

APRIL 12, 2007

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 12, 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 Larry Lyon
Councilmember Ida Hardcastle
Councilmember Joe Groberg
Councilmember Thomas Hally
Councilmember Karen Cornwell

Also present:

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

Mayor Fuhriman requested Boy Scout Bryan Glass to come forward to lead those present in the Pledge of Allegiance.

Mayor Fuhriman announced that there was an Agenda Item that was overlooked on the Agenda for this evening. He stated that it was a memorandum from the Police Chief regarding restitution for loss of property. That memo will be considered in its place on the Council Agenda.

A special recognition was given to three outstanding citizens as described in the following letter:

City of Idaho Falls
March 16, 2007

Jared Fuhriman
Mayor, City of Idaho Falls

Dear Mayor Fuhriman:

On February 16, 2007, a woman drove her vehicle onto the Snake River just across from the Saving Center Grocery Store. She entered the river going from east to west. The river was iced over so the car slid across the ice and went over the falls. The car landed on its roof on the rocks below. Three men immediately rushed to the aid of the driver of the car, a woman, and her passenger, a four-year-old child.

The men worked their way across the ice to get to the woman and child. When they got to them, the woman and child were sitting in a rivulet of water that was coming out from under the ice. They were hypothermic.

The men took the woman and child and, assisted by responding police officers got them to the Broadway Bridge. They were then helped onto the bridge and into waiting ambulances.

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These men clearly risked their lives to save the woman and child. They had no idea how thick the ice was or if it would hold them. They also risked slipping on the ice themselves and going over the falls into the rocks.

Idaho Falls is fortunate these men were at the river that day and we are proud to have them in our community. Their names are:

Terek Beckman	754 Saturn No. 2	Idaho Falls 83402
Steven Haws	250 Bob-o-link	Idaho Falls 83401
Allan Jemmett	4125 East 140 North	Rigby 83442

Mayor Fuhriman and City Councilmembers honored these men for their courage and service to the community by presenting them with plaques.

CONSENT AGENDA ITEMS

Mayor Fuhriman presented the following Resolutions:

RESOLUTION NO. 2007-06

BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE **CLUB, INC.** AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE **CLUB, INC.** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, CLUB, INC. provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, CLUB, INC. is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the CLUB, INC.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 12th day of April, 2007.

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APPROVED by the Mayor of the City of Idaho Falls, Idaho this 13th day of April, 2007.

APPROVED:

s/ Jared D. Fuhriman
MAYOR

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

RESOLUTION NO. 2007-07

BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF **THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H)** PROGRAM AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY **THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, The Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, The Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for The Haven Homeless Shelter and Homeless to Homeowners (H2H) Program.

APRIL 12, 2007

ADOPTED by the Council of the City of Idaho Falls, Idaho this
12th day of April, 2007.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this
13th day of April, 2007.

APPROVED:

s/ Jared D. Fuhriman
MAYOR

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

The City Clerk requested approval of the Minutes from the March 22, 2007 Council Work Session, the March 22, 2007 Regular Council Meeting, and the April 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 March 1, 2007 through March 31, 2007, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 1,433,734.61
Street Fund	17,605.66
Recreation Fund	20,596.08
Library Fund	59,991.04
Municipal Equipment Replacement Fund	27,145.00
Electric Light Public Purpose Fund	28,953.84
Street Capital Improvement Fund	12,196.85
Airport Fund	131,709.19
Water and Sewer Fund	474,203.31
Sanitation Fund	54,421.72
Ambulance Fund	256,333.38
Electric Light Fund	4,296,955.28
Payroll Liability Fund	2,028,996.17
TOTALS	\$ 8,842,842.13

The City Clerk presented several license applications, including BEER Licenses to Blondie's (Transfer) and Roadrunner Pit Stop (Transfer), 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 April 12, 2007.

The Idaho Falls Power Director submitted the following memos:

APRIL 12, 2007

City of Idaho Falls
February 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – REQUEST FOR AUTHORIZATION TO
ADVERTISE TO RECEIVE BIDS FOR WEST SIDE SUBSTATION
TRANSFORMER

The West Side Substation Expansion Project is under design with construction planned to start in 2008, see attached schedule. The design specifications for the transformer have been completed. This unit has a 60 week delivery time.

Staff requests permission to bid the West Side Substation Transformer.

s/ Jackie Flowers

City of Idaho Falls
January 18, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO SOLICIT
PROPOSALS FOR A QUALIFIED FACILITATOR AND AN
INDEPENDENT CONSULTANT FOR COMPLETION OF THE FERC
PART 12 SUBPART D INSPECTION

Every five years, Idaho Falls Power is required to complete an inspection with relation to compliance with Part 12 Subpart D regulations. The last Part 12 Subpart D Inspection was completed in 2003 with assistance from CH2M Hill.

FERC requires the inspection documentation to be prepared by an independent consultant and a qualified Potential Failure Modes Analyses facilitator.

The inspection report is due to FERC by February 2008. Staff requests permission to solicit proposals for a qualified facilitator and an independent consultant for completion of the FERC Part 12 Subpart D Inspection.

s/ Jackie Flowers

The Municipal Services Director submitted the following memo:

City of Idaho Falls
April 5, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID

APRIL 12, 2007

Municipal Services respectfully requests authorization to advertise to receive bids for the sale of abandoned, impounded, unclaimed or surplus firearms.

s/ S. Craig Lords

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 Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
April 9, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZATION FOR GOVERNMENT AND PUBLIC AFFAIRS
PROJECT AGREEMENT

Attached for your consideration is the Government and Public Affairs Project Agreement for Idaho Falls Power participation in this UAMPS service.

Staff recommends approving authorization for the Mayor to execute the agreement.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Government and Public Affairs Project Agreement for Idaho Falls Power participation in the UAMPS service and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon

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Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
April 9, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZATION EXECUTION OF THE UAMPS RESOURCE
PROJECT AGREEMENT

UAMPS has formed a Resource Committee to review both supply-side and demand-side resources during the next fiscal year. The completion of an Integrated Resource Plan for the UAMPS organization and its members will establish parameters for types and quantities of resources (including conservation projects) that best fit the UAMPS and members needs.

Staff recommends execution of the Utah Associated Municipal Power Systems Resource Project Agreement.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Utah Associated Municipal Power Systems Resource Project Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
March 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-07-11, NEW 2007 BACKHOE LOADER

APRIL 12, 2007

Attached for your consideration is the tabulation for Bid IF-07-11, New 2007 Backhoe Loader.

It is the recommendation of Municipal Services to reject all bids for the Backhoe Loader due to a specification interpretation and request authorization to re-bid at later time.

s/ S. Craig Lords

Following is a letter of protest registered from Pioneer Equipment Company which was shared at the March 8, 2007 Regular Council Meeting:

Pioneer Equipment Company
March 1, 2007

Willa Swim
City of Idaho Falls
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

Dear Willa:

I just received your memo on rejection of all bids, and would like to object to the fact that you are wanting to reject all bids.

I would like it to be brought to the attention, that I in fact quoted a machine that met the entire specifications, as it was written, and stated this prior to you opening my bids.

I included a bid for an extendahoe machine as merely an option for the City, as I stated in the meeting, prior to you opening my bids.

Everyone that attended the bid opening had the opportunity to bid whatever machines they deemed would qualify to the specifications, and chose to not bid both configurations. I read the bid specs as to the standard stick machine, or "extendable backhoe" and opted to quote accordingly, and again, I stated this prior to you opening Pioneer Equipment Company bids.

During the meeting you also asked "where it specified an extendahoe", and that was not how it was meant. The bid line states "extendable backhoe". You also had stated that, everyone could have called for clarification, and you would have sent out an addendum of such clarification, as some did concerning tires.

Pioneer Equipment Company has clearly won the bid, according to the specifications on how they were written, and should be awarded as such. With or without trade, we won the first quoted machine that you opened, being the standard stick machine.

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Pioneer Equipment Company is requesting the time of the City Council Meeting, as we would like to attend and contest this in front of Council.

Sincerely,

s/ Darren Andrews

Darren Andrews
CE Sales Manager, Idaho Falls
Pioneer Equipment Company
5666 North Yellowstone Highway
Idaho Falls, Idaho 83401
208-524-5455 Office
208-529-0465 Fax
208-520-6161 Cell

In response to the above letter, the City Attorney submitted the following letter in response:

Office of the City Attorney
March 22, 2007

S. Craig Lords
Municipal Services Department
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

Re: *IF Bid No. 07-11*

Dear Mr. Lords:

The following will respond to your request for my opinion and advice as to whether or not the City may award the above-referenced bid to Pioneer Equipment Company ("Pioneer"), who submitted the apparent low bid. In particular, you have asked for my recommendation and opinion of whether Pioneer's bid for a backhoe without an extendable hoe is a responsive bid.

Pioneer Equipment Company submitted two bids for the desired backhoe, both of which were identical in all respects except for the price and an additional feature known as an "extendable hoe". Bid "2A" was for \$53,929 and did *not* include an extendable hoe (i.e. it was a "standard stick")¹. Bid "2B" was for the amount of \$57,929 and included an extendable hoe. An extendable hoe is a hydraulic mechanism comprising a portion of the boom which allows for hydraulic extension of the bucket. Bid 2B is the third lowest bid and Bid 2A is the lowest bid. If Bid B is a responsive bid, the bid should be awarded to Pioneer Equipment. Conversely, if Bid 2A does not meet the terms and conditions of the specifications, then it should be rejected and the bid should be awarded to the second low bidder, Western States Caterpillar ("Western"), who submitted Bid No. 4.

Bid specification numbers 44 and 49, referenced digging depth and loading height, ... "with extendable hoe". The question therefore is whether the bid specs *require* an "extendable hoe" or whether the specifications merely have reference to the digging depth and the loading height, while the boom is in its

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extended mode.² Pioneer Equipment argues that Bid B meets the specification because it meets the minimum digging depth and minimum loading height, even though admittedly the proposed backhoe does not have the capacity to hydraulically extend the length of the boom (i.e. it has a “standard stick” rather than an “extendable hoe”).

The question then is whether or not the specifications in question were merely requiring a minimum digging depth and a minimum loading height or whether the specification also *required* an extendable hoe. In my judgment, the specification is ambiguous in this respect. Other than bid items 44 and 49, there is no other specification which expressly requires an “extendable hoe”. On the other hand, bid items 44 and 49 both make reference to an “extendable hoe”, thus creating a strong implication that the owner is requesting that feature. Because reasonable and prudent bidders could interpret the bid specification in either fashion, I conclude the specification is ambiguous and the City did not therefore receive bids that were truly competitive.

The purpose of the competitive bidding statute is to protect the public interest by fostering competition and deterring favoritism, fraud or corruption. Ambiguous bid specifications are by definition not competitive because reasonable bidders may be bidding “apples and oranges”. In this case, if the City were to award the bid to Pioneer, the second low bidder, Western, may have cause to complain because Pioneer’s lowest bid does not include an extendable hoe and bid specifications 44 and 49 both indicated that the boom was to be “with extendable hoe”. Conversely, if the City were to award the bid to Western, then Pioneer Equipment would have cause to complain because Western was not the low bidder. The reality is that both interpretations are reasonable – in effect both bidders were bidding “apples and oranges”. Pioneer Equipment obviously recognized the ambiguity because it submitted two bids, one with an extendable hoe and one without.³ For unknown reasons, Pioneer Equipment did not call the ambiguity to the attention of the owner before the bids were opened. As a result of the ambiguity, we are now placed in the conundrum of having to determine which bid is in fact correct, when in all reality the ambiguity makes it impossible to do so.

In sum, I recommend rejection of all bids and the City go out for bid again. Because of the ambiguity, the bidding process was not competitive and as such does not protect the public interest. By rejecting all bids, the City avoids a potential lawsuit from either bidder and the City would therefore have an opportunity to prepare a specification that clearly designates the desired configuration and to obtain a truly competitive bid process.

If you have any questions, please feel free to call.

Very truly yours,

s/ Dale Storer
Dale W. Storer
Attorney at Law

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¹For purposes of simplification, reference here is made only to the bids without trade-in.

²Apparently, the City Purchasing Department did not desire an extendable hoe and the dispute focuses upon whether that intent was clearly reflected in the request for proposals.

³The proper procedure under that circumstance is for the bidder to call the ambiguity to the owner's attention so that the ambiguity can be clarified.

The City Attorney stated that he has visited with Kreg Parmer and explained the reasons behind the recommendation to reject and re-bid this item. While Mr. Parmer did not necessarily agree with him, the City Attorney believed that Mr. Parmer understood the rationale.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to reject all bids for the New 2007 Backhoe Loader due to a specification interpretation and, further, give authorization to re-bid this item at a later date. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 10, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: POLICE DEPARTMENT BUILDING LEASE – 497 NORTH CAPITAL AVENUE

Attached for your consideration is the proposed Lease Agreement between the City of Idaho Falls and J & R Investments, for office and parking spaces located at 497 North Capital Avenue.

The City Attorney, Dale Storer, has reviewed and approved the proposed lease.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Lease Agreement between the City of Idaho Falls and J & R Investments for office and

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parking spaces located at 497 North Capital Avenue and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
April 12, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: STATE/LOCAL AGREEMENT – PANCHERI TO SOUTH TOURIST
PARK PEDESTRIAN/BIKE PATHWAY PROJECT

Attached for your consideration is a State/Local Agreement for the Pancheri to South Tourist Park Pedestrian/Bike Pathway Project. This Project, scheduled for construction in Fiscal Year 2008, is being funded with an ITD Enhancement Grant and local match. The City Engineer has reviewed the agreement and recommends its approval.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said agreement as well as authorization for the initial payment of \$10,000.00 to the Idaho Transportation Department to begin the design process.

s/ David J. Christiansen

RESOLUTION NO. 2007-08

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for development of Pancheri to South Tourist Pedestrian/Bike Pathway; and,

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; and,

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WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the STATE can only pay for work associated with the State Highway System; and,

WHEREAS, the CITY is fully responsible for its share of project costs; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Project A009(765) is hereby approved.

2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a regular, duly called meeting of the City Council, City of Idaho Falls, held on April 12, 2007.

s/ Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the State/Local Agreement for the Pancheri to South Tourist Park Pedestrian/Bike Pathway Project, give authorization for the initial payment of \$10,000.00 to the Idaho Transportation Department to begin the design process 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 Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

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City of Idaho Falls
April 11, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: MELALEUCA FIELD AWARD OF ALTERNATES 1, 2, AND 3 -
PARKING LOT PAVING, CONCRETE WORK, AND LIGHTING

Attached for your consideration are costs for Alternates No. 1 – Parking Lot Paving and Concrete Work, No. 2 – Service Drive, Parking Lot Paving and Concrete Work, and No. 3 – Parking Lot Lighting submitted by Bateman-Hall Construction Inc. (Construction Manager) for the Melaleuca Field Project. The total revised cost for all three alternates is \$142,107.00.

Alternates No. 1, No. 2, and No. 3 were included in the original bid documents but were not awarded as part of the original project costs approved by City Council on October 26, 2006. The ability to make this recommendation to you at this time is reflected in generous cost reductions for this scope of work by HK Contractors, Inc., and other contractors being able to honor their original bid amounts.

It is therefore submitted for ratification to award said contracts in the amount of \$142,107.00 bringing the revised project cost to \$5,490,935.22.

s/ David J. Christiansen

Councilmember Cornwell expressed her appreciation for the work that the Parks and Recreation Director has done to allow for cost reductions to take place with the Alternates.

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to ratify the award of Alternate No. 1 – Parking Lot Paving and Concrete Work, Alternate No. 2 – Service Drive, Parking Lot Paving and Concrete Work, and Alternate No. 3 – Parking Lot Lighting to HK Contractors, Inc. in the amount of \$142,107.00 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 Lyon
Councilmember Groberg

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

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City of Idaho Falls
April 8, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – HARTWELL ACRES, DIVISION NO. 1

Attached is the Final Plat for Hartwell Acres, Division No. 1. This final plat of 0.73 acres is located north and contiguous to Pancheri Drive and east of Skyline Drive. The parcel is within Idaho Falls and is zoned R-2A and R-3A. The Planning Commission recommended approval of this plat at its March 6, 2007 Meeting. This plat 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 Final Plat approval request:

Exhibit 1 Planning Commission Minutes dated March 6, 2007
Exhibit 2 Staff Report dated March 6, 2007
Exhibit 3 Vicinity Map
Exhibit 4 Copy of plat

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for Hartwell Acres, 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 Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
April 8, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE CHANGING NAME OF RECREATION DRIVE TO
PIER VIEW DRIVE

Attached is an Ordinance changing the name of Recreation Drive, which is located south of Pancheri Drive and west of the Snake River, to Pier View

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Drive. This Ordinance has been reviewed by the City Attorney's Office, and the Division respectfully requests approval of the Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2695

AN ORDINANCE CHANGING THE NAME OF RECREATION DRIVE, A STREET LOCATED WITHIN THE CITY OF IDAHO FALLS TO PIER VIEW DRIVE; PROVIDING FOR AN EFFECTIVE DATE.

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
April 11, 2007

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: RESTITUTION FOR LOSS OF PROPERTY

Kimball Mason made restitution in the amount of \$8,000.00 to the City of Idaho Falls as part of a plea agreement regarding his unlawful removal of firearms from the Idaho Falls Police Department's Evidence Room. This money has been placed in the City's General Fund. Therefore, restitution, if granted, should be made from the General Fund.

Lee Brady has made a request for restitution for a Glock, Model 21 .45 cal. Handgun, Serial No. DTW308US. The firearm was taken illegally from the

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Idaho Falls Police Department's Evidence Room by Mr. Mason and ultimately sold to Lee Brady for the sum of \$678.40.

The Public Safety Committee agrees that Lee Brady should be reimbursed from the City's General Fund for his loss and is asking for Council approval for the reimbursement.

s/ J. K. Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to give authorization for restitution to be granted for Mr. Lee Brady to be reimbursed in the sum of \$678.40 from the City of Idaho Falls General Fund. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
April 4, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: MEMORANDUM OF UNDERSTANDING - HOUSEHOLD
 HAZARDOUS WASTE EVENT

Attached is a Memorandum of Understanding between the Cities of Ammon and Idaho Falls, Bonneville County, and State of Idaho with respect to a Household Hazardous Waste Event. This event is scheduled May 12, 2007, to provide household hazardous waste collection, handling and disposal services to the public. The City is obligated to pay 56% of the actual cost with a provision that the cost not exceed \$27,000.00.

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

s/ Chad Stanger

It was moved by Councilmember Lyon, seconded by Councilmember Groberg, to approve the Memorandum of Understanding between the Cities of Ammon and Idaho Falls, Bonneville County, and State of Idaho with respect to an Household Hazardous Waste

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Event 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
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
April 9, 2007

MEMORANDUM

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

Public Works is in receipt of a request from Iona-Bonneville Sewer District to increase the District's Service Area boundaries for two single-family residences located north of Iona on 55th East as shown on the attached map. The owner of the property is Lynn Rockwood.

This matter is being presented for your consideration.

s/ Chad Stanger

It was moved by Councilmember Lyon, seconded by Councilmember Lehto, to approve the request from Iona-Bonneville Sewer District to increase the District's Service Area boundaries for two-single-family residences located north of Iona on 55th East in the name of Lynn Rockwood. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Hally to conduct Annexation Proceedings for Sunnyside Crossroads Regional Center, Division No. 1. At the request of

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Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 8, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF HC-1, FINAL PLAT, AND PLANNED UNIT DEVELOPMENT - SUNNYSIDE CROSSROADS REGIONAL CENTER, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, Final Plat and Site Plan for Sunnyside Crossroads Regional Center, Division No. 1. This is a request for the annexation and initial zoning of HC-1 for 8.19 acres. The final plat encompasses 4.84 acres and includes Phase I of the Planned Unit Development, a portion of which is presently annexed and zoned HC-1. The final plat consists of three lots. Lot 2, Block 1, of the plat is a private street providing access to the proposed shopping center. Sunnyside Crossroads Regional Center is located on the southwest corner of I-15 and 33rd South. The Planning Commission, at its February 6, 2007 Meeting, recommended approval of this request with five conditions:

1. A twelve foot pathway be constructed south of 33rd South;
2. A traffic study be prepared prior to construction of the second phase;
3. The landscaping plan be approved by the City Forester;
4. A preliminary elevation of the convenience store and car wash be presented to City Council; and,
5. Any freestanding sign be approved by the Planning Commission.

This matter is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

- | | |
|----------|--|
| Slide 1 | Vicinity Map showing surrounding zoning |
| Slide 2 | Aerial Photo showing the Final Plat |
| Slide 3 | Aerial Photo Close-Up |
| Slide 4 | Comprehensive Plan |
| Slide 5 | Land Uses |
| Slide 6 | Comprehensive Long-Range Transportation Plan |
| Slide 7 | Aerial Photo showing property owners in the area |
| Slide 8 | Long-Range Bike and Pedestrian Plan |
| Slide 9 | Preliminary Plat approved by the Planning Commission |
| Slide 10 | Final Plat under consideration |

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Slide 11	Site Plan for Phase 1 and Phase 2
Slide 12	Site Plan
Slide 13	Site Plan
Slide 14	Landscaping Plan
Slide 15	Lighting Photometry Plan for Phase 1
Slide 16	Lighting Photometry Plan for Phase 2
Slide 17	Planned Unit Development Building Elevations
Slide 18	Exxon Convenience Store Building Elevation
Exhibit 1	Planning Commission Minutes dated February 6, 2007
Exhibit 2	Staff Report dated February 6, 2007
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat
Exhibit 5	Copy of Planned Unit Development

Darrel Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that it was exciting to have the Sunnyside Interstate Exchange come into the City of Idaho Falls.

Councilmember Cornwell requested to know whether the new development would include upper-scale stores, such as Nordstrom's.

Larry Reinhart, 1740 Bramble Lane, appeared as the developer for this property. He stated that they are talking with people like Nordstrom's for development of those types of stores.

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

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Annexation Agreement for Sunnyside Crossroads Regional Center, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2696

SUNNYSIDE CROSSROADS REGIONAL CENTER, DIVISION NO. 1

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.

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The foregoing Ordinance was presented by title only. Councilmember Hally 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 Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
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 Hally, seconded by Councilmember Lyon, to establish the initial zoning for 8.19 acres of Sunnyside Crossroads Regional Center, Division No. 1 as HC-1 (Highway Commercial) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for Sunnyside Crossroads Regional Center, 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 Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

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It was moved by Councilmember Hally, seconded by Councilmember Lyon, that the Planned Unit Development for Sunnyside Crossroads Retail Center encompassing 10.48 acres be approved with the five conditions recommended by the Planning Commission. Roll call as follows:

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

Nay: None

Motion Carried.

The public hearing for consideration of Annexation Proceedings for Belmont Estates, Division No. 1 was withdrawn by the Division Director.

Mayor Fuhriman acknowledged Todd Meyers, Assistant Planning and Building Director, for his many years of service to the City of Idaho Falls. Todd will be taking another job.

Todd Meyers appeared to state that he has always enjoyed working with the City Council. He stated that he has always been fairly comfortable about what he could do for the City, but the things that he has been able to learn (especially from Parks and Recreation Director Dave Christiansen and Planning and Building Director Renée R. Magee) has been super. They have prepared him for his future and he cannot thank them enough.

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

CITY CLERK

MAYOR
