

MARCH 8, 2007

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 8, 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 Larry Lyon
Councilmember Joe Groberg
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Thomas Hally

Also present:

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

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

Mayor Fuhriman recognized Jack Barraclough and his wife for attending this meeting.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the Appointment of Matt Hill to serve on the Shade Tree Committee (Term to expire in December, 2008).

The City Clerk requested approval of the Minutes from the February 22, 2007 Council Work Session and the February 22, 2007 Regular Council Meeting.

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

The City Clerk presented the following Expenditure Summary dated February 1, 2007 through February 28, 2007, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 2,311,907.43
Street Fund	42,254.48
Recreation Fund	20,520.04
Library Fund	61,553.37
Municipal Equipment Replacement Fund	35,916.63
Electric Light Public Purpose Fund	30,756.20
Street Capital Improvement Fund	1,500.00
Water Capital Improvement Fund	8,066.60
Airport Fund	133,610.20
Water and Sewer Fund	181,006.35
Sanitation Fund	13,594.42
Ambulance Fund	7,771.93
Electric Light Fund	4,376,883.78
Payroll Liability Fund	2,023,873.86
TOTALS	\$ 9,249,215.29

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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 March 8, 2007.

The Public Works Director submitted the following memo:

City of Idaho Falls
March 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – UNIVERSITY BOULEVARD UTILITY AND STREET IMPROVEMENTS PROJECT

Public Works requests authorization to advertise to receive bids for University Boulevard Utility and Street Improvements Project.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Fuhriman introduced Lenard “Len” Nelson for the Idaho Falls Regional Airport Director position. Mayor Fuhriman requested City Council confirmation for the appointment of Lenard “Len” Nelson to serve as the Idaho Falls Regional Airport Director. It was moved by Councilmember Hally, seconded by Councilmember Groberg, to confirm the appointment of Lenard “Len” Nelson to serve as the Idaho Falls Regional Airport Director. Roll call as follows:

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

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Nay: None

Motion Carried.

Airport Director Len Nelson appeared to state that the interview process was unique. There were many people that he interviewed with. He stated that he had a great amount of respect for many of them as he has known them in the Airport industry. He stated that he was honored to take this position. He appreciated the confidence expressed in the City Council's vote. He assured the Mayor and City Council that he would do everything that he possibly could, within his experience, to continue the growth and image that should be appropriate for Idaho Falls. He looked forward to becoming a member of this community. Mr. Nelson stated that he appreciated this opportunity.

Mayor Fuhriman announced that "Girl Scouts Make The World a Better Place Week" is March 11, 2007 through March 17, 2007.

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

Don Schanz, 302 11th Street, appeared to express his appreciation to the Mayor and City Council for the work that they do and to share information from the following article:

FEDERAL GRANT TO HELP FUND NEIGHBORHOOD CLEAN-UP: YOUR INPUT IS CRUCIAL

By Brad Cramer, City Zoning Enforcement Officer

Author Joel Kotkin writes that a city needs three elements to be great: a sense of commerce and economic prosperity, a sense of safety, and a strong, almost spiritual connection between residents and their community. What about the neighborhoods in which you live and call home? Do you feel connected to the area in some way? Is there a fun park where your kids play or a beautiful home you love to admire? What about a connection with your neighbors? Do you have friends who live close by with whom you have shared fond memories? What about a church or school you or your kids attended? How many things would you miss about your neighborhood if you had to leave? Do you feel safe there? Does it look like a healthy, active community?

There is probably an endless list of things citizens love about their neighborhood. They have rich meaning for you and you want to preserve them. However, there are probably a few things you would like to see disappear from your neighborhood too. Maybe you've noticed an unkempt lawn or the local "salvage yard". What about that yard that has turned into a parking lot? Maybe there are some overgrown trees blocking a street sign. What spots on your street have become eyesores in an otherwise beautiful area? Do you ever wish they would just disappear?

Well, there is good news for residents of the COTHNA neighborhoods who would like to see a more beautiful neighborhood. The City Planning Department has received federal block grant money to support a number of focused cleanups around the city. A portion of Crow's Addition, from 1st to 13th Streets, is the next area to receive attention.

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During a cleanup, the city places large dumpsters within the area and notifies residents of the cleanup schedule, giving everyone opportunity to dispose of trash and debris without the hassle of transporting items to the dump. People in surrounding areas may join in as well, and are welcome to utilize the dumpsters. Volunteers may be available to help residents who are unable to clean up their own properties due to illness, disability or a lack of resources. The Crow's cleanup is tentatively scheduled to begin June 1st. More details about the process will be covered at the next COTHNA meeting, Thursday, March 22nd, 7 PM at the O. E. Bell Building.

The Planning Department's Zoning Enforcement Program oversees the targeted cleanups. Two zoning enforcement officers have the responsibility of helping various neighborhood nuisances "disappear" but first we need to know about them. Two people covering an entire city are not enough to see every violation. We need your help. Once we know about a violation, we inspect the property and send a notice to the property owner or tenant, with a list of violations and a 10-day deadline within which to remove them. Failure to comply may result in misdemeanor charges, fines and even jail time.

Why get so tough on cleanliness? The idea comes from the "Broken Window Theory", which says that as long as a car or building is in good condition with no broken windows, flat tires, open doors, or other damage, it will be left alone. However, once a window is broken, that building or car becomes a magnet for more crime. Why? Because now it is obvious that no one is paying attention to it. The bad guy knows that no one is watching. Likewise with your neighborhoods, once small violations are allowed to exist, it is likely that larger problems will follow. This is why enforcing the "small" things will help in keeping out the major issues that can plague and diminish any community.

On page 19 of this newsletter is a survey that will help us determine what problems we need to focus on. Take a walk one day and see how many properties you notice that you wish looked a little better. Some of the most common code violations in residential neighborhoods are accumulation of litter and debris, storage of unlicensed/nonfunctional vehicles, and overgrown weeds. Illegal storage of RVs and trailers and illegal structures are other types of violations. Let us know about them. We appreciate your phone calls because it means people are realizing the value of keeping their neighborhoods clean.

One issue that many residents face when reporting these types of complaints, is the fear that their neighbor might find out who complained. They do not want to create enemies. They also don't want to feel like a snitch or naggy neighbor. Rest assured, your complaints are anonymous. We do not require your name and number unless you want us to call back and update you on our progress.

Establishing a partnership between the City and groups like COTHNA, that are actively trying to improve and preserve their neighborhoods, is vital to the success of both parties. We are excited about the opportunity to work together in creating a healthy, more vibrant area in which to live. We hope you will take the time to fill out and send us the survey or email us the information. Cleaning up a neighborhood is much more effective and efficient

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when residents are active in noting and reporting violations. Join us in this effort to beautify and strengthen your community.

To report a violation or request more information about City Codes, please contact us at:

Brad Cramer 612-8158/201-1215
bcramer@ci.idaho-falls.id.us

Cherise Frei 612-8555
cfrei@ci.idaho-falls.id.us
Fax: 612-8520

City of Idaho Falls
Planning and Building Division
P. O. Box 50220
Idaho Falls, ID 83405

CITY OF IDAHO FALLS NEIGHBORHOOD CLEAN-UP SURVEY

The City Planning Department has received a federal block grant to support a number of focused cleanups around the city. A portion of your neighborhood, Crow's Addition, from 1st to 13th Streets, is the next area to receive attention. The cleanup is tentatively scheduled to begin June 1st. The success of a cleanup depends on residents getting involved and helping to point out the problems. It's your neighborhood, what problems need to be addressed? This survey is not limited to residents in the 1st – 13th street area, we are seeking information on all parts of the neighborhood that need attention and will address those problems as well.

Are there houses or buildings in your area that present an immediate safety hazard (such as an abandoned property with broken windows or unlocked doors)?

Address/details: _____
Address/details: _____
Address/details: _____

Are there properties with trash, broken-down vehicles and other eyesores that you would like to see cleaned up?

Address/details: _____
Address/details: _____
Address/details: _____

Are there areas such as alleys, vacant lots or parking areas that are a chronic problem or in need of clean up (trash, graffiti, overgrown weeds)? Please describe problems and locations: _____

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Are you aware of anyone in your neighborhood who is in need of help cleaning up their property due to illness, disability or lack of resources? Are you in need of this help? Please provide addresses or contact information:

Is there anything else within your area that you would like the Zoning Department to address? _____

Are you a member of an organization that would be interested in partnering with the City's Community Cleanup Program? If so, please tell us how to contact you. _____

Would you be willing to volunteer as a part of your neighborhood association (COTHNA) committee to help with the cleanup? If so, please tell us how to contact you. _____

You may remain anonymous. Even if you provide your contact information, we will keep your identify in confidence. Thank you for your feedback!

Please complete and mail to:

COTHNA, 150 11th Street, Idaho Falls, Idaho 83404
Or email the information to bcramer@ci.idaho-falls.id.us

Mr. Schanz stated that it was the custom in his home to have 15-20 family and friends come to Sunday evening dinner. At this time, they discuss matters that concern their church and community. The above article was discussed at this gathering recently. Mr. Schanz stated that the grant has a lot of merit and potential to do good. He expressed his concern over ratting out your neighbor if there is a problem in the neighborhood. There is a fine line between what is perceived to be good government and crossing the line into what would be oppressive government. When people are encouraged to "narc" on their neighbors, it becomes something that is crossing the line of being a good neighbor. He stated that he has lived in his present location for more than twenty years. At the time he moved into his home, he began to put money into cleaning up the home and yard. While his family was working on their home, he noticed that other neighbors were fixing up their homes as well. Recently, his neighborhood has started to go down hill. He believed this to be because investors have purchased properties and developed them into rentals. He stated that he has personally purchased a number of homes in the area and fixed them up. This has prevented other investors from coming in and turning the homes into rentals. He applauded the City's efforts in cleaning up neighborhoods with the grant money, but he did not feel that the government should us "police power" to comply under penalty of a fine. Mr. Schanz requested the Mayor and City Council to review the rules and regulations regarding this grant money. He stated, further, that neighborhood communities can be maintained, to remain ones that love each other and try to help one other, rather than "narc-ing" on each other.

Holly Jeppesen, 1430 Fairmont Drive, appeared to state that the City paved Homer Avenue and Stanger Drive. Fairmont Drive was not paved at the same time and the residents on this street felt slighted. She requested to know when or if Fairmont Drive was on the schedule for paving as it is in rough shape.

Councilmember Lyon requested the Public Works Director to come forward to address Ms. Jeppesen's concern.

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Councilmember Groberg stated that she should be referred to the Public Works Council Committee.

Councilmember Lehto briefly explained the process for determining which streets should be overlaid. Each year, during the budgeting process, the Council allocates so much money for overlays and infrastructure repairs such as the one Ms. Jeppesen is requesting. These streets are given a priority and an order is ranked as to which streets should be done first based on the need. With fuel, material, and supply prices going up, less overlays can be completed for the dollar amount allocated. Councilmember Lehto stated that Ms. Jeppesen could contact the Public Works Division to get a sense of where her street is on that priority list.

Councilmember Groberg stated that the Public Works Director could give Ms. Jeppesen direction as to where to go and who to see regarding where her street stands in the process.

Councilmember Lyon invited Ms. Jeppesen to attend the Public Works Council Committee Meetings to give her input.

Jack Barraclough, 3018 Westmoreland Circle, appeared to state that he was present to discuss the proposed neighborhood clean-up. The idea is marvelous. Over the years, he has questioned some of the City's policies. Upon giving a brief explanation of his dealings with the City of Idaho Falls, he explained that he treasures liberty and freedom. While serving in the legislature and considering legislation, he asked himself the question "Is this a freedom that the legislature wants to take away from the people? Is this another restriction? Is this more government?" He tried not to do too much that imposed the government's will on the people. Mr. Barraclough stated that he felt that the City clean-up was doing just that, imposing too much government. This smacks of heavy-handed government. There are many eyesores in the City. He requested the Mayor and City Council to find a softer approach in using this grant money for clean-up. Problems can be identified without sending the police out. Mr. Barraclough thanked the Mayor and City Council for their consideration.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
March 5, 2007

MEMORANDUM

TO: Honorable Mayor Fuhrman and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: RETAIL RATE ORDINANCE

Attached for your consideration is a Retail Rate Ordinance establishing certain rate adjustments. Idaho Falls Power respectfully requests adoption of the Ordinance.

s/ Jackie Flowers

Councilmember Lehto stated that Idaho Falls Power conducts an annual review of the utility. This is the third year in a row that it has been determined that a retail rate reduction was in order. The rate reduction represents approximately \$2.2 Million in operating costs that the utility is planning to give back with this rate decrease. Councilmember Lehto stated that he would like to give the Idaho Falls Power Director, along with her staff, a big "kudos" in going the extra mile in getting the information together for the City Council.

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Councilmember Lyon stated that his favorite memos to vote on are those where there is a reduction in a fee, rate, or levy rate. He appreciated when the burden of government gets lighter on the citizens of Idaho Falls. He stated that he appreciated the work that has been done by the Electric utility staff to bring this to the City Council. As the Electric utility becomes more efficient in the way that it operates, he stated that he hoped that rates would be able to reduced even further.

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

ORDINANCE NO. 2690

AN ORDINANCE AMENDING SECTION 8-5-30 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING ELECTRICAL RATES FOR CUSTOMERS OF THE ELECTRIC LIGHT DIVISION; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
February 26, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-07-09, NEW VEHICLES

Attached for your consideration is the tabulation for Bid IF-07-09, New Vehicles. It is the recommendation of Municipal Services that we award to the low bid meeting specifications as per Attachment "A". The apparent low bid for Item VIII was rejected because of an exception – could not furnish the required rear window defroster. Therefore, it is recommended to accept the second low bid of Bonanza Motors. It is, also, recommended we reject all bids

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for Item VII due to a specification error; request authorization to purchase required units per formal quote.

The trade-in units will go to the dealer with the exception of Item "C" which will be sold to Development Workshop, who agreed to meet the amount bid by the dealer.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid meeting specifications as per Attachment "A"; reject the low bid meeting specifications for Item VIII because of an exception (could not furnish the required rear window defroster) and accept the second low bid from Bonanza Motors; reject all bids for Item VII due to a specification error and give authorization to purchase the required units per formal quote; and, further, grant that all trade-in units will go to the dealer with the exception of Item "C" which will be sold to Development Workshop. Roll call as follows:

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

Nay: None

Motion Carried.

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

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:

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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.

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

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Kreg Parmer and Chris Cornforth, both from Pioneer Equipment Company, 5666 North Yellowstone Highway, appeared to state that they were present to object to the rejection of all bids with respect to the Backhoe Loader bid. Pioneer Equipment Company was the low bid for this item. Mr. Parmer stated that his bidder understood the specifications requested in that the extension of the hoe should be 14 feet, 3 inches. The backhoe that was bid meets that specification. Since all other bidders did not understand that specification, the request is to reject all bids. That leaves Pioneer Equipment Company in a bad position as they have extended a price for the correct backhoe and all other bidders now know their bid amount. Pioneer Equipment Company bid a standard stick hoe that is exactly what the City requested. Pioneer Equipment Company was the low bid. Therefore, he believed that the City should accept the bid from Pioneer Equipment Company.

The Municipal Services Director stated that there was an error in the bid specifications for the Backhoe Loader. There were four bidders that responded to the bid. Pioneer Equipment Company submitted Bid A and Bid B. The intent of this bid was to provide a 2-wheel drive, rubber-wheeled, light backhoe loader to be used in the City cemeteries. An extended hoe was not wanted because of the weight of that particular machine, approximately 400 to 700 pounds of additional weight. The bid specifications called for an extendable hoe in one area. Four bidders provided bids for that extendable backhoe loader. In addition to those bids, Pioneer Equipment Company submitted a bid for the backhoe that the City really wanted, which the low bid. That was the only bid received for a backhoe loader – not extendable hoe. It is unfortunate that there was an error in the bid specifications and it is unfortunate that Pioneer Equipment Company submitted two bids tipping their hand in giving a price for the backhoe loader. The Municipal Services Director stated that it was his recommendation that all bids be rejected as all four bidders did not have the chance to bid on what the City wanted. The City Council has several options that may be taken on this bid: 1) to reject all bids as recommended and authorize Municipal Services to re-bid this item; 2) to award the bid; or, 3) to postpone consideration of this item to the next Regular Council Meeting. If the City Council chooses to do something other than what is being recommended in the memorandum, it would only be fair to notify the other bidders of the intended decision so that they may protest as well.

Following a brief discussion as to the type of backhoe the City required, the City Attorney stated that it is unfortunate when errors are made. He stated that his recommendation would be to reject all bids. The problem is that the bid did not describe the product that the City wanted. The other bidders would have cause to complain if the City were to award on the basis of the bid that was offered that did not actually meet the City's specifications, but what the City intended to have. If the City Council were to award the bid to Pioneer Equipment Company, the other bidders would have a greater cause to complain as they were not given adequate and fair opportunity to bid on what the City truly wanted.

Councilmember Groberg stated that Pioneer Equipment Company believed that the bid specifications did include a description of the second bid.

Kreg Parmer re-appeared to state that in the bid specifications under Item 44, it says, "digging depth 14' 3" with an extendable hoe". He interpreted that to mean that when the backhoe is extended out, it must dig 14' 3". He stated that the backhoe that was bid digs exactly 14' 3" and meets that specification. That is also the lowest bid.

Mayor Fuhrman requested to know what the title of the bid was.

Mr. Parmer stated that the bid reads, "One (1) New 2007 Backhoe Loader, Two Wheel Drive, Rubber Tire Wheel Type, as described in the specifications".

Councilmember Lehto requested to know whether the specifications provided for a gross vehicle weight.

Mr. Cornforth stated that the minimum operating weight is 13,300 pounds, not to exceed 15,000 pounds.

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Following a discussion regarding how the specifications were written, Councilmember Groberg stated that since there appears to be a difference of opinion on how to read the specifications it was determined that this item should be deferred to the next City Council Meeting.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to not take any action on accepting or rejecting bids for the New 2007 Backhoe Loader at this time, have the City Attorney review the bid documents, and, return with a recommendation for City Council at the March 22, 2007 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
February 26, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 2002

Municipal Services respectfully requests authorization to charge off as uncollectible, all utility accounts that have not had a transaction since 2002, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$210,463.21, which is .46% of sales for that year.

It is further requested that authorization be given to charge off the following accounts as uncollectible: Ambulance \$415,365.82, Accounts Receivable \$43,499.49, and Returned Checks \$1,524.97.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to charge off as uncollectible, all utility accounts that have not had a transaction since 2002, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets in the amount of \$210,463.21; Ambulance in the amount of \$415,365.82; Accounts Receivable in the amount of \$43,499.49; and, Returned Checks in the amount of \$1,524.97, as presented. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell

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Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
March 1, 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 of a complete software system for tracking Police evidence in the amount of \$30,216.00.

s/ S. Craig Lords

Councilmember Lyon requested to know what other options were looked at with regard to tracking Police evidence.

Chief Livsey appeared to state that several options were looked at. The Police Department had problems with tracking evidence in this past couple of years. An auditor was brought in to determine where improvements could be made. Upon completion of the audit, it was recommended that a computer based tracking system for evidence should be implemented. The system that was recommended by the auditor was "Evidence On Cue", which is the system that is being requested. Chief Livsey stated that they checked with other Police Departments, and it was widely recommended that this system is the one to use. Under this system, the Police Department would be able to modify and maintain the software as required. He stated, further, that this is an expensive system, but has found all of the systems to be expensive.

Councilmember Hardcastle stated that when some of the evidence is disposed of in the Evidence Room, it would almost cover the cost of this software.

Chief Livsey stated that due to the small staff in the evidence room, it is impossible to keep up. When this system is added, it will be as though one or two people have been added to the Evidence Room due to the speed with which evidence can be processed. At the present time, the Evidence Room is extremely labor intensive. This system would streamline operation of the Evidence Room.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to give authorization to advertise and then make a sole source purchase of a complete software system for tracking Police evidence in the amount of \$30,216.00. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lehto
Councilmember Lyon

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Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
March 2, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CENTER PARTNERS, INC. – PARKING LOT LEASE EXTENSION

Attached for your consideration is Center Partners, Inc., Lease Extension for the parking lot located at 1800 International Way.

Said agreement has been reviewed and approved by Shan Perry, Assistant City Attorney.

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

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Lease Extension Agreement between the City of Idaho Falls and Center Partners, Inc. for the parking lot located at 1800 International Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Municipal Services Director regarding the Hangar Lease Agreement between the City of Idaho Falls and Hansen & Hansen for an Airport Hangar located at 2070 International Way was withdrawn by the Division Director.

The Municipal Services Director submitted the following memo:

MARCH 8, 2007

City of Idaho Falls
March 2, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PURCHASE AGREEMENT – NICK VRONTIKIS PROPERTY

Attached for your consideration is the proposed Purchase Agreement for Nick Vrontikis property located at 290 Constitution Way, 264 Constitution Way, and 254 Constitution Way.

Said Agreement has been reviewed and approved by Dale Storer, City Attorney.

It is respectfully requested that Council approve said Purchase Agreement and authorize the Mayor to execute the necessary documents.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Purchase and Sale Agreement for the Nick Vrontikis property located at 290 Constitution Way, 264 Constitution Way, and 254 Constitution Way and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
February 28, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: AMENDMENTS TO CONTRACTOR LICENSING ORDINANCE

Attached is an Amendment to the Contractor's Licensing Ordinance to clarify the authority to license Building Contractors remains with the Mayor and City Council. This Ordinance has been reviewed by the City Attorney. The Division respectfully requests approval of this Ordinance Amendment.

s/ Renée R. Magee

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Councilmember Hally stated that this is a correction to the recently revised Building Contractor Licensing requirements for the City of Idaho Falls. There was a concern regarding the language in the ordinance about an outside organization having jurisdiction as opposed to the City Council with regard to Building Contractor Licensing.

The City Attorney stated that as the Ordinance was originally drafted, it contained provisions that delegated some of the enforcement discretion to a private body that was not directly subject to the control of the City. Subsequently, the City has received some objections to those provisions. The City Attorney has reviewed those provisions and found that they did have merit. The corrections before the City Council at this time are essentially to eliminate that delegation of authority to an outside body.

Councilmember Groberg stated that at the time that the City Council passed this Ordinance, it was with the understanding that this would be a means of bringing about some form of uniformity to Building Contractor Licensing. At that time, it was determined that this method of licensing would have a short life to see if it brings about that uniformity. That question is still unresolved. The State Legislature is still debating this issue. The City should stick with its original plan bringing those portions of the code that are incorrect into compliance.

The City Attorney stated that there are a number of other municipalities that are looking at doing the same thing. If the other municipalities do not do the same thing, the City may look at this Ordinance again.

Councilmember Hally stated that many contractors were given the opportunity to discuss this issue. There is not agreement among all the contractors.

Councilmember Lyon quoted from Section 4-7-15: CONTRACTOR DISCIPLINE: "A three person panel shall be appointed by the Mayor and approved by the City Council to hear any contractor discipline which involves a suspension or revocation of a contractor's license. This three person hearing panel shall consist of one building official and two licensed contractors." He requested to know whether licensed building contractors would be sitting in judgment of licensed building contractors who are their competitors in the industry.

Councilmember Hally stated that originally contractors wanted to make sure that the panel was skewed in favor of building contractors, and not City Officials. That is the reason for going along with the Building Contractors recommendations.

Councilmember Lyon stated that he could understand why Building Contractors would take that position. He requested to know whether there was a mechanism in place to address the potential conflict of interest.

Reginald Fuller, Building Official, appeared to explain an appellate board is in place which consists of two members who are certified building code officials within Idaho, one member who is licensed by the State of Idaho as an architect or a civil engineer, one member which is a licensed general contractor or an employee of such contractor, one member which is a licensed building contractor or an employee of such contractor, one member which is a licensed residential contractor or an employee of such contractor, and one member which is a licensed subcontractor. That board would go into place if there was a discrepancy that needed to be addressed. This allows building contractors to have a vested interest in control of their industry.

Following a brief discussion, it was determined that other boards are set up in a similar manner.

The City Attorney stated that it is not uncommon where this type of board would stand in judgment of their peers. This City Council always has overview authority as to who is on the board.

The Building Official stated that the Idaho Association of Building Officials is strictly for administration of the building contractor licensing, not enforcement and control.

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

ORDINANCE NO. 2691

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7,
OF THE CITY CODE OF IDAHO FALLS, IDAHO;
PROVIDING FOR CONTRACTOR LICENSING;
PROVIDING FOR SEVERABILITY; AND
ESTABLISHING EFFECTIVE DATE.

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

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

Nay: Councilmember Lyon

Motion Carried.

City of Idaho Falls
March 8, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – UNIVERSITY NORTH ADDITION, DIVISION NO. 1

Attached is the Final Plat for University North Addition, Division No. 1. This property is zoned R-3A and is located north of the University Place. The Planning Commission considered this Final Plat at its January 2, 2007 Meeting and recommended approval with conditions which have been incorporated into the site plan for the CASE building on Lot 1. The Commission recommended a variance as to the length of University Boulevard since it has been previously platted as a County street, a temporary emergency access will be provided, and the long-term plan is to connect University Boulevard to Iona Road. The Planning Department concurs with this recommendation.

s/ Renée R. Magee

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

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the Final Plat for University North Addition, 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 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
March 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION – MARTIN-LAIRD LANE

As previously authorized, the City Attorney has prepared documents needed to vacate a portion of Martin-Laird Lane.

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

ORDINANCE NO. 2692

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

MARCH 8, 2007

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 Groberg
Councilmember Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
March 1, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION – PORTIONS OF PAYNE AND
POULSON STREETS AND THE ALLEY LOCATED IN BLOCK 13,
MAYFLOWER ADDITION

Amerco Real Estate Company, representing U-Haul, has requested vacation of portions of Payne and Poulson Streets and the alley located in Block 13, Mayflower Addition. This vacation is requested to accommodate planned expansion of the U-Haul facility at this location.

Public Works requests authorization for the City Attorney to prepare documents needed to accomplish these vacations.

s/ Chad Stanger

It was moved by Councilmember Lyon, seconded by Councilmember Lehto, to give authorization for the City Attorney to prepare the necessary documents to vacate portions of Payne and Poulson Streets and the alley located in Block 13, Mayflower Addition. Roll call as follows:

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

MARCH 8, 2007

Nay: None

Motion Carried.

City of Idaho Falls
March 6, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SETTLEMENT AGREEMENT - CONDEMNATION CASE
NO. CV-05-7036, BONNEVILLE COUNTY AND CITY OF IDAHO
FALLS VS. DALE AND VEVA HORNE, SUNNYSIDE ROAD
RIGHT-OF-WAY

Attached is a Settlement Agreement resulting from mediation concerning Condemnation Case No. CV-05-7036, Bonneville County and City of Idaho Falls vs. Dale and Veva Horne for Sunnyside Road Right-of-Way. This Agreement dismisses pending litigation and requires the City to pay the Hornes \$40,000.00 less \$15,805.00 already paid for possession of the subject right-of-way.

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

s/ Chad Stanger

It was moved by Councilmember Lyon, seconded by Councilmember Lehto, to approve the Settlement Agreement resulting from mediation concerning Condemnation Case No. CV-05-7036, Bonneville County and City of Idaho Falls vs. Dale and Veva Horne for Sunnyside Road Right-of-Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct Annexation Proceedings for Sunnyside Retail at Snake River Landing, Division No. 1. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls
February 14, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF HC-1 AND C-1 WITH PUD,
FINAL PLAT, AND PLANNED UNIT DEVELOPMENT -
SUNNYSIDE RETAIL AT SNAKE RIVER LANDING, DIVISION
NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, Final Plat, and Planned Unit Development submission for Sunnyside Retail at Snake River Landing, Division No. 1. This is an annexation request for 26.344 acres and a final plat for 20.05 acres. The requested zoning is HC-1 for Lot 4, Block 1, and the parcels to the immediate west and south. The requested zoning on Lots 1, 2, 3, and 5 as well as adjacent area is C-1. A planned unit development with 132,000 square feet of commercial space is proposed for the final plat. The Planning Commission considered this request at its December 12, 2006 Meeting and recommended approval with conditions which have been incorporated into the final plat and annexation agreement or will be addressed at the building permit stage. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Aerial Photo
Slide 2	Vicinity Map showing surrounding zoning
Slide 3	Aerial Photo – Close Up
Slide 4	Aerial Photo showing Final Plat
Slide 5	Final Plat under consideration
Slide 6	Comprehensive Plan
Slide 7	Landscape Plan for Planned Unit Development for Site Plan
Slide 8	Site Photo looking south on Pioneer Road
Slide 9	Site Photo looking north on Pioneer Road
Slide 10	Site Photo showing Sunnyside Road looking south of site
Slide 11	Site Photo showing path on the north edge of Ryder Park
Slide 12	Elevations of buildings for development
Exhibit 1	Vicinity Map, Final Plat with Rezoning
Exhibit 2	Copy of Final Plat
Exhibit 3	Planning Commission Minutes dated December 5, 2006
Exhibit 4	Staff Report dated December 5, 2006

The Planning and Building Director explained that an automobile dealership is proposed for the HC-1 Zone on Lot 4. The Comprehensive Plan shows this area to be primarily commercial. A large retail store is proposed for the northern portion of the site. Pad sites are being proposed on the southern portion of the site. This site plan meets the

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Planned Unit Development standards. The subdivision plat complies with the Subdivision Ordinance. The proposed land use is in accordance with the Comprehensive Plan. The Planning Commission recommended that there be a path built on the northern side of Sunnyside Road. This provision is included in the Annexation Agreement. Upon the written request of the City, the Developer shall construct a path.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the Developer has a vested interest in doing a good job with this development. With regard to the path being required on the north side of Sunnyside Road, there is currently a 12 foot striped shoulder of the roadway. There will be some challenges to get approval from the State of Idaho in constructing the path, but the Developer is confident that this can be accomplished. There is no provision to continue the path on the north side of Sunnyside Road to cross the freeway. That provision is on the south side of Sunnyside Road.

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

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Annexation Agreement for Sunnyside Retail at Snake River Landing, 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. 2693

SUNNYSIDE RETAIL AT SNAKE RIVER LANDING, 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.

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

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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 Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Cornwell
Councilmember Hardcastle

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 Sunnyside Retail at Snake River Landing, Division No. 1 as HC-1 (Highway Commercial) Zoning for Lot 4, Block 1 and the parcels to the immediate west and south and C-1 (Limited Business) Zoning for Lots 1, 2, 3, and 5 as well as adjacent areas, with a Planned Unit Development Overlay 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 Hally
Councilmember Hardcastle
Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for Sunnyside Retail at Snake River Landing, 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 Cornwell
Councilmember Lyon
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, to approve the Planned Unit Development Overlay as presented on the Site Plan and Elevations and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Councilmember Hardcastle announced that the Grand Opening was held for the Iona Branch Library on Saturday. She stated, further, that she received an e-mail from Jonalee Thomas, Iona Friends of the Library Board Chairperson, who commended Robert Wright for two years of work to bring this branch library about.

Mayor Fuhriman explained that there is an Initiative proposed by President Bush in 2006 called the Global Nuclear Energy Partnership (GNEP). The request was put out for an expression of interest from cities throughout the country that would be interested in taking on part of this endeavor. This involves nuclear energy research and recycling. This is going to be significant for the nation itself. There is a new process for recycling. This will also provide a limited amount of nuclear waste. There will not be need for any more Yucca Mountains. INL has been awarded some moneys to look into this process. They are on the short list. A Committee has been taxed to look at all sites. This Committee is taking input from the community on this proposal at 6:00 p.m., Thursday, March 15, 2007 at the Red Lion. There is significant State support for this proposal. The Governor has endorsed this Initiative. The community needs to show this Committee that Idaho is open for business for this type of research. We have a great heritage at the INL. They have proven that they can get the job done. It is critical to show support for this, as there are those that are not in favor of this partnership. They will be there in full force. This is technology and will be great for the economy. This will be better for the environment. If this option had been available when the City requested to join with the IPP3 coal-fired project, the City would have gone forward with the GNEP Initiative.

Caleb Sanders, 360 12th Street, appeared to express his displeasure with the federal grant for clean-up and spying on the neighbors. He stated that if we want to strengthen our community and clean up the neighborhood, we do not need to spy on each other and police enforcement is not needed to accomplish this. We need a feeling of community instead of a feeling of fear of neighbors and fear of our police officers. This money should be used to serve those that cannot clean up their yards, instead of putting the money towards policing.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Cornwell, that the meeting adjourn at 9:05 p.m.

CITY CLERK

MAYOR
