

**OCTOBER 26, 2006**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 26, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Larry Lyon

Also present:

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

Mayor Fuhriman requested Boy Scout Matt Solle to come forward and lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

Mayor Fuhriman requested Council confirmation for the appointment of Brian Arave to serve on the Planning Commission.

The City Clerk requested approval of the Minutes from the October 12, 2006 Regular Council Meeting, and the October 18, 2006 Work Session.

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 October 26, 2006.

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

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

Nay:           None

Motion Carried.

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**REGULAR AGENDA ITEMS**

Mayor Fuhriman presented the following Proclamation:

**PROCLAMATION**

WHEREAS, hunger is a constant problem facing many lower-income families in the City of Idaho Falls and the surrounding communities of Rexburg and Blackfoot; and,

WHEREAS, many homes struggle to provide only the basic essentials to sustain life as the result of an untimely death of one or both parents; and,

WHEREAS, many agencies, groups, churches, and other organizations depend on generous donations of food items to provide help to those who are struggling with hunger; and,

WHEREAS, the Boy Scouts of America, and the Grand Teton Council serving youth and their families throughout southeastern Idaho and western Wyoming have organized themselves to assist these agencies in delivering 230,000 bags to homes on November 11<sup>th</sup>, and gathering them up on November 18<sup>th</sup> for distribution to these agencies.

NOW, THEREFORE, I, JARED D. FUHRIMAN, MAYOR, do hereby proclaim November 11<sup>th</sup> to 18<sup>th</sup>, 2006 as

**SCOUTING FOR FOOD WEEK**

in the City of Idaho Falls, and urge all people of our community and the surrounding communities to join in supporting this project which provides meaningful service for Scouts and an opportunity for each of us to share and to help eliminate much of the suffering within our communities.

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor

(SEAL)

The Airport Director submitted the following memos:

City of Idaho Falls  
October 23, 2006

**MEMORANDUM**

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: OFF-AIRPORT RENTAL CAR AGREEMENT

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Attached for City Council approval is the Off-Airport Rental Car Agreement with Lewis Transportation Group dba Dollar Rent-A-Car. Dollar is dual branded with Thrifty Rent-A-Car which already has an Off-Airport Agreement. Dual branding is when two companies have combined nationally and are operated out a single space.

This agreement expires December 31, 2009 when all the other car rental agreements expire.

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

s/ Mike Humberd

It was moved by Councilmember Cornwell, seconded by Councilmember Hally, to approve the Off-Airport Rental Car Agreement with Lewis Transportation Group dba Dollar Rent-A-Car and, further, give authorization for the Mayor and City Clerk to sign the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 23, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: WORK ASSIGNMENT NO. 16 WITH DELTA AIRPORT  
CONSULTANTS

Attached for City Council approval is Work Assignment No. 16 with Delta Airport Consultants for design, bidding, and construction management involving the Fiscal Year 2007 FAA approved construction of the Snow Removal Building. The total cost of this Assignment is \$306,660.00.

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

s/ Mike Humberd

It was moved by Councilmember Cornwell, seconded by Councilmember Hally, to approve Work Assignment No. 16 with Delta Airport Consultants for the design, bidding, and construction management involving the Fiscal Year 2007 FAA approved construction of the

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Snow Removal Building and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The memo regarding the Melaleuca Airport Hangar Lease Agreement was withdrawn by the Division Director.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PURCHASE A NEW 2006 BACKHOE LOADER

It is the recommendation of Municipal Services to accept the bid of Scott Machinery Company, Idaho Falls, Idaho, to furnish the subject equipment per Power County bid of August 15, 2005. They would furnish a New 2006 John Deere 4 X 4 with extendable hoe for an amount of \$84,724.00; minor deletions and additions will be made with no change in price. The Supplier has agreed to allow us to piggy-back their bid to Power County and honor the bid amount.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the bid of Scott Machinery to furnish the New 2006 John Deere 4 X 4 Backhoe Loader with extendable hoe for an amount of \$84,724.00. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: REQUEST TO PURCHASE ROAD SAND

Municipal Services respectfully requests authorization to purchase additional road sand from City of Idaho Falls Bid IF-06-04. This bid was awarded on November 22, 2005 to Rhodehouse Construction to furnish the specified sand for an amount of \$7.95 per cubic yard. The vendor has agreed to honor their bid price from Bid IF-06-04.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to authorize the purchase of additional road sand from City of Idaho Falls Bid No. IF-06-04 in the amount of \$7.95 per cubic yard to Rhodehouse Construction. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ONE (1) NEW LARGE AREA MOWER (4 WD)

It is the recommendation of Municipal Services to accept the bid of Rocky Mountain Turf Equipment, Salt Lake City, Utah, to furnish a Jacobsen HR-9016 for an amount of \$59,232.56 including upgrades and Trade-In Unit No. 696.

The Supplier has agreed to allow us to piggy-back Bonneville School District No. 93 bid of June 6, 2006 and honor the bid amount.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the bid of Rocky Mountain Turf Equipment from Salt Lake City, Utah, to furnish a Jacobsen

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HR-9016 for an amount of \$59,232.56 including upgrades and Trade-In Unit No. 696. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: REQUEST TO PURCHASE ONE (1) NEW CATERPILLAR MOTOR GRADER

It is the recommendation of Municipal Services to purchase a new motor grader from Western States Equipment per Franklin County competitively bid GSA Contract.

They would furnish One (1) New Caterpillar Model Grader for an amount of \$168,641.00 which includes \$47,500.00 for Trade-In Unit No. 35 without dozer.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to authorize the purchase of One (1) New Caterpillar Model Grader in the amount of \$168,641.00 which includes \$47,500.00 for Trade-In Unit No. 35 without dozer from Western States Equipment per Franklin County competitively bid GSA Contract. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

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City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: MCDERMOTT FIELD - AWARD OF CONSTRUCTION CONTRACTS

Attached for your consideration is a spreadsheet reflecting an estimate of the Project construction costs submitted by Bateman-Hall Construction, Inc. (Construction Manager) for the McDermott Field Stadium Project. It is the recommendation of the Parks and Recreation Division and Bateman-Hall Construction to proceed with the project and have the Mayor and City Clerk sign and execute construction contracts No. 1 through No. 32 and No. 00 with exception of bid alternates No. 1, No. 2, and No. 3. Based upon the Construction Manager's estimates, the total cost of the Project is \$5,348,828.22.

The funding for this project has been secured and is outlined as per attached. The attached project bid packages have been reviewed and approved by the Project Architect Neilson Bodily and Associates, the City Engineer, and the City Attorney. It is therefore submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Groberg, to proceed with the McDermott Field Renovation as presented and, further give authorization for the Mayor and City Clerk to execute Construction Contracts No. 1 through No. 32 and No. 00 with the exception of Bid Alternates No. 1, No. 2, and No. 3 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman stated that this is a monumental moment for the McDermott Field Renovation Project.

Blake Hall appeared to thank the Mayor and City Council for their leadership in addition to helping to make Idaho Falls a more livable place. He also thanked the Mayor and City Council for working so cooperatively with the Chukars Organization in developing this successful public/private partnership. Mr. Hall invited the Mayor and City Council to the groundbreaking for the new Melaleuca Field on Monday, October 30, 2006 at 1:00 p.m.

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Kevin Greene, General Manager for the Chukars Organization, appeared to state that the groundbreaking ceremonies are open to the public and invited everyone to attend.

The Public Works Director submitted the following memos:

City of Idaho Falls  
October 26, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: VACATION OF RIGHT-OF-WAY – PORTIONS OF SOUTH UTAH AVENUE

As previously authorized, the City Attorney has prepared documents needed to vacate portions of South Utah Avenue, reserving certain easements within that right-of-way.

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

**ORDINANCE NO. 2676**

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.

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 Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2677**

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.

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 Cornwell  
Councilmember Hally  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls  
October 19, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ANNEXATION AGREEMENT AMENDMENT – SNAKE RIVER LANDING, DIVISION NO. 1

Attached is a proposed amendment to the Annexation Agreement for Snake River Landing, Division No. 1. As proposed, and to accommodate traffic flows beyond the subject development, the amended agreement stipulates that the developer extend Crane Drive from Snake River Landing Boulevard to Pancheri Drive; and, the City reimburse the Developer an estimated cost of \$139,960.00.

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

s/ Chad Stanger

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the amendment to the Annexation Agreement for Snake River Landing, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: STANDARD SPECIFICATION AND DRAWING MODIFICATIONS

Attached is a proposed modification to the City of Idaho Falls Engineering Department Standard Specifications and Drawings. As proposed, the modification deletes Engineering Department specifications for customer water service line materials and installation from the City's curb stop to and including the structure being served; and, replaces that particular specification with a reference to the City's currently adopted Uniform Plumbing Code.

Public Works recommends approval of this modification; and, authorization for the Mayor and City Clerk to execute the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the modification to the City of Idaho Falls Standard Specifications and Drawings, deleting Engineering Department specifications for customer water service line materials and installation from the City's curb stop to and including the structure being served and replacing that particular specification with a reference to the City's currently adopted Uniform Plumbing Code; 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 Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

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Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of Animal Control Penalty Fee Increases and New Fees. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Police Chief:

City of Idaho Falls  
October 5, 2006

MEMORANDUM

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

I respectfully request approval of the attached Ordinance repealing and re-enacting Section 5-10-16 of the City Code of Idaho Falls, Idaho; providing for an increase in the penalty. The increase will bring this City Code into compliance with the State Law. The fee increase in this Ordinance will be published in the Notice of Public Hearing that the Controller's Office will publish on October 15 and 22, 2006. This Ordinance will be presented for your approval at the City Council Meeting of Thursday, October 26, 2006.

Thank you for your consideration.

s/ J. K. Livsey

The Police Chief appeared to explain the necessity for this Ordinance re-enactment. The State of Idaho has an increasing fee structure based upon the number of offenses in a thirty (30) day period. If approved, this increasing fee structure will be a better deterrent to barking dogs and dogs running at large.

There being no further discussion either in favor of or in opposition to this Animal Control Penalty Fee Increase, Mayor Fuhriman closed the public hearing.

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

**ORDINANCE NO. 2675**

AN ORDINANCE REPEALING AND RE-ENACTING  
SECTION 5-10-16 OF THE CITY CODE OF IDAHO  
FALLS, IDAHO; PROVIDING FOR AN INCREASE IN  
THE PENALTY; 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:

Aye: Councilmember Hardcastle  
Councilmember Lehto

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Councilmember Cornwell  
Councilmember Hally  
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Conditional Use Permit for a 10' X 30' Modular Unit for an Office and Parts Storage to be located generally south of International Way (North 17<sup>th</sup>), north of Olympia Drive, east of Ethels Lane, west of North Skyline Drive and is legally described as Lot 4, Block 8, Airport Industrial Park, Division No. 6 (2089 Federal Way). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 23, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: MODULAR BUILDING, EMPIRE AIRLINES, IDAHO FALLS REGIONAL AIRPORT

Attached is the application for a temporary modular building east of the entrance road to the airport and west of Federal Way. The modular building measures 10 feet by 30 feet and will be used as an office and parts room. The building has been reviewed by the Building Department and the site plan has been reviewed by the applicable divisions. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning  
Slide 2 Aerial Photo  
Slide 3 Site Photo of Building  
Slide 4 Site Photo of Building  
Slide 5 Site Photo of Modular Unit  
Exhibit 1 Letter from Empire Airlines dated September 19, 2006  
Exhibit 2 Vicinity Map

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit for a 10' X 30' Modular Unit for an Office and Parts Storage to be located generally south of International Way (North 17<sup>th</sup>), north of

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Olympia Drive, east of Ethels Lane, west of North Skyline Drive and is legally described as Lot 4, Block 8, Airport Industrial Park, Division No. 6 (2089 Federal Way). Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hardcastle to conduct Annexation Proceedings Prior to Platting for York Church Farm Addition, Division No. 1. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 23, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION PRIOR TO PLATTING, INITIAL ZONING OF R-1 AND R-3A, AND FINAL PLAT ENTITLED YORK CHURCH ROAD ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement Prior to Platting, Development Agreement for the Final Plat, Annexation Ordinance, and Final Plat for York Subdivision, an annexation request for 188 acres located southeast of the intersection of 65<sup>th</sup> South (York Road) and 15<sup>th</sup> West (Jameston Road). The requested zoning is R-1 (Single-Family Residential) for 149 acres and R-3A (Single-Family Residential through Apartments and Offices) for 39 acres. The Final Plat, York Church Road Addition, Division No. 1, is a one lot plat of 4.6 acres located immediately south and adjacent to York Road. The Planning Commission considered this annexation request at its September 19, 2006 Meeting and recommended approval with conditions which have been incorporated into the agreements. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Groberg stated that he had a conflict of interest on this annexation proceeding and requested to be excused from the Council Table, so as not to participate in any discussion or decision on this matter. Mayor Fuhriman excused Councilmember Groberg from the Council Table.

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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 Comprehensive Plan
- Slide 4 Aerial Photo – Close Up
- Slide 5 Soils Map and Flood Plan
- Slide 6 Site Photo submitted by Edward Breiter
- Slide 7 Preliminary Plat approved by Planning Commission
- Slide 8 Aerial Photo showing Division No. 1 for Church site
- Slide 9 Final Plat under consideration
- Slide 10 Site Photo of York Road in area of 12<sup>th</sup> West showing power poles
- Slide 11 Aerial Photo showing right-of-way widths and pavement widths
- Slide 12 Site Photo looking south on 9<sup>th</sup> West
- Slide 13 Site Photo looking southwest across site
- Slide 14 Site Photo looking northwest
- Slide 15 Site Photo showing area that the neighbors have indicated that has previously flooded
- Slide 16 Site Photo looking northwest from 12<sup>th</sup> West
- Slide 17 Site Photo looking north on 12<sup>th</sup> West
- Slide 18 Site Photo looking southwest along canal
- Slide 19 Site Photo of Jameston Road south of York Road
- Slide 20 Site Photo looking northeast from Jameston Road
- Exhibit 1 Planning Commission Minutes dated September 19, 2006
- Exhibit 2 Staff Report dated September 19, 2006
- Exhibit 3 Planning Commission Minutes dated September 5, 2006
- Exhibit 4 Staff Report dated September 6, 2006
- Exhibit 5 Vicinity Maps and Aerial Photo
- Exhibit 6 Copy of Final Plat

The Assistant Planning and Building Director explained that the R-3A Zone allows for all types of residential uses. The density requirements for this zone are 5-1/2 units per acre. The final plat meets and exceeds this requirement. This Final Plat also complies with the requirements for the Estate Zone. The City's Subdivision Ordinance requires that Final Plats connect to existing rights-of-way. When reviewing Final Plats, the FEMA Flood Plain Maps are addressed. This area is not within the 100 year Flood Plain that FEMA uses for standards for flood control. This area is also not part of the 500 year Flood Plain. The Assistant Planning and Building Director indicated on a map that there is one area within this proposed subdivision that has a rare chance of being flooded. He explained, further, that in the mid 1980's, the City of Idaho Falls had CH2M Hill conduct a storm water retention study. Those standards are now part of the City requirements and any development since that time needs to follow those requirements. Under the Final Plat, the Church has requested access to York Road. This has been reviewed and incorporated into the Annexation Agreement and the Development Agreement. This access will comply with the Bonneville Metropolitan Planning Organization Access Management Plan. The Church will be able to connect to City Water Services from York Road, but the City Sewer Line is approximately ¼ mile from this subdivision. The Church will be a septic system, but will be designed such that it can be connected to the City Sewer Line when it becomes contiguous to the site. There will be on-site storm water retention facilities.

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The City Attorney requested the Assistant Planning and Building Director to address how the City provides contiguity to this land.

The Assistant Planning and Building Director explained that this property shares a common boundary west of Jameston Road.

Dick Groberg, 620 Castlerock Lane, appeared to state that he was the owner and developer of this parcel of land. He stated that this is a classic example of the City growing. He appreciated the input from the Planning and Building Division, as well as the input from the residents in the area. Mr. Groberg stated that he wanted to assure the residents in the area that he wanted a nice development as much as they did. For comparison purposes, this subdivision will be similar to Stonebrook Addition. This area is not in the flood zone. All conditions have been met. The Church is anxious to begin construction.

Councilmember Hardcastle requested to know what the time table was for completion of the whole subdivision. Mr. Groberg stated that, depending upon interest, this subdivision will be completed in approximately 20 years.

Mary Dunhour, 6586 South 9<sup>th</sup> West, appeared to express her concerns regarding this subdivision. She requested to know how many homes were planned for this subdivision. She expressed her concern for traffic at the hill close to 9<sup>th</sup> West. At the present time, there are no provisions for a Fire Station in the immediate area. Response time should be between 3 to 5 minutes. She stated that there is no park to be developed in the subdivision and requested to know where the children should play. Ms. Dunhour requested that the developer provide at least one acre of barrier around the existing homes in the area before allowing homes to be built. She stated that she recently went to a real estate website that showed that 1,000 homes were for sale in Idaho Falls. Approximately 300 to 400 of those homes were new construction that had not yet been sold and had been on the market for two years. She stated that she did not know how the City could support so many uninhabited homes.

Edward Breiter, 6549 South 15<sup>th</sup> West, appeared to state that he had no monetary interest in this development, but could not stand still and let innocent people be sold houses where they will be flooded. Mr. Breiter submitted a topography map of the southern portion of Idaho Falls. He gave a brief explanation of how water moved on this land and would cause flooding of this subdivision. Mr. Breiter shared some of his experiences with flooding that took place as he was growing up in this area. He submitted a possible solution to any flooding problem that may be confronted. He also submitted a map of reservoir levels from an article in Intermountain Farm and Ranch Newsletter. Mr. Breiter stated that the City allows developments to be created and then looks for ways to fix potential flood problems. Ririe Reservoir is a "flood control reservoir" and is mismanaged by keeping it too full. This will not protect during a major flood. Mr. Breiter also gave an explanation of the size of a pump needed to manage the amount of water that would be generated during a flood. He requested that the City Council make a provision that no basements be allowed in this subdivision.

Alan Kelsch, 7466 South 15<sup>th</sup> West, appeared as a representative from Idaho Irrigation District. He expressed his concern for the German Canal across the south end of the property. On the north side of the canal there is a levy bank of approximately 8 feet to 10 feet in height. If that canal bank broke, it would flood many homes. He requested the developer to put a slope of 4-1, along with a roadway to protect the property owners in the area. There is a roadway along the south bank and requested that to be maintained. Mr. Kelsch expressed his concern for the proposed bike paths along the Butte Arm Canal. He requested to see plans for the bike paths.

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Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that it would be challenging to construct bridges to the property on the south. He stated, further, that a 4-1 slope is a reasonable slope for the levy bank to the German Canal and it was realistic to have the developer leave room for a maintenance road on both sides of the canal for the canal company. Mr. Kofoed stated that it is always a good idea to pay attention to comments from local farmers as they have a good grasp on history of the land and flooding. When the flood control maps were drawn, it was determined that there were no flooding problems other than localized flooding. Mr. Kofoed stated that he would like to be on the record for commending the City of Idaho Falls in general and the Public Works Department in particular for having a very far-sighted approach to storm water. Other cities are envious of the City of Idaho Falls. He stated that he liked to work with the City of Idaho Falls. Mr. Kofoed explained that if the 580 acres generated 40 acre feet of water, this water would be placed into storm water retention ponds that would hold 63 acre feet to be sure that the water is taken care of.

Councilmember Lehto requested Mr. Kofoed to explain where the biggest challenge has been with regard to storm water retention within the City of Idaho Falls.

Mr. Kofoed explained that all the way along Crow Creek is a problem for storm water drainage. At some point in the future, the City ought to look at extending the depth of Crow Creek Pond along Woodruff Avenue by the Meppen Canal. He gave a brief explanation of how this could be done. Mr. Kofoed stated that a pond to take care of the water in this new subdivision would not be as big as the Troy Pond. It would be advisable to develop 2 or 3 ponds to take care of any water retention needed for the development.

Councilmember Hardcastle requested Mr. Kofoed to address the concerns of Mrs. Dunhour on the site distance problem on York Road. Mr. Kofoed stated that there are fairly good site distances at both of the streets entering York Road. The City did not allow Holden Place to go through.

Councilmember Hardcastle requested Mr. Kofoed to address the bike paths that are proposed with this subdivision. Mr. Kofoed stated that the developer did not plan to build the bike paths unless instructed to. There will be enough room planned for them should they be required.

Mr. Breiter requested to know how water from this land was going to reach Gem Lake when it is five feet lower than Gem Lake at this time. Mr. Kofoed stated that he was not going to dump the water into Gem Lake although it was possible. He stated that currently all of the water along the South Yellowstone Highway goes to Gem Lake.

Councilmember Hardcastle requested the Assistant Planning and Building Director to come forward to address the bike paths. The Assistant Planning and Building Director appeared to state that when the comprehensive plan is reviewed, there is a bike and pedestrian plan that goes along with that plan. The bike path is planned along the north side of the canal along York Road to Sunnyside Road connecting to the bike path that is part of Sunnyside Road. The property owner would make the request for a bike path at the time of the Final Plat, to retain that land for such bike path.

Councilmember Hardcastle requested the Assistant Planning and Building Director to speak to the issue of parks in this subdivision. The Assistant Planning and Building Director stated that the storm water retention ponds act as small localized parks in subdivisions when they are not in use for storm water retention. Some developers within the City have groomed the storm water retention ponds to include sprinkler systems, trees, and playground equipment.

Councilmember Lehto stated that the City's Parks and Recreation Division is keenly aware of the needs of the citizens. At this time, they are actively looking for and planning for another park like Community Park. School grounds serve that same purpose.

Councilmember Hardcastle requested the developer to come forward to address Mrs. Dunhour's concern regarding the number of homes that will be built in this

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subdivision. Mr. Groberg re-appeared to state that there would be 490 lots for homes to be developed within this subdivision.

Councilmember Hardcastle requested the Fire Chief to come forward to address Mrs. Dunhour's concern for fire protection within this new subdivision. The Fire Chief explained that there is no ordinance stating requirements for how many fire stations or the response time for fire protection services. The Fire Department follows guidelines and recommendations from the National Fire Protection Agency and the ISO Organization. The National Fire Protection Agency makes recommendations and sets guidelines. It is not a governing body. The ISO Organization is a leading source of information for risks. This organization provides information to insurance companies. That is where insurance ratings come from for public protection classifications. A city is rated on a scale of 1 through 10, with 1 being the best and 10 being the worst. The City of Idaho Falls is a public protection classification of 3. The lower a city is rated, the more patrons pay for fire protection services. The ISO evaluates the City in three areas; 10% for Fire Alarm and Communication Systems, 50% for the Fire Department as a whole and where fire stations are located, and 40% for the water supply. The National Fire Protection Agency has made a recommendation for response time of 4 minutes or less for the first arriving engine company and 8 minutes or less for the first full alarm. A full alarm for the City of Idaho Falls for a structure fire is 3 engine companies, a rescue truck, an ambulance and a staff vehicle. It is recommended that the City of Idaho Falls meet that performance objective 90% of the time. If the southern portion of Idaho Falls keeps growing at the rate it is, it will be difficult to meet the performance objective. The ISO objectives are based on mileage. Their recommendation is that the first engine company should be within 1-1/2 road miles from its response. A fire station will be needed in this area to provide for the increased development. Station 4 would respond to this area. This station is approximately 4.6 to 5 miles driving time to that area. The response time would be approximately 5-10 minutes. The Fire Department is looking at possible locations for a fire station in this area. The Fire Chief stated that there is no law that the City Council needs to build a fire station because 500 homes are planned for a subdivision.

Mary Dunhour, 6586 South 9<sup>th</sup> West, re-appeared to express her concern for children that board buses at the end of her street from approximately 6:30 a.m. to 9:00 a.m. She also stated that the traffic has increased in the area. The developer stated that they would build a fence around their pond to prevent children from having access to this wetland. She would like to have that in writing to be sure that the developer builds that fence.

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

Councilmember Hally stated that the comment regarding fire coverage is a legitimate concern. He stated that the City Council is progressive enough to address this issue. There are ebbs and flows in the housing market. The marketplace will take care of that.

Councilmember Lehto stated that the City of Idaho Falls has provided much infrastructure to service growth to the southern portion of Idaho Falls. The sewer line has been upgraded in York Road, along with two new wells having been constructed with planning for a third one in the works at this time. Growth in the southern portion of Idaho Falls is inevitable.

Councilmember Hardcastle quoted from the Planning Commission Minutes of September 19, 2006 as follows: "Daryl Kofoed, 1020 Lincoln Road: Mr. Kofoed said the developer will have extensive topographical work completed and partner with the City Engineering Department as they develop storm drainage for the site."

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The City Attorney stated that the City is in the very early stages of the development of this piece of property. Currently, there is a proposal to annex the property and to zone the property. With the exception of the parcel for the Church, the developments that have been touched upon are issues that are going to have to be addressed again under the Final Plat process.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Annexation Agreement Prior to Platting for York Church Road Subdivision and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Development Agreement for York Church Road Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2678**

**ANNEXATION PRIOR TO PLATTING  
GROBERG PROPERTY SOUTH OF YORK ROAD**

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 Hardcastle moved, and Councilmember Lehto seconded, that the provisions of Idaho Code Section 50-902

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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 Hally  
Councilmember Lehto  
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 Hardcastle, seconded by Councilmember Lehto, to establish the initial zoning for 149.474 acres of York Subdivision as R-1 (Single-Family Residential) Zoning and 38.724 acres of York Subdivision as R-3A (Single-Family Residential through Apartments and Offices) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to accept the Final Plat for York Church Road 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 Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

The City Attorney reminded everyone present to get out and vote during the November 7, 2006 Election.

Councilmember Cornwell reminded everyone that "Boo at the Zoo" will be held on Saturday, Monday, and Tuesday at the Tautphaus Park Zoo.

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There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Cornwell, that the meeting adjourn at 9:20 p.m.

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CITY CLERK

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MAYOR

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