

JUNE 28, 2007

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 28, 2007, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman
Councilmember Karen Cornwell
Councilmember Joe Groberg
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Larry Lyon (Took his seat at 7:35 p.m.)

Absent was:

Councilmember Thomas Hally

Also present:

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

Mayor Fuhriman requested Boy Scout A. J. Browning to come forward to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the June 7 and 8, 2007 Work Session, the June 7, 2007 Regular Council Meeting, and the June 18, 2007 Work Session.

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 June 28, 2007.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
June 28, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: AUTHORIZATION TO BID ASPHALT WORK AT TAUTPHAUS
PARK SHELTER NO. 2

Respectfully request authorization to bid asphalt work to pave the parking lot located at Shelter No. 2 in Tautphaus Park.

s/ David J. Christiansen

JUNE 28, 2007

City of Idaho Falls
June 28, 2007

MEMORANDUM

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

The Division of Parks and Recreation respectfully requests authorization to bid re-roofing and insulation of the multi-purpose shelter located in Tautphaus Park.

s/ David J. Christiansen

The Public Works Director submitted the following memo:

City of Idaho Falls
June 8, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – SOUTH YELLOWSTONE HIGHWAY
LANDSCAPING, BROADWAY TO CONSTITUTION WAY

Public Works requests authorization to advertise to receive bids for the South Yellowstone Highway Landscaping, Broadway to Constitution Way.

s/ Chad Stanger

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

Aye: Councilmember Groberg
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Idaho Falls Power Director submitted the following memos:

JUNE 28, 2007

City of Idaho Falls
June 19, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES TO COMPLETE THE SYSTEM COORDINATION STUDY

On January 18, 2007, City Council authorized Idaho Falls Power to solicit proposals for the System Coordination Study. Attached is a copy of the project detail sheet from the Idaho Falls Power Capital Improvement Plan.

On May 18, 2007, four firms responded to our request for proposals. Attached is a list of firms who responded. Idaho Falls Power Staff was pleased with the amount of interest in the project and the quality of the proposals. Idaho Falls Power did conduct interviews for the two leading firms – DEA and Power Engineers on June 11 and 12 to further complete our assessment of their proposed project approach and deliverables.

Idaho Falls Power, in conjunction with Bob Mooney, has completed a thorough review of the proposals. Staff recommends awarding the project to David Evans and Associates, Inc. for an amount not to exceed \$55,000.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to approve the Professional Services Agreement with David Evans and Associates to complete the System Coordination Study and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
June 21, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: RESOLUTION ESTABLISHING AND FUNDING THE TRANSMISSION AND DISTRIBUTION SYSTEM CAPITAL PROJECTS ACCOUNT WITHIN THE RATE STABILIZATION FUND

JUNE 28, 2007

Attached for your consideration is a Resolution establishing and funding the Transmission and Distribution System Capital Projects Account within the Rate Stabilization Fund.

Staff recommends approving the Resolution.

s/ Jackie Flowers

RESOLUTION NO. 2007-12

A RESOLUTION establishing and funding the Transmission and Distribution System Capital Projects Account within the Rate Stabilization Fund previously established by Ordinance No. 2258 for the purpose of setting aside moneys to pay the cost of additions and improvements to the City's electric transmission and distribution system.

WHEREAS, the City of Idaho Falls, Bonneville County, Idaho (the "City") presently operates a municipal electric utility system (the "System") that provides electric service to consumers within the System's service area;

WHEREAS, increases in the number of customers served by the System and in demand for electric power and energy require the acquisition and construction of additions and improvements to the transmission and distribution facilities of the System, including a new distribution substation to the north of the City's existing Westside Substation and the extension of the existing 161 kV transmission line to the north of the Westside Substation, all to be known as the Westside Distribution Substation Project, and the construction of a new 161 kV transmission line extending from the Westside Substation on the west side of the City to the Sugarmill Substation on the east side of the City, to be known as the North Loop Project (the Westside Distribution System Substation Project and the North Loop Project are referred to collectively herein as the "Projects"); and

WHEREAS, the City has previously established a Rate Stabilization Fund, pursuant to Ordinance No. 2258, adopted December 11, 1997, for certain purposes including the provision of reserves for capital improvements to and renewals and replacements of System components and desires to establish a separate account within the Rate Stabilization Fund and to appropriate and set aside moneys to and in such account to pay the estimated cost of the acquisition and construction of the Projects;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, as follows:

Section 1. Findings and Determinations. The Mayor and Council hereby find, determine and declare that the estimated cost of the acquisition and construction of the Projects is \$11,250,000 and that it is necessary, desirable

JUNE 28, 2007

and in the best interest of the City, its residents and the electric consumers served by the System to:

(a) Undertake, acquire and construct the Projects in order to enable the System to continue to provide reliable electric service to, and to meet current and future electricity requirements of, the industrial, commercial and residential consumers served by the City; and

(b) Establish a separate account within the Rate Stabilization Fund and set aside moneys therein to pay the estimated costs of acquiring and constructing the Projects.

Section 2. Transmission and Distribution System Capital Projects Account. A separate account to be known as the "Transmission and Distribution System Capital Projects Account" is hereby created within the Rate Stabilization Fund. There is hereby appropriated from the Rate Stabilization Fund for deposit into the Transmission and Distribution System Capital Projects Account the amount of \$11,250,000 to provide moneys for the payment of the estimated costs of the Projects. The amounts on deposit in such Account shall be disbursed and applied from time to time to pay the estimated costs of the Project.

Section 3. Further Authority. All officers of the City are hereby authorized and directed to take all actions necessary to give effect to this resolution.

ADOPTED AND APPROVED this 28th day of June, 2007.

s/ Jared D. Fuhriman
Mayor, City of Idaho Falls
Bonneville County, Idaho

[SEAL]

ATTEST:

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls
Bonneville County, Idaho

Councilmember Lehto explained that this represents a commitment to fund the Westside Substation and the North Loop 161 kV Line around the City. It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to approve the Resolution establishing the Transmission and Distribution System Capital Projects Account within the Rate Stabilization Fund and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle

JUNE 28, 2007

Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
June 20, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-07-20, ONE (1) NEW 2007 WHEEL LOADER, 3.5 YARD
WITH ATTACHMENTS – SNOW PLOW AND SNOW BUCKET

Attached for your consideration is the tabulation for Bid IF-07-20, One (1) New 2007 Wheel Loader, 3.5 Yard with Attachments – Snow Plow and Snow Bucket.

It is the recommendation of Municipal Services in concurrence with the FAA to accept the low bid meeting specifications of Pioneer Farm Equipment Company, Inc. to furnish a Case 821 E Wheel Loader with a Henke snow plow and an ACS snow bucket. The total base bid amount for all items is \$203,933.24. The apparent low bid submitted by D & J Diesel dba Central Equipment Company did not meet the required specifications as listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to accept the low bid meeting specifications from Pioneer Farm Equipment Company, Inc. to furnish a Case 821 E Wheel Loader with a Henke snow plow and an ACS snow bucket for a total base bid amount for all items of \$203,933.24 and, further, reject the apparent low bid submitted by D & J Diesel dba Central Equipment Company which did not meet the required specifications as listed on Attachment "A". Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

JUNE 28, 2007

City of Idaho Falls
June 20, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-07-21, TWO (2) NEW 2007 OR NEWER CAB AND CHASSIS MOUNTED WITH A NEW SALT/SAND SPREADER

Attached for your consideration is the tabulation for Bid IF-07-21, Two (2) New 2007 or Newer Cab and Chassis mounted with a New Salt/Sand Spreader.

It is the recommendation of Municipal Services to accept the sole bid of Hirning GMC to furnish two (2) new 2008 GMC cab and chassis mounted with a Monroe salt/sand spreader for an amount of \$94,977.00 each without trade-ins.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to accept the sole bid from Hirning GMC to furnish Two (2) New 2008 GMC Cab and Chassis Mounted with a Monroe Salt/Sand Spreader for an amount of \$94,977.00 each without trade-ins. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
June 20, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-07-22, ONE (1) NEW 2007 OR NEWER CAB AND CHASSIS MOUNTED WITH A NEW CONTRACTOR TYPE DUMP BODY

Attached for your consideration is the tabulation for Bid IF-07-22, One (1) New 2007 or Newer Cab and Chassis mounted with a New Contractor Type Dump Body.

It is the recommendation of Municipal Services to accept the sole bid of Hirning GMC to furnish One (1) New 2008 GMC cab and chassis mounted

JUNE 28, 2007

With a Crysteel Econ 1200-05 dump body for an amount of \$81,508.00 without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to accept the sole bid from Hirning GMC to furnish One (1) New 2008 GMC Cab and Chassis Mounted with a Crysteel Econ 1200-05 dump body for an amount of \$81,508.00 without trade-in. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
June 20, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SOLE SOURCE PURCHASE

Municipal Services respectfully requests authorization to advertise and then make a sole source purchase in the amount of \$417,508.00. This procurement will be to upgrade the system servers and application software of Idaho Falls Power's SCADA System.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to give authorization to advertise and then make a sole source purchase in the amount of \$417,508.00 to update the system servers and application software of the Idaho Falls Power's SCADA System. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

JUNE 28, 2007

City of Idaho Falls
June 26, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: WEED CONTROL STORAGE BUILDING CHANGE ORDER

Attached for your consideration is Change Order No. 1 in the amount of \$759.84 for fill material and the labor to place it for the Weed Control Storage Building.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to approve Change Order No. 1 in the amount of \$759.84 to Steel Systems, Inc. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
June 18, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEASE EXTENSION AGREEMENT – EAST IDAHO CREDIT UNION

Attached for your consideration is the proposed Lease Extension Agreement between the City of Idaho Falls and East Idaho Credit Union, for parking space located on Fremont Avenue.

The Assistant City Attorney has reviewed and approved this Lease Agreement. The City does not anticipate using this property for public purposes during the term of the lease.

JUNE 28, 2007

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve the Second Amendment to the Lease Agreement between the City of Idaho Falls and East Idaho Credit Union and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
June 21, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: MAYOR'S SALARY ORDINANCE

Please find attached a copy of the Ordinance to increase the Mayor's salary.

It is respectfully requested that the Mayor and City Council adopt said Ordinance.

s/ S. Craig Lords

Councilmember Hardcastle explained that there has not been an increase in the Mayor's salary since 1999. She requested the City Attorney to explain the process for increasing the Mayor's salary.

The City Attorney explained that there is a provision under State Law that provides that the Ordinance has to be cast at least sixty (60) days prior to the date of the general election. The Ordinance cannot become effective until after the general election.

Councilmember Hardcastle stated that the Ordinance provides for an increase in 2008 and one for 2009.

Councilmember Lyon requested what the change in salary for the Mayor would be.

The City Attorney explained that the current salary for the Mayor is \$2,114.20 biweekly and would be increased in 2008 to \$2,919.23 biweekly. There would be a further increase in 2009 to \$3,007.00 biweekly.

The Municipal Services Director appeared and stated that the current annual salary for the Mayor is \$66,000.00. On January 1, 2008, the salary would be \$75,899.98 and an increase on January 1, 2009 to \$78,182.00.

JUNE 28, 2007

Councilmember Lyon requested to know when the Council's salary was last adjusted.

Councilmember Groberg stated that the Council's salary was adjusted at approximately the same time as the Mayor's salary was last adjusted. He stated further, that given the administrative responsibilities of the Mayor and in order to attract quality candidates to run for Mayor, both of the suggested salary increases are reasonable and within the mark of the responsibility that the Mayor's position holds.

Councilmember Cornwell indicated that the Municipal Services Director conducted surveys of Mayoral salaries in cities approximately the size of Idaho Falls, and found that the salary for Idaho Falls' Mayor was low. The proposed increases would place the City of Idaho Falls in comparable salaries for other cities of the same size. She stated that she endorsed the proposed change in the Mayor's salary.

Councilmember Lehto stated that he has been present for all of the discussions regarding the change in salary. If the Mayor's position were given the cost of living increases that have been given to all employees, the new salary would be in line with having received those increases.

Councilmember Lyon stated that if the City Council is going to revisit the Mayor's salary by making the argument that inflationary pressures have eroded the value of that salary, that the City is no longer in line, that the salary is too low to attract qualified candidates, then those same arguments could be made in favor of adjusting the Council's salaries.

Councilmember Hardcastle stated that when the comparison was made with other cities of the same size, the Council's salary was more in line with other cities. The Mayor's salary was not in line.

Councilmember Lyon stated that he has chosen to remain with the insurance package that he receives from his employer, rather than taking the benefits provided by the City. He stated, further, that there is no money in the Council position for a person who works full-time. It was a mistake to not address the Council's salary at this time also. Councilmember Lyon stated, further, that he knows that there are good people who could not afford to be a Councilmember because it would cost them too much money.

Councilmember Groberg stated that it was perfectly reasonable to make a proposal for an increase in the Council's salaries. He did not want to exclude anyone from running for City Council. Councilmember Groberg suggested that Councilmember Lyon should come up with a proposal, present it to City Council, and see if there is support for an increase in City Council salaries.

Councilmember Hardcastle stated that Councilmember Lyon did propose a change to the City Council salaries and she sensed that there was no support from other Councilmembers at that time. She suggested that Councilmember Lyon could bring forth a proposal at a Municipal Services Division Council Committee Meeting, with background in Council salaries in other jurisdictions the size of Idaho Falls.

Councilmember Lyon stated that without there being any change in the faces of the Council, he did not believe that there would be any change in the level of support for Council salary increases. Councilmember Lyon stated that for that reason, with all due respect to the Mayor, he would be voting against the salary change for the Mayor.

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

ORDINANCE NO. 2704

AN ORDINANCE OF THE CITY OF IDAHO FALLS,
IDAHO, AMENDING SECTION 1-5-8 OF THE CITY
CODE RELATING TO THE SALARY OF THE
MAYOR; PROVIDING FOR EFFECTIVE DATE.

JUNE 28, 2007

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

Nay: Councilmember Lyon

Motion Carried.

Mayor Fuhriman thanked the Council for their affirmative vote and he assured everyone present that he will do everything that he could to earn the increase in salary.

City of Idaho Falls
June 18, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF AIRPORT LIABILITY INSURANCE

Municipal Services respectfully requests that the Mayor and Council bind the City's Airport Liability Insurance with Global Aerospace. The premium is \$29,896.00. This coverage begins on July 1, 2007.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to bind the City's Airport Liability Insurance with Global Aerospace with coverage to begin July 1, 2007. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

JUNE 28, 2007

City of Idaho Falls
June 22, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: WORK ASSIGNMENT NO. 17 WITH DELTA AIRPORT
CONSULTANTS

Attached for your consideration is Work Assignment No. 17 with Delta Airport Consultants for engineering services that include surveys for the new Snow Removal Equipment Building. The total cost of this Assignment is \$7,956.00.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve Work Assignment No. 17 with Delta Airport Consultants for engineering services that include surveys for the new Snow Removal Equipment Building in the amount of \$7,956.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
June 28, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: IDAHO FALLS CHUKARS LEASE AGREEMENT

Attached for your consideration is a Lease Agreement between the City of Idaho Falls and the Idaho Falls Chukars Professional Baseball Club, Inc. The new lease, for the term of 15 years, reflects changes as a result of the new Melaleuca Field Stadium and Clubhouse Project. The City Attorney has drafted and reviewed the lease agreement.

JUNE 28, 2007

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

s/ David J. Christiansen

Councilmember Groberg explained that this Lease Agreement involves the new stadium which the Chukars ownership has contributed quite heavily to. The basic understanding is that the Chukars ownership will maintain the field for other teams that may play on that field also. Given the huge financial commitment that they have made in building the stadium, this is a fair exchange for the City to enter into the Lease Agreement with the Idaho Falls Chukars Professional Baseball Club, Inc.

Councilmember Cornwell stated that the new Melaleuca Field is a beautiful addition to the City of Idaho Falls.

Kevin Greene, 2836 Londonderry Avenue, appeared to share the following article from the Pocatello Idaho State Journal:

June 24, 2007

**Sadly, Another Point for IF
Commentary by Kellis Robinett**

What Idaho Falls managed to do with Melaleuca Field is almost unbelievable. Not far off I-15, behind downtown Idaho Falls in a quaint neighborhood that resembles small city America lies a brand new minor league baseball park. And it's as beautiful as it is expensive. It debuted two nights ago for the Idaho Falls Chukars' home opener with Orem Owlz, and it attracted more fans to a ball game than any other in the City's history.

The baseball was good, with the Chukars winning 4-1. The food was brilliant, with state of the art menus available and reasonably priced beer for a baseball game on sale – hey, just four bucks. And the atmosphere was unmatched for this region. It was almost like a nonstop party with fireworks going off at 10:15 p.m., to tell everyone the show was over. I must admit, being there was pretty cool. But now that a full day has passed, my attitude has changed. I'm bitter.

How could Idaho Falls construct such a facility? It cost \$5.6 million, and the place was ready to host rookie-league baseball games after just five years of planning. Incredible.

Not even three weeks after we here in Pocatello finally hit the mainstream and get a Chili's, the folks 45 minutes up the road outdo us by opening up one of the nicest ballparks in the Pioneer League. I don't even want to know what newfangled building would go up in Idaho Falls to counteract the opening of a Best Buy in Pocatello. Seeing as how Idaho Falls already sports a Best Buy, Target and Circuit City, it would be something like the flagship store of the Fry's chain.

But Idaho Falls' continued superiority in the area of national business chains isn't why I'm bitter. I came to grips with Idaho Falls featuring better stores and restaurants than Pocatello a long time ago. That's a battle Poky will never

JUNE 28, 2007

win. And though I wish that weren't the case, it's not such a bad thing. There's certainly something to be said for supporting local, non-chain businesses. It adds character to a town, and in a lot of ways makes a city better because it doesn't look like every other stop on the highway.

But what does bug me is that Idaho Falls is now making a push in the one area that Pocatello has always crushed Idaho Falls, and should continue topping until football is played on the moon: the local sports scene. Here in Pocatello, our sporting options are leaps and bounds better than in Idaho Falls. Up there, they've got high schools, the Kansas City Royals' rookie team and a college that cared so little about sports that it changed its name and did away with one of the top junior college athletic programs in the country.

In Pocatello, we have high schools, the occasional state championship football game, state and national rodeos, Football Championship games in the fall and Division 1 basketball in the winter. This town owns a national championship in football, and once played host to the NCAA basketball tournament. No matter what Idaho Falls does, it will never see anything close to that. But no matter what Pocatello does, it will never sport a baseball stadium as magnificent as Melaleuca Field. Pioneer League teams used to play in Halliwell Park when it was downtown, but no franchise wanted to stay there. They all kept leaving for towns like Ogden Utah, and never came back.

So Idaho Falls now owns a sporting stranglehold over us in the summer. A case could be made for that always being the case with the Chukars being around for so long, but their old stadium was an eyesore. The locals avoided it, and by no means was it bringing in fans from across the region.

That's not the case now though. The new facility is perfect for hosting future state and American Legion baseball tournaments, and pretty much everyone I've talked to lately wants to make it up for a Chukars game. I might go back today. The place is that nice.

A few months ago, I never would have written that. I used to think driving to Idaho Falls was OK for shopping, or to hit up the Outback Steakhouse, but never for a game. They might have the stores, but we've got the sports.

People from Idaho Falls are supposed to drive down here to watch games and complain on the trek back home about how unfair it is that Pocatello gets all the entertaining sports stuff. Not the other way around.

I suppose that won't last forever. Unless the Chukars get in the playoffs, the regions sports focus will turn to Idaho State Football in September. After that, ISU Basketball will take over and people will go back to ignoring Idaho Falls sports.

I'm still bitter, though. If Idaho Falls can best Pocatello year round in the shopping department, we should overwhelm them in the sports market for 12 straight months in return. But will Melaleuca Field now standing, that's not possible.

JUNE 28, 2007

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the Lease Agreement between the City of Idaho Falls and the Idaho Falls Chukars Professional Baseball Club, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
June 28, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: DESIGN-BUILD RESOLUTION FOR TAUTPHAUS PARK
SKATE PARK

Attached for your consideration is a Resolution indicating the City of Idaho Falls' intent to negotiate a sole source design-build contract to design and build a new skate park located at Tautphaus Park. The Resolution is therefore submitted for your approval.

s/ David J. Christiansen

RESOLUTION NO. 2007-13

WHEREAS, the City desires to design and construct a skateboard and skate park facility to be located at the existing location of the skateboard facility in Tautphaus Park;

WHEREAS, the design of such skateboard park requires specialized knowledge, skill, training, and experience which is not generally possessed by architect or engineering firms;

WHEREAS, the cost considerations associated with such skateboard facility require close coordination between the designer of such facilities and the contractor;

WHEREAS, time is of the essence;

WHEREAS, Idaho Code § 67-2309 specifically authorizes cities to enter into design-build contracts and to otherwise use and employ the design-build method of construction wherein design and construction services are performed concurrently by the design-builder;

JUNE 28, 2007

WHEREAS, consolidation of the design function and construction function inherently precludes the development of design specifications antecedent to the issuance of a request for proposals or request for bids under the Idaho competitive bidding statutes;

WHEREAS, the City has heretofore solicited informal proposals for the design and construction of such skateboard facility, using the design-build method of construction;

NOW, THEREFORE, be it hereby resolved that the City declare its intention to undertake a sole source procurement, pursuant to the provisions of Idaho Code § 67-2309, using the design-build method of construction and that such sole source procurement be undertaken without adherence to the competitive bidding provisions of Title 67, Chapter 28, Idaho Code.

BE IT FURTHER RESOLVED that the City Clerk be and hereby is directed to publish a notice of sole source procurement in the official newspaper of the City and that such notice of procurement be in substantially the same form as Exhibit "A" attached hereto.

DATED this 29th day of June, 2007.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

EXHIBIT "A"

NOTICE OF SOLE SOURCE PROCUREMENT

Pursuant to the provisions of Idaho Code § 67-2808 and 67-2309, the City of Idaho Falls hereby gives notice of its intent to undertake a sole source procurement of certain design services and construction services using the design-build method of construction. Such procurement shall consist of the purchase of design services and construction services for the construction of a skateboard park and facilities to replace the existing skateboard facility located in Tautphaus Park.

DATED this 29th day of June, 2007.

Rosemarie Anderson
City Clerk

JUNE 28, 2007

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle to approve the Resolution indicating the City of Idaho Falls' intent to negotiate a sole source design-build contract to design and build a new skate park located at Tautphaus Park and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
June 19, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT
BLOCK GRANT ANNUAL REPORT

Attached is the Resolution adopting the Annual Report for the Community Development Block Grant for the fiscal year 2006. This report was the subject of a public hearing on June 7, 2007, and the comment period has ended. This Resolution is respectfully submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

RESOLUTION NO. 2007-14

**RESOLUTION OF THE CITY OF IDAHO FALLS
ADOPTING THE THIRD ANNUAL REPORT FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, the City of Idaho Falls became an Entitlement City under the criteria of Title I of the Housing and Community Development Act of 1974, as amended;

WHEREAS, the City of Idaho Falls receives annual grant funding as an Entitlement City;

WHEREAS, the Act requires an Annual Report describing how the grant funds were used and the resulting benefits;

JUNE 28, 2007

WHEREAS, the required public notice was given and the public hearing on the Second Annual Report held before City Council on June 7, 2007 to receive public comments and the public comment period of fifteen days was opened.

WHEREAS, the comment period has closed and no comments were received to be considered and incorporated into the plan;

WHEREAS, all requirements for adopting the report have been met;

NOW, THEREFORE, Be It Resolved by the Mayor and City Council of the City of Idaho Falls to adopt the Second Annual Report and submit it to the U. S. Department of Housing and Urban Development.

DATED this 28th day of June, 2007.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Resolution adopting the Third Annual Report for the Community Development Block Grant and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
June 19, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESOLUTION – BUSINESS IMPROVEMENT DISTRICT

JUNE 28, 2007

The City of Idaho Falls has received a petition requesting the establishment of a Business Improvement District from property owners in the downtown area. Attached is a Resolution setting a date for a public hearing, describing the boundaries of the proposed district, the estimated rate of the assessment levy, and the proposed uses for the assessment. This Resolution is respectfully submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

RESOLUTION NO. 2007-15

**RESOLUTION OF
THE CITY COUNCIL OF IDAHO FALLS, IDAHO
FOR
RENEWAL OF THE DOWNTOWN IDAHO FALLS
BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, the property owners paying over fifty percent (50%) of proposed business improvement district have, pursuant to 50-2603 Idaho Code, submitted a valid initiation petition to the City of Idaho Falls to create or renew the Downtown Idaho Falls Business Improvement District; and,

WHEREAS, the petition sets forth the boundaries, the proposed projects and uses of the funds levied, the estimated rate of assessment, and the time frame for the existence of the district as follows:

1. Boundaries of Renewed District. The boundaries of the district are: Commencing at the northwest corner of the intersection of Yellowstone Avenue and the Railroad Right-of-Way and following the northern edge of the railroad right-of-way to the east bank of the Snake River, then turning northerly and following the east bank of the Snake River to a point where Riverside Drive curves easterly away from the river, then turning easterly along Riverside Drive to the southeasterly corner of the intersection with Memorial Drive and then southerly one-half block to the intersection of the alley between D and E Streets, then easterly along the alley to the eastern boundary of Scenic Falls Credit Union, then southerly along that boundary to D Street, then easterly along D Street to the intersection with North Capital Avenue, then southerly along North Capital Street to the intersection with the alley between D Street and Constitution Way, then easterly along the alley to the intersection with Shoup Avenue, then northerly on Shoup Avenue to D Street, then easterly along D Street to the eastern boundary of Les Schwab and then southerly along the boundary to the alley between D Street and Constitution Way, then easterly along the alley to the western edge of Yellowstone Avenue right-of-way and then southerly along Yellowstone Avenue back to the point of beginning. See Attached Map.

2. Uses and Projects for Proposed Special Assessment Revenues. The proposed uses and projects to which the proposed special assessment shall be used are as follows:

a. The marketing for promotion of public events which are to take place on or in the district.

JUNE 28, 2007

b. The general marketing of retail trade and professional activities in the district, including but not limited to, promotional events and advertising.

c. The physical improvement and decoration on any public space within the district, including but not limited to, general maintenance landscaping, and the construction maintenance, and operation of a public parking facility.

d. The general promotion of the district, including but not limited to, providing marketing, maintenance and improvements.

e. The hiring of a manager and staff and contractors as needed to manage the district, including but not limited to, development and implementing management, marketing and maintenance programs, assisting in the redevelopment of the district business, and participating in any other activities necessary for the promotion of business in the district.

f. Any and all other purposes for which such district may be formed under Idaho Code § 50-2601.

3. Estimated Costs. The total annual estimated cost of the projects and uses within the district is estimated at \$60,000.00 for 2008 and subsequent calendar years.

4. Estimated Rate of Levy. The estimated rate of levy of special assessments to be used is four (4) mills for each dollar of assessed value with a maximum aggregate annual assessment of \$1,700.00 annually per property owner.

5. Life of the Proposed District. The life of the proposed district shall be ten (10) years.

WHEREAS, the City Council is desirous of supporting and promoting the redevelopment of the historic downtown Idaho Falls.

NOW, THEREFORE, in accordance with Section 50-2604, Idaho Code, be it resolved by the Mayor and City Council of the City of Idaho Falls as follows:

1. A public hearing shall be scheduled for the Regular City Council Meeting of July 26th, 2007, in the City Council Chambers at 140 South Capital Avenue to consider the creation or renewal of the Downtown Idaho Falls Business Improvement District;

2. That Public Notice of the Hearing be given in the newspaper; and,

3. A copy of this Resolution and Notice of the Hearing be mailed to each business in the proposed district.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

JUNE 28, 2007

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

Attachment: Map of Downtown Business Improvement District Boundary is on file in the City Clerk's Office.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Resolution for the Renewal of the Downtown Idaho Falls Business Improvement District setting a date for a public hearing, describing the boundaries of the proposed district, the estimated rate of the assessment levy, and the proposed uses for the assessment and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
June 4, 2007

MEMORANDUM

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

I respectfully request approval of the attached Ordinance amending Section 5-9-4 of the City Code of Idaho Falls, Idaho; providing for further conditions constituting cruel impoundment of animals. This Ordinance will be presented for your approval at the City Council Meeting of Thursday, June 7, 2007.

s/ J. K. Livsey

Councilmember Hardcastle requested the City Attorney to review concerns on this Ordinance for further conditions constituting cruel impoundment of animals. He stated that he has done some research into other court cases. It was his recommendation that the following qualifier be added to the phraseology: "To render it unlawful for any person who would confine an animal in a cruel or inhumane fashion..." By adding this qualifier, it would provide a standard that would pass the law of requirements insofar as vagueness and

JUNE 28, 2007

specificity. The City Attorney stated that it was his recommendation that the Ordinance on the table not be passed, and that the matter be deferred to the next City Council Meeting at which time a new Ordinance would be presented.

The Public Works Director submitted the following memos:

City of Idaho Falls
June 25, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STOCK PURCHASE AGREEMENT – PALISADES WATER USERS, INC.

Attached is a proposed purchase agreement for 1,000 shares of stock in Palisades Water Users, Inc., at a price of \$300.00 per share. This purchase is intended to compliment the City's existing water rights and provide flexibility in dealing with current water right uncertainties.

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

s/ Chad Stanger

Mayor Fuhrman stated that this Stock Purchase Agreement is important to the City of Idaho Falls. This assists the City to diversify its portfolio with regard to water issues.

Councilmember Hardcastle stated that the City is fortunate that this has become available. The City needs to take every opportunity available.

Councilmember Groberg stated that the City is constantly reviewing its priorities and portfolio for water. The City is constantly looking forward to plan for future problems. This is part of that overall strategy to always remain on top of that situation.

The City Attorney stated that the City of Idaho Falls is very, very fortunate to have the supply of water that we do. The City's predecessors were very wise. The City is very well situated in terms of water supply. This is a commendation of their foresight to be where we are at.

It was moved by Councilmember Lyon, seconded by Councilmember Lehto, to approve the Purchase Agreement for 1,000 share of stock in Palisades Water Users, Inc. at a price of \$300.00 per share and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

JUNE 28, 2007

City of Idaho Falls
June 26, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOTS 2 AND 3, BLOCK 1, STARDUST
ON THE RIVER

As previously authorized, the City Attorney has prepared documents to vacate easements located in Lots 2 and 3, Block 1, Stardust on the River.

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

s/ Chad Stanger

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

ORDINANCE NO. 2705

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

The foregoing Ordinance was presented by title only. Councilmember Lyon moved, and Councilmember Lehto 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 Lyon
Councilmember Groberg

Nay: None

Motion Carried.

JUNE 28, 2007

City of Idaho Falls
June 26, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 1, BONITA PARK
ADDITION

As previously authorized, the City Attorney has prepared documents to vacate a utility easement located in Lot 1, Block 1, Bonita Park Addition.

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

s/ Chad Stanger

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

ORDINANCE NO. 2706

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

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

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a land use change to allow for construction of two four-plexes

JUNE 28, 2007

located generally at the southern end of Teresa Bunker Elementary School site on East 16th 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. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 25, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST FOR LAND USE CHANGE – LOTS 1 AND 2, BLOCK 1, DESBOROUGH PLACE, DIVISION NO. 1

I am requesting the land use change for Lots 1 and 2, Block 1, Desborough Place, Division No. 1, be recessed to Thursday, July 12, 2007, to assure the property is properly posted.

s/ Renée R. Magee

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to recess consideration of a 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 16th 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 to the July 12, 2007 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Groberg to conduct Annexation Proceedings for Pioneer Road at Sunnyside Crossroads/33rd South. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 18, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF HC-1 – 33RD SOUTH (SUNNYSIDE ROAD)

JUNE 28, 2007

Attached is the request to annex 3.33 acres consisting of right-of-way for 33rd South. This parcel is located west of I-15 and requested initial zoning is HC-1 (Limited Retail Business). The Planning Commission considered this request at its May 15, 2007 Meeting and recommended approval. This request is being submitted to 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
Exhibit 1	Planning Commission Minutes dated May 15, 2007
Exhibit 2	Staff Report dated May 15, 2007
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat

The Planning and Building Director explained, further, that this request was initiated by the Public Works Division. The City of Idaho Falls is receiving a deed from the Idaho Department of Transportation for a parcel of ground that is immediately north of 33rd South and will provide access to Teton Investments property.

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 Groberg, the City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2707

PIONEER ROAD AT SUNNYSIDE CROSSROADS/33RD SOUTH

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 Groberg moved, and Councilmember Lyon 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 Groberg
	Councilmember Lehto
	Councilmember Cornwell
	Councilmember Hardcastle
	Councilmember Lyon

JUNE 28, 2007

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 Groberg, seconded by Councilmember Lyon, to establish the initial zoning for Pioneer Road at Sunnyside Crossroads/33rd South as HC-1 (Limited Retail Business) 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 Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Conditional Use Permit for the relocation of a modular unit to Sunnyside Elementary School located generally south of Cobblestone Lane, north of Haven Lane, east of Nathan Drive, west of Stonebrook Lane, and legally described as Lot 1, Block 12, Stonebrook Addition, Division No. 5. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 18, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – MODULAR CLASSROOM BUILDING, SUNNYSIDE ELEMENTARY SCHOOL

Attached is the request to place a two-classroom modular building on the grounds at the Sunnyside Elementary School immediately east of the school building and west of the large parking lot. Staff has reviewed this request and recommends approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Lehto stated that he would abstain from any discussion and decision on this matter, as his property is one of the properties that was notified within three hundred feet (300') of the school.

JUNE 28, 2007

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 Conditional Use Permit request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Slide 4	Map showing location of modular unit
Slide 5	Site Photo of School
Exhibit 1	Vicinity Map
Exhibit 2	Copy of site plan with alternative east of school
Exhibit 3	Copy of site plan with alternative south of school

The Planning and Building Director requested that the following letter be submitted:

June 20, 2007

City of Idaho Falls Planning Department
380 Constitution Way
Idaho Falls, Idaho 83402

RE: Stonebrook Division No. 5, Block 12, Lot 1

To Whom It May Concern:

We submit this report in response to the proposed modular classroom placement at Sunnyside Elementary School. We do not dispute the necessity of a modular classroom. We support the School District's current proposed location of the modular classroom. And we earnestly disagree with the District's original proposed location.

The District's original proposed placement at Sunnyside Elementary was based on the modular's location at the school more than a decade ago. That modular existed before the adjacent residential properties were developed.

We have visited, measured, photographed and documented information at every elementary school within District 91 that has a modular classroom. Said information is contained within this report.

In summary, the District's original proposed location would place the modular only 30 feet from the nearest residential property line. The District average is over 171 feet from the nearest residential property line. The District's current proposed location would place the modular up to 250 feet from the nearest residential property line.

The District's original proposed location would place the modular in a very dark area with little visibility from any street traffic. The nearest light is over 170 feet away. This same area has already been a target of graffiti, theft, assault, vandalism, and under-age drinking and smoking. The District's current proposed location would place the modular near a well-lit parking lot that is visible from a street and many more properties; thus, inhibiting crime.

JUNE 28, 2007

The District's original proposed location is based on a utility pole for a power source. Four modular classrooms in the district connect directly to the school for power. We have consulted a licensed electrical contractor (Stacey Smith Electric). Smith has personally viewed the Sunnyside property. He advised us that the District's current proposed modular location would use the school's main power transformer; and would hence provide a simple and more cost-effective way to obtain power.

The District's original proposal included placing the modular on very uneven ground with the wheelchair ramp completely blocking the sidewalk. That location is a main thoroughfare for children entering and exiting the building at school's beginning, end, recess and lunch. The District's current proposal places the modular on even ground. It places the wheelchair ramp on existing asphalt. It places the modular in an alcove that would protect the children from harsh weather elements. And it does not involve blocking any sidewalk or major student thoroughfare.

Thank you in advance for your consideration of this matter. We appreciate your sensitivity to us as adjacent property owners and parents of Sunnyside students. We are hopeful that you will agree with the many advantages of the District's current proposed modular location. We look forward to testifying at the June 28th City Council Meeting regarding this proposal. Please feel free to contact us with any questions that you may have.

Sincerely,

s/ Dane and Angela Watkins
s/ John and Molly Treasure
Dane and Angela Watkins
(186 Haven Lane/528-7359)
John and Molly Treasure
(190 Haven Lane/524-8193)

Attachments to above letter:

1. Aerial Photo showing current proposal – Advantages:
 - 250 feet from residential property line
 - Well lit and visible from street and multiple properties
 - Close to main power transformer
 - Receives power from school – no monthly meter fees
 - Easily accessible for wheelchairs – 54 feet from nearest exit
 - Sheltered from wind
 - Level ground
 - Easier to maintain – asphalt under ramp instead of grass
 - Proximity to residential property is similar to existing distance of modulares throughout the district

2. Aerial Photo showing original proposed site – Disadvantages:
 - 30 feet from residential property line – District average 171 feet
 - Greater chance for vandalism and violence when not seen from public road
 - Location is in a very dark area – nearest street light 170 feet

JUNE 28, 2007

- Requires an electric meter – monthly fee of \$14.70
- Middle of a main thoroughfare – wheelchair ramp completely blocks sidewalk
- Children exposed to harsh weather elements
- Landscaping under ramp difficult to maintain
- Location is based on the original modular placement (over 10 years ago before the adjacent residential property was developed)

3. Proposed Modular Sites:

- Aerial Photo of Current Proposed Site – 250 feet from the nearest residential property line
- Aerial Photo of Original Proposed Site – 30 feet from nearest residential property line

4. Facts at a Glance

School	Distance from Nearest Residential Property	Power Source	Playground Encroachment
Hawthorne	146 feet	Connected to school (52 feet)	On Playground
Westview	250 feet	Connected to school (59 feet)	
Longfellow	150 feet	Transformer pole	
Edgemont	216 feet	Transformer pole (156 feet)	17 feet from playground equipment
Teresa Bunker	180 feet	Transformer pole	On Playground
Linden Park	213 feet	Transformer pole (185 feet)	On Playground
Dora Erickson	124 feet	Connected to school (19 feet)	
A. H. Bush	90 feet	Connected to school (59 feet)	On Playground
District Proposal	30 feet	Transformer pole	Near main thoroughfare
Residents' Proposal	150 or 250 feet	Main transformer	N/A

5. Modular Classroom Comparables – District 91 Elementary Schools with Modular Classrooms:

- Hawthorne – 146 feet to nearest property line; connected to school for power; 52 feet to power source; situated very close to playground; and, 14 feet from playground equipment.
- Westview – 250 feet to nearest property line; connected to school for power; and, 59 feet to power source.

6. Modular Classroom Comparables – District 91 Elementary Schools with Modular Classrooms:

- Teresa Bunker – 180 feet to nearest property line; situated very close to playground; and, 52 feet from playground equipment.
- Linden Park – 213 feet to nearest property line; connected to transformer pole; 185 feet to power source; situated very close to playground; and, 14 feet from playground equipment.

7. Modular Classroom Comparables – District 91 Elementary Schools with Modular Classrooms:

- Dora Erickson – 124 feet to nearest property line; connected to school for power; and, 19 feet to power source.
- A. H. Bush – 90 feet to nearest property line; and, connected to school for power.
- Taylorview – District’s Sunnyside proposal involves placing wheelchair ramp over existing grass; and, wheelchair ramp over grass is unsightly and makes landscape maintenance difficult.

8. Modular Classroom Comparables – District 91 Elementary Schools with Modular Classrooms:

- Longfellow – 150 feet to nearest property line.
- Edgemont – 216 feet to nearest property line; situated very close to playground; 17 feet from playground equipment; connected to transformer pole; and, 156 feet to power source.

Carrie Garner, 167 Haven Lane, appeared to speak in opposition to this proposal. Overall enrollment in School District No. 91 is declining. She wondered whether it would be more reasonable to have the extra students moved to schools where there is availability rather than to put up a trailer. She opposed trailers because they require more maintenance and it creates a separation from the rest of the school community. There are greater distractions from the outside as the walls are not very thick. There are not the storage facilities within the mobile classroom that are available within a regular classroom. As a homeowner on Haven Lane, she expressed her concern about traffic. Mrs. Garner urged the Mayor and City Council to reconsider the possibilities of adding the modular classroom. She stated that she hoped that other solutions could be found for these students.

Councilmember Hardcastle requested to know where the increased enrollment at Sunnyside Elementary is coming from.

Mrs. Garner stated that the increased enrollment is coming primarily from the Southpoint Addition and points further south.

Councilmember Hardcastle expressed her concern for moving children out of the neighborhood that they would normally be using to attend school.

Councilmember Lyon stated that he lived in a neighborhood where the School District recently closed an elementary school. When this was something that the School District wanted to do, they had no problem bussing the students wherever their agenda dictated.

Mrs. Garner stated that if there is no problem with bussing the students, she encouraged sending the students to another school where there is room rather than using a modular unit. Once a modular unit is in place, it never leaves.

Carla LaOrange, 940 Dairy Lane, appeared to state that she currently serves as the Director of Elementary Education for Idaho Falls School District No. 91. She is also the Administrator who oversees the Gifted and Talented Program. The modular unit that is being proposed to be located at Sunnyside Elementary School would house students that currently attend Sunnyside Elementary School. Further, it would house the Gifted and Talented Program. Those students have been at Sunnyside Elementary School for a number of years. This is not an increase of students at Sunnyside Elementary. The reason for the modular unit is that a class is being added to Sunnyside Elementary, and the Gifted and Talented Program requires two classrooms. The two classrooms will be moved into the modular unit to house the program and the computer lab will stay within the building. The Gifted and Talented Program has been in modular units before at Linden Park Elementary

JUNE 28, 2007

where she was the Principal. This is not increasing the number of students. The students in the program attend one day per week. They are students in Third, Fourth, Fifth and Sixth Grades, coming from all across the District. They are bussed to Sunnyside Elementary. As there are different start times for elementary schools, most of the students will arrive either before or after Sunnyside Elementary School starts. The students that are there at the same time that Sunnyside Elementary begins, are students from Sunnyside Elementary because there are a large number of students from Sunnyside Elementary that are in the Gifted and Talented Program. This will not change bussing and will not move students out of their home school to another school because it is a supplemental program providing enrichment to the students in the Gifted and Talented Program. Mrs. LaOrange stated that she taught Sixth Grade at Sunnyside Elementary in a modular unit. She stated that the cooling and heating system was better in the modular unit because it could be controlled very easily. The School District does not see this as a long-term solution for the Gifted and Talented Program. The hope would be when another elementary school is built, that the Gifted and Talented Program could be considered in the design. This program will not increase the traffic at Sunnyside Elementary, as the program is already at Sunnyside Elementary School.

Kay Moore, 5030 Gleneagles Drive, appeared to state that she has been the Principal at Sunnyside Elementary School for ten years. For the first two years that she was at Sunnyside Elementary, there were modular units. With boundary changes and decreased enrollment, the modular units were removed eight years ago. Modular units are not an ideal situation. The modular unit that is being requested, meets the needs of the school at this time. Mrs. Moore stated that she has to create a new Primary Spectrum Class to house First and Third Graders. Having this modular unit will allow for two classrooms to be freed up inside and move the PACE Program. That way, neighborhood students will not have to be sent to another school. There are two days for PACE students at Sunnyside Elementary as there are so many students who qualified for the program. Mrs. Moore explained that it is a wonderful opportunity for the students to be housed at Sunnyside Elementary School as it is easier and less students for the School District to transport.

Dane Watkins, Jr., 605 North Capital Avenue, appeared to state that he resides in the Sunnyside Elementary School neighborhood. He reviewed for the Mayor and City Council his views from the letter previously entered as a record.

Councilmember Lyon requested to know whether a traffic study was conducted with regard to this Conditional Use Permit.

The Planning and Building Director re-appeared to state that a traffic study was not conducted. Traffic Studies are generally not conducted for the installation of modular units at schools. The Planning and Building Director reviewed for the Mayor and City Council where the drop-off points were for Sunnyside Elementary School. Under a Conditional Use Permit, Planning Staff looks at:

1. Whether or not the use is compatible with the neighborhood;
2. Whether or not the use is buffered from the residential neighborhood properties;
3. Whether or not lighting is being proposed, and if so, what the nature of the lighting is and the timing of the lighting; and,
4. Where the traffic moves in this particular area.

The Planning and Building Director stated that the Planning Department does not look at the operation of the school as that is an issue for the School District. The Planning Department looks at the use of the land, the movement of the traffic, and any off-

JUNE 28, 2007

site nuisances that might be produced for this particular proposal. This location was recommended as it was at least 350 feet from the nearest residential property. It was buffered from the homes on the north and south by the wing of the building. Using the existing drop-off areas, traffic will not be impacted by the modular unit.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit for the relocation of a modular unit to Sunnyside Elementary School located generally south of Cobblestone Lane, north of Haven Lane, east of Nathan Drive, west of Stonebrook Lane, and legally described as Lot 1, Block 12, Stonebrook Addition, Division No. 5. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Abstain: Councilmember Lehto

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Southpoint Addition, Division No. 7. Councilmember Lehto took his seat at the Council Table. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 18, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT -
SOUTHPOINT ADDITION, DIVISION NO. 7

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Southpoint Addition, Division No. 7. This final plat for 29 single-family home lots and two pathway lots is located east of South 5th West and north of 65th South. The requested initial zoning is R-1. The Planning Commission, at its April 3, 2007 Meeting, recommended approval with the condition bollards be installed to allow emergency vehicles to enter Spring Meadow Drive. The final plat and improvement drawings reflect this motion. This annexation request is being submitted for consideration.

s/ Renée R. Magee

JUNE 28, 2007

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing Preliminary Plats approved in this area
Slide 3	Aerial Photo showing Final Plat under consideration
Slide 4	Final Plat under consideration
Slide 5	Comprehensive Plan
Slide 6	Site Photo looking west towards Spring Meadow Drive
Exhibit 1	Planning Commission Minutes dated April 3, 2007
Exhibit 2	Staff Report dated April 3, 2007
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat

The Planning and Building Director, further, presented the following letter from the Spring Meadows Homeowners Association, Inc.:

April 3, 2007

TO: Planning Commission of Idaho Falls
FROM: Spring Meadows Homeowners Association, Inc.
SUBJECT: HOMEOWNER CONCERNS REGARDING THE ANNEXATION OF SOUTHPOINT DIVISION NO. 7

Several property owners residing in the Spring Meadows Subdivision were recently provided with notice of a Planning Commission Public Hearing in consideration for the annexation of 13.15 acres, described as Southpoint Division No. 7, adjoining the eastern border of Spring Meadows Subdivision. We appreciate having the opportunity to comment on the proposed annexation. Coincident with this notice, the Spring Meadows Homeowners Association, Inc. (hereinafter referred to as the Association) met to conduct their annual business meeting. One of the topics discussed included this annexation proposal. During our meeting, concern was expressed that not all residents of Spring Meadows Subdivision were aware of the proposed annexation and the potential impact. Based on this, another Association Meeting was held, and additional concerns were expressed. Unfortunately, this resulted in untimely presentation and submittal to the Commission. We apologize for any inconvenience this may bring, but feel strongly our concerns are worthy of being addressed, and appreciate the Commission's patience in considering this submittal.

The Association would first like to commend the Planning Commission of Idaho Falls for upholding the standards and "sticking to their guns". Not only does this apply to the new residential areas, but also with aesthetics, traffic control, and diversity in new commercial developments. Most of us all too often take this for granted until we visit other municipalities having the same demographics.

Secondly, the Association would specifically like to thank the developer for the residential area Southpoint. This is probably one of the most beautiful and appealing areas in all of southeast Idaho, if not the entire state. We look

forward to, and are truly proud to be neighbors with Southpoint. Having said this, the Association is in full support of annexing the proposed 13.15 acres as R-1 zoning, described as Southpoint Division No. 7. However, the Association would like to address the following with the proposed annexation.

Discussion

The proposed annexation will convert an existing residentially-zoned rural street, Spring Meadow Drive, into a collector street. Not only will this become a collector street between Southpoint Division No. 7 and South 5th West (Park Road), it will also be a collector street for those existing and future Southpoint Division residents that find this route to be a more convenient route (i.e., shorter distance) between the arterial street (Park Road) and their home.

As defined by the City of Idaho Falls Engineering Department Standard Specifications: Section 101.03.13, states a collector street is, "Any roadway intended to provide for the movement of traffic between local and arterial streets, but which may provide access to private property."; and, Section 101.03.31, states a local street is, "Any roadway that is intended to provide access to private property and is not intended for the through movement of traffic." In consultation with the City of Idaho Falls Public Works Engineers and supplied cross sectional drawings, proposed typical residential collector streets should be 48 feet wide, curb-to-curb, and local streets should be 38 feet wide, curb-to-curb.

The Idaho Falls Code of Ordinances, Title 10, Planning and Zoning, Chapter 1, Subdivision Ordinances, recognizes the possibility for allowing rural streets (i.e., no sidewalk, curbing, gutter, etc.) to serve as a collector street. However, in doing so, additional requirements are imposed. Article 10-1-8, Street Requirements (E) states,

"Local streets or minor collector streets serving residentially-zoned areas may be developed to rural street standards upon the following conditions:

- (1) All residentially lots bordering such streets have frontage of at least two hundred ten feet (210'); or
- (2) The gross average density of the development served by the street is equal to, or less than, one single-family unit per acre."

Concern 1

Neither of the two ordinance conditions above is met for using Spring Meadow Drive as a collector street. Only three of the fourteen residential lots bordering Spring Meadow Drive have frontage lengths of at least two hundred ten feet, and in fact, the average bordering length of the other eleven lots is 158 feet (ranging from 119 feet to 195 feet); and, Division No. 7 having twenty-nine (29) R-1 lots for 13.15 acres more than doubles one single-family unit per acre at

JUNE 28, 2007

2.2 units per acre, thus exceeding the gross average density of the development served by the Spring Meadow Drive. Then again, this does not include those existing and future Southpoint Division residents that find this route to be the shortest distance between an arterial street and their home.

Picture No. 1 – Looking to East from South 5th West (Park Road), entrance into Spring Meadows Subdivision, 13-1/2 feet each side.

The access into the Spring Meadows subdivision is 51-1/2 feet wide with a 24 foot grass/tree planted island. This leaves 13-1/2 feet for entry and egress lanes for about 250 feet. Spring Meadow Drive then bottlenecks down to 28 feet wide. Not only does this not meet the width for a residential collector street (48 feet), it does not meet the width for a local street (38 feet).

Picture No. 2 – Looking to West from end of Spring Meadow Drive where it is proposed to connect to Southpoint Division No. 7.

Having a vehicle parked on each side of the road, only allows one-way traffic through the middle. In addition, there are no sidewalks, no bike paths, and no street lamps.

Albeit, the above cited standards, specifications, and ordinances may not apply to Spring Meadow Drive (i.e., not annexed into the City), but clearly the spirit and intent are to ensure residential streets, whether collector or local, are wide enough to reduce the risks associated with traffic density, and contribute to making all of our community subdivisions a safer place to live. By using Spring Meadow Drive as a collector street, you not only put current resident families at risk, but also future residents of Southpoint Division No. 7 that will use Spring Meadow Drive as a bicycle and pedestrian way. Examples of recently established subdivisions where the subdivision collector streets meet width requirements include the Township Road entrance to Southpoint and Park Road entrance into Bristol Heights as shown in the following pictures.

Picture No. 3 – Entrance into Southpoint Subdivision from Township Road, looking to the south, 25 feet wide each side.

Picture No. 4 – Entrance into Bristol Heights from South 5th West (Park Road), looking to the east, 18 feet wide each side.

Not only are we concerned for when the Southpoint subdivision is complete, we are also concerned with the construction phase. With construction crew traffic and the increased size of heavy equipment using Spring Meadow Drive, the residents of Spring Meadows are at even more of a risk. This applies during the construction of Division No. 7, the property currently annexed, and future Southpoint proposals.

Concern 2

While inquiring with planning/zoning and road/bridge offices, some Association residents were informed and provided with information that plats

JUNE 28, 2007

and drawings on file (whether county or city) do not reflect actual "as built" street conditions. These conditions should be annotated on Improvement Drawings.

The Association is concerned that accurate Improvement Drawings reflecting the actual "as-built" condition of Spring Meadow Drive were not available and referenced while making preliminary design decisions to use Spring Meadow Drive as a collector street. The recorded plat drawing indicates a 60-foot wide street "right-of-way" was proposed the entire length of Spring Meadow Drive and having no island at the entrance installed. Actually, the current as-built has an island at the entrance and the street is similar to the county typical 60-foot street cross section having a 28 foot wide chip and seal (asphalt) road with an island at the entrance.

Final Plat of Spring Meadows Addition, Division No. 1

The public hearing notice did not include all Association residents. As allowed by the Idaho Statutes, Title 67, Chapter 65, Article 67-6512, it is apparent that only those residing within 300 feet of the proposed annexation external boundaries were notified. However, the statutes also require notification to residents of any additional area that may be "substantially impacted". Based on the above, and the possibility that a 60-foot road could exist, the commission may have assumed other residences outside of the 300 foot criteria would not be impacted by the land being considered. The Association feels that using a 28 foot wide road in place of a typical 48 foot wide collector street for a major residential subdivision will have a substantial impact on all of those residing on the collector street. In addition, the most significantly impacted resident with this annexation (i.e., directly adjacent to five new proposed lots), actually closed on the purchase of their home after the public notices were sent out. Obviously, notification to new residents like this is beyond your control, and we realize every attempt is made to make appropriate notices.

Additional Discussion

Over eighty percent of the Spring Meadow residents are still the original lot purchase owners. At the time these lots were purchased, the future and connectivity of Spring Meadow Drive was undecided. Some were informed:

- It would continue as an urban residential development extending Spring Meadows Subdivision;
- It would be absorbed into a city residential area;
- Or, Spring Meadow Drive would never be connected to provide a thoroughfare into a city residential area (i.e., similar to Mauna Lani Drive with the use of bollards).

None of these perceptions were wrong or right, and the meaningful perception is that the commission and developer must now go forward making well informed decisions.

JUNE 28, 2007

General Information Sheet for Spring Meadows (Park Road just North of York Road).

Proposed Master Planned Community for Spring Meadows, a Proposed Urban Residential Development.

Concern 3

For the past decade, residents of Spring Meadows Drive have become accustomed to an urban residential lifestyle in the country. As previously mentioned, residents of Spring Meadows have always known that some day the subdivision would be surrounded with other developments, and as previously stated, the Association is in favor of the R-1 Zoning and annexation of connecting properties. The Association recognizes attempts have been made in the past and are encouraged by the Planning Commission to propose new subdivisions to "blend in with country living existing in the neighborhood" (reference Planning Commission Minutes of February 7, 2006). We are concerned that attempts have not been made in designing preliminary plats with lots that "blend in with country living existing in the neighborhood". This is based on the size of the proposed adjacent lots resulting in the east end Spring Meadow Subdivision lots being surrounded by five lots each.

Conclusion

The Association recommends the Developer, City, and County, expedite the process to include the annexation of the preliminary designed collector street planned for the Southpoint Subdivision Park Road entrance just to the south of Spring Meadows Subdivision. The Association also recommends that the City fully evaluate and consider the traffic impact imposed on the Spring Meadows and Southpoint Subdivision residents with designating Spring Meadows Drive as a collector street.

In closing, the Spring Meadows Homeowners Association would like the Planning Commission to consider our concerns and the preliminary plat map before annexation of the Southpoint Division No. 7. Once again, thank you for the opportunity to comment on the proposed annexation and the commission's patience in considering our comments.

Thank you,

The Spring Meadows Homeowner
Association, Inc.

Mike Arneson, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared to state that he was representing Voigt Development for the Southpoint Development. The request for bollards has been addressed and is included in the Southpoint Division No. 7 request.

Dary Newbry, 306 Spring Meadows Drive, appeared to submit the following letter:

JUNE 28, 2007

June 27, 2007

TO: Idaho Falls City Council

In favor of the annexation for Southpoint Division No. 7, the Spring Meadows Homeowners Association (adjacent property owners) expressed concern to the Planning and Zoning Commission during a public comment period held on April 3, 2007. The concern primarily focused on converting Spring Meadows Drive into a residential collector street while Spring Meadows Drive is only constructed to Bonneville County standards for a local residential roadway. In addition, the initial traffic study conducted for the Southpoint Subdivision concluded since Spring Meadows Drive is not a residential collector street, it should not be subjected to an increase in through traffic volume. Therefore, the study recommended that traffic control devices be installed at the subdivision boundary to prohibit normal use and allow emergency access with removable bollards, flexible delineator posts, or the like.

The Commission responded appropriately and passed a motion recommending approval of the final plat with the stipulation that the road connecting the Spring Meadows Drive not provide routine through traffic, but be terminated at the Southpoint division line and have bollards installed for emergency vehicles only. The Spring Meadows Homeowners Association agreed with this recommendation.

The Southpoint developer recently contacted Spring Meadows homeowners indicating that during the past several months, they have been working with city engineers in preparing improvement drawings and plat modifications that differ slightly from the initially proposed plat that resulted in the recommendation discussed above. More specifically, the stubbed street connecting Southpoint to Spring Meadows Drive is proposed to be eliminated altogether with the area designated as a 40' public access lot, landscaped on both sides with a 20' paved pedestrian/bicycle path wide enough for emergency vehicle access. Removable bollards, flexible delineator posts, or the like will still be included on each end to prevent routine through traffic. Not only will this modification improve aesthetics of the transition between Southpoint and Spring Meadows, it will still accommodate emergency vehicle access if needed.

In the interest of our initial concern and the traffic study recommendations, the Spring Meadows Homeowners Association fully supports and agrees with this change to the recommendation.

The Spring Meadows Homeowners Association thanks the City Council for the opportunity to comment, and thanks the developer, Planning and Zoning Commission, and City Engineers for responding responsibly to our concern.

Sincerely,

The Spring Meadows Homeowners
Association

JUNE 28, 2007

<u>s/ Dary and Arlene Newbry</u>	Dary Newbry and Arlene Newbry
<u>s/ Ted and Claudia Dawson</u>	Ted and Claudia Dawson
<u>s/ Jeff and Wendi Arnold</u>	Jeff and Wendi Arnold
<u>s/ Sterling and Cindy Smith</u>	Sterling and Cindy Smith
<u>s/ Brad and Leslie Call</u>	Brad and Leslie Call
<u>s/ Ilene Stolworthy</u>	Ilene Stolworthy
<u>s/ Derek and Janet Lythgoe</u>	Derek and Janet Lythgoe
<u>s/ Bruce and Linda Criswell</u>	Bruce and Linda Criswell
<u>s/ Jeff and Angela Keller</u>	Jeff and Angela Keller
<u>s/ Thomas Hess and Natalie Hess</u>	Thomas Hess and Natalie Hess
<u>s/ Boyd and Julie Larson</u>	Boyd and Julie Larson
<u>s/ Mike Gneiting</u>	Mike Gneiting
<u>s/ Jeff Hobbes and Tammie Hobbes</u>	Jeff Hobbes and Tammy Hobbes

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

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to approve the Annexation Agreement for Southpoint Addition, Division No. 7 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

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

ORDINANCE NO. 2708

SOUTHPOINT ADDITION, DIVISION NO. 7

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

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Lyon 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:

JUNE 28, 2007

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

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 Groberg, seconded by Councilmember Lyon, to establish the initial zoning for Southpoint Addition, Division No. 7 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 Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to accept the Final Plat for Southpoint Addition, Division No. 7 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, that the meeting adjourn at 8:55 p.m.

CITY CLERK

MAYOR
