herself due to her incapacity. Mrs. Stanton encouraged the Animal Control Officers and Police Officers to be more vigilant in enforcing the Ordinance in an effort to keep the greenbelt clean for everyone.

Flora Grover, 674 Cleveland, appeared to state that she has problems in her neighborhood with dogs running loose without a leash. She suggested that a reminder be placed on the utility bill to remind dog owners that there is a leash law.

Councilmember Hardcastle stated that both of these issues would be discussed in the Public Safety Council Committee Meeting.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
August 6, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Fikstad, Assistant Idaho Falls Power Director  
SUBJECT: CONFIRMATION AGREEMENT WITH UAMPS

Attached for your consideration is a confirmation agreement to purchase power through UAMPS. The agreement is for a 5 megawatt, heavy load product, Jan-Mar 2008.

Idaho Falls Power respectfully requests ratification of the confirmation agreement.

s/ Jo Fikstad

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to ratify the confirmation agreement to purchase power through UAMPS for 5 megawatt, heavy load product, January through March, 2008. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
August 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-07-18, ONE (1) NEW 15/20/25 MVA, 3-PHASE MEDIUM  
POWER TRANSFORMER FOR WESTSIDE SUBSTATION

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

It is the recommendation of Municipal Services to accept the lowest evaluated bid of PanAmerica Supply, Inc. They will furnish the new substation transformer manufactured by Iljin Heavy Industries for an amount of \$883,440.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the lowest evaluated bid of PanAmerica Supply, Inc. to furnish One (1) New 15/20/25 MVA, 3-Phase Medium Power Transformer for the Westside Substation manufactured by Iljin Heavy Industries for an amount of \$883,440.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
August 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-07-24, ONE (1) 2007 OR NEWER AERIAL DEVICE – 60'  
SINGLE BUCKET, KNUCKLE BOOM DESIGN MOUNTED ON A  
2007 OR NEWER CAB AND CHASSIS

**AUGUST 9, 2007**

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

The apparent low bid submitted by Schow's Truck Center did not meet the required specification. The exceptions are listed on Attachment "A". Therefore, it is the recommendation of Municipal Services to accept the next low bid of Lake City Trucks to furnish a new 2008 Durastar Cab and Chassis to be mounted with a New 2007 Altec Aerial Device for an amount of \$160,725.00 without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to reject the low bid submitted by Schow's Truck Center as it did not meet the required specifications and, further, accept the next low bid of Lake City Trucks to furnish a new 2008 Durastar Cab and Chassis to be mounted with a New 2007 Altec Aerial Device for an amount of \$160,725.00 without trade-in. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
August 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-07-25, ONE (1) 2007 OR NEWER LINEBED, HYDRAULIC  
DIGGER DERRICK AND RELATED ACCESSORIES MOUNTED  
ON A 2007 OR NEWER CAB AND CHASSIS

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

It is the recommendation of Municipal Services to accept the low bid of Schow's Truck Center to furnish a new 2008 Sterling Cab and Chassis to be mounted with a New 2007 Terex Commander for an amount of \$190,421.00 without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid of Schow's Truck Center to furnish a new 2008 Sterling Cab and Chassis to be mounted with a New 2007 Terex Commander for an amount of \$190,421.00 without trade-in. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
August 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: FISCAL YEAR 2007 FEDERAL AVIATION ADMINISTRATION  
GRANT AGREEMENT

Attached for your consideration is the Fiscal Year 2007 FAA Grant Agreement for \$600,000.00. This grant is approximately 50% of the 2007 FAA allotment for Idaho Falls. The remaining 50% will be allocated to Fiscal Year 2008. The grant amount pays 95/5 of 2007 projects.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Fiscal Year 2007 Federal Aviation Administration Grant Agreement in the amount of \$600,000.00 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.

City of Idaho Falls  
August 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN ROBERT A. HOFF AND  
GARY L. VOIGT

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Attached for your consideration is the Consent to Assignment for the transfers of an Aircraft Hangar between Robert A. Hoff and Gary L. Voigt. All other terms and conditions of the lease remain the same.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Consent to Assignment of Hangar Lease Agreement between Robert A. Hoff and Gary L. Voigt and, further, give authorization for the Mayor and Cit 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.

City of Idaho Falls  
August 7, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: GRIEVANCE PROCEDURE RELATED TO THE ADA

It is respectfully requested that Mayor and Council approve the attached Grievance Procedure to the Americans with Disabilities Act.

s/ S. Craig Lords

The Municipal Services Director explained that this Grievance Procedure provides for a clearinghouse for their complaints, along with a time line for the City to respond once a claim has been filed.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the City of Idaho Falls Grievance Procedure under the Americans with Disabilities Act. Roll call as follows:

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

Nay: None

**AUGUST 9, 2007**

Motion Carried.

City of Idaho Falls  
August 7, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR IMPOSITION OF NEW FEES AND FEE INCREASES GREATER THAN 105% FOR FISCAL YEAR 2007-2008

Municipal Services respectfully requests the Mayor and Council to authorize the publication of the attached "Notice of Public Hearing" regarding the imposition of fee increases greater than 105% for Fiscal Year 2007-2008, with publication dates set for August 12, 2007 and August 19, 2007.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 23, 2007, in the Council Chambers in the Idaho Falls Power Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to increase existing fees beginning October 1, 2007, by an amount that exceeds one hundred five percent (105%) of respective fees from the current fiscal year. The fee increases are necessary to cover increased costs associated with these programs.

<b>SOURCE OF FEES</b>	<b><u>CURRENT FEES</u></b>	<b><u>PROPOSED NEW FEES</u></b>
Zoo		
Admission Fees - Non City Rate		
Children (4 Years - 12 Years)	\$ 2.25	\$ 2.50
Adults (13 Years - 62 Years)	\$ 4.50	\$ 5.00
Seniors (62 Years and Over)	\$ 3.00	\$ 3.50
Admission Fees - City Rate		
Children (4 Years - 12 Years)	\$ 1.50	\$ 1.75
Adults (13 Years - 62 Years)	\$ 3.00	\$ 3.50
Seniors (62 Years and Over)	\$ 2.50	\$ 3.00
Group Rate (20 or more people)		
Child	\$ 1.75	\$ 2.00
Adult	\$ 3.50	\$ 4.00
Seniors	\$ 2.00	\$ 2.50
Education Programs - Regular		
45 Minute Class - Tots	\$ 10.00	\$ 12.50
90 Minute Class - Kindergarten - 3 <sup>rd</sup> Grade	\$ 12.50	\$ 15.00
3 Hour Class - 4 <sup>th</sup> Grade - 7 <sup>th</sup> Grade	\$ 17.50	\$ 20.00
3 Hour Week Class - 7 Years - 9 Years	\$ 55.00	\$ 75.00
7 Hour Day Week Long - 10 Years - 12 Years	\$ 100.00	\$ 125.00
Overnight Safari	\$ 35.00	\$ 45.00
Group Overnight Safari	--	\$ 40.00

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<b><u>SOURCE OF FEES</u></b>	<b><u>CURRENT FEES</u></b>	<b><u>PROPOSED NEW FEES</u></b>
Zoo, continued:		
Education Programs – Member		
3 Hour Week Class – 7 Years – 9 Years	\$ 40.00	\$ 60.00
7 Hour Day Week Long – 10 Years – 12 Years	\$ 80.00	\$ 100.00
Overnight Safari	\$ 25.00	\$ 35.00
Group Overnight Safari	--	\$ 30.00
Junior Zoocrew	\$ 65.00	\$ 75.00
Aquatic Center		
Admission Fees		
Aerobics Senior Punchcard	\$ 26.35	\$ 28.00
School Group Lessons	\$ 3.25	\$ 3.50
High School PE Classes	\$ 1.30	\$ 1.50
High School PE Aerobics	\$ 2.50	\$ 3.00
Group Rates		
10 to 19	\$ 2.65	\$ 2.75
20 to 40	\$ 2.25	\$ 2.50
40+	\$ 2.10	\$ 2.25
Instructor Fee	\$ 8.50	\$ 10.00
Kayaking Open Boat	\$ 5.55	\$ 6.00
Room Rental	\$ 6.10	\$ 6.50
Recreation Programs		
Tennis Instruction	\$ 30.00	\$ 32.00
Start Smart Camps	\$ 32.00	\$ 35.00
Ice Skating Fees		
4-12 Years of Age	\$ 1.35	\$ 1.50
Ice Rental Fees for Tournaments and Events	\$ 85.00	\$ 105.00

Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, August 23, 2007, at the City of Idaho Falls Council Chamber, Second Floor at the Idaho Falls Power Building, 140 South Capital Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

Publish: August 12 and August 19, 2007

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to authorize the publication of the "Notice of Public Hearing" regarding the imposition of new fees and fee increases greater than 105% for Fiscal Year 2007-2008 with publication dates set for August 12, 2007 and August 19, 2007. Roll call as follows:

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

Nay: None

Motion Carried.

**AUGUST 9, 2007**

City of Idaho Falls  
August 6, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR  
2007-2008 FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2007-2008 Fiscal Year Budget.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 2007-2008 Fiscal Year Budget with publication dates set for August 12, 2007 and August 19, 2007.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 23, 2007, in the Council Chambers in the Idaho Falls Power Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

**NOTICE OF PUBLIC HEARING**  
**PROPOSED BUDGET FOR FISCAL YEAR 2007-2008**  
**CITY OF IDAHO FALLS, IDAHO**

A public hearing pursuant to Idaho Code 50-1002, will be held for consideration of the proposed budget for the fiscal year from October 1, 2007 to September 30, 2008. The hearing will be held at the City of Idaho Falls Council Chambers, located on the second floor of the Idaho Falls Power Building, 140 South Capital Avenue, Idaho Falls, Idaho at 7:30 p.m., Thursday, August 23, 2007. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities in order to allow access to the budget documents or to the hearing should contact the City Controller's Office at 612-8230 at least 48 hours prior to the public hearing. The proposed FY 2008 budget is shown below as FY 2008 proposed expenditures and revenues.

<b>PROPOSED EXPENDITURES</b>			
<b>Fund Name</b>	<b>FY 2006 Actual Expenditures</b>	<b>FY 2007 Budget Expenditures</b>	<b>FY 2008 Proposed Expenditures</b>
<b>General Fund</b>			
Mayor and Council	\$ 160,409	\$ 155,513	\$ 173,517
Legal	157,316	204,013	212,091
Municipal Services	3,746,721	7,911,412	8,042,214
Planning and Building	1,571,635	2,093,484	2,274,010
Police	10,021,880	10,503,509	11,386,081
Fire	8,671,375	8,070,720	9,246,496
Parks	5,961,764	10,657,244	6,447,936
Public Works	1,594,172	1,952,144	1,975,542
General Fund Total	\$ 31,885,272	\$ 41,548,048	\$ 39,757,887

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<b>Fund Name</b>	<b>FY 2006 Actual Expenditures</b>	<b>FY 2007 Budget Expenditures</b>	<b>FY 2008 Proposed Expenditures</b>
<b>Special Revenue Funds</b>			
Street Fund	\$ 2,686,979	\$ 3,433,948	\$ 3,557,478
Recreation Fund	1,014,542	1,130,931	1,113,326
Library Fund	1,790,437	2,184,059	2,886,947
Passenger Facility Fund	549,123	490,000	600,000
Municipal Equipment Replacement Fund	3,369,995	1,389,750	1,568,000
Electric Light Public Purpose Fund	445,525	550,000	550,000
Business Improvement District	52,616	60,000	60,000
Golf Fund	-0-	-0-	1,790,015
Special Revenue Funds Total	\$ 9,909,217	\$ 9,238,688	\$ 12,125,766
<b>Capital Projects Funds</b>			
Sanitary Sewer Capital Improvement Fund	\$ 2,015,954	\$ 100,000	\$ -0-
Municipal Capital Improvement Fund	2,168	3,000,000	3,500,000
Street Capital Improvement Fund	2,899,350	4,300,000	-0-
Bridge and Arterial Street Fund	5,559	1,000,000	1,000,000
Water Capital Improvement Fund	368,078	550,000	500,000
Surface Drainage Fund	1,488	40,000	200,000
Traffic Light Capital Improvement Fund	315,276	1,000,000	1,000,000
Capital Projects Funds Total	\$ 5,607,873	\$ 9,990,000	\$ 6,200,000
<b>Enterprise Funds</b>			
Airport Fund	\$ 8,623,202	\$ 6,567,713	\$ 8,914,839
Water and Sewer Fund	10,439,435	11,821,471	12,536,549
Sanitation Fund	3,204,318	3,687,241	3,734,860
Ambulance Fund	2,746,621	2,618,034	2,787,893
Electric Fund	52,839,295	58,778,270	64,975,485
Enterprise Funds Total	\$ 77,852,871	\$ 83,472,729	\$ 92,949,626
<b>Total Expenditures - All Funds</b>	<b>\$125,255,233</b>	<b>\$144,249,465</b>	<b>\$151,033,279</b>
<b>PROJECTED REVENUES</b>			
<b>Fund Name</b>	<b>FY 2006 Actual Revenues</b>	<b>FY 2007 Budget Revenues</b>	<b>FY 2008 Projected Revenues</b>
<b>Property Tax Levy</b>			
General Fund	\$ 16,656,069	\$ 17,556,006	\$ 19,486,308
Recreation Fund	361,780	391,851	425,327
Library Fund	1,330,116	1,405,017	1,525,046
Municipal Capital Improvement Fund	533,243	563,031	611,130
Fire Retirement	843,287	843,287	843,287
Liability Insurance	670,000	670,000	580,000
Property Tax Levy Total	\$ 20,394,495	\$ 21,429,192	\$ 23,471,098
<b>Revenue Sources Other Than Property Tax</b>			
General Fund	\$ 15,610,249	\$ 15,278,755	\$ 16,118,252
Street Fund	3,238,803	3,284,258	3,186,854
Recreation Fund	680,708	761,350	714,350
Library Fund	699,999	804,587	816,806
Passenger Facility Fund	549,123	490,000	600,000
Municipal Equipment Replacement Fund	336,800	150,000	200,000
Electric Light Public Purpose Fund	475,425	550,000	550,000

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<b>Fund Name</b>	<b>FY 2006 Actual Revenues</b>	<b>FY 2007 Budget Revenues</b>	<b>FY 2008 Projected Revenues</b>
<b>Revenue Sources Other Than Property Tax, continued:</b>			
Business Improvement District Fund	65,109	60,000	60,000
Electric Rate Stabilization Fund	624,222	200,000	400,000
Golf Fund	-0-	-0-	1,782,700
Sanitary Sewer Capital Improvement Fund	283,865	198,750	216,750
Municipal Capital Improvement Fund	88,433	25,000	25,000
Street Capital Improvement Fund	38,151	3,505,000	1,000
Bridge and Arterial Street Fund	294,960	180,000	255,000
Water Capital Improvement Fund	325,216	243,750	283,750
Surface Drainage Fund	63,246	45,000	50,000
Traffic Light Capital Improvement Fund	601,062	346,000	281,900
Airport Fund	7,428,929	6,389,309	8,481,409
Water and Sewer Fund	12,544,933	11,414,500	12,478,000
Sanitation Fund	2,496,796	2,538,500	3,605,000
Ambulance Fund	2,531,031	2,519,392	2,661,239
Electric Fund	61,395,968	54,663,257	53,356,060
Fund Transfers	1,746,712	2,010,500	1,889,500
Fund Balance Carryover	22,694,091	17,162,365	19,548,611
Other Revenue Sources Total	<u>\$134,813,931</u>	<u>\$122,820,273</u>	<u>\$127,562,181</u>
<b>Total Revenues - All Funds</b>	<b>\$155,208,426</b>	<b>\$144,249,465</b>	<b>\$151,033,279</b>

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of the City of Idaho Falls, Idaho for the Fiscal Year 2007-2008; all of which have been tentatively approved by the City Council on August 9, 2007 and entered at length in the Journal of Proceedings.

Dated this 10<sup>th</sup> day of August, 2007.

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

Publish: August 12 and August 19, 2006

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to tentatively approve the 2007-2008 Fiscal Year Budget in the amount of \$151,033,279.00 and, further, give authorization for publication of the "Notice of Public Hearing" for the 2007-2008 Fiscal Year Budget with publication dates set for August 12, 2007 and August 19, 2007. Roll call as follows:

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

Nay: None

Motion Carried.

**AUGUST 9, 2007**

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The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
August 9, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: TAUTPHAUS PARK MULTI-PURPOSE SHELTER RE-ROOF AND INSULATION PROJECT

On Wednesday, August 1, 2007, at 10:00 a.m., bids were opened for the Tautphaus Park Multi-Purpose Shelter Re-Roof and Insulation Project. The sole responsive bidder for the project was Vern Clark and Sons Construction Company, Inc. of Idaho Falls, in the amount of \$191,700.00.

The Parks and Recreation Division respectfully request approval of the plans and specifications as presented and recommends authorization to execute said contract.

s/ David J. Christiansen

Beverly Hott, 958 Grassland, appeared to state that she is the President of the Idaho Falls Youth Hockey Association. She stated that Idaho Falls Youth Hockey is a non-profit organization whose sole purpose is to provide a safe, healthy, fun environment for the children to practice and play the sport of hockey. At the present time, they have a long, good working relationship with the City of Idaho Falls. By replacing the roof and making it safe, they hope to continue that working relationship. Ms. Hott thanked the Mayor and City Council for their consideration of this contract. She stated, further, that the contribution from the Idaho Falls Youth Hockey Association is \$43,250.00 towards the re-roofing project for the hockey shelter. Councilmember Cornwell thanked the Idaho Falls Youth Hockey Association for their contribution.

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the Plans and Specifications for the Tautphaus Park Multi-Purpose Shelter Re-Roof and Insulation Project, accept the sole bid from Vern Clark and Sons Construction Company, Inc. in the amount of \$191,700.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

**AUGUST 9, 2007**

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City of Idaho Falls  
August 9, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: TAUTPHAUS PARK SHELTER NO. 2 – PARKING LOT PAVING PROJECT

On Friday, August 3, 2007, bids were opened for the Tautphaus Park Shelter No. 2 Parking Lot Paving Project. The low responsive bidder for the project was HK Contractors, Inc. of Idaho Falls in the amount of \$48,817.00. The Engineer's Estimate for this project was \$50,937.00.

The Parks and Recreation Division respectfully requests approval of the plans and specifications as presented and recommends authorization to execute said contract.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the plans and specifications for the Tautphaus Park Shelter No. 2 Parking Lot Paving Project, to accept the low responsive bid from HK Contractors, Inc. in the amount of \$48,817.00 and, further, give authorization for the Mayor and City Clerk to sign the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
August 6, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: RULING OF SIMILAR USE, 3904 WASHINGTON PARKWAY - LOT 2, BLOCK 5, GEORGE WASHINGTON ESTATES, DIVISION NO. 4

Attached is a request to rule Valley Medical Shoppe a use similar to the uses permitted in the PB Zone. The business provides medical supplies and

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services to in-home patients as well as clients on-site. The business is staffed by certified rehabilitation specialists, registered nurses, and respiratory therapists. There are retail sales on site for medical equipment. The Mayor and City Council have ruled this type of business a similar use in an R-3A Zone location. This request is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director submitted the following letter from Valley Medical Shoppe:

July 23, 2007

To Whom It May Concern:

We are considering purchase of a building on Washington Avenue in Idaho Falls. Its current zoning is PB and we are requesting a "ruling of similar use" within the PB Zone. We are mostly medical with some retail. The retail includes braces, walkers, medical uniforms and other devices to assist those with health issues. Our medical services include rentals and sales of medical equipment including oxygen and respiratory assist devices. Our staff is made up of certified rehabilitation specialists, registered nurses and registered respiratory therapists. We have been in the Idaho Falls community for over 17 years. Our business is similar to those located on DeSoto and Cortez. Hours of operation are from 8:00 a.m. to 6:00 p.m., Monday through Friday.

Thank you,

s/ Rick Smith  
Rick Smith  
General Manager

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the ruling of similar use for Valley Medical Shoppe located at 3904 Washington Parkway (Lot 2, Block 5, George Washington Estates, Division No. 4) to uses permitted in the PB (Professional Businesses) Zone. 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  
August 5, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – SUNNYSIDE  
CROSSROADS REGIONAL CENTER, DIVISION NO. 2

Attached are the Development Agreement and Final Plat for Sunnyside Crossroads Regional Center, Division No. 2. This four lot plat is located west and contiguous to I-15 and south of 33<sup>rd</sup> South (Sunnyside Road). The Planning Commission recommended approval of this plat at its June 5, 2007 Meeting with the conditions a traffic impact study be prepared prior to issuance of a building permit on this division and the private street name be changed. 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 June 5, 2007  
Exhibit 2 Staff Report dated June 5, 2007  
Exhibit 3 Vicinity Map  
Exhibit 4 Copy of Final Plat

Grant Campbell, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions that the Mayor and City Council might have. There were no questions or comments. Mr. Campbell stated that Sunnyside Crossroads Regional Center, Division No. 2 is in compliance with the previously approved Planned Unit Development.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Development Agreement for Sunnyside Crossroads Regional Center, Division No. 2 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 Groberg  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

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

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

Nay: None

Motion Carried.

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 – BEAN AND WICHER, DIVISION NO. 1

Attached are the Development Agreement and Final Plat for Bean and Wicher, Division No. 1. This one lot plat is located west and contiguous to Bombardier Drive, east of the Snake River, and south of Sunnyside Road. The Planning Commission recommended approval of this Plat at its July 10, 2007 Meeting. 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 10, 2007  
Exhibit 2 Staff Report dated July 10, 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 Bean and Wicher, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Final Plat for Bean and Wicher, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
August 7, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINDINGS OF FACT AND CONCLUSIONS OF LAW – LOTS 1 AND 2, BLOCK 1, DESBOROUGH PLACE, DIVISION NO. 1

Attached is a draft of the Findings of Fact, Conclusions of Law, and Decision for Lots 1 and 2, Block 1, Desborough Place, Division No. 1. This document has been sent to the City Attorney for review and approval. This Department respectfully requests the adoption of these findings.

s/ Renée R. Magee

**BEFORE THE IDAHO FALLS CITY COUNCIL**

IN RE:	)	
	)	FINDINGS OF FACT,
Land Use Change to Construct Two Four-	)	CONCLUSIONS OF LAW,
Plexes – Lots 1 and 2, Block 1, Desborough	)	DECISION
Place, Division No. 1	)	

The above-entitled request for approval of land use change in the Planned Transition Zone came before the City Council of Idaho Falls on July 12, 2007, and testimony and evidence was presented at such time by the applicant, staff, and other interested parties.

NOW, THEREFORE, the Council makes the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

1. The applicant, Brian Peterson, is the owner of Lots 1 and 2, Block 1, Desborough Place, Division No. 1.

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2. The applicant proposes to construct two four-plexes on Lot 2, and provide parking, storm water retention, and landscaping on Lot 1. The parking lot which straddles Lot 1 and 2 will contain 16 parking spaces or 2 spaces per dwelling unit. The subject property is presently vacant.
3. The Affidavit of Legal Interest submitted with the application is executed by Brian Peterson.
4. Legal notices of the Planning Commission public hearing were printed in a newspaper of general circulation on April 29, 2007 and May 6, 2007. In addition, a display advertisement to announce the public hearings to be considered by the Planning Commission was published in the newspaper of general circulation on May 8, 2007.
5. The Planning and Building Division mailed notice of a public hearing to be held by the Planning Commission on a permit for a land use change to construct four-plexes to property owners within 300 feet of Lots 1 and 2, Block 1, Desborough Place, Division No. 1, on April 25, 2007. Notices were posted on the subject property at least seven days prior to the public hearing.
6. Legal notices of the City Council public hearing were printed in the newspaper of general circulation on June 3, 2007 and June 10, 2007. In addition, a display advertisement to announce the public hearings to be considered by the City Council was published in the newspaper of general circulation on June 21, 2007.
7. The Planning and Building Division mailed notice of public hearing to be held by the Council on a land use change to construct four-plexes to property owners within 300 feet of Lots 1 and 2, Block 1, Desborough Place, Division No. 1, on June 8, 2007.
8. To assure the property was posted at least seven days in advance of the public hearing before City Council, the hearing scheduled for June 28, 2007, was recessed to July 12, 2007. A second notice was sent to the property owners notifying them of the change of hearing date. Notices were posted on the subject property on June 25, 2007.
9. The above described parcel is within the corporate limits of the City of Idaho Falls and parcel is zoned PT-1, High Density Residential.
10. The parcels to the south and east of the subject property are zoned PT-2, Commercial and High Density Residential, with underlying zones of R-1 and R-3A. The properties to the north and west are zoned R-1, Single-Family Residential.
11. This area is designated as Commercial in the Land Use Plan, *Policy Statements, Idaho Falls Comprehensive Plan*. This designation is immediately adjacent to Low Density Residential and near Planned Transition designation on 17<sup>th</sup> Street.

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12. A site plan is required for approval of a land use change under Section 7-18-8 of the Zoning Ordinance and was submitted with the application on March 30, 2007. The site plan was modified in response to staff review and resubmitted on the following dates: April 18, 2007; April 30, 2007; May 10, 2007; May 11, 2007.

13. Under Section 7-18-1 of the Zoning Ordinance, the purpose of the Planned Transition Zone is to:

... to maintain land use compatibility and enhance the functioning of arterial streets by requiring conformity to the performance standards set forth herein with respect to land use changes in areas experiencing transition.

14. Section 7-18-4 sets out the performance standards for the Planned Transition Zone which are to be met for approval of a land use change within the PT Zone.

15. The site was zoned R-1 until 1987, when the subject property was included in PT Zone approved along 17<sup>th</sup> Street. In 1987, the property was zoned PT-2 (High Density Residential and Commercial) with an underlying zone of R-1.

16. In July, 2006, the parcel was rezoned to PT-1 which permits "all high density residential uses and accessory buildings and public utilities used in conjunction therewith".

17. The site contains 19,475 square feet.

18. The site was a portion of a parcel which contained 42,365 square feet until July, 2006.

19. The original parcel of 42,365 square feet was approved for a land use change under PT-2 Zoning for an office and associated parking on September 22, 2005. In July, 2006, when this subject parcel was rezoned to PT-1, a final plat was approved by the Commission and Council for three lots entitled Desborough Place, Division No. 1. The office and associated parking are located on Lot 3, Block 1, Desborough Place, Division No. 1. Since the land use on Lot 3 was an office building, one of the conditions of approval for the final plat was no access be allowed to Lot 3, which has frontage on 17<sup>th</sup> Street and is a commercial use.

20. Immediately east of this site is Aaron's Furniture, a land use change which was approved under the PT-2 Zone on July 13, 2006. North of the subject property and across 16<sup>th</sup> Street is Theresa Bunker Elementary School. West of the site are single-family homes, and south is an office building.

21. The street access and parking for Theresa Bunker Elementary School are north of the subject property.

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22. This subject property is contiguous to previously approved requests for land use changes under the Planned Transition Zone. The first was an office building on the present Lot 3, Block 1, Desborough Place, Division No. 1, and is addressed 1379 East 17<sup>th</sup> Street. The second request was for Aaron's Furniture addressed as 1385 East 17<sup>th</sup> Street.

23. The Planned Transition Zone requires a minimum size of 30,000 feet for land use changes unless three conditions are fulfilled:

Minimum Size Land Use Changes. All uses shall have a minimum size of at least 30,000 contiguous square feet. **A use may have a size less than 30,000 contiguous square feet if the use is contiguous to any existing use for which a permit has been issued under this chapter, and the Commission and City Council find that the use cannot be practicably developed and that the applicant can satisfy the performance standards set forth by use of the improvements, premises and facilities of the contiguous use.** The issuance of a permit having less than 30,000 square feet may be conditioned upon the conveyance, dedication, grant or joint use agreement between the applicant and the owner of the contiguous use as may be required by the Commission and City Council in order to demonstrate the applicant's ability to meet the performance standards set forth herein. The documents of conveyance or agreement shall include a provision that the document of conveyance or agreement shall be irrevocable without the express written consent of the City Council.

24. Any land use change under the PT provisions requires a minimum size of at least 30,000 square feet. Unless this parcel is utilized by a contiguous parcel(s), it will not meet the requirement of a 30,000 square foot minimum. The contiguous parcel to the east, Aaron's Furniture, is almost entirely separated from this parcel by the wall of its building. It is a new development which meets the PT standards without the use of this lot. This parcel is not attractive as customer parking for the furniture store, and it is unlikely an addition to Aaron's Furniture building will be needed in the foreseeable future. The office building to the south meets the standards of the PT provisions, including required parking, without the use of this parcel. It is unlikely the single-family home to the west will acquire this parcel.

25. One of the purposes of the 30,000 square foot minimum is to minimize access points onto 17<sup>th</sup> Street. This parcel is not adjacent to 17<sup>th</sup> Street. This purpose of the 30,000 square foot lot minimum is not served by holding this parcel to the required minimum.

26. A purpose of the PT Zone is to minimize conflict between residential zones and adjacent commercial uses. If the Council holds the applicant to the 30,000 square foot minimum requirement on this parcel, a commercial use will be encouraged on 16<sup>th</sup> Street, a situation which is opposite of the purpose of the Zone.

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27. The word “use” is employed in both the context of “use of land” and “parcel” in the Planned Transition provisions. Reading the words in the context of the provision, the term “use” refers to the use of the land such as commercial use or apartments under Section 7-18-4.A. and B. Under Section 7-18-4.C., the term is synonymous with “parcel”, meaning there is a standard of 30,000 square feet for a land use change.
28. School District No. 91 has declined to purchase this parcel for a parking lot of Theresa Bunker Elementary School.
29. The *Trip Generation Manual*, 6<sup>th</sup> Edition, Institute of Transportation Engineers, estimates the a.m. peak hour traffic (7:00 a.m. to 9:00 a.m.) will be 4 to 7 trips for eight low-rise apartments (one to two stories).
30. The one observation completed by City Planning Staff on May 14, 2007, at Daggett Heights, a development of 32 four-plex buildings, found 43 trips in the half-hour between 7:43 a.m. and 8:17 a.m. At 7:35 a.m., prior to the count of vehicle trips, there were 93 vehicles parked in the parking lots and on street at Daggett Heights. This is a ratio of 43 trips to 93 vehicles or slightly less than 0.5, which indicates 7 to 8 morning peak hour vehicle trips may be anticipated with 16 parked cars at the applicant’s complex of two four-plexes.
31. Cars exiting the proposed parking lot of the applicant will be traveling forward onto 16<sup>th</sup> Street. Forward travel provides more visibility when the street is busy with vehicles coming to and from the school, when children are being dropped off, and when buses are entering the school.
32. The vehicles parked at Theresa Bunker Elementary School parking lot back into 16<sup>th</sup> Street. The vehicles parked on-site at the adjacent single-family homes on 16<sup>th</sup> Street back into the public street.
33. Under Section 4.23.N of the Zoning Ordinance, no parking area, except those serving single-family homes, shall create a situation which requires vehicles to back onto a public street. The situation at Theresa Bunker predates the ordinance provision.
34. Theresa Bunker Elementary School has 26 parking spaces for a staff of 44 employees. Tower Street and Bunker Lane as well as 16<sup>th</sup> Street are used for student drop-off and visitor parking. The subject parcel was being used by visitors for school parking.
35. Theresa Bunker Elementary School is a magnet school and almost a fifth of the total students come from outside the immediate vicinity of the school. Students arrive at the school as early as 7:15 a.m., and many come between 7:15 a.m. to 7:45 a.m.
36. There is a traffic issue at Theresa Bunker Elementary School. However, the traffic issue is a result of an existing situation.
37. The lot coverage on the site plan is 49.7%; therefore, the site plan meets the lot coverage requirements of the ordinance.

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38. The single-family home to the west of this proposal for two four-plexes will be buffered by the location of the four-plexes on the east side of the subject parcel, 46 feet of landscaping adjacent to the west property line, and a 6-foot high solid fence. There will also be a berm placed on the northwest portion of the property to buffer the parking area from those homes west and northwest of the site.
39. The exterior lighting will be located on the front of the four plexes, will be directed downward, and will not reach more than 0.5 foot candles on the adjacent residential property.
40. Shared access was eliminated by action of Commission and Council with approval of the final plat containing this parcel. This elimination was due to anticipated residential land uses on this parcel and commercial land uses to the east and south. The purpose of eliminating shared access was to reduce conflicts between land uses.
41. Two or more attached dwelling units are permitted in this zone and have been since 1987.
42. No evidence of nuisances or hazards relating to noise, glare, odors, hazardous materials, emergency access, or intensive traffic on a routine basis was presented in the testimony.
43. An on-site storm water retention pond has been proposed on the site and the city engineer has reviewed the calculations.
44. The height on Aaron's Furniture is 24 feet. The height of the four-plexes will not exceed 22 feet.
45. Seven peak hour trips will not generate need for additional right-of-way on 16<sup>th</sup> Street.
46. A sidewalk on the property will be constructed with construction of four-plexes.
47. Two parking spaces per dwelling unit, the standard required by the Zoning Ordinance, will be provided.
48. Handicapped spaces will be provided in parking lot.
49. There will be no permanent signs on the project.
50. Any development of the site, such as duplexes, will create construction traffic on 16<sup>th</sup> Street and will create additional traffic entering and exiting the site. Traffic from attached homes with garages will create a situation in which vehicles of the occupants back in to the street immediately south of the Theresa Bunker Elementary School.
51. The traffic situation on 16<sup>th</sup> Street is existing. The school district can control traffic flow with a crossing guard on 16<sup>th</sup> Street.

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CONCLUSIONS OF LAW

1. The site plan meets the performance criteria of Section 7-18-4 as conditioned.
2. The subject property is contiguous to two other properties which have been approved under the Planned Transition Zone.
3. This parcel cannot be practically developed if 30,000 square feet is required for a land use change.
4. Due to the different nature of the land uses, residential on the subject property and commercial on the adjacent properties zoned Planned Transition, shared facilities will create the potential for conflicts.
5. The applicant is able to meet the performance standards under Section 7-18-4 without sharing improvements and facilities with Aaron's Furniture and the office building to the immediate south of the subject parcel.

DECISION

NOW, THEREFORE, in consideration of the foregoing Findings of Fact and Conclusions of Law, the Council:

1. Finds the parcel is eligible as a land use change although it is 19,475 square feet. It is adjacent to parcels previously reviewed under the Planned Transition Zone, it cannot be practically developed if held to the 30,000 square foot standard, and it meets the performance standards of Section 7-18-4 without sharing improvements, and,
2. Approves the site plan with the conditions:
  - A. The light fixtures be shielded and directed downward,
  - B. A solid fence six feet in height be constructed on the west side of the subject parcel,
  - C. A berm at least three feet in height with landscaping on top of the berm be constructed on the northwest corner of a northeast to southwest axis,
  - D. Shutters be added to the exterior in accordance with the drawings presented,
  - E. A brick wainscot veneer be added to the level of the windows on the front and sides of both buildings, and
  - F. Sod and landscaping be complete prior to certificate of occupancy being issued.

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DATED this 13<sup>th</sup> day of August, 2007.

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Findings of Fact, Conclusions of Law, and Decision for the Land Use Change in Lots 1 and 2, Block 1, Desborough Place, Division No. 1 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.

The Public Works Director submitted the following memo:

City of Idaho Falls  
July 23, 2007

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: IONA-BONNEVILLE DISTRICT SERVICE AREA EXPANSION

In December, 2006, the City received a petition from Iona-Bonneville Sewer District on behalf of certain landowners represented by Erickson Development Corporation, requesting annexation of approximately 400 acres into the Iona-Bonneville Sewer District Service Area. The City Council declined to consider the request. Subsequently, Mr. Jared Erickson, of Erickson Development Corporation requested consideration be given to a proposal whereby the subject property would be allowed to annex in exchange for IBSD de-annexing a parcel of property approximately the same size and already located in the service area.

This matter is being presented for your consideration.

s/ Chad Stanger

Councilmember Lehto stated that there is not a recommendation from staff or the Public Works Council Committee on this matter. He requested to know whether there was a representative from Erickson Development Corporation in the audience to address this issue. There was not a representative from Erickson Development Corporation. There has

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been an on-going discussion amongst the Mayor, City Council, Planning and Building Division staff, and Public Works Division staff regarding growth and the sewer service area. Approximately 10 months ago, the City Council declined to annex more territory into the current service area. The City of Idaho Falls created a regional wastewater treatment facility in the early 1970's. When that facility was finished, service agreements and cooperative agreements were signed with the City of Ammon and the Iona-Bonneville Sewer District. At the time of the agreements, the City of Idaho Falls contractually agreed to establish sewer service areas. Moving forward, the City agreed that if there was capacity and the ability to serve, consideration would be given to annexing more lands into the service areas. The City of Idaho Falls is at a critical juncture for a number of reasons. There are on-going discussions and plans to establish another regional wastewater treatment facility in the City of Shelley. The City of Ammon has indicated that it will be served by that facility. Having said that, the City of Idaho Falls still has a contractual agreement to serve the City of Ammon at this time, and they continue to grow. The lands that are being considered are outside the service area. The developers are requesting to be included in the service area. The City of Idaho Falls is approaching a critical capacity restriction on the Sunnyside Sewer Trunk Line near Hitt Road. Councilmember Lehto stated that he is going to recommend denial of this annexation into the Iona-Bonneville Sewer District to see how the Shelley Wastewater Treatment Facility and the relationship with the City of Ammon plays out.

Councilmember Groberg agreed with Councilmember Lehto. It has been difficult for the developers to purchase the property and develop a plan, anticipating that it can be served by the Idaho Falls Regional Sewer System by being annexed into the Iona-Bonneville Sewer District. The capacity needs to be protected for the City of Idaho Falls and for the existing contracts with the City of Ammon and the Iona-Bonneville Sewer District without changing those contracts in any way that would augment the flow into the system. This request is couched in different terms in that they want to know whether the City would approve their coming into the Iona-Bonneville Sewer District if they arrange for the de-annexation of a similarly sized acreage. Even though on the surface that seems fair, and it is responsible of the petitioners to suggest that, the difference is that this is property that is anticipated to immediately go into service, while the other property is an unknown. There is not a clear assurance that the capacity would not be further compromised. Councilmember Groberg stated that even though he respected the developer's plan, he felt that the plan does not meet the criteria that is of concern to the City.

Councilmember Lehto stated that the City does not de-annex property from the Iona-Bonneville Sewer District. The District would have to complete that de-annexation. He stated that he was in favor of waiting until the Shelley Project plays out. It appears that this project would come on faster than the other 600 acres that was approved to annex into the Iona-Bonneville Sewer District approximately 16 months ago, which was a 30-year development plan. This request would mean an upgrade to the Sunnyside Sewer Trunk Line. Anyone who is going to be served would have to participate in the upgrade and how the sewage is flowed from the development to the sewage treatment plant. Councilmember Lehto stated that he did not believe that if Ammon is planning on moving to the Shelley Project in the next five years, that they would be willing to fund that upgrade to handle the capacity of this development.

Councilmember Groberg stated that even though the future of the City's capacity is going to be affected very directly by the development of the Shelley Project, the City is not making any indication that the realization of that project would result in the City's annexing additional Iona-Bonneville Sewer District property. That is a bridge that would have to be crossed with the City got to that point.

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Councilmember Hally stated that if the City goes over capacity at the Sewage Treatment Plant, there would be a disaster. The cost for an upgrade to the Sunnyside Sewer Trunk Line would be approximately \$1,000,000.00. Councilmember Hally stated that he agreed with Councilmember Lehto's comments.

Councilmember Lehto requested the Public Works Director to come forward.

The Public Works Director stated that without any additional annexations to the City of Ammon or the Iona-Bonneville Sewer District service areas, existing service areas within both of those entities and the growth at the rate it is occurring in those entities, will push the envelope on the Sunnyside Sewer Trunk Line within approximately 2 to 2-1/2 years. If growth continues at the same pace in those areas, the City will have to look at an alternative route to the Sewage Treatment Plant, other than the Sunnyside Sewer Trunk Line.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to deny the request to annex the proposed 400 acres owned by Erickson Development Corporation into the Iona-Bonneville Sewer District Service Area as presented. 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 Conditional Use Permit to allow single-family attached homes located generally south and west of the existing Fairway Estates Subdivision, 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 Block 1, Heritage Hills, 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  
August 5, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT, FINAL PLAT, AND CONDITIONAL USE PERMIT – HERITAGE HILLS ADDITION, DIVISION NO. 1

Attached are the Development Agreement, Final Plat, and Conditional Use Permit for Single-Family for attached homes for Heritage Hills, Division No. 1. This plat contains 58 single-family lots and two landscape lots. This plat is located west of East River Road (5<sup>th</sup> East), east of the Snake River, and north of Iona Road. The Planning Commission recommended approval of this plat and conditional use permit at its June 5, 2007 Meeting with conditions which

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have been incorporated into the plat, improvement drawings, or covenants. This 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 request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo
- Slide 3 Aerial Photo – Close-Up
- Slide 4 Site Plan for Conditional Use Permit
- Slide 5 Elevation of Building
- Slide 6 Elevation of Building
- Slide 7 Elevation of Building
- Slide 8 Final Plat under consideration
- Slide 9 Aerial Photo of Final Plat
- Exhibit 1 Planning Commission Minutes dated June 5, 2007 and July 10, 2007
- Exhibit 2 Staff Report dated June 5, 2007 and July 10, 2007
- Exhibit 3 Vicinity Map
- Exhibit 4 Copy of Vicinity Map

The Planning and Building Director stated that staff and the Planning Commission have reviewed this proposal and found it to be in compliance with the Section 7-3-10 of the Zoning Ordinance, which provides the seven criteria for single-family attached homes. The density is at 5.5 dwelling units per acre.

Brent Johnson, 6030 South 45 East, appeared to state that he was representing Rockwell Development. Approximately one year ago, he presented a Preliminary Plat to the Planning Commission with the request for R-2 Zoning. The neighbors in the area did not approve of that zoning, as there was the possibility to construct four-plexes on the land. Rockwell Development has worked with the neighbors and made concessions to allow for the construction of single-family attached homes.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Development Agreement for Heritage Hills Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Conditional Use Permit for Single-Family Attached Homes in Heritage Hills Addition, Division No. 1. 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 Heritage Hills Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a rezoning of 21.4 acres from C-1 (Limited Retail Business) to CC-1 (Central Commercial) located generally south of Pancheri Drive at the intersection of Snake River Parkway and Pier View Drive, north of West Sunnyside Road, east of Interstate 15, west of the Snake River, and legally described as a Metes and Bounds Legal Description of 21.4 Acres in the Southwest Quarter of Section 24, Township 2 North, Range 37, Snake River Landing, Division No. 3. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
August 5, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT, FINAL PLAT, AND REQUEST TO REZONE FROM C-1 TO CC-1 – SNAKE RIVER LANDING, DIVISION NO. 3

Attached are the Development Agreement, Final Plat, and an application to rezone Snake River Landing, Division No. 3 from C-1 (Limited Business Zone) to CC-1 (Central Commercial Zone). The plat contains ten commercial lots

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and three landscape lots. This plat is located south of the Porter Canal, west of Milligan Road, and straddles Snake River Parkway. The Planning Commission recommended approval of this request at its July 17, 2007 Meeting. This 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 request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Comprehensive Plan
Slide 3	Final Plat under consideration
Slide 4	Preliminary Plat that was submitted with the Final Plat
Slide 5	Preliminary Plat
Slide 6	Site Plan
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 Vicinity Map

The Planning and Building Director stated that staff and the Planning Commission have reviewed this Final Plat and found it to be in compliance with the City's Subdivision Ordinance.

Councilmember Groberg requested the Planning and Building Director to describe the difference between the C-1 Zone and the CC-1 Zone.

The Planning and Building Director explained that the C-1 Zone is the most popular commercial zone in the City along the arterial streets. It allows most retail uses, as well as office uses. It requires a 30 foot setback from the public street. The CC-1 Zone is the zone that was designed for the downtown area. It reflects a development where the buildings are right at the property line. Technically, there are no height restrictions in either zone. She explained further, that the C-1 Zone is designed to be more automobile oriented. The CC-1 Zone with no setbacks, is designed for a downtown area, a central commercial area where higher density is allowed, and less automobile traffic. For new buildings, parking regulations are the same in each zone.

Eric Isom, 4185 Birchwood Circle, appeared to state that he is the representative for Ball Ventures. The request being presented is in compliance with the overall Snake River Landing development. This is a continuation to the west of what has been completed in Phase I. The goal is to bring the buildings closer to the street, to provide a pedestrian friendly walking environment, with parking in the rear. There are approximately 135 acres set aside in the project for residential development.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Development Agreement for Snake River Landing, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle

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Councilmember Lehto  
Councilmember Groberg  
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the rezoning of 21.4 acres from C-1 (Limited Retail Business) to CC-1 (Central Commercial) located generally south of Pancheri Drive at the intersection of Snake River Parkway and Pier View Drive, north of West Sunnyside Road, east of Interstate 15, west of the Snake River, and legally described as a Metes and Bounds Legal Description of 21.4 Acres in the Southwest Quarter of Section 24, Township 2 North, Range 37, Snake River Landing, Division No. 3 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 Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the Final Plat for Snake River Landing, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. 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 a rezoning of approximately 3.029 acres from R-1 (Single-Family Residential) with a PUD (Planned Unit Development) Overlay to PB (Professional and Business Offices) with a PUD (Planned Unit Development) Overlay, located generally south of East Sunnyside Road at the southwest corner of Elk Creek Drive and South 15<sup>th</sup> East (St. Clair Road), north of Fox Court, east of Spring Creek Drive, and legally described as Lot 4, Block 3, Spring Creek Addition, Division No. 3. 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  
August 5, 2007

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM R-1 WITH A PUD OVERLAY TO  
PB WITH PUD OVERLAY – LOT 4, BLOCK 3, SPRING CREEK  
ADDITION, DIVISION NO. 3

Attached is the request to rezone Lot 4, Block 3, Spring Creek Addition, Division No. 3. This parcel is located south of Elk Creek Drive, west and adjacent to St. Clair Road, and north of Township Road. The Planning Commission recommended approval of the rezoning request to PB with a PUD Overlay at its July 10, 2007 Meeting. 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	Comprehensive Plan
Slide 4	Site Photo looking south across the lot at single-family homes
Slide 5	Site Photo showing Elk Creek Drive
Slide 6	Site Photo looking south towards home at storm water retention pond
Slide 7	Site Photo looking southeast
Slide 8	Site Photo looking east
Exhibit 1	Planning Commission Minutes dated July 10, 2007
Exhibit 2	Staff Report dated July 10, 2007
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat

The Planning and Building Director explained that the Comprehensive Plan shows that this is at the border of low-density residential and the medical services center. When the Planning Commission considered this request, it was considered on the basis of policies to still be in compliance with the Comprehensive Plan. This parcel is located at the intersection of a collector and an arterial street. The Comprehensive Plan recommends that neighborhood and community services be provided for. This is across the street from the medical services center. The Planning Commission found that this request is in compliance with the Comprehensive Plan. The Planning Commission recommended that the PB Zone be done with a Planned Unit Development Overlay, as it would require a 25-foot setback between office buildings and the neighboring residential uses. This would allow for review by the Planning Commission and City Council with regard to access points from this property onto the collector street or arterial street.

Dr. Craig Hall, 3903 Stonebrook Place, appeared to state that he purchased this property in the late 1990's. He stated that he has put a lot of thought into how this

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property could best be developed. Dr. Hall stated that he would be happy with the PB Zone with a PUD Overlay, but that he would be really, really happy if he could develop this under only the PB Zone. He thanked the Mayor and City Council for their consideration of this request.

Councilmember Groberg requested to know whether it was possible to place the Planned Unit Development on a parcel of land, with the option of modifying it at a later date as the second and third structures became more definite.

The Planning and Building Director stated that the other option was to provide a larger envelope for the building that the developer would actually need. As long as the building fits within the envelope, then it fits within the Planned Unit Development. If this development were to provide for medical or dental, the requirement for parking is 5 parking spaces per 1,000 square feet.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the rezoning of approximately 3.029 acres from R-1 (Single-Family Residential) with a PUD (Planned Unit Development) Overlay to PB (Professional and Business Offices) with a PUD (Planned Unit Development) Overlay, located generally south of East Sunnyside Road at the southwest corner of Elk Creek Drive and South 15<sup>th</sup> East (St. Clair Road), north of Fox Court, east of Spring Creek Drive, and legally described as Lot 4, Block 3, Spring Creek Addition, Division No. 3 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 Hally, seconded by Councilmember Cornwell, that the meeting adjourn at 8:55 p.m.

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CITY CLERK

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MAYOR

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