

FEBRUARY 22, 2007

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 22, 2007, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Larry Lyon
Councilmember Michael Lehto

Also present:

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

Mayor Fuhriman requested Colby Kramer to come forward and lead those present in the Pledge of Allegiance. He, further, requested all of the Boy Scouts present to join Colby in leading those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested Council approval of the minutes from the February 8, 2007 Work Session, and the February 8, 2007 Regular Council Meeting.

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on February 22, 2007.

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

Aye: Councilmember Hally
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Municipal Services Director submitted the following memo:

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City of Idaho Falls
February 16, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RESOLUTION AUTHORIZING DESTRUCTION OF DOCUMENTS

It is respectfully requested that the Council pass the attached Resolution, which would authorize, pursuant to Idaho Code Section 50-907, the destruction of certain records.

s/ S. Craig Lords

RESOLUTION NO. 2007-04

AUTHORIZING DESTRUCTION OF RECORDS

WHEREAS, certain records have been held longer than Idaho Code Section 50-907 requires and are no longer needed for public purposes; and,

WHEREAS, pursuant to Idaho Code Section 50-907, the City is authorized to destroy certain records;

NOW, THEREFORE, be it resolved that the City Treasurer, City Controller, City Clerk, General Services Administrator, and Personnel Administrator are hereby authorized to destroy the records listed below:

Documents from the Treasurer's Office:

1. Cancelled payroll checks written prior to April 1, 2004.
2. All ambulance and accounts receivable billing statements and payment receipts written prior to October 1, 2001.
3. All receipts issued by the Library, Police Department, Recreation Division, Golf Course, Zoo, Animal Shelter, City Clerk's Office, and for parking violations and all Building and Zoning receipts, as well as any other miscellaneous receipts originated by the Treasurer's Office written prior to October 1, 2001.
4. All checks written prior to October 1, 2001.
5. All deposit books containing records of deposits made no later than October 1, 2001.
6. All receipts and documents pertaining to the investment of City funds written prior to October 1, 2001.

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7. Quarterly Treasurer's Reports and Proofs of Publication published prior to October 1, 2001.

Documents from the Controller's Office:

1. Claims Vouchers from October, 2000 through September, 2001.
2. Journal Entries from October, 2000 through September, 2001.
3. Payroll Time Sheets for the 2001 Year.
4. Vacation, Sick Leave, and Attendance Reports through September, 2005.
5. Duplicate copies of Claims Checks through September, 2001.
6. Check Registers through September 30, 2005.
7. Encumbrance Reports through September 30, 2005.
8. Utility Refunds – Impressed Warrant Check Duplicates through September, 2001.

Documents from the City Clerk's Office:

1. Monthly Reports from the Building Maintenance Department, Building Official, Electric Division, Engineering Department, Fire Department, Garage, Parks and Recreation Division, Personnel Department, Police Department, Sanitation Department, Sewer Department, Street Department, and Water Department prior to December, 2001.
2. License applications for businesses and tradesmen prior to December, 2001, and related documentation.
3. City Council Call Sheets prior to December, 2005.
4. Auction Records prior to December, 2000.
5. Damage Claims prior to December, 1996.
6. City Clerk's Office Receipts prior to December, 2001.
7. Other related documents prior to December, 2001.

Documents from the Purchasing Department:

1. Purchase Orders prior to October, 2001.

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2. Bid Documents prior to October, 1996.
3. Other related documents prior to October, 2001.

Documents from the Personnel Department:

1. Civil Service Applications and related materials (i.e., tests, transcripts and recommendations, etc. prior to December, 2001).
2. Miscellaneous Personnel Records prior to December, 1997.

APPROVED by the City Council on the 22nd day of February, 2007.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Resolution Authorizing Destruction of Certain Documents and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hally
Councilmember Groberg
Councilmember Hardcastle

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
February 13, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – WEST ELVA STREET WATER LINE, RIVERSIDE DRIVE TO MOUND AVENUE; AND, 2007 OVERLAYS

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On February 6, 2007, bids were received and opened for the West Elva Street Water Line, Riverside Drive to Mound Avenue; and, the 2007 Overlays. A tabulation of the bid results is attached.

Public Works recommends award of this bid to the low bidder, HK Contractors, Inc., in the amount of \$954,400.50; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid from HK Contractors, Inc. in the amount of \$954,400.50 to complete the West Elva Street Water Line, Riverside Drive to Mound Avenue; and, 2007 Overlays and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
February 13, 2007

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – WATER AND SEWER LINE REPLACEMENT IN
THE ALLEY BETWEEN LAVA STREET AND BASALT STREET
FROM CAPITAL AVENUE TO ONEIDA AVENUE

On February 6, 2007, bids were received and opened for the Water and Sewer Line Replacement in the alley between Lava Street and Basalt Street from Capital Avenue to Oneida Avenue. A tabulation of the bid results is attached.

Public Works recommends award of this bid to the low bidder, 3H Contractors, LLC, in the amount of \$232,615.00; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid from 3H Contractors, LLC in the amount of \$232,615.00 to complete the Water and Sewer Line Replacement in the alley between Lava Street and Basalt Street from Capital Avenue to Oneida Avenue and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a Text Amendment to the Zoning Ordinance to amend Sections 4-23.J and 4-23.L to reduce the size of a parking space from 9 feet by 20 feet (180 square feet) (Recessed from the February 8, 2007 Regular Council Meeting). At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 15, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ZONING AMENDMENT TO REDUCE SIZE OF REQUIRED PARKING SPACES

Attached is a draft ordinance reducing the size of required parking spaces to nine feet in width. The length will remain twenty feet. This amendment was requested by Larry Reinhart, Courtney Liddiard, Gary Voigt, and Robert Utterbeck on behalf of their development firms. The Planning Commission considered this request at its December 12, 2006 Meeting and recommended approval. The Planning Department concurs with this recommendation, and the City Attorney's Office has reviewed the ordinance. It is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director further explained the request. Following is a list of exhibits used in connection with this Zoning Amendment request:

Exhibit 1 Draft Ordinance
Exhibit 2 Planning Commission Minutes dated December 12, 2006

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this Ordinance Amendment makes the City of Idaho Falls competitive with other cities in the northwest.

The Planning and Building Director appeared to state that the City of Idaho Falls is the only city in southeast Idaho that has held to the larger parking space requirements.

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

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

ORDINANCE NO. 2688

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING SECTION 4-23.J. COMPUTATION OF REQUIRED PARKING SPACES; AMENDING SECTION 4-23.L., SIZE OF PARKING SPACES; DECLARING ORDINANCE METHODOLOGY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE; 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 Groberg
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct Annexation Proceedings for a Metes and Bounds Legal Description of 1.49 Acres in the Southwest Quarter of Section 23, Township 2 North, Range 37 East of the Boise Meridian – Franco Property. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 14, 2007

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF R-1 – 1.49 ACRES AT THE NORTHEAST CORNER OF SOUTH BELLIN ROAD AND WEST 17TH SOUTH

Attached are the Annexation Agreement and Annexation Ordinance for 1.49 acres on the northeast corner of the intersection of South Bellin Road and

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West 17th South (Mill Road). The requested zoning is R-1 (Single-Family Residential) for this unplatted enclave. The Planning Commission considered this annexation request at its December 5, 2006 Meeting and recommended approval. 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	Vicinity Map showing surrounding zoning
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, further, that this annexation is in compliance with the Comprehensive Plan.

Jeff Freiberg, Keller Associates, Inc., 356 West Sunnyside Road, Suite B, appeared to state that he was present to answer any questions from the Mayor and City Council. There were no questions or comments.

Dale Shepherd, 2350 West 1700 South, appeared to state that he was the manager for the New Sweden Irrigation District. He wanted to make the Mayor and City Council aware that there was a canal that needed to be dealt with in this annexation.

Councilmember Groberg stated that the owner has to allow the prior irrigation rights to go forward until something else is worked out. The canal should not be affected.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Annexation Agreement for 1.49 Acres in the Southwest Quarter, Section 23, Township 2 North, Range 37 East of the Boise Meridian (Franco Property on the Northeast Corner of South Bellin Road and West 17th South) and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Hally

Nay: None

Motion Carried.

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

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ORDINANCE NO. 2689

**1.49 ACRES IN THE SOUTHWEST QUARTER, SECTION 23, TOWNSHIP 2 NORTH,
RANGE 37 EAST OF THE BOISE MERIDIAN (FRANCO PROPERTY ON THE
NORTHEAST CORNER OF SOUTH BELLIN ROAD AND WEST 17TH SOUTH)**

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

The foregoing Ordinance was presented by title only. Councilmember 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 Groberg
Councilmember Hally
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 Groberg, to establish the initial zoning for 1.49 Acres in the Southwest Quarter of Section 23, Township 2 North, Range 37, East of the Boise Meridian (Franco Property on the Northeast Corner of South Bellin Road and West 17th South) as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hally
Councilmember Groberg
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to recess Annexation Proceedings for Sunnyside Retail at Snake River Landing, Division No. 1 to the March 8, 2007 Regular Council Meeting. Roll call as follows:

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Aye: Councilmember Groberg
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hally to conduct a public hearing for consideration of a rezoning from R-1 (Single-Family Residential) to R-3 (Apartments) of property located generally south of the County Subdivision Park Ridge Estates Addition, Division No. 1, north of West 65th South (York Road), east of Fox Run Drive, and west of South 5th West (Park Road), legally described as Park Place Addition, Division No. 3. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 14, 2007

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING FROM R-1 TO R-3 AND FINAL PLAT – PARK PLACE ADDITION, DIVISION NO. 3

Attached are the Development Agreement, Final Plat, and Application for Rezoning from R-1 (Single-Family Residential) to R-3 (Single-Family through Apartments) for Park Place Addition, Division No. 3. This parcel is located northwest of the intersection of South 5th West (Park Road) and West 65th South (York Road). Twenty-three single-family lots are being platted within this final plat. The Planning Commission considered this request at its December 5, 2006 Meeting and recommended approval. 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 rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Comprehensive Plan
Slide 4	Final Plat under consideration
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

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Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he was representing Larry Reinhart and Robert Utterbeck. This is the nineteenth division that has been developed under the R-3 Zone for single-family residential. He stated, further, that he would like to see the R-1A Zone implemented. He stated that people get nervous when the R-3 (High Density Apartments) Zone is presented. The Annexation Agreement and the lot configuration precludes this from happening.

Councilmember Groberg stated that the R-3 Zone has been used previously under numerous divisions in Idaho Falls. The City Council needs to be aware when they use this zone, that a problem could result. If the property does not sell for a long period of time, is left vacant, and a future owner discovered that it is zoned R-3, the result could be high density apartments at this location. He stated, further, that this has worked well for the Developer up to this point. The City of Idaho Falls, at this time, does not have an alternative for the smaller side yards. The Developer has a good track record with his developments and recorded covenants are required showing this to be single-family residential.

Councilmember Hardcastle stated that she is nervous about the continued use of the R-3 Zone in this manner. She would, also, like to see the R-1A Zone implemented.

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

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Development Agreement for Park Place Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the rezoning from R-1 (Single-Family Residential) to R-3 (Single-Family through Apartments) for Park Place Addition, Division No. 3 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 Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the Final Plat for Park Place Addition, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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Aye: Councilmember Groberg
Councilmember Hally
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Councilmember Hardcastle announced that on March 3, 2007, the Idaho Falls Public Library is having a ribbon cutting ceremony for the first branch library in Iona at 2:00 p.m. This branch office is located in the Iona Community Center at 3548 North Main in Iona.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Hally, that the meeting adjourn at 7:55 p.m.

CITY CLERK

MAYOR
