

**JULY 13, 2006**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 13, 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:

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

Mayor Fuhriman requested Garrett Robbins 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 June 22, 2006 Regular Council Meeting.

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

The City Clerk presented the following Expenditure Summary dated June 1, 2006 through June 30, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 657,441.83
Street Fund	60,122.24
Recreation Fund	21,889.85
Library Fund	37,906.04
Municipal Equipment Replacement Fund	569,773.21
Electric Light Public Purpose Fund	54,377.16
Business Improvement District	12,250.00
Street Capital Improvement Fund	55,727.38
Water Capital Improvement Fund	62,476.88
Traffic Light Capital Improvement Fund	122,417.33
Airport Fund	533,245.93
Water and Sewer Fund	202,824.87
Sanitation Fund	1,175.84
Ambulance Fund	7,673.67
Electric Light Fund	2,903,439.27
Payroll Liability Fund	2,245,957.14
<b>TOTALS</b>	<b>\$7,548,698.64</b>

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

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on July 13, 2006.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
July 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for an Interactive Voice Response (IVR)/Outage Management System (OMS).

s/ S. Craig Lords

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 Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
July 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: FIBER MARKETING PROPOSALS

Attached is a summary of the proposals received by Idaho Falls Power in response to the Fiber Marketing Request for Proposals.

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After reviewing the proposals and sample materials, staff recommends that the contract be awarded to RED, Inc. of Idaho Falls.

Please let me know if you have any questions.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to accept the proposal from RED, Inc. of Idaho Falls for fiber marketing and, further, give authorization for the Mayor and City Clerk to sign 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 memo from the Municipal Services Director regarding the tabulation and award of bid for the Airport Parking Lot – International Way was withdrawn by the Division Director.

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: SOLE SOURCE PURCHASE

Municipal Services respectfully requests authorization to advertise and then make a sole source purchase in the amount of \$51,584.00 for a submersible waste water type pump with motor for the Anheuser-Busch lift station.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization to advertise and then make a sole source purchase in the amount of \$51,584.00 for a submersible waste water type pump with motor for the Anheuser-Busch lift station. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Lyon  
Councilmember Hardcastle  
Councilmember Groberg

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Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
July 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-06-26, SELF-CONTAINED BREATHING APPARATUS  
(SCBA) UNITS WITH ACCESSORIES

Please find attached the tabulation for the above subject bid.

The apparent low bid submitted by Weidner Fire did not meet the required bid specifications (Reference Memorandum from the Fire Department outlining the exceptions). It is, therefore, recommended that we accept the bid of Draeger Safety, Inc. to furnish the required Self-Contained Breathing Apparatus (SCBA) Units with Accessories for a total amount of \$348,982.96. A grant from the Department of Homeland Security will pay 80% and Bonneville County Fire Protection District No. 1 will pay \$12,563.39; leaving the remaining balance of \$57,233.20 to be covered by the City.

s/ S. Craig Lords

City of Idaho Falls  
June 28, 2006

MEMORANDUM

TO: Willa Swim, Purchasing Agent  
FROM: Dorin Howard, Division Chief  
SUBJECT: BID IF-06-26, SELF-CONTAINED BREATHING APPARATUS  
(SCBA) UNITS WITH ACCESSORIES RECOMMENDATION FOR  
AWARD

After reviewing the bid tabulations and the original proposals for the Self-Contained Breathing Apparatus (SCBA) Units with Accessories, it is the Fire Department's recommendation to award the bid to Draeger Safety, Inc. for the amount of Three Hundred Forty Eight Thousand Nine Hundred Eighty Two Dollars and Ninety Six Cents (\$348,982.96).

Draeger Safety, Inc. proposal is not the low bid but their proposal takes no exceptions to the specifications for the SCBA Units.

Weidner Fire was low bid at Three Hundred Twenty Four Thousand Seven Hundred Six Dollars (\$324,706.00). Weidner Fire's proposal contains sixteen

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(16) exceptions, seven (7) of these exceptions are not acceptable due to safety, operational concerns and issues. The seven (7) unacceptable exceptions and two (2) communication issues are listed below.

All proposals were reviewed by Fire Department SCBA Technicians and Fire Department Staff.

Item No. 32. The secondary low-pressure alarm shall also have a thermister to measure thermal absorption with the temperature display reading available at the touch of a button. Temperature levels shall be programmable for thermal absorption alarm.

Weidner states that their personal alert safety system (pass) unit has a built-in thermal absorption scale that is down loadable to a PC. This was unacceptable because it does not indicate how much heat the firefighter is in until after the incident.

Item No. 37. The back plate and harness assembly shall be a two-piece, of anti-static carbon fiber composite construction with an orthopedic design to evenly distribute the weight of the SCBA over the user's hips. The back plate shall have handles molded into the carbon fiber for carrying the unit. The back plate shall have a multi-positional height adjustment to customize the unit to the wearer. The back plate shall also have a sliding hip pad designed to allow vertical flex when worn.

Weidner's back plate is not two piece with a height adjustment. This is unacceptable because it will not allow for proper fitting of the pack leading to fatigue and back pain.

Item No. 39. The back plate shall extend below the cylinder valve to provide additional protection to valve, regulator, Rapid Insertion Crew (RIC) connector and user's tailbone.

Weidner's back plate does not extend below the cylinder valve or protect the user's tailbone. This is unacceptable because in a fall damage could occur to the cylinder valve leading to losing all tank air which could be catastrophic. The user's tailbone is not protected in a fall.

Item No. 44. The heads-up-display (HUD) shall be a wireless, internal antenna system. The HUD shall be mounted inside the mask for maximum visibility and protection from harsh environments. The HUD insert and transducer shall have a 3-year warranty minimum. The HUD shall allow easy insertion and removal for cleaning and inspection. The HUD shall meet the 2002 edition of the NFPA 1981 and last edition of the NFPA 1982 standard.

Weidner's HUD is mounted outside the mask. This is unacceptable because it is not protected from harsh environments and could not be seen if the mask fogged up. The HUD unit is very cumbersome for the user.

Item No. 56. Other parameters shall be available for viewing with the use of a toggle button. The other parameters shall include:

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- a) Time to warning
- b) PSI
- c) Absorbed temperature
- d) Time elapsed firefighter has been on air with SCBA system

Weidner's system does not indicate time elapsed when firefighter has been on air with the SCBA system. This is unacceptable because it does not allow the Incident Commander to track the time the firefighter has been on air and exposed to adverse environmental conditions such as heat, smoke or other non life supporting atmospheres.

Item No. 57. The Electronic Entry Control Band (ECB) shall continually track the elapsed time even if transmission between the radio sending unit and ECB is momentarily interrupted.

Weidner's system does not indicate time elapsed when firefighter has been on air with the SCBA system. This is unacceptable because it does not allow Incident Commander to track the time a firefighter has been on air and exposed to adverse environmental conditions such as heat, smoke or other non life supporting atmospheres.

Item No. 59. The ECB shall offer the ability to confirm recognition of alarm states back to the firefighter.

Weidner's system does not allow the Incident Commander to confirm the recognition of an alarm back to the firefighter. This is unacceptable because it does not allow the firefighter the ability to know that his alarm has been acknowledged by the Incident Commander.

Item No. 45. **VOICE AMPLIFIER.** The voice amplifier with microphone, bracket, and amplifier shall be provided with each SCBA and shall also easily attach to the face piece without tools for ease of cleaning and disinfection. A speech diaphragm shall be in place to provide back-up communications in the event of a battery or communication unit failure. The amplifier shall meet the 2002 edition of the NFPA 1981 and last edition of the NFPA 1982 standard.

Item No. 46. **RADIO INTERFACE SYSTEM.** The radio interface system shall utilize the same microphone as the voice amplification unit. The voice amplification and radio interface shall be able to be used independently or in conjunction with each other. The radio interface shall include a speaker directly over the ear and a push to talk (PTT) button. The radio interface shall meet the 2002 edition of the NFPA 1981 and last edition of the NFPA 1982 standard.

Weidner did not have exceptions to items number 45 and 46 because they do not meet the 2002 edition of the NFPA 1981 and the last edition of the NFPA 1982 standard.

It has been determined that after complete and thorough evaluation by Fire Department personnel, SCBA Technicians and staff that Weidner's voice amplifier and radio interface system would be a down grade from what is currently being used.

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Draeger's voice amplifier and radio system has been evaluated as being superior to Weidner's, which is currently in use, and would be an upgrade.

The Fire Department has received a grant from the Department of Homeland Security, Assistance to Firefighters Grant. The Grant was approved for a total amount of Three Hundred Sixty Two Thousand Dollars (\$362,000.00). This Grant will pay Eighty Percent (80%) Federal cost share and Twenty Percent (20%) City cost share of the SCBA awarded bid. The SCBA awarded bid total is Three Hundred Forty Eight Thousand Nine Hundred Eighty Two Dollars and Ninety Six Cents (\$348,982.96). The City's cost share of the Three Hundred Forty Eight Thousand Nine Hundred Eighty Two Dollars and Ninety Six Cents (\$348,982.96) would be Sixty-Nine Thousand Seven Hundred Ninety Six Dollars and Fifty Nine Cents (\$69,796.59). The Bonneville County Fire Protection District No. 1 will pay Eighteen Percent (18%) of the City's cost share in the amount of Twelve Thousand Five Hundred Sixty Three Dollars and Thirty Nine Cents (\$12,563.39). The City's total cost share would be Fifty Seven Thousand Two Hundred Thirty Three Dollars and Twenty Cents (\$57,233.20).

Thank you,

s/ Dorin Howard  
Division Chief Dorin Howard

s/ Dean Ellis  
Fire Chief Dean Ellis

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to reject the apparent low bid from Weidner Fire which did not meet required bid specifications and, further, accept the bid from Draeger Safety, Inc. to provide the required Self-Contained Breathing Apparatus (SCBA) Units with Accessories for a total amount of \$348,982.96. 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 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-06-27, NEW HEAVY DUTY PORTABLE VEHICLE LIFT SYSTEM

Attached for your consideration is the tabulation for the above subject bid.

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It is the recommendation of Municipal Services to reject all bids and request authorization to purchase the required items from State of Idaho Contract with Mohawk Resources LTD. Per said contract, the six (6) post lift system would cost \$49,855.63 and the four (4) additional jack stands are priced at \$3,714.04 for a total purchase amount of \$52,822.90.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to reject all bids received for a New Heavy Duty Portable Vehicle Lift System and give authorization to purchase the required items from State of Idaho Contract with Mohawk Resourced LTD. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
July 13, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: CONSTRUCTION MANAGEMENT AGREEMENT – MCDERMOTT  
FIELD RECONSTRUCTION PROJECT

Attached for your consideration is a professional services agreement between the City of Idaho Falls and Bateman-Hall, Inc. of Idaho Falls for the purpose of providing construction management services for the reconstruction of the stadium located at Highland Park. The agreement has been reviewed and approved by the City Engineer and City Attorney.

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

s/ David J. Christiansen

The Parks and Recreation Director appeared to state that this is the next step in the process for the reconstruction of the McDermott Field Stadium. Nielsen and Bodily, Architects are the architects for this project. The proposal from Bateman-Hall, Inc. was the only one received to provide construction management services for this project.

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It was moved by Councilmember Groberg, seconded by Councilmember Cornwell, to approve the Professional Services Agreement between the City of Idaho Falls and Bateman-Hall, Inc. for the purpose of providing construction management services for the construction of the stadium located at Highland Park 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.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
July 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – RIVER VIEW  
PLAZA, DIVISION NO. 1

Attached are the Final Plat and Development Agreement for River View Plaza, Division No. 1. This one lot final plat is located north of Pancheri Drive, east of Capitol Avenue, west of Yellowstone Highway, and south of West 15<sup>th</sup> Street. The parcel is zoned C-1 and HC-1. The Planning Commission recommended approval of this final plat with the condition access at the northwest of the lot be shared with property to the north. This condition is addressed in the development agreement. This development agreement and final plat are being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Exhibit 1 Planning Commission Minutes dated March 15, 2005  
Exhibit 2 Staff Report dated March 15, 2005  
Exhibit 3 Copy of final plat

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for River View Plaza, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Hardcastle  
Councilmember 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 River View Plaza, 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 Lyon  
Councilmember Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
July 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: AMENDMENT TO MANAGEMENT AGREEMENT – IDAHO FALLS  
DOWNTOWN DEVELOPMENT CORPORATION

Attached is an amendment to the 2005-2006 Management Agreement with the Idaho Falls Downtown Development Corporation. This amendment will increase the allocation to the Corporation by \$1,194.16. These additional monies will be used for management. This amendment has been reviewed by the City Attorney, and this Division respectfully requests approval of this amendment.

s/ Renée R. Magee

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

Exhibit 1 Copy of Amendment  
Exhibit 2 Letter from Steve Carr, President, IFDDC  
Exhibit 3 Summary of revenues and expenditures for BID collections

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Amendment to the 2005-2006 Management Agreement with the Idaho Falls Downtown Development Corporation and, further, give authorization for the Mayor 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 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: RESOLUTION TO INCREASE APPLICATION FEES – PLANNING DEPARTMENT

Attached is a resolution which sets the fees for land use applications. These fees were approved after a public hearing held by the City Council on August 25, 2005; however, portions of the Zoning Ordinance had to be amended to allow fees to be set by this resolution. This Division respectfully requests approval of this resolution.

s/ Renée R. Magee

Following is a list of exhibits used in connection with this fee increase request:

Exhibit 1 City Council Meeting Minutes from August 25, 2005  
Exhibit 2 Comparison of fees and justification included within August 25, 2005 Minutes

**RESOLUTION NO. 2006-11**

WHEREAS, the Mayor and Council of the City of Idaho Falls held a public hearing on fee increases for land use applications on August 25, 2005; and,

WHEREAS, the Council, following such public hearing, approved the proposed fee increases for Fiscal Year 2005-2006; and,

WHEREAS, the Council wishes to apportion the costs of processing land use applications in an equitable manner by recovering such costs as advertising;

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

1. **Establishment of Fees.** The following fees are hereby established for the land use applications:

<b>Land Use Application</b>	<b>Fee</b>
Variance	\$150.00
Rezoning	\$350.00
Comprehensive Plan Amendment	\$100.00
Planned Transition Land Use Change	\$250.00
Conditional Use Permit (Either PC or Council)	\$100.00
Conditional Use Permit (Both PC and Council)	\$200.00

2. **Effective Date.** This Resolution shall be effective on or after August 1, 2006.

DATED this 14<sup>th</sup> day of July, 2006.

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to adopt the Resolution increasing land use application fees 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.

The Public Works Director submitted the following memos:

**JULY 13, 2006**

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City of Idaho Falls  
July 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY VACATION – RECREATION DRIVE, EAGLE RIDGE ADDITION, DIVISION NO. 1

The Developer has requested vacation of a portion of Recreation Drive, Eagle Ridge Addition, Division No. 1, reducing the right-of-way width from 80 feet to 60 feet.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for the City Attorney to prepare the documents necessary to vacate Recreation Drive in Eagle Ridge Addition, Division No. 1, reducing the right-of-way width from 80 feet to 60 feet. 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 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY VACATION – LOT 1, BLOCK 1, RIDGEWOOD PARK ADDITION, DIVISION NO. 1

Public Works requests authorization for the City Attorney to prepare documents needed to vacate the right-of-way approach to Lot 1, Block 1, Ridgewood Park Addition, Division No. 1. This right-of-way was dedicated a number of years ago and is not needed for this parcel of property.

s/ Chad Stanger

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for the City Attorney to prepare the necessary documents to vacate the right-of-way approach to Lot 1, Block 1, Ridgewood Park Addition, Division No. 1. 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 Annexation Proceedings for Metes and Bounds Property in Section 12, Township 2 North, Range 37 – Idaho State University Parcels) (Recessed from the June 22, 2006 Regular Council Meeting). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
June 19, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION AND INITIAL ZONING OF R-3A – IDAHO STATE UNIVERSITY PARCELS

Attached is the Annexation Ordinance for the annexation of approximately 66 acres north of Science Center Drive, west of North 5<sup>th</sup> West, east of the Snake River, and south of 33<sup>rd</sup> North. This parcel is owned by Idaho State University, the State of Idaho, and the Union Pacific Railroad, and the requested initial zoning is R-3A. At its May 16, 2006 Meeting, the Planning Commission recommended approval of the annexation and initial zoning of R-3A. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning  
Slide 2 Aerial Photo  
Slide 3 Comprehensive Plan  
Slide 4 Site Photo looking south from site  
Slide 5 Site Photo looking southeast from the site

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Slide 6 Site Photo looking west from the site  
Slide 7 Site Photo showing western edge of site  
Slide 8 Site Photo showing approximate location of University Boulevard  
(access to property)  
Exhibit 1 Planning Commission Minutes dated May 16, 2006  
Exhibit 2 Staff Report dated May 16, 2006

Greg Horton, 1776 Science Center Drive, appeared to explain that University Boulevard is under construction at this time. It is anticipated that the school will be open in 2008.

Mayor Fuhrman stated that this will be significant for the community and expressed his appreciation for all of the work that has been done on this project.

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

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

**ORDINANCE NO. 2656**

**IDAHO STATE UNIVERSITY, UNIVERSITY BOULEVARD ANNEXATION**

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 Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lyon

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 a Metes and Bounds Property in Section 12, Township 2 North, Range 37, East of the Boise Meridian as

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R-3A (Apartments and Professional 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 Groberg  
Councilmember Hally  
Councilmember Lyon  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a land use change in the Planned Transition (PT) Zone to allow a furniture store (Aaron's Sales and Lease) located generally on the north side of 17<sup>th</sup> Street, south of East 16<sup>th</sup> Street, east of Juniper Drive, west of St. Clair Road, on Metes and Bounds Property legally described as .98 Acres in the Southeast Quarter of the Southeast Quarter, Section 20, Township 2 North, Range 38 East of the Boise Meridian (1385 East 17<sup>th</sup> 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 10, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: LAND USE CHANGE IN PLANNED TRANSITION ZONE (PT-2) -  
1385 EAST 17<sup>TH</sup> STREET

Attached is the site plan for a land use change at 1385 East 17<sup>th</sup> Street in the PT-2 Zone. This parcel is located north and immediately adjacent to 17<sup>th</sup> Street, east of Bunker Lane, west of St. Clair Road, and south of East 16<sup>th</sup> Street. The applicant proposes to construct a 10,000 square foot furniture store on a 0.98 acre site. The Planning Commission considered this request at its June 6, 2006 Meeting and recommended approval with the following conditions: a street approach be used for the driveway, the wall on the north extend to the building, the lights be completely shielded and shine downward, a temporary fence be constructed by August 21, construction traffic use only the 17<sup>th</sup> Street entrance after August 8, and the urban forester be consulted on the existing trees. Staff agrees with the letter that has been submitted by Miriam H. Rohde and recommends the site plan be approved with "dustpan" type curb and a limitation on construction traffic after August 21, not August 8. This application is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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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 land use change request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo
- Slide 3 Aerial Photo – close up
- Slide 4 Site Photo of existing home
- Slide 5 Site Photo looking south across the site
- Slide 6 Site Photo showing PT-2 Site (office building approved last fall)
- Slide 7 Site Photo showing access to existing office
- Slide 8 Site Photo showing elementary school north of site
- Slide 9 Site Photo showing adjacent single-family home that is located northeast of site
- Slide 10 Site Photo looking northeast of site
- Slide 11 Site Photo showing rear yard of home northeast of site
- Slide 12 Site Plan
- Slide 13 Elevations of proposed buildings
- Exhibit 1 Letter from Miriam H. Rohde:

July 6, 2006

Dear Mayor and City Council Members,

My name is Miriam Rohde and I reside at 1346 East 16<sup>th</sup> Street. I received notice in the mail of a public hearing on July 13<sup>th</sup>, concerning the consideration of a land use change on the Metes and Bounds Property, north of 17<sup>th</sup> Street, south of 16<sup>th</sup> Street, east of Juniper Drive, and west of St. Clair Road (1385 East 17<sup>th</sup> Street). I will be unable to attend the hearing as I will be out of town, so I appreciate you taking the time to read my comments concerning this hearing.

I attended the Planning and Zoning Hearing on this property and was happy to hear most of their suggestions. I give my unmitigated support to the issues of extending the wall to the building, directing the lights downward, and placing a temporary fence on the north end of the property by the time school begins on August 21<sup>st</sup>. I feel however that given the short time frame we are giving the contractor we should be a bit lenient in some of our other requests.

I, along with a neighbor, studied the plans on file at the Planning and Zoning Department and am satisfied with how they are laid out, barring the west wall's continuance to the building. It appears that they have used the space appropriately and planned some nice landscaping. I am concerned that if a radius curb is required it will use up a good portion of the parking area in front of the store. Consequently, it would move the whole building back on the lot, which may lead them to move the wall behind the building back, leaving no room for a landscaped strip that they are now planning between the wall and the sidewalk on

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16<sup>th</sup>. I feel that the landscaped strip needs to be there, not just for aesthetic reasons but also for buffering from sound. From listening to the discussion in the Planning and Zoning Hearing this business will not be high volume. If only a dozen people come and go from the store in a given day is it really going to affect 17<sup>th</sup> Street traffic all that much to have them use another “dustpan” type curb? Besides that, the driveway will be shared with the office building next door and their part of the driveway is already in place. Why disturb it and cause those owners, who are already in financial distress with the building not leasing, the extra expense of fixing the driveway? As in many cases in my home life, I feel that we need to “pick our battles” per say, and the entrance curbing is not a battle to pursue.

The architect and business have been very open and responsive to our concerns, even before they came before the Planning and Zoning Commission. I feel that we should not press our luck with them and that they seem to be a reputable and quiet business to have move in. Since there appears to be no hope of ever having the lots facing 16<sup>th</sup> Street zoned single-family residential, I feel that the next best thing would be something of this nature.

As to the construction traffic coming onto 16<sup>th</sup> Street, that is always a concern for us as parents of young children. However, school does not begin until August 21<sup>st</sup> and until then most children visiting the school will be accompanied by an adult. The 8<sup>th</sup> of August seems too early of a deadline to put on the contractor. If, after school resumes, the contracted company is willing to limit truck and equipment movement onto 16<sup>th</sup> from 7:30 a.m. until 8:15 a.m. (school goes from 8 am – 2:15 pm) and again from just after 2 pm until 2:45 pm the traffic would not necessarily have to be limited to 17<sup>th</sup> Street. A related concern deals with the time during actual construction. With some work being done in the lot west of this one, we have had to deal with the parking and traffic of construction workers, not to mention the garbage that they sometimes leave behind. It would be helpful if they had somewhere to park on the lot itself, especially since parking at Theresa Bunker is scarce as it is and 16<sup>th</sup> Street is always lined with cars when school is in session. It is a real traffic and safety hazard to add more vehicles. Safety is always a big concern for us being across from a school and if that was made very evident to the workmen it may suffice to allay some of our concerns. A temporary fence is needed however to keep curious children and teens from the construction site.

I am not too convinced that an urban forester need be consulted, as most of the land now is inhabited by weeds and scrubby trees and bushes. The tall pines that line the east side of the lot were included in the plans if I remember correctly and even according to the current owner of the property, they are the only thing really worth saving.

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Thank you for your service to our community and for the time you've taken to read over my thoughts and concerns.

Sincerely,

Miriam H. Rohde

Exhibit 2 Planning Commission Minutes dated June 6, 2006  
Exhibit 3 Staff Report dated May 16, 2006  
Exhibit 4 Site Plan  
Exhibit 5 Vicinity Map

The Planning and Building Director submitted the following e-mail that she received from Annette G. Simpson:

July 12, 2006

Dear Mayor and City Council Members,

My name is Annette G. Simpson. I live at 1343 East 16<sup>th</sup> Street. I am writing concerning the furniture store on the north side of 17<sup>th</sup> Street that is going before the City Council. I am writing as I will be out of town and unable to attend. I concur with what Miriam Rohde wrote about the changes they talked about at the Planning Meeting. Except I hope to not drive away this offer which will close off 17<sup>th</sup> Street to the school children and it will help with the noise. I wish that this store was next door to Miriam Rohde's house so that we would have the buffer from the noise and lights. I think that asking for the new curb on 17<sup>th</sup> Street is a little late in the game and it may also take away the landscaping on 16<sup>th</sup> Street. As for traffic on 16<sup>th</sup> for construction, I think we can ask the developers to watch and not abuse the 16<sup>th</sup> Street access. I think to deny access after August 8 may mean the loss of this buyer and we do not want to do this. When the property owners next door were working on the property, they were there for months, parking a large vehicle on 16<sup>th</sup> for at least a month. It sounds like this will be a quick build and not a long drawn out process. Thanks for listening to my concerns.

Sincerely,

Annette G. Simpson

The Planning and Building Director explained, further that the existing parking lot was designed to remove storm water using the "dustpan" type curb and gutter. If this is to be replaced with a street approach, the whole parking lot will have to be redesigned and reconstructed. The engineer for the applicant has determined that they would not be able to meet the Standard Specifications if they are required to reconstruct the parking lot to the street approach. The peak hour traffic that would be generated with a furniture store according to the Institute of Transportation Engineers is approximately 5 peak hour trips. For the minimal amount of traffic generated, it may not be necessary to redesign the approach. The Planning and Building Director stated that if the street approach is going to be required at this time, it should have been required with the parking lot redesign 8 months ago. The neighbors and the Planning Commission expressed a concern regarding children being in this area when school started after August 21, 2006.

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The developer has agreed to put up a temporary fence around the construction. The Planning Commission suggested limiting the hours of construction during the times that children are traveling to and from the elementary school. Staff recommended the same.

Keith Kennedy, 1706 Claremont Lane, appeared to state that he would like to follow the recommendation from the neighbors, in limiting the access to 16<sup>th</sup> Street between 7:30 a.m. to 8:15 p.m. and 2:15 p.m. to 2:45 p.m. so as not to cause a traffic problem when children are arriving and being dismissed from school. The contractor has said that he can have the building completed in 3 to 4 months.

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

Councilmember Groberg requested the Planning and Building Director to comment on leaving the access to 16<sup>th</sup> Street open, except during the hours that children are arriving and leaving the school.

The Planning and Building Director explained that construction traffic should be limited between 7:30 a.m. to 8:30 a.m. and between 2:00 p.m. to 3:00 p.m.

Councilmember Groberg expressed his concern for the difficulty of enforcing a construction schedule that has several hour restrictions. He requested to know whether that concerned the Planning and Building Director.

The Planning and Building Director stated that it would take a cooperative contractor to do this. There will also be a temporary fence in this location. The Zoning Enforcement Officer will also be monitoring the construction in this area to be sure that the contractor complies.

Councilmember Hardcastle requested to know what the drawbacks were for using 17<sup>th</sup> Street as an access to this construction area.

The Planning and Building Director stated that the nature of the construction vehicles makes it difficult to use 17<sup>th</sup> Street.

Following a discussion, Councilmember Groberg requested to know what would happen to Mr. Kennedy's business should the hours be curtailed.

Mr. Kennedy re-appeared to state that it would be less efficient to curtail the hours of operation, but it could be done. The only work being done along 16<sup>th</sup> Street is sidewalk, landscaping and fence.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Land Use Change to allow a furniture store (Aaron's Sales and Lease) at 1385 East 17<sup>th</sup> Street in the PT-2 Zone, legally described as .98 Acres of Metes and Bounds Property in the Southeast Quarter of the Southeast Quarter, Section 20, Township 2 North, Range 38 East of the Boise Meridian, with the following conditions: That the wall be extended, the lights be completely shielded and shine downward, a temporary fence be constructed by August 21, 2006, that the "dustpan" approach be substituted for the street approach, and that no construction access be allowed on 16<sup>th</sup> Street after August 21 except between 9:00 a.m. and 2:00 p.m. for the construction of landscaping, fence, and sidewalk.

Following a brief discussion, Councilmember Hardcastle suggested that an amendment be made to the previous motion. She suggested that the motion should include that no construction access be allowed from 7:30 a.m. to 9:00 a.m. and from 2:00 p.m. to 3:00 p.m.

Following a discussion regarding what types of vehicles might need access to 16<sup>th</sup> Street during the day, Councilmember Groberg amended his original motion to say that construction traffic be limited on 16<sup>th</sup> Street after August 21 to allow for construction of the 16<sup>th</sup> Street wall, landscaping, road and sidewalk improvements, except between the hours of 7:30 a.m. to 9:00 a.m. and 2:00 p.m. to 3:00 p.m. Councilmember Hardcastle seconded the amendment to the original motion. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Conditional Use Permit (CUP) for a day care center/pre-school in an R-1 Zone, located generally south of U. S. Highway 20, west of I-15, east of Saturn Avenue, and north of West Broadway (1480 Antares Drive), legally described as Lot 8, Block 4, Solaria 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 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: CONDITIONAL USE PERMIT – DAY CARE, LOT 8, BLOCK 4,  
SOLARIA TRACT (1480 ANTARES DRIVE)

Attached is the application for a day care center at 1480 Antares Drive. The property is zoned R-1 (Single-Family Residential) and is located on the southeast corner of Antares Drive and Saturn Avenue. At its June 6, 2006 Meeting, the Planning Commission recommended approval of the day care center with three conditions: hours of operation be limited to 6:30 a.m. to 8:00 p.m., the number of children be limited to eighteen, and the number of employees, other than the owner, be limited to one. This application 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 Conditional Use Permit request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Slide 4	Site Plan showing proposed parking lot in back yard with access to Saturn Avenue
Slide 5	Site Plan showing employee parking
Slide 6	Site Photo showing driveway
Slide 7	Site Photo of neighbor's home showing parking area
Slide 8	Site Photo west of site
Slide 9	Site Photo of site

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Slide 10	Site Photo of handicapped access ramp
Slide 11	Site Photo of play area
Slide 12	Site Photo of play area
Slide 13	Site Photo of ramp, play area and rear yard
Slide 14	Site Photo looking from the rear property line towards the home
Exhibit 1	Planning Commission Minutes dated June 6, 2006
Exhibit 2	Staff Report dated May 16, 2006
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Site Plan

The Planning and Building Director explained further, that this is being presented to the Planning Commission and the City Council to meet the objectives of the R-1 Zone and to retain the residential quality of the neighborhood. Staff felt that the driveway alternative for employee parking was a better alternative than the back yard parking lot. The Planning Commission limited the number of children to 18 and the hours of operation.

Kathy Reynolds, 1480 Antares Drive, appeared to make a request that her morning hour start at 5:30 a.m., instead of 6:30 a.m. She stated that she hoped to provide service for Site workers.

Councilmember Lyon stated that he felt it would be reasonable to adjust her hours of service from 5:30 a.m. to 8:00 p.m., thereby not excluding any potential day care opportunities.

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

The Planning and Building Director stated that there are advantages to family home day care operations. They usually have more flexibility to take children arriving earlier in the morning. There is a park in the middle of the cul-de-sac and I-15 is directly to the east of this cul-de-sac. The Planning and Building Director did not believe that a few children being dropped off at an early hour would disrupt the neighborhood.

Councilmember Lehto requested to know what types of zones that day care centers usually go into.

The Planning and Building Director stated that smaller day care facilities usually go into the R-1 Zone, while the larger day care centers go into the R-1 Zone with a Conditional Use Permit.

Councilmember Lehto requested to know what zone would allow for a day care center, without the use of a Conditional Use Permit.

The Planning and Building Director stated that the Multi-Family Zones, such as R-2 or R-3 Zones allow for day care centers.

Following a brief discussion regarding the hours of service for this day care, it was determined that it would not be detrimental to the neighborhood to provide an earlier hour for drop-off of children.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit for a day care center/pre-school in an R-1 Zone, located generally south of U. S. Highway 20, west of I-15, east of Saturn Avenue, and north of West Broadway (1480 Antares Drive), legally described as Lot 8, Block 4, Solaria Addition, with the following conditions: Hours of operation be limited to 5:30 a.m. to 8:00 p.m., the number of children be limited to eighteen, and the number of employees, other than the owner, be limited to one.

Councilmember Lehto stated that he would not be in favor of this motion. He explained that if the hours remained closer to a traditional work day – 7:30 a.m. to 5:30 p.m., he would support this Conditional Use Permit in a residential area. If the hours are extended, this would disrupt the tranquility of a residential neighborhood.

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Councilmember Lyon stated that he was sensitive to the issue of maintaining the integrity and character of the residential zones. He stated that he lives on Fifth Street and went through the Conditional Use Permit process changing Emerson Elementary to an alternative high school. He stated that he assumed that the Councilmembers that voted for that change must not have felt that the alternative high school was a change for the worse to the character of the surrounding neighborhood. This small day care should not change the character of the R-1 Zone where it is located. He stated that he was in favor of this Conditional Use Permit.

Councilmember Lehto stated that he disagreed with Councilmember Lyon as the two issues were not parallel.

Roll call as follows:

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

Nay: Councilmember Lehto

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from C-1 (Limited Retail) to CC-1 (Central Commercial) on property located generally south of Pancheri Drive, east of I-15, west of the Snake River, legally described as Lots 10 through 19, Block 1 and Lots 10 through 15, Block 2, Snake River Landing, 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 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM C-1 TO CC-1 – LOTS 10 THROUGH 19, BLOCK 1, AND LOTS 10 THROUGH 15, BLOCK 2, SNAKE RIVER LANDING, DIVISION NO. 1

Attached are the rezoning application, development agreement, and final plat entitled Snake River Landing, Division No. 1. The subject of the public hearing on the rezoning request from C-1 (Limited Retail) to CC-1 (Central Commercial) is a parcel 23.7 acres in size located south of Pancheri Drive, west of the Snake River, and east of I-15. The final plat encompasses 37.7 acres and provides for a road from Porter Canal south to Sunnyside Road. At its June 6, 2006 Meeting, the Planning Commission recommended approval of the rezoning request and the final plat with conditions which have been incorporated in the development agreement. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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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 rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Vicinity Map showing rezoning request
Slide 3	Comprehensive Plan for area
Slide 4	Eagle Ridge Preliminary Plat approved originally
Slide 5	Aerial Photo of Final Plat
Slide 6	Final Plat under consideration
Slide 7	Site Photo looking west across the retention pond towards site
Slide 8	Site Photo looking east of site
Slide 9	Site Photo showing Snake River retention pond between Milligan Road and the Snake River
Slide 10	Site Photo looking north across site towards Taylor Crossing
Slide 11	Site Photo looking across Milligan Road
Slide 12	1997 Flood Plain Aerial Photo
Exhibit 1	Planning Commission Minutes dated June 6, 2006
Exhibit 2	Staff Report dated May 16, 2006
Exhibit 3	Vicinity Map

The Planning and Building Director explained that the elevations in this area are very close to the 100 year flood elevations. In doing research to determine whether this area was due for a 100 year flood, it was determined by the Corps of Engineers that the 1997 flood was equivalent to a 100 year flood. Staff found that this rezoning request was in compliance with the Comprehensive Plan and that the Final Plat was in compliance with the Subdivision Ordinance.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this has been a complicated project. There will be a great deal of change to this area in the next two years. He stated that he was present to answer any questions. The Mayor and Council did not have any questions for Mr. Kofoed.

Ken Blanchard, 1352 Pioneer Road, appeared to question how the commercial zoning would affect the residential neighborhood in the area. He expressed his concern for the increase in truck traffic to the area.

Councilmember Groberg stated that the land under consideration is already annexed to the City of Idaho Falls and zoned commercial. The request is to change the existing commercial zone to a different type of commercial zone.

The Planning and Building Director reappeared to state that the road on the northern end of this project has been moved to the west, which is closer to the residential properties.

Daryl Kofoed reappeared to state that this project will not affect the people on Pioneer Road as much as it will affect the people on Sunnyside Road. It will alleviate the neighborhood from some of the traffic that might otherwise use Pioneer Road. This development is a logical approach to a difficult situation. Mr. Kofoed then located the development on a map for the Mayor and City Council.

Mr. Blanchard reappeared to express his concern for the truck traffic that would be behind their residences and requested that some sort of buffer be implemented to protect their residential neighborhood.

The Planning and Building Director reappeared to state that there is not a Development Agreement executed at this time. That land is in Bonneville County at the present time. The property will need to be annexed before this can be addressed. The issue of buffering can be an issue for the annexation of this property.

**JULY 13, 2006**

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development 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 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 approve the rezoning from C-1 (Limited Retail) to CC-1 (Central Commercial) on property located generally south of Pancheri Drive, east of I-15, west of the Snake River, legally described as Lots 10 through 19, Block 1 and Lots 10 through 15, Block 2, Snake River Landing, Division No. 1 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 Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg  
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Snake River Landing, 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 Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

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Mayor Fuhrman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from R-1/R-2A (Single-Family Residential/2-, 3-, and 4-plexes and Day Care Centers) to R-3 (Apartments) on property located generally south of Sunnyside Road, north of West 65<sup>th</sup> South (York Road), east of South 15<sup>th</sup> West (Jameston Road) and west of South 5<sup>th</sup> West (Park Road), legally described as Park Place, Division No. 2. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
July 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM R-1 AND R-2A TO R-3 – FINAL PLAT, PARK PLACE ADDITION, DIVISION NO. 2

Attached are the zoning application, development agreement, and final plat entitled Park Place Addition, Division No. 2. This rezoning and final plat encompasses twelve acres west of South 5<sup>th</sup> West, north of 65<sup>th</sup> South (York Road), and east of Fox Run Drive. The Planning Commission considered this rezoning and final plat at its May 2, 2006 Meeting and recommended approval including a variance for the length of Block 5. This request is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Comprehensive Plan
Slide 4	Final Plat under consideration
Slide 5	Aerial Photo showing Preliminary Plat
Slide 6	Final Plat under consideration
Slide 7	Site Photo looking west across Park Place Addition, Division No. 1 and Division No. 2
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 land use is in compliance with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the developers are Larry Reinhart and Bob Utterbeck. Mr. Utterbeck is building many of the homes that are going into Division No. 1. They are not exclusive contractors and developers to this area, but they are careful about who they allow to build in this area. The R-3 Zone allows them to build on a smaller scale, the same as those in The Village Addition. It also allows for twin homes without obtaining a Conditional Use Permit.

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Erika Smith, 6260 Mallory, appeared to question what types of homes are going in Division No. 2.

Daryl Kofoed reappeared to state that Ms. Smith is in one of the cul-de-sacs in Park Place, Division No. 1. He stated that Division No. 2 will be constructed much the same as what is in Park Place, Division No. 1.

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

Councilmember Hardcastle stated that Mr. Utterbeck and Mr. Reinhart have a good track record, in that they will do what they say they will do.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Park Place Addition, Division No. 2 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 approve the rezoning from R-1 and R-2A (Single-Family Residential/2-, 3-, and 4-plexes and Day Care Centers) to R-3 (Apartments) on property located generally south of Sunnyside Road, north of West 65<sup>th</sup> South (York Road), east of South 15<sup>th</sup> West (Jameston Road) and west of South 5<sup>th</sup> West (Park Road), legally described as Park Place, Division No. 2) 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 Lehto  
Councilmember Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Park Place Addition, Division No. 2 including the variance for the length of Block 5 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Hally

**JULY 13, 2006**

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Councilmember Lyon  
Councilmember Groberg  
Councilmember Lehto

Nay: None

Motion Carried.

Following a brief recess, Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from RSC-1 (Residential Shopping Center) to R-3A (Apartments and Professional Offices) on property located generally on the north side of 9<sup>th</sup> Street, south of John Adams Parkway, west of Lincoln Drive, east of Division Drive, legally described as the East 250' X 150' of the Southeast Corner of Lot 13, Block 1, Linden Park 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 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM RSC-1 TO R-3A – SOUTHEAST CORNER, LOT 13, BLOCK 1, LINDEN PARK ADDITION (1135 9<sup>TH</sup> STREET)

Attached is the application from The Gardens Living Center to rezone 0.9 acres located on Lot 13, Block 1, Linden Park Addition, from RSC-1 (Residential Shopping Center) to R-3A (Apartments and Offices). This parcel is located on the northwest corner of 9<sup>th</sup> Street and Lincoln Drive. The Planning Commission considered this rezoning request at its June 13, 2006 Meeting and recommended approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing site under consideration
Slide 3	Comprehensive Plan
Slide 4	Site Photo showing west area of site
Slide 5	Site Photo looking west at the area being landscaped
Slide 6	Site Photo of church east of site
Slide 7	Site Photo showing single family homes to the south of the site
Exhibit 1	Application from The Gardens Living Center
Exhibit 2	Planning Commission Minutes dated June 13, 2006
Exhibit 3	Staff Report dated June 13, 2006
Exhibit 4	Vicinity Map

**JULY 13, 2006**

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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 RSC-1 (Residential Shopping Center) to R-3A (Apartments and Professional Offices) on property located generally on the north side of 9<sup>th</sup> Street, south of John Adams Parkway, west of Lincoln Drive, east of Division Drive, legally described as the East 250' X 150' of the Southeast Corner of Lot 13, Block 1, Linden Park 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 Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from R-3A (Apartments and Professional Offices) to GC-1 (General Commercial) on property located generally south of Broadway, east of South Capital Avenue, west of South Yellowstone Highway, on the north side of Lava Street, legally described as Lots 22 through 27, Block 9, Original Townsite. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
July 7, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM R-3A TO GC-1 - LOTS 22  
THROUGH 27, BLOCK 9, ORIGINAL TOWNSITE

Attached is the application from David L. Sargis to rezone Lots 22 through 27, Block 9, Original Townsite, from R-3A (Apartments and Offices) to GC-1 (General Commercial). This parcel is located north of Lava Street between Chamberlain and Oneida. The Planning Commission considered this rezoning request at its June 13, 2006 Meeting and recommended approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

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- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo showing site under consideration
- Slide 3 Aerial Photo – close up
- Slide 4 Comprehensive Plan
- Slide 5 Site Photo of site
- Slide 6 Site Photo showing site with parking area
- Slide 7 Site Photo south of site
- Slide 8 Site Photo of single-family home
- Slide 9 Site Photo looking west from site
- Exhibit 1 Application from David L. Sargis, Johnson Brothers
- Exhibit 2 Planning Commission Minutes dated June 13, 2006
- Exhibit 3 Staff Report dated June 13, 2006
- Exhibit 4 Vicinity Map

David Sargis, 9796 South 5<sup>th</sup> East, appeared to state that the purpose for this rezoning request is to enable his company to build a warehouse. In the past, they have purchased several homes in order to expand their business. This has cleaned up the area. His company has been in existence since 1914.

There being any further discussion either in favor or in opposition to this rezoning request, Mayor Fuhrman closed the public hearing.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from R-3A (Apartments and Professional Offices) to GC-1 (General Commercial) on property located generally south of Broadway, east of South Capital Avenue, west of South Yellowstone Highway, on the north side of Lava Street, legally described as Lots 22 through 27, Block 9, Original Townsite 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 Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg  
Councilmember Lehto

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Hally, that the meeting adjourn at 9:38 p.m.

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CITY CLERK

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MAYOR

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