

NOVEMBER 9, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 9, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Fuhriman requested Councilmember Larry Lyon to come forward to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the October 26, 2006 Regular Council Meeting and the October 26, 2006 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 October 1, 2006 through October 31, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 680,582.34
Street Fund	133,932.51
Recreation Fund	17,472.90
Library Fund	41,934.04
Municipal Equipment Replacement Fund	36,792.24
Electric Light Public Purpose Fund	23,393.44
Business Improvement District	11,400.00
Sanitary Sewer Capital Improvement Fund	1,000.00
Street Capital Improvement Fund	85,742.96
Airport Fund	948,482.72
Water and Sewer Fund	331,792.80
Sanitation Fund	331,792.80
Ambulance Fund	14,556.67
Electric Light Fund	2,980,445.35
Payroll Liability Fund	<u>2,067,366.56</u>
TOTALS	\$ 7,381,881.15

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The City Clerk presented several license applications, including BEER LICENSES to Snake River RV Park and Campground (Transfer Only), Eagle's Lodge, La Union Market, Muddy's Place, Olive Garden Italian Restaurant No. 1705, Pockets, Inc., and Saving Center, 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 November 9, 2006.

The Public Works Director submitted the following memos:

City of Idaho Falls
November 3, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – SOUTH IDAHO FALLS WATER MAIN AND SEWER TRUNK LINES, PHASE II

Public Works requests authorization to advertise to receive bids for the South Idaho Falls Water Main and Sewer Trunk Lines, Phase II.

s/ Chad Stanger

City of Idaho Falls
November 3, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – LINCOLN ROAD WATER AND SEWER SERVICE LINE EXTENSIONS

Public Works requests authorization to advertise to receive bids for Lincoln Road Water and Sewer Service Line Extensions.

s/ Chad Stanger

Councilmember Hally requested that Check No. 104636 made payable to Larry Lyon for the Curb and Gutter Replacement Program be considered under the Regular Agenda.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, that the Consent Agenda be approved in accordance with the recommendations presented, with the exception of Check No. 104636 made payable to Larry Lyon. Roll call as follows:

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

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Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Check No. 104636 made payable to Larry Lyon for the Curb and Gutter Replacement Program. Roll call as follows:

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

Nay: None

Abstain: Councilmember Lyon

Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls
November 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: MELALEUCA HANGAR LEASE

Attached for City Council approval is the Melaleuca Hangar Lease. This is a new lease whose term is twenty (20) years.

The Airport Division recommends approval and requests the Mayor be authorized to execute the contract documents.

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Airport Hangar Lease Agreement with Melaleuca 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

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Nay: None

Motion Carried.

City of Idaho Falls
November 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: KORD SMITH – HANGAR LEASE

Attached for City Council approval is the Kord Smith Hangar Lease. This is a new lease whose term is twenty (20) years.

The Airport Division recommends approval and requests the Mayor be authorized to execute the contract documents.

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Airport Hangar Lease Agreement with Kord Smith 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 Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
November 9, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: MELALEUCA FIELD PROJECT CONSTRUCTION MANAGER
CONTRACT – CHANGE ORDER NO. 1, PERFORMANCE
BONDING

Attached for your consideration is Change Order No. 1 for the aforementioned project contract in the amount of \$35,179.00 for the purpose of providing performance bonding for the Melaleuca Field Project. This amount was

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anticipated and is reflected in the total cost of the project. This Change Order will adjust the original Construction Manager Contract to a new total sum of \$559,174.00.

Change Order No. 1 is therefore submitted for your approval and authorization to execute necessary documents.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Groberg, to approve Change Order No. 1 to the Melaleuca Field Project Construction Manager Contract and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
November 6, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: AMENDING TITLE 4, CHAPTER 7, CITY OF IDAHO FALLS
CONTRACTOR LICENSING

Attached is an Ordinance prepared by the City Attorney's Office amending Title 4, Chapter 7 of the City Code. This amendment provides the City of Idaho Falls or its designated agent shall receive and process contractor license applications. It is anticipated the City of Idaho Falls will designate the Idaho Association of Building Officials as the processing agent in order to encourage uniform licensing in the State of Idaho. This Division respectfully requests approval of this Ordinance.

s/ Renée R. Magee

The Planning and Building Director introduced Reginald Fuller, Building Official, for the City of Idaho Falls.

Reginald Fuller, Building Official, appeared to explain this Ordinance to the Mayor and City Council. The major change to Contractor Licensing in the City of Idaho

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Falls would be that the Idaho Association of Building Officials (IDABO) administer the Contractor Licensing for the City of Idaho Falls. This Ordinance would eliminate the need for a \$5,000.00 Surety Bond for the Contractor Licensing. Further, it would provide for a Contractor License Registration Board to be created. This Board would allow contractor grievances to be heard, along with providing for any disciplinary actions that might be necessitated.

Councilmember Hally requested to know what the Board would consist of. The Building Official explained that the Board would consist of one architect/engineer, two building officials, and four contractors.

The Planning and Building Director re-appeared to explain that this Ordinance creates the board and the fees would be changed. This Ordinance does not designate Idaho Association of Building Officials as the governing agency. There has not been a contract executed, as yet, for the governing agency.

The Building Official stated that the Ordinance provides for the jurisdiction to designate the entity that would administer the Contractor Licensing Program. He stated, also, that the members of the Board would be chosen from this area. That would give the City the opportunity to appoint the members of this Board.

Councilmember Lyon requested to know whether those Board members would be appointed by the Mayor and confirmed by the City Council.

The City Attorney explained that the Mayor would appoint the members of the Board and the City Council would confirm those members.

Councilmember Groberg requested to know whether the Board was in existence at this time.

Mr. Fuller explained that the Building Official oversees the Contractor Licensing Program. The Building Official has the final say in terms of decisions made or disciplinary action with relevance to a Building Contractor License. He stated, further, that this would create a better situation for governance rather than having one individual responsible for those decisions.

Shawn Branson, 2487 Blue Canyon Circle, appeared to request that this Ordinance be approved on the first reading only to allow for further comment from Building Contractors in the area.

George Klomp, Building Official from the City of Ammon, appeared to state that he has worked with Building Contractors in the area on this Ordinance for approximately three years. He stated that there are a number of contractors in the area that support this Ordinance. The contractors like the uniformity of the licensing procedures. This would also allow contractors to take this license from jurisdiction to jurisdiction. Mr. Klomp stated, further, that the City of Ammon looked at this information at a Council Work Session earlier in the day. Ammon City Council has instructed their City Attorney to prepare a similar Ordinance. There is a great deal of support from various jurisdictions. Building Contractors have 50% representation on the Board, along with the Chairman of the Board being a general contractor. The licensing would also cover continuing education for building contractors.

Councilmember Hardcastle stated that considering the fact that there were not many building contractors in the audience, they must be satisfied with how this Ordinance was written.

Councilmember Groberg stated that he had received an e-mail from a contractor who was not in support of this Ordinance. Other members of the City Council indicated that they, too, had received the same e-mail.

Councilmember Hardcastle requested to know whether there was a time constraint on approving or denying this Ordinance.

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The Planning and Building Director stated that the City's Building Contractor licenses expire at the end December. License renewals for all other tradesmen have been mailed as of November 1.

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

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING 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 Groberg moved, and Councilmember Hardcastle seconded, that the Ordinance be passed on the first reading only. 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
October 23, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT - STONE CREEK ESTATES, DIVISION NO. 3

Attached are the Development Agreement and Final Plat for Stone Creek Estates, Division No. 3. This final plat of fifteen single-family homes is located north of 49th South (Township Road) and west of South 25th East (Hitt Road). The parcel is zoned R-1 (Single-Family Residential). The Planning Commission considered this plat at its March 21, 2006 Meeting and recommended approval. The Development Agreement and Final Plat are 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 Development Agreement and Final Plat approval request:

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- Exhibit 1 Planning Commission Minutes dated March 21, 2006
- Exhibit 2 Staff Report dated March 21, 2006
- Exhibit 3 Copy of Final Plat
- Exhibit 4 Vicinity Map

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Stone Creek Estates 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 Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Stone Creek Estates 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:

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

Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of fee increases greater than 105% not collected in 2005-2006 Fiscal Year for Animal Shelter Boarding Fees and Animal Shelter Impound Fees. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Police Chief:

City of Idaho Falls
October 26, 2006

MEMORANDUM

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

I respectfully request approval of the attached revised ordinance providing for an increase in impound and boarding fees at the City Animal Shelter. The fee increase in this ordinance will be published in the Notice of Public Hearing that the City Clerk's Office will publish on October 22 and 29, 2006. This

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ordinance will be presented for your approval at the City Council Meeting of Thursday, November 9, 2006.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Hardcastle stated that the new fees being considered are the cost of doing business. These fees have not changed in at least ten years. The new fees being proposed are the fees that are already being charged to the City of Ammon and Bonneville County.

The Police Chief appeared to state that Animal Control met extensively with the City of Ammon at the time that the new Animal Shelter opened to discuss the fees that would be charged for the animals coming out of the City of Ammon and Bonneville County. A formula has been developed that would calculate the actual cost of taking care of the animals from these entities. The Animal Control Supervisor determined that it would be fair to charge the cost of doing business to all who use the Animal Shelter.

Councilmember Lyon requested the Police Chief to give a typical scenario of an individual picking up their animal from the Animal Shelter.

The Police Chief explained that if a dog is picked up running at large, Animal Control would take it to the Animal Shelter. Under the current fee structure, \$15.00 would be charged for the impound fee and \$10.00 per day would be charged for the boarding fee. If the animal comes out the City of Ammon, and there is no owner of record, then the City of Ammon is billed \$19.00 per day as an impound fee.

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

Councilmember Lyon requested that this Ordinance be passed on the first reading only as he would like to allow for public input on this Ordinance.

Councilmember Hardcastle stated that she planned to pass this Ordinance on all three readings. It comes down to the fact that individuals need to pay for the cost of doing business.

Councilmember Groberg stated that he felt that this item should just be passed. He did not believe that there was any reason to postpone the final approval for this Ordinance.

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

ORDINANCE NO. 2679

AN ORDINANCE AMENDING SECTION 5-10-6 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR NEW IMPOUND AND BOARDING FEES AT THE CITY ANIMAL SHELTER; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Cornwell 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:

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

Nay: Councilmember Lyon

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to recess consideration of a public hearing for consideration of a rezoning of 0.14 acres from R-1 (Single-Family Residential) to R-3A (Single-Family Residential and Apartments and Professional Offices) of property located generally south of East Sunnyside Road, north of 49th South (Township Road), east of Washington Parkway (George Washington Estates), and west of South 25th East (Hitt Road), legally described as Metes and Bounds Description of 0.14 Acres in the Northeast Quarter of Section 33, Township 2 North, Range 38 East of the Boise Meridian to the November 21, 2006 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to recess consideration of Annexation Proceedings for Kingwood Addition, Division No. 3 to the November 21, 2006 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Township Road Church Addition, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

NOVEMBER 9, 2006

City of Idaho Falls
November 6, 2006

MEMORANDUM

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

Attached are the Annexation Ordinance, Annexation Agreement, and Final Plat for Township Road Church Addition, Division No. 1. The requested initial zoning is R-1 (Single-Family Residential). This one-lot plat of 7.172 acres is located north of and adjacent to Township Road (49th South), west of Hitt Road (South 25th East), and east of St. Clair Road (South 15th East). The Planning Commission considered this annexation request at its June 13, 2006 Meeting and recommended approval with conditions which have been addressed. The Department recommends approval of this request for annexation, initial zoning, and a final plat. 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
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Proposed Site Plan
Exhibit 1	Planning Commission Minutes dated June 13, 2006
Exhibit 2	Staff Report dated June 13, 2006, including copy of Final Plat

The Planning and Building Director stated that this site would be used for a church. At the public hearing for this annexation at the Planning Commission, the site plan was submitted and approved as a Conditional Use Permit.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that an L. D. S. Church is proposed for this site.

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 Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Township Road Church Addition, 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

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Nay: None

Motion Carried.

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

ORDINANCE NO. 2680

TOWNSHIP ROAD CHURCH ADDITION, 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 Groberg moved, and Councilmember Hardcastle 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.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning for Township Road Church Addition, Division No. 1 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 Hally
Councilmember Hardcastle
Councilmember Lyon
Councilmember Lehto

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Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Township Road Church Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

A brief discussion was held among the City Council regarding the Special Bond Election for the IPP3 Project that was held on November 7, 2006. The City Attorney stated that thanks should be expressed to the citizens of Idaho Falls for supporting the election. Councilmember Groberg expressed his appreciation for the many hours that were spent informing the public regarding this issue. Mayor Fuhriman stated that it was a team effort.

Councilmember Cornwell invited everyone to use the Sunnyside Road I-15 exit. It is a wonderful addition to the City of Idaho Falls.

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

CITY CLERK

MAYOR
