

JULY 27, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 27, 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 Larry Lyon
Councilmember Ida Hardcastle
Councilmember Joe Groberg
Councilmember Thomas Hally
Councilmember Karen Cornwell

Also present:

Shan Perry, Assistant City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Councilmember Karen Cornwell to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the July 13, 2006 Regular Council Meeting.

The City Clerk presented several license applications, including BEER Licenses to Albertson's (Broadway) (Transfer Only) and Albertson's (17th Street) (Transfer Only), 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 July 27, 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
 Councilmember Lyon

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memo:

JULY 27, 2006

City of Idaho Falls
July 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN SHERRI L. WILKINS
AND CRAIG D. JACKSON

Attached for City Council approval is the Consent to Assignment for the transfer of an aircraft hangar. All other terms and conditions of the lease remain the same.

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 Consent to Assignment of Hangar Lease Agreement between Sherri L. Wilkins and Craig D. Jackson and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AIRPORT PARKING LOT – INTERNATIONAL WAY

Municipal Services recommends awarding the bid for the Airport Parking Lot to HK Contractors, Inc. in the amount of \$373,677.50.

s/ S. Craig Lords

JULY 27, 2006

Councilmember Hally explained that this is an opportunity to provide parking for some of the businesses in the area. A lease will be drawn up for use of this parking lot.

Councilmember Lyon explained that the funds to pay for this parking lot will come from the Airport. No General Fund property tax revenues will be used in the construction of this parking lot.

Councilmember Hally explained, further, that the funds will come through a Federal Aviation Administration Grant coming from the federal government for operation of the Airport.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the bid from HK Contractors, Inc. to complete the Airport Parking Lot on International Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IDAHO FALLS EQUIPMENT MAINTENANCE FACILITY – CHANGE ORDER NO. 6

Attached for your consideration is Change Order No. 6 in the amount of \$3,450.00 to provide and install ¼" cold water line from existing overhead supply line.

It is respectfully requested that the City Council approve the change order and authorize the Mayor to execute said document.

s/ S. Craig Lords

The Municipal Services Director appeared to state that the Equipment Maintenance Facility will be open within ten days.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Change Order No. 6 to Shook Construction Company, Inc. in the amount of \$3,450.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon

JULY 27, 2006

Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
July 27, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: LEASE AGREEMENT – IDAHO FALLS HORSE RACING, INC.

Attached for your consideration is a lease agreement between the City of Idaho Falls and Idaho Falls Horse Racing, Inc. This agreement is for the purpose of leasing facilities at Sandy Downs to conduct simulcasting. The term of the lease is for one year, terminating July 31, 2007. The Assistant City Attorney has drafted and reviewed the lease agreement.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said lease agreement.

s/ David J. Christiansen

Councilmember Groberg stated that he was opposed to this Lease Agreement.

It was moved by Councilmember Cornwell, seconded by Councilmember Hally, to approve the Lease Agreement between the City of Idaho Falls and Idaho Falls Horse Racing, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

JULY 27, 2006

City of Idaho Falls
July 27, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: RYDER PARK – REQUEST FOR NAMING RIGHTS

The Division of Parks and Recreation respectfully requests that the Mayor and City Council consider a request to officially name a garden, when developed, at Ryder Park in memory of Mr. Bill Sovereign in recognition of his community service to the Master Gardeners' Program and other community contributions so noted in the attached letter of request.

The Parks and Recreation Commission reviewed this request at its July 10, 2006 Meeting and unanimously agreed that it be forwarded to the Mayor and City Council for consideration. It is therefore submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Groberg, to approve the request to officially name a garden, when developed, at Ryder Park in memory of Mr. Bill Sovereign in recognition of his community service to the Master Gardeners' Program and other community contributions. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

Idaho Falls Redevelopment Agency
July 21, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Executive Director
SUBJECT: RESOLUTION ADOPTING THE GREATER DOWNTOWN IDAHO FALLS AREA URBAN RENEWAL ELIGIBILITY REPORT

Attached is the Resolution adopting the Greater Downtown Idaho Falls Area Urban Renewal Eligibility Report. This Resolution has been prepared by legal counsel of the Idaho Falls Redevelopment Agency and declares the area

JULY 27, 2006

including and south of G Street, including and west of Eastern Avenue, east of the Snake River, and north of Pancheri Drive appropriate for an Urban Renewal Project. It also authorizes the Redevelopment Agency to commence an Urban Renewal Plan or an amendment to an existing plan to include this area. This is the first step towards the inclusion of all or a portion of this area in an Urban Renewal District. The Idaho Falls Redevelopment Agency respectfully requests adoption of this Resolution.

s/ Renée R. Magee

RESOLUTION NO. 2006-12

A RESOLUTION BY THE CITY COUNCIL DETERMINING A CERTAIN AREA WITHIN THE CITY TO BE A DETERIORATED AND DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTION 50-2018(9) AND 50-2903(8)(b), DIRECTING THE URBAN RENEWAL AGENCY OF IDAHO FALLS, IDAHO TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA.

WHEREAS, on the 6th day of July, 1966, the Council and Mayor of Idaho Falls, Idaho respectively, created the Idaho Falls Redevelopment Agency (hereinafter "Agency"), authorizing it to transact business and exercise the powers granted by Session Laws 1965, Chapter 246 (Chapter 20, Title 50, Idaho Code) upon making the findings of necessity required for creating said Urban Renewal Agency;

WHEREAS, the City Council of the City of Idaho Falls, Idaho (the "City"), on December 22, 1988, after notice duly published, conducted a public hearing on the Lindsay Boulevard Urban Renewal Plan (the "Urban Renewal Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1926 on December 23, 1988, approving the Urban Renewal Plan and making necessary certain findings;

WHEREAS, the City, on December 10, 1992, after notice duly published, conducted a public hearing on the Amended and Restated Urban Renewal Plan (the "Amended and Restated Urban Renewal Plan");

WHEREAS, following said public hearing, the City adopted its Ordinance No. 2084 on December 10, 1992, approving the Amended and Restated Urban Renewal Plan and making certain findings;

WHEREAS, the City, on October 24, 2002, after notice duly published, conducted a public hearing on the Second Amended and Restated Lindsay Boulevard Urban Renewal Plan (also known as the Idaho Falls Snake River Urban Renewal Project Plan) (hereinafter the "Second Amended and Restated Plan");

JULY 27, 2006

WHEREAS, following said public hearing, the City adopted its Ordinance No. 2467 on November 14, 2002, approving the Second Amended and Restated Plan and making certain findings;

WHEREAS, the City on October 14, 2004, after notice duly published, conducted a public hearing on the River Commons Urban Renewal Plan (hereinafter the "River Commons Plan");

WHEREAS, following said public hearing, the City adopted its Ordinance No. 2556 on October 14, 2004, approving the River Commons Plan and making certain findings;

WHEREAS, as a result of the activities within the Lindsay Boulevard Project Area (Now known, and hereinafter referred to as the "Snake River Urban Renewal Project"), the Agency and others identified a number of issues that are affecting certain geographical areas adjacent or in close proximity to the Snake River Urban Renewal Project Area, for the purpose of determining whether such area is a deteriorating area and deteriorated area as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8)(b);

WHEREAS, the area under consideration includes areas previously subject to an eligibility study in 1994 referred to as the 1994 Downtown Report (Downtown and Area) and an eligibility study in 2002 referred to as the 2002 Memorial Drive Report (Memorial Drive Area);

WHEREAS, the Agency has heretofore authorized a study or report to consider incorporating certain property in proximity to the Snake River Urban Renewal Project Area, the Downtown Area, and the Memorial Drive Area to analyze and determine whether the area is eligible for urban renewal planning, and provide the full Agency Board with a report and recommendation as soon as reasonably possible;

WHEREAS, on behalf of the Agency, Harlan W. Mann, Real Estate and Community Development Consultant (hereinafter the "Consultant"), has examined the Greater Downtown Idaho Falls Area for the purpose of determining whether such area is a deteriorated or deteriorating area as defined under Idaho Code Section 50-2018(9) and 50-2903(8)(b);

WHEREAS, the Consultant performed such examination and submitted his report dated July 13, 2006, to the Agency, a copy of which is attached hereto as Exhibit 1 (referred to as the "Report");

WHEREAS, the proposed area identified in the Greater Downtown Report is about twice as large as the area included in the previous reports;

WHEREAS, the Greater Downtown Report identifies an eligible area bounded by "G" Street on the north, Eastern and the railroad right-of-way on the east, Pancheri on the south and the Snake River, plus a two-block section of Memorial Drive between "E" and "G" Streets;

JULY 27, 2006

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the Agency, on July 25, 2006, adopted a Resolution accepting the Report and authorizing the Chairman or Executive Director of the Agency to transmit the Report to the Council requesting its consideration for designation of an urban renewal area and requesting that the Council direct the Agency to prepare an Urban Renewal Area for the area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, it is desirable and in the best interest that the Agency prepare an Urban Renewal Plan for all or part of the area identified in the Report located in the City of Idaho Falls, County of Bonneville, State of Idaho.

NOW, THEREFORE, be it resolved that:

1. That the Council of Idaho Falls finds and declares:

a. That the described area in the Report is a deteriorated or deteriorating area existing in Idaho Falls, Idaho as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

b. That there is a need for the Agency, an urban renewal agency, to function in accordance with the provisions of said Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan; and,

c. That the area identified in the Report is determined as a deteriorated or deteriorating area, or a combination thereof, and such area is designated as appropriate for an urban renewal project, and the Agency should proceed with the preparation of an urban renewal plan for all or part of the area, which plan may include a revenue allocation provision as allowed by law.

2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

DATED this 28th day of July, 2006.

CITY OF IDAHO FALLS, IDAHO

s/ Jared D. Fuhriman
MAYOR

JULY 27, 2006

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

Councilmember Groberg suggested three changes to the Resolution as follows:

1. In the title, change the word "of" to "or" in the last line;
2. In the last "WHEREAS" on Page 4, add the words "or part of", following "an Urban Renewal Plan for all (or part of) the area identified"; and,
3. In 1(c) on Page 5, add the words "or part of", following "with the preparation of an urban renewal plan for all (or part of) the area".

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Resolution, with the suggested amendments, adopting the Greater Downtown Idaho Falls Area Urban Renewal Eligibility Report and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT FOR
INTERMOUNTAIN BUSINESS AND TECHNOLOGY PARK,
DIVISION NO. 5

Attached are the Development Agreement and Final Plat for Intermountain Business and Technology Park, Division No. 5. This one lot plat is located on the southeast corner of North Boulevard and Technology Drive. The property is zoned I & M-1. The Planning Commission, at its June 20, 2006 Meeting, recommended approval of this final plat with the condition any access to North Boulevard comply with the *Access Management Plan*. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

JULY 27, 2006

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 request:

- Exhibit 1 Vicinity Map
- Exhibit 2 Draft of Planning Commission Minutes dated June 20, 2006
- Exhibit 3 Staff Report dated June 20, 2006

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Intermountain Business and Technology Park, Division No. 5 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Intermountain Business and Technology Park, Division No. 5 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said final plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
July 19, 2006

MEMORANDUM

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

I respectfully request approval of the attached Resolution to adopt the National Incident Management System (NIMS) concept of emergency planning and to use the Incident Command System components of NIMS as the City standard for all emergency situations. This Resolution will be presented for your approval at the City Council Meeting on Thursday, July 27, 2006.

JULY 27, 2006

Thank you for your consideration.

s/ J. K. Livsey

CITY OF IDAHO FALLS

RESOLUTION NO. 2006-13

**ADOPTION OF THE
NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**

WHEREAS, Emergency Response to critical incidents, whether natural or manmade, requires integrated professional management, and

WHEREAS, the use of the Incident Command System in such incidents is recognized as the management model to maximize the public safety response, and

WHEREAS, the National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions, and

WHEREAS, failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

NOW, THEREFORE, BE IT RESOLVED, that it shall be the public policy of the City of Idaho Falls to adopt the NIMS concept of emergency planning and to use the Incident Command System components of NIMS as the City standard for all emergency situations.

PASSED AND ADOPTED this 27th day of July, 2006, during the regular meeting of the members of the Idaho Falls City Council.

CITY OF IDAHO FALLS

s/ Jared D. Fuhriman
Jared Fuhriman, Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

(SEAL)

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Resolution adopting the National Incident Management System (NIMS) and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

JULY 27, 2006

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CH2M HILL ENGINEERING SERVICES AGREEMENT – TASK
ORDER NO. 15, FILTER TOWER INSPECTION

Attached is proposed Task Order No. 15 to the CH2M Hill Engineering Services Agreement, in an amount not to exceed \$10,000.00. As proposed, this task order provides for an inspection of the Filter Tower at the Water Pollution Control Plant and to identify repair and rehabilitation measures needed for this facility.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Task Order No. 15 for the Filter Tower Inspection to the CH2M Hill Engineering Services Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

JULY 27, 2006

City of Idaho Falls
July 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: HATCH PIT OPERATIONAL PLAN – 2006 REVISION

Attached is a proposed Hatch Pit Operational Plan – 2006 Revision, provided by Bonneville County and requesting approval by the City of Idaho Falls. Portions of the land being used by Bonneville County as a landfill for construction/demolition wastes are owned by HK Contractors, Inc., and the City of Idaho Falls. The County is proposing to promote additional recycling of materials entering the landfill and change the final grading slopes from 4% to 3%.

Public Works recommends approval of these revisions; and, authorization for the Mayor to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Hatch Pit Operational Plan – 2006 Revision and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 20, 2006

MEMORANDUM

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

Attached is a request from Iona-Bonneville Sewer District for expansion of the Sewer District's approved service area. Also, attached is a map showing the area requested to be included in the Sewer District; an area situated in the foothills south and east of the City of Iona. A portion of this particular tract of land is already located within the District service area boundaries.

JULY 27, 2006

Public Works is submitting this request for your consideration.

s/ Chad Stanger

Councilmember Lehto explained that in December, 2000, the City Council approved a Memorandum of Understanding regarding the Iona-Bonneville Sewer District, in which the last provision allowed for expansion of the District boundaries with the approval of the Idaho Falls City Council. This proposal is a request for adding 600 acres to the boundary in this area. Councilmember Lehto, also, explained that the development that is being considered is not a dense population area.

Councilmember Groberg questioned whether there was anything in the Memorandum of Understanding which limits the total capacity to be sent to the Idaho Falls Waste Water Treatment Plant. Councilmember Lehto stated that there was no such limit at this time. There are other factors that will go into this equation in the near future.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the request from Iona-Bonneville Sewer District for expansion of the Sewer District's approved service area. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT TEMPORARY CONSTRUCTION
EASEMENTS – PARCEL NOS. 7a AND 58

Attached are Sunnyside Road Project Temporary Construction Easement Agreements for Parcel Nos. 7a and 58.

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

s/ Chad Stanger

Mayor Fuhriman explained that the Sunnyside Road Project has been moved to the top of the list with the Idaho State Transportation Department. The Idaho State Transportation Department has been working vigorously to find available funds to allow this project to take place as soon as possible.

JULY 27, 2006

Councilmember Lehto stated that there was speculation on the State level that the City of Idaho Falls would not be able to get the required rights-of-way to bid this project this year, so the State reprogrammed this project to 2010. The State is now looking for money to complete the Sunnyside Road Project.

Mayor Fuhriman stated that he was satisfied that the Public Works Director and his staff have completed a tremendous amount of work to expedite this and stated that he was appreciative of their efforts.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Sunnyside Road Project Temporary Construction Easement Agreements for Parcel Nos. 7a and 58 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT RIGHT-OF-WAY POSSESSION
AGREEMENT – PARCEL NO. 18, SUNNYSIDE PROPERTIES, LLC

Attached is a Sunnyside Road Project Right-of-Way Possession Agreement for Parcel No. 18, Sunnyside Properties, LLC, in the amount of \$185,252.00, which represents the City's last offer to the property owner.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Sunnyside Road Project Right-of-Way Possession Agreement for Parcel No. 18 in the name of Sunnyside Properties, LLC in the amount of \$185,252.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally

JULY 27, 2006

Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
July 24, 2006

MEMORANDUM

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

A number of years ago a portion of Utah Avenue was realigned, leaving the old right-of-way being unused. Property owners adjacent to this right-of-way have requested its vacation.

Public Works requests authorization for the City Attorney to prepare the documents needed to accomplish this vacation.

s/ Chad Stanger

Councilmember Lehto requested Councilmember Groberg to comment on this issue from the Idaho Falls Redevelopment Agency standpoint.

Councilmember Groberg stated that this Utah Avenue right-of-way is that portion of Utah Avenue that is unused at this time. There is an electric utility easement that crosses the Utah Avenue right-of-way. A utility easement may need to be developed in this area prior to vacating the remainder of the right-of-way to the two adjacent owners of the property – Taylor Crossing Development and Renaissance Development. Councilmember Groberg stated that he was in favor of preparing the documents, but stated that the City needed to move cautiously in case a utility easement needed to be maintained in this location.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for the City Attorney to prepare the documents needed to vacate a portion of Utah Avenue where it was realigned. Roll call as follows:

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

Nay: None

Motion Carried.

JULY 27, 2006

City of Idaho Falls
July 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – HIGHLAND PARK STREET IMPROVEMENTS

On July 19, 2006, bids were received and opened for the Highland Park Street Improvements Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, TMC Contractors, Inc., at \$879,816.10; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the low bid from TMC Contractors, Inc. to complete the Highland Park Street Improvements Project in the amount of \$879,816.10 and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ANNEXATION AGREEMENT AMENDMENT – WESTRIDGE
COMMERCIAL PLAZA, DIVISION NO. 1

Attached is a proposed amendment to the annexation agreement for Westridge Commercial Plaza, Division No. 1, requiring the City to participate with the developer to install storm and sanitary sewer lines in Old Butte Road, at a cost of \$307,293.00.

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

s/ Chad Stanger

JULY 27, 2006

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

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for The Village Addition, Division No. 14 and Division No. 15. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-3, AND FINAL PLATS FOR THE VILLAGE, DIVISION NOS. 14 AND 15

Attached are the Annexation Agreements, Annexation Ordinances, and Final Plats for The Village, Division Nos. 14 and 15. These two final plats encompass 10.65 acres south of Airway Road, west of 25th West (Old Butte Road), and northwest of Clarence Drive. Division No. 14 has sixteen single-family lots and Division No. 15 has twenty-two single-family lots. The Planning Commission considered this request at its May 2, 2006 Meeting and recommended approval of the annexation, initial zoning of R-3, and final plats. 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 Vicinity Map showing The Village Addition, Division No. 14
Slide 3 Vicinity Map showing The Village Addition, Division No. 15
Slide 4 Aerial Photo
Slide 5 Final Plat of The Village Addition, Division No. 14

JULY 27, 2006

Slide 6 Final Plat of The Village Addition, Division No. 15
Exhibit 1 Planning Commission Minutes dated May 2, 2006
Exhibit 2 Staff Report dated May 2, 2006
Exhibit 3 Vicinity Map

The Planning and Building Director stated that The Village Addition, Division Nos. 14 and 15 complies with the Subdivision Ordinance. The single-family residential land use complies with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions. The Mayor and City Council did not have any questions or comments.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for The Village Addition, Division No. 14 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for The Village Addition, Division No. 15 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

JULY 27, 2006

ORDINANCE NO. 2657

THE VILLAGE ADDITION, DIVISION NO. 14

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 Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

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

ORDINANCE NO. 2658

THE VILLAGE ADDITION, DIVISION NO. 15

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:

JULY 27, 2006

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of The Village Addition, Division No. 14 and Division No. 15 as R-3 (Single-Family Residential through Apartments) 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 Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for The Village Addition, Division No. 14 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for The Village Addition, Division No. 15 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

JULY 27, 2006

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from C-1 (Limited Retail) with PT-2 (Planned Transition-2) Overlay to C-1 (Limited Retail) on property located generally on the south side of 17th Street, east of Jennie Lee Drive, west of St. Clair Avenue, north of East 21st Street, legally described as West Jennie Lee Addition, Division No. 13, Block 1, Lots 2, 3, and the west 20 feet of Lot 4 (17th Street Car Wash – 930 East 17th Street and Les Schwab Tire Center – 970 East 17th Street). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REMOVE THE OVERLAY OF PT-2 (PLANNED TRANSITION) – LOTS 2, 3, AND WEST 20 FEET OF LOT 4, BLOCK 1, WEST JENNIE LEE ADDITION, DIVISION NO. 13

Attached is the application of Les Schwab to remove the PT-2 overlay on Lots 2, 3, and the west 20 feet of Lot 4, Block 1, West Jennie Lee Addition, Division No. 13. This parcel is east of Jennie Lee Drive, south and adjacent to 17th Street, and west of Ponderosa Drive. This parcel is occupied by Les Schwab and Phillips 66 Convenience Store and Car Wash. The comprehensive plan designation is commercial. The Planning Commission recommended approval of this rezoning request at its June 20, 2006 Meeting. 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	Site Photo showing north portion of the site
Slide 5	Site Photo showing southwest portion of site
Slide 6	Site Photo showing access to the car wash

JULY 27, 2006

- Slide 7 Site Photo showing access to the car wash adjacent to the alley
- Slide 8 Site Photo showing northwest corner of site
- Slide 9 Site Photo looking southeast of alley and south of Les Schwab Tire Store
- Slide 10 Site Photo showing Les Schwab Tire Store with expansion to the west instead of to the south
- Exhibit 1 Vicinity Map
- Exhibit 2 Planning Commission Minutes dated June 20, 2006
- Exhibit 3 Staff Report dated June 20, 2006
- Exhibit 4 Application

Mike Oxman, 646 Northwest Madres, Prineville, Oregon, appeared as a representative for Les Schwab Tires. He stated that Les Schwab Tires is in the process of purchasing the Phillips 66 Convenience Store and Car Wash. This purchase will be completed if this rezoning is approved. He stated that he was very impressed with the help and cooperation of the City's staff in assisting him with this rezoning request.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from C-1 (Limited Retail) with PT-2 (Planned Transition-2) Overlay to C-1 (Limited Retail) on property located generally on the south side of 17th Street, east of Jennie Lee Drive, west of St. Clair Avenue, north of East 21st Street, legally described as West Jennie Lee Addition, Division No. 13, Block 1, Lots 2, 3, and the west 20 feet of Lot 4 (17th Street Car Wash – 930 East 17th Street and Les Schwab Tire Center – 970 East 17th Street) and, further, 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 Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from HC-1 (Highway Commercial) and M-1 (Manufacturing) to CC-1 (Central Commercial) on property located generally south of West Broadway, north of Pancheri Drive, west of the Snake River, and east of South Utah Avenue, legally described as Taylor Crossing. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE A PORTION OF TAYLOR CROSSING ON THE RIVER

JULY 27, 2006

Attached is the application to rezone portions of Taylor Crossing and Eastern Idaho Railroad property from I & M-1 (Industrial and Manufacturing) and HC-1 (Highway Commercial) to CC-1 (Central Commercial). This parcel is located south of Broadway Avenue, west of the Snake River, east of Utah Avenue, and north of Bridgeport Drive. At its May 16, 2006 Meeting, the Planning Commission recommended approval of this rezoning request with the exception of the building owned by Douglas Hix. The rezoning request complies with the comprehensive plan designation of mixed use and commercial west and adjacent to the Snake River. 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	Comprehensive Plan
Slide 3	Aerial Photo
Slide 4	Aerial Photo – Close Up
Exhibit 1	Vicinity Map
Exhibit 2	Planning Commission Minutes dated May 16, 2006
Exhibit 3	Staff Report dated May 16, 2006
Exhibit 4	Application

The Planning and Building Director requested that the following letter be made part of the record:

D & A Commercial Warehousing, LLC
2140 Heyrend Way
P. O. Box 51092
Idaho Falls, Idaho 83405

April 25, 2006

TO: Idaho Falls Planning Commission
FROM: D & A Commercial Warehousing, LLC

SUBJECT: Consideration of a Rezoning from I & M-1 to CC-1, Taylor Crossing – See Attached Illustrations

Our property is contiguous with the property that is owned by the Eastern Idaho Railroad. Part of our existing building is located on the property that is owned by the Eastern Idaho Railroad. See illustration.

We found out recently that the Eastern Idaho Railroad leased their property to Taylor Crossing. The person in charge of property leasing for the railroad claims to have not known that our building was on Eastern Idaho Railroad property. Our tenant, Cargill, loads rail cars that are spotted on the side track that is on Eastern Idaho Railroad property. We have had discussions with the Eastern Idaho Railroad recently in an attempt to rectify this issue.

JULY 27, 2006

We urge you not to allow the zone to be changed from I & M-1 to CC-1 on the Eastern Idaho Railroad property. It would put us in a position of having our building in 2 different zones. If the zone is changed at this time, it also will involve the City of Idaho Falls in the settlement of the lease issue.

Respectfully yours,

s/ Douglas N. Hix

Douglas N. Hix

D & A Commercial Warehousing, LLC

The Planning and Building Director stated that the Planning Commission requested that the Developer get an affidavit from the Railroad. The Developer has not been entirely successful in obtaining that affidavit. The Planning and Building Director stated that she received a copy of the Lease Agreement between Eastern Idaho Railroad, Inc. and Taylor Crossing on the River, LLC dated March 19, 2004 and running for a twenty-year term, with an additional two ten-year terms to follow. She stated, further, that Taylor Crossing on the River, LLC has an option to purchase this property from Eastern Idaho Railroad, Inc.

Councilmember Hally requested to know if there was another zone that would allow for the railroad tracks to be at this location, as well as providing for condominiums on the upper floors of the proposed Marriott Hotel at this location. The Planning and Building Director stated that the CC-1 Zone is the only zone that would allow for both.

Sam Cook, 1165 South Utah Avenue, appeared as the representative for Taylor Crossing on the River, LLC. He explained that this rezoning request is part of the continued development of Taylor Crossing on the River. He explained that it has been difficult to reach Brad Snow, legal counsel for Eastern Idaho Railroad, Inc., but has received a verbal message that Eastern Idaho Railroad, Inc. would forward the affidavit as soon as he returns to his office from vacation. Mr. Cook stated that Mr. Snow's boss was out of the office at this time also.

Douglas Hix, 1380 Presto Street, appeared to state that he appreciated the Planning Commission for excluding his warehouse from this rezoning request. He stated that he had a Lease Agreement with Union Pacific Railroad when he purchased their property in 1988. He believed that was a continuous lease. In 1992, they were settling with the railroad and thought there was only one more payment to make on their lease agreement. Since that time, they have not heard another word from the railroad company. Mr. Hix stated that Mr. Wackerli let him know that Taylor Crossing On The River, LLC had purchased the land in the area, including the land where his warehouse was located. When he received this information, he suggested to the Planning Commission that the zone not be changed anywhere along the railroad property. Mr. Hix stated that railroads are charged with moving freight and passengers, not with developing commercial ventures. There will be plenty of time to change the zone on the railroad tracks when the tracks are removed from the area. He stated, further, that it is premature to change the zone along the railroad tracks.

Councilmember Groberg requested that the following letter be entered into the record and requested the Planning and Building Director to explain whether the rezoning could be made conditional once the affidavit is received from Eastern Idaho Railroad Company:

JULY 27, 2006

Bart M. Davis
Attorney at Law
P. O. Box 50660
Idaho Falls, Idaho 83405-0660

July 27, 2006

Mayor Jared Fuhriman
City of Idaho Falls
308 Constitution Way
Idaho Falls, Idaho 83402

RE: Roland N. (Rollie) Walker Zone Change Application

Dear Mayor Fuhriman:

Please be advised that I represent Roland N. (Rollie) Walker in a variety of legal matters. Mr. Walker is currently out of town and unable to attend the hearing scheduled for tonight. It is, however, my understanding that his engineer and other representatives will be there tonight urging the application before the City Council.

It is my further understanding that the City of Idaho Falls Planning and Zoning Commission had requested that we provide to them an affidavit from the Railroad in which they expressly consent to the zoning change on a form that has been provided by the City of Idaho Falls. My understanding is that Brad Snow, one of the attorney's for the Railroad, is on holidays. We have made contact with Mr. Snow and it is our understanding that even though he is on holidays, he has verbally committed to provide a signature on that affidavit. He will not, however, be available to sign that affidavit or provide that verification until the first part of next week.

We would respectfully request that the City Council proceed with the application on the condition that we provide to the City of Idaho Falls that affidavit. We are willing to accept that limitation and condition on the approval. We anticipate being able to provide that approval to the City by August 4, 2006.

Your courtesies and kindnesses in this regard are greatly appreciated.

Sincerely yours,

LAW OFFICE OF BART M. DAVIS

s/ Bart M. Davis
Bart M. Davis

The Planning and Building Director stated that it would be difficult to make a rezoning conditional. The City Council could recess consideration of this rezoning for two weeks until the affidavit is in hand or rezone a smaller portion of the land requested.

JULY 27, 2006

The Assistant City Attorney requested to know whether Eastern Idaho Railroad Company received notice of this public hearing for a rezoning. The Planning and Building Director stated that the railroad company received notice and has not provided any feedback. The Assistant City Attorney stated that if the railroad company has received notice and they have voiced that they have no objection that may be a sign that the rezoning should take place. He stated, further, that he has dealt with the railroad company on other matters and has found that they are not quick to respond. The Assistant City Attorney stated that he would prefer not to make the zone change with conditions placed upon that zone change.

Councilmember Groberg questioned the Planning and Building Director as to whether it was her recommendation that all of the ground, excluding the Douglas Hix Warehouse, be rezoned.

The Planning and Building Director stated that to be her recommendation. If there were any qualms about the warehouse property, she would recommend that the property to the east of the warehouse be rezoned to CC-1 and that the property immediately to the north and west of the warehouse be retained at I & M-1 until the affidavit is received from the railroad company.

Councilmember Groberg stated that before the City Council takes any action on this rezoning request, that all of the facts are presented. He requested Mr. Cook to come forward and address this proposal.

Mr. Cook appeared to thank the Mayor and City Council for looking at alternatives to the proposal that would allow Taylor Crossing to continue with their development. He stated that he would like to proceed with the rezoning request as presented. Taylor Crossing has been in contact with the railroad and Mr. Snow has been in contact with the Planning and Building Division regarding this rezoning request. The railroad has no objections to the rezoning request. This rezoning would not hinder or impede any of the property owners from using the railroad for their intended use. This rezoning request would assist Taylor Crossing in continuing with their development.

Councilmember Lehto requested to know whether it was Mr. Cook's position that Taylor Crossing owns the lease where the Hix warehouse is situated.

Mr. Cook stated that Taylor Crossing has entered into a legal, binding and recorded lease with the Eastern Idaho Railroad Company for all the property that they own between Utah Avenue and the Snake River. The terms of the lease are for Taylor Crossing to develop this property as it sees fit. Mr. Cook stated that Taylor Crossing has not taken any action to impede Mr. Hix or his operation. They would eventually hope to terminate the use of that leg of the railroad and exercise Taylor Crossing's option to purchase the property from the railroad. The market would determine how fast this termination would take place.

Councilmember Groberg requested the Planning and Building Director to elaborate on her understanding of the lease agreement between Eastern Idaho Railroad Company and Taylor Crossing on the River development.

The Planning and Building Director stated that the lease agreement provides for a twenty-year lease with an additional two ten-year options. It also provides that the Lessee shall use the property for removal, cleanup, reconstruction and construction of buildings and other infrastructure as well as for parking, among other things. The Planning and Building Director provided a copy of the Lease Agreement for the record.

Councilmember Groberg suggested that it might be well to recess consideration of this rezoning until such time that the leases could be reviewed to determine who has the rightful authority to use this property. He requested to know whether this would have a negative effect on the Taylor Crossing development.

Mr. Cook stated that recessing consideration of this rezoning would have a negative effect on the development. They have entered into a Franchise Agreement with a hotelier where certain obligations are to be met. He stated that they hope to break ground in August, 2006.

JULY 27, 2006

The Planning and Building Director reappeared to state that plans have not been submitted for a building permit at this time for the hotel. This would have to be done soon in order to begin construction in August.

Mr. Hix reappeared to state that he has traded e-mails with Mr. Snow in the past few days. Mr. Snow told him that he has not received notification of the rezoning request and that WATCO (Eastern Idaho Railroad Company) is the owner of the land with Taylor Crossing being the lessee of the property. He stated, further, that the rezoning would not affect his business if the zone was changed to the east of his warehouse, but it would affect him if the zone was changed to the west of his warehouse.

Mr. Cook reappeared to state that he did not believe that the zone change would effect Mr. Hix's warehouse and it would allow the Taylor Crossing development to continue. He stated, also, that they have made the financial obligations with the railroad. Mr. Cook stated that he talked with Mr. Snow earlier on this date and he stated that he would sign the affidavit as soon as he returned to his office.

The Assistant City Attorney questioned Mr. Cook as to whether Taylor Crossing development has the power to remove the tracks under the current lease.

Mr. Cook stated that he did not believe that they had the power to remove the tracks without prior approval from Eastern Idaho Railroad Company, but they did have the power to use the property adjoining the tracks for the Taylor Crossing development.

Councilmember Hardcastle requested the Planning and Building Director to come forward and verify that there has been contact with Brad Snow from Eastern Idaho Railroad Company.

The Planning and Building Director stated that she e-mailed Mr. Snow regarding the rezoning request. He, in turn, e-mailed her requesting to know what this meant to the railroad. She told him that there would not be an expansion of the railroad track in the area. The railroad would be grandfathered in. She explained, further, to Mr. Snow that there are other areas in the City where railroad tracks do not meet the zone that they are in.

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

Following a lengthy discussion regarding the area to be rezoned and the lease agreements from the Eastern Idaho Railroad Company, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from HC-1 (Highway Commercial) and M-1 (Manufacturing) to CC-1 (Central Commercial) on property located generally south of West Broadway, north of Pancheri Drive, west of the Snake River, and east of South Utah Avenue, legally described as Taylor Crossing, excluding the following lands bounded on the west by Utah Avenue, bounded on the north by the railroad tracks, bounded on the east by the eastern building line of the building owned by Douglas Hix with D & A Commercial Warehousing, LLC, and bounded on the south by the railroad property line; and, further, 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 Groberg
Councilmember Cornwell

Nay: Councilmember Lehto
Councilmember Lyon
Councilmember Hally

There being a tied vote, Mayor Fuhriman broke the tie by voting in the affirmative.

JULY 27, 2006

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from M-1 (Manufacturing) to HC-1 (Highway Commercial) on property located generally south of Lincoln Road, east of Northgate Mile and Northwest Bonneville Drive, and west of Woodruff Avenue, legally described as Metes and Bounds Property, 1.612 Acres and .449 Acres of the Center of the North Half of the North Half of the Northeast Quarter of Section 17, Township 2 North; 118' X 57.24' and 200' X 200' less 409 square feet and 82' X 62.24' all of Lot 4, Block 4, Grant M. Bowen Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM M-1 AND HC-1 – METES AND BOUNDS PARCEL, 1020 LINCOLN ROAD

Attached is the application to rezone a metes and bounds parcel immediately adjacent to the Idaho Canal and south and adjacent to Lincoln Road from M-1 to HC-1. This parcel is occupied by an office building and related out buildings. The surrounding zoning is HC-1 and the comprehensive plan designation is commercial. The Planning Commission recommended approval of this rezoning request at its June 20, 2006 Meeting. 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	Site Photo looking at the northern portion of the site
Slide 5	Site Photo looking east along Lincoln Road
Slide 6	Site Photo looking south of the site
Exhibit 1	Vicinity Map
Exhibit 2	Planning Commission Minutes Draft dated June 20, 2006
Exhibit 3	Staff Report dated June 20, 2006
Exhibit 4	Application

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from M-1 (Manufacturing) to HC-1 (Highway Commercial) on property located generally south of Lincoln Road, east of Northgate Mile and Northwest Bonneville Drive, and west of Woodruff Avenue, legally described as Metes and Bounds Property, 1.612 Acres and .449 Acres of the Center of the North Half of the

JULY 27, 2006

North Half of the Northeast Quarter of Section 17, Township 2 North; 118' X 57.24' and 200' X 200' less 409 square feet and 82' X 62.24' all of Lot 4, Block 4, Grant M. Bowen Addition and, further, 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 Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

Councilmember Groberg stated that the following parcel of land is next to a parcel of land that he owns. He stated that he declared a conflict of interest and would abstain from the discussion and the vote on this rezoning matter.

Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of a rezoning from R-1/PT-2 (Single-Family Residential/Planned Transition-2) to PT-1 (Planned Transition-1) on property located generally on the south side of East 16th Street and south of Theresa Bunker Elementary School, north of 17th Street, west of St. Clair Road, and east of Juniper Drive, legally described as Lots 1 and 2, Block 1, Desborough Place, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 18, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM R-1/PT-2 AND FINAL PLAT FOR
DESBOROUGH PLACE, DIVISION NO. 1

Attached is the application for a rezoning from R-1/PT-2 (Single-Family/Commercial) to PT-1 (Multi-Family) and the final plat entitled Desborough Place, Division No. 1. The rezoning request is limited to Lots 1 and 2 of the final plat. This parcel is located south of Theresa Bunker Elementary School and 16th Street, north of 17th Street, west of St. Clair Road, and east of Juniper Drive. At its June 20, 2006 Meeting, the Planning Commission recommended approval of this rezoning request and the final plat with the condition that there be no access from Lots 1 and 2 to Lot 3. The rezoning request complies with the comprehensive plan policies to buffer residential neighborhoods from commercial development. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

JULY 27, 2006

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 Aerial Photo – Close Up and outlining the Final Plat
- Slide 4 Comprehensive Plan
- Slide 5 Final Plat under consideration
- Exhibit 1 Vicinity Map
- Exhibit 2 Planning Commission Minutes (Draft) dated June 20, 2006
- Exhibit 3 Staff Report dated June 20, 2006
- Exhibit 3 Application

The Planning and Building Director explained that the rezoning request would take the two lots that are less than 10,000 square feet and remove the PT-2 Overlay which removes the possibility of commercial land uses on the two northern lots, but does allow the possibility of multi-family in the form of a duplex or greater on the two lots. Under the PT-1 Zone, fifty percent (50%) of the two lots would have to be landscaped. That is the minimum that is allowed under the other zones for four-plexes.

Steve Peery, 3740 Georgia Lane, appeared to answer any questions. There were no questions.

Annette Simpson, 1343 East 16th Street, appeared to express her concern for buffering between the business and the residential homes in the area. She also expressed her concern for increased traffic around Theresa Bunker Elementary School should a four-plex be built at this location.

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

Councilmember Hardcastle requested the Planning and Building Director to speak to the four-plexes.

The Planning and Building Director appeared to state that it would be difficult to build a four-plex unless the two lots were combined. The advantage to having the PT-1 Zone on this property rather than a multi-family zone is that there are eighteen performance standards that must be met, as well as a public hearing before the Planning Commission and a public hearing before the City Council prior to any construction being allowed.

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the rezoning from R-1/PT-2 (Single-Family Residential/Planned Transition-2) to PT-1 (Planned Transition-1) on property located generally on the south side of East 16th Street and south of Theresa Bunker Elementary School, north of 17th Street, west of St. Clair Road, and east of Juniper Drive, legally described as Lots 1 and 2, Block 1, Desborough Place, Division No. 1 with the condition that there be no access from Lots 1 and 2 to Lot 3 and, further, 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 Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

JULY 27, 2006

Abstain: Councilmember Groberg

Motion Carried.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lyon, to accept the Final Plat for Desborough Place, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Abstain: Councilmember Groberg

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Groberg, that the meeting adjourn at 9:30 p.m.

CITY CLERK

MAYOR
