

APRIL 13, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 13, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

Mayor Fuhriman and City Councilmembers honored Airport Director Mike Humberd for the Idaho Falls Regional Airport being selected by the Federal Aviation Administration Northwest Mountain Region as the 2005 Idaho Airport of the Year. Mayor Fuhriman presented the Airport Director with a plaque that was presented at the Annual Federal Aviation Administration Northwest Mountain Region Airport Conference in Seattle.

CONSENT AGENDA ITEMS

Mayor Fuhriman presented the following Resolutions:

RESOLUTION NO. 2006-02

BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE **CITY OF REFUGE SHELTER** AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE **CITY OF REFUGE SHELTER** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the City of Refuge provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding

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communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the City of Refuge is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the City of Refuge.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 13th day of April, 2006.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 14th day of April, 2006.

APPROVED:

s/ Jared D. Fuhriman
MAYOR

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

RESOLUTION NO. 2006-03

BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE **ARK HOMELESS SHELTER** AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE **ARK HOMELESS SHELTER** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, ARK provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

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WHEREAS, ARK is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for ARK.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 13th day of April, 2006.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 14th day of April, 2006.

APPROVED:

s/ Jared D. Fuhriman
MAYOR

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

RESOLUTION NO. 2006-04

BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE **CLUB, INC.** AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE **CLUB, INC.** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, CLUB, INC. provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, CLUB, INC. is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

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Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the CLUB, INC.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 13th day of April, 2006.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 14th day of April, 2006.

APPROVED:

s/ Jared D. Fuhriman
MAYOR

ATTEST:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

The City Clerk requested approval of the Minutes from the March 23, 2006 Work Session and the March 23, 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 March 1, 2006 through March 31, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 589,878.72
Street Fund	40,717.84
Recreation Fund	23,225.87
Library Fund	52,214.60
Municipal Equipment Replacement Fund	184,454.16
Electric Light Public Purpose Fund	22,055.29
Sanitary Sewer Capital Improvement Fund	3,900.00
Street Capital Improvement Fund	23,965.00
Water Capital Improvement Fund	5,236.29
Airport Fund	157,132.88
Water and Sewer Fund	270,879.31
Sanitation Fund	5,555.06
Ambulance Fund	6,078.31
Electric Light Fund	3,468,174.21
Payroll Liability Fund	2,509,238.64
TOTALS	\$7,362,706.18

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 April 13, 2006.

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The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
April 13, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: BID AUTHORIZATION – CLAIR E. GALE TENNIS COURT
RECONSTRUCTION PROJECT

Respectfully request authorization to bid for reconstruction of the tennis courts located at Clair E. Gale Junior High School. School District No. 91 is providing 50% of the needed funds for this project.

s/ David J. Christiansen

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 Cornwell
Councilmember Lyon
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memos:

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: APPROVAL OF BID AND CONTRACT FOR THE FISCAL YEAR
2006 FEDERAL AVIATION ADMINISTRATION PROJECT

Attached for City Council approval is the Bid Tabulation and Contract for the Expansion of the Southwest General Aviation Ramp. H-K Contractors, Inc. was the sole bidder with a bid of \$6,026,609.50. The Engineer's Estimate is \$5,446,765.00. Two previous FAA Grants for this project have been accepted by City Council. A third grant from the FAA is pending this bid result.

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The Airport Division recommends approval of the bid pending FAA funding approval and requests the Mayor be authorized to execute the contract documents.

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Lehto, to accept the sole bid from H-K Contractors, Inc. to complete the Expansion of the Southwest General Aviation Ramp at the Idaho Falls Regional Airport pending FAA funding approval and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT

Attached for City Council approval is the Consent to Assignment between Ryan's Greater MT Leasing Corporation dba Thrifty Rent-A-Car and Lewis Transportation Group LLC.

The Thrifty Franchise has been sold to a new company. The terms and conditions of the Off-Airport Car Rental Agreement remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Consent to Assignment of Lease Agreement between Ryan's Greater MT Leasing Corporation dba Thrifty Rent-A-Car and Lewis Transportation Group LLC and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto

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Councilmember Cornwell
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

The Acting Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: UAMPS GOVERNMENT AND PUBLIC ACTION PROJECT AGREEMENT

Attached for your consideration is the UAMPS Government and Public Action Project Agreement and associated Appendix. Participation in this Project would enhance our efforts in the development of legislation policies at the federal and state levels on issues that affect our utility. The documents have been reviewed by the City Attorney.

Idaho Falls Power respectfully requests approval of the Agreement and associated Appendix, and authorization for the Mayor to execute the documents.

s/ Jo Fikstad

Councilmember Lehto explained that this agreement provides for lobbying efforts in Washington, D. C. and on the State level. The cost to Idaho Falls Power is \$7,000.00 for this agreement.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the UAMPS Government and Public Action Project Agreement and associated Appendix and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: SUNNYSIDE ROAD – YELLOWSTONE TO I-15B POWER LINE
RELOCATION PROJECT, CHANGE ORDER NO. 2

Completion of the Yellowstone to I-15B Line Relocation Project requires relocation of power lines to accommodate work at the Yellowstone Highway intersection. The engineering estimate to complete this portion of the project is \$185,000.00.

The Idaho Transportation Department has determined that a major structure was staked and erected in the wrong location. They are requiring the structure to be relocated at the expense of the utilities. Idaho Falls Power has agreed to pay 20% of the relocation expense. The engineering estimate for Idaho Falls Power's share of the expense is \$24,000.00.

The combined cost estimate to complete the project is \$209,000.00. A complete breakdown of the project costs and reimbursement amounts is attached.

Idaho Falls Power respectfully requests authorization of Change Order No. 2 to the sole source contractor, PacifiCorp, in the amount of \$209,000.00 for completion of this project. The City Attorney has reviewed the request for Change Order No. 2.

s/ Jo Fikstad

Jo Fikstad, Idaho Falls Power Manager, appeared to explain that when Idaho Falls Power received the plans from the Idaho Transportation Department, they determined which poles were in the public right-of-way and which were in the easement. Idaho Falls Power is reimbursed for poles that are in an easement, but are not reimbursed for poles in the public right-of-way. A general discussion followed regarding the responsibilities of moving utilities.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Change Order No. 2 to the sole source contractor, PacifiCorp, in the amount of \$209,000.00 for completion of this project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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The Municipal Services Director submitted the following memo:

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IDAHO FALLS EQUIPMENT MAINTENANCE FACILITY – CHANGE ORDERS

Attached for your consideration are two change orders. Change Order No. 2 in the amount of \$4,444.00 is to correct the electrical drawing as well as changing the completion date to June 13, 2006 and Change Order No. 3 in the amount of \$1,531.00 is to provide additional case work in the Clerk's Office.

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

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Change Order No. 2 in the amount of \$4,444.00 to correct the electrical drawing as well as change the completion date to June 13, 2006 and Change Order No. 3 in the amount of \$1,531.00 to provide additional case work in the Clerk's Office, to Shook Construction Company, Inc. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
April 13, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: FIELDING MEMORIAL PARK CEMETERY ORDINANCE AMENDMENT

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Attached for your consideration is a proposed amendment to include Comorah, Restlawn, and Memory Lane Sections at Fielding Memorial Cemetery to Section 8-11-11 – RESTRICTION ON MARKING GRAVES

The proposed amendment has been reviewed by the City Attorney and is, therefore, submitted for your approval.

s/ David J. Christiansen

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

ORDINANCE NO. 2638

AN ORDINANCE AMENDING SECTION 8-11-11 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR ADDITIONAL SECTIONS AT FIELDING MEMORIAL PARK CEMETERY BE RESTRICTED FROM CERTAIN TYPES OF MONUMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Cornwell moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Parks and Recreation Director regarding the Amendment to City Code Sections 4-3-16, 4-4-11, and 8-3-4 allowing for the sale of beer and wine within the area known as "The Green" at the Tautphaus Park Zoo was withdrawn by the Division Director.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT – BROADWAY BANK ADDITION,
DIVISION NO. 1

APRIL 13, 2006

Attached is the Development Agreement for Broadway Bank Addition, Division No. 1, a final plat of 3.3 acres north of and adjacent to Broadway Avenue, west of Skyline Drive, and east of Hansen Drive. The Final Plat was approved by the Council on September 8, 2005, and the Development Agreement addresses fees and storm water management. The Division respectfully requests approval of this Development Agreement.

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 Development Agreement request:

Exhibit 1 Map of location of Broadway Bank Addition
Exhibit 1 Copy of Final Plat approved September 8, 2005

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

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

Nay: None

Motion Carried.

City of Idaho Falls
March 31, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT - WILLOW CREEK MEADOWS ESTATES, DIVISION NO. 2

Attached are the Development Agreement and Final Plat for Willow Creek Meadows Estates, Division No. 2. This final plat which is located to the northeast of the intersection of North 5th West (East River Road) and 33rd North (Iona Road) consists of one lot 6.8 acres in size. The purpose of the plat is to add approximately 65 feet on the north to Division No. 1. The Planning Commission reviewed this final plat at its March 7, 2006 Meeting and recommended approval. This final plat and accompanying agreement are now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

APRIL 13, 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 Map of parcel and copy of final plat
Exhibit 2 Planning Commission Minutes dated March 7, 2006
Exhibit 3 Staff Report dated March 7, 2006

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Willow Creek Meadows Estates, Division No. 2 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Willow Creek Meadows Estates, Division No. 2 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
March 31, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – PREMIER
BUSINESS PARK, DIVISION NO. 1

Attached are the Development Agreement and Final Plat for Premier Business Park, Division No. 1. This final plat consists of fourteen industrial lots zoned I & M-1 south and adjacent to Stanley Street and west of Lewisville Highway.

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At its February 21, 2006 Meeting, the Planning Commission recommended approval of the final plat with conditions as to access which have been incorporated into the improvement drawings. This final plat and accompanying agreement are 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 request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Exhibit 1	Map of parcel and copy of final plat
Exhibit 2	Planning Commission Minutes dated February 21, 2006
Exhibit 3	Staff Report dated February 21, 2006

The Planning and Building Director explained, further, that the accesses have been limited on Stanley Street. The accesses are being limited to a distance of 175 feet apart, which is in accordance with the Access Management Plan.

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

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Premier Business Park Addition, 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 Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

APRIL 13, 2006

City of Idaho Falls
April 10, 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 Management Agreement with Idaho Falls Downtown Development Corporation (IFDDC). The agreement provides \$5,500.00 additional monies from the business improvement district assessments which were collected last fiscal year to be distributed to the IFDDC to retire the loan from the Bank of Idaho on the downtown parking lots. The Division respectfully requests approval of this agreement.

s/ Renée R. Magee

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Amendment to the Management Agreement with Idaho Falls Downtown Development Corporation and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
March 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PAVING EQUIPMENT RENTAL, 2006

On March 21, 2006, bids were received and opened for Paving Equipment Rental, 2006. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, TMC Contractors, Inc., in the amount of \$52,650.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the low bid from TMC Contractors, Inc. in the amount of \$52,650.00 to complete the Paving Equipment Rental, 2006 Project 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.

City of Idaho Falls
March 24, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ADJUSTMENT OF MANHOLES, WATER VALVE
BOXES, AND STREET MONUMENTS

On March 21, 2006, bids were received and opened for Adjustment of Manholes, Water Valve Boxes and Street Monuments. A tabulation of the bid results is attached.

Public Works recommends the contract be awarded to the low bidder, HK Contractors, Inc., in the amount of \$74,800.00; 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 HK Contractors, Inc. in the amount of \$74,800.00 to complete the Adjustment of Manholes, Water Valve Boxes, and Street Monuments Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

APRIL 13, 2006

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT AGREEMENT – HIGHLAND PARK STREET
IMPROVEMENTS – TERESA HOLVERSON

Attached is a proposed easement agreement for the Highland Park Street Improvements Project with Teresa Holverson. The agreement includes payment in the amount of \$970.00 for easement rights and damages to relocate an overhead power line.

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 Easement Agreement with Teresa Holverson for the Highland Park Street Improvements Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: HIGHLAND PARK STREET IMPROVEMENTS, PROPERTY
ACQUISITION – NAOMA WOODHOUSE RINGEL

Attached is a proposed agreement with Naoma Woodhouse Ringel in the amount of \$15,898.00 for a parcel of property to be used as a storm retention facility in the Highland Park Street Improvements Project.

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

s/ Chad Stanger

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Agreement for Property Acquisition with Naoma Woodhouse Ringel in the amount of \$15,898.00 for a parcel of property to be used as a storm retention facility in the Highland Park Street Improvements Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ANNEXATION AGREEMENT AMENDMENT – TETON PEAKS
SUBDIVISION

Attached is a proposed Amendment to the Annexation Agreement for Teton Peaks Subdivision. As proposed, the amended agreement requires the developer to install a water line along a portion of the developer's property and the City agrees to participate in the cost of the larger specified line.

Public Works recommends approval of this amended 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 Amendment to the Annexation Agreement for Teton Peaks Subdivision 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.

APRIL 13, 2006

City of Idaho Falls
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ANNEXATION AGREEMENT AMENDMENT – SOUTHPOINT
SUBDIVISION, DIVISION NO. 5

Attached is a proposed Amendment to the Annexation Agreement for Southpoint Subdivision, Division No. 5. As proposed, the amended agreement requires the developer to install approximately 3,640 linear feet of 12” water line through developer’s property to provide a loop in the City’s water supply lines, and the City agrees to reimburse for same.

Public Works recommends approval of this amended 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 Amendment to the Annexation Agreement for Southpoint Addition, Division No. 5 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
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT, TEMPORARY CONSTRUCTION
EASEMENT AGREEMENT – DOUGLAS AND ELIZABETH
BROWN, PARCEL NO. 71

Attached is a proposed Sunnyside Road Project, Temporary Construction Easement Agreement – Douglas and Elizabeth Brown, Parcel No. 71, in the amount of \$1,350.00.

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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 Temporary Construction Easement Agreement for Parcel No. 71 in the name of Douglas and Elizabeth Brown 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.

City of Idaho Falls
April 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT, RIGHT-OF-WAY CONTRACT AMENDMENT – JAMES R. AND JEANNE L. COOPER, PARCEL NO. 57

Attached is a proposed amendment to the existing Sunnyside Road Right-of-Way Contract with James R. and Jeanne L. Cooper, Parcel No. 57. This amendment subjects our existing agreement to Coopers' mortgage on the property.

Public Works recommends approval of this amended agreement; 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 approve the Sunnyside Road Project Right-of-Way Contract Amendment for Parcel No. 57 in the name of James R. and Jeanne L. Cooper and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell

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Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
April 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT, RIGHT-OF-WAY CONTRACT -
BEATRICE FARR ANDERSON, PARCEL NOS. 89 AND 89A

Attached is a proposed Sunnyside Road Project, Right-of-Way Contract with Beatrice Farr Anderson, Parcel Nos. 89 and 89A, in the amount of \$17,060.00. This amount includes an administrative settlement in the amount of \$8,400.00, which includes replacement value for large conifers, appraisal update for shrubs, lighting, and legal expenses.

Public Works recommends approval of this contract; 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 approve the Sunnyside Road Project Right-of-Way Contract for Parcel Nos. 89 and 89A in the name of Beatrice Farr Anderson 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
April 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT, RIGHT-OF-WAY CONTRACT -
INTERMOUNTAIN GAS, PARCEL NO. 19

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Attached is a proposed Sunnyside Road Project, Right-of-Way Contract with Intermountain Gas, Parcel No. 19, in the amount of \$3,746.00.

Public Works recommends approval of this contract; 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 approve the Sunnyside Road Project Right-of-Way Contract for Parcel No. 19 in the name of Intermountain Gas Company 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.

City of Idaho Falls
April 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: UPDATE TO CITY OF IDAHO FALLS STANDARD SPECIFICATIONS AND DRAWINGS

Attached are revisions to the City of Idaho Falls Standard Specifications and Drawings. As proposed, these revisions remove dual metric specifications; make corrections to previously noted errors; and, alter items determined by Engineering staff to better serve the City's needs.

Public Works recommends approval of these revised specifications and drawings.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the revisions to the City of Idaho Falls Standard Specifications and Drawings as proposed. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon

APRIL 13, 2006

Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing to consider a Conditional Use Permit to allow single-family attached homes in an R-1 (Single-Family Residential) Zone in Carriagegate Addition, Division No. 3, located generally south of West Sunnyside Road, east of South Yellowstone Highway, west of South 5th West (Park Road), north of East 49th South (extended), and to the north and south of Carriagegate Lane (Recessed from the March 23, 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
March 17, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – DEVELOPMENT AGREEMENT
AND FINAL PLAT – CARRIAGEGATE ADDITION, DIVISION NO. 3

Attached are the application and site plan for single-family attached homes and final plat and development agreement for Carriagegate, Division No. 3. The Conditional Use Permit is for 20 single-family attached units on Carriagegate Lane. Seven twin homes and two three-family units are proposed. The Planning Commission, at its January 17, 2006 Meeting recommended approval of the Conditional Use Permit and the Final Plat. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Vicinity Map showing Final Plat under consideration
Slide 4	Aerial Photo showing Division No. 3 Final Plat
Slide 5	Final Plat under consideration
Slide 6	Site Plan for Conditional Use Permit under consideration
Slide 7	Exterior Elevation
Slide 8	Roundabout Detail
Exhibit 1	Planning Commission Minutes dated January 17, 2006
Exhibit 2	Staff Report dated January 17, 2006
Exhibit 3	Copy of Final Plat

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The Planning and Building Director explained, further, that there is a detail on the Final Plat which indicates islands located on Steeplechase Drive at the intersections of Manchester Lane and Birmingham Lane. These islands will help to slow traffic on Steeplechase Drive. The homes will be developed at 6.6 units per net acre. This complies with the standard in the Zoning Ordinance for density. There will be a median at the entrance to Carriagegate Lane as well as an island on the eastern end of that median. There is a private alley being proposed with this Conditional Use Permit. The garages will have accesses to the rear in the private alley. There is sufficient room on Carriagegate Lane for visitor parking as well as one lane going in each direction. The Planning and Building Director stated, further, that this development meets all eleven conditions for a Conditional Use Permit in the R-1 Zone.

Councilmember Groberg clarified that the final plat is not part of the public hearing. The public hearing is confined to the question of allowing attached homes in the R-1 Zone under the Conditional Use Permit should it be granted.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he liked this set-up as there will not be a lot of vehicles backing onto the street.

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

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

Aye: Councilmember 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 Conditional Use Permit for 20 single-family attached units in Carriagegate Addition, Division No. 3. 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 Carriagegate Addition, Division No. 3 and, further give authorization for the Mayor, City Engineer, and City Clerk to sign said final plat. Roll call as follows:

APRIL 13, 2006

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for a Portion of Sunnyside Road. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 31, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION OF PORTION OF SUNNYSIDE ROAD AND INITIAL ZONING OF R-1

Attached is the Annexation Ordinance for approximately 2 acres of Sunnyside Road located south of the Mel Erickson Park. This annexation request was considered by the Planning Commission at its February 21, 2006 Meeting. The Commission recommended approval of the annexation and initial zoning of R-1. This annexation proposal is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning
Exhibit 1 Map of parcel and surrounding zoning
Exhibit 2 Planning Commission Minutes dated February 21, 2006
Exhibit 3 Staff Report dated February 21, 2006

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

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

ORDINANCE NO. 2639

**PORTION OF SUNNYSIDE ROAD SOUTH OF SUNNYSIDE PARK,
SECTION 33, TOWNSHIP 2 NORTH, RANGE 38,
EAST OF THE BOISE MERIDIAN**

APRIL 13, 2006

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 portion of Sunnyside Road south of Sunnyside Park, in Section 33, Township 2 North, Range 38, East of the Boise Meridian as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Bristol Heights Addition, Division No. 2. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

APRIL 13, 2006

City of Idaho Falls
March 31, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT FOR BRISTOL HEIGHTS ADDITION, DIVISION NO. 2

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Bristol Heights Addition, Division No. 2. This final plat for eighteen single-family homes and three landscape lots is east and adjacent to South 5th West (Park-Taylor Road), south of Sunnyside Road, and north of 49th South (Township Road). The requested initial zoning is R-1. At its March 7, 2006 Meeting, the Planning Commission recommended approval of the annexation, final plat, and R-1 zoning with conditions which have been incorporated into the annexation agreement. 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	Preliminary Plat for Bristol Heights Addition
Slide 4	Final Plat under consideration
Exhibit 1	Map of parcel and surrounding zoning
Exhibit 2	Planning Commission Minutes dated March 7, 2006
Exhibit 3	Staff Report dated March 7, 2006

The Planning and Building Director stated, further, that the Final Plat is in compliance with the City's Subdivision Ordinance.

Lee Gagner, 2555 Fieldstream Lane, appeared to state that he appreciated the City's staff for the ease in working with them. The required right-of-way and easements have been completed as of this morning.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Bristol Heights Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

APRIL 13, 2006

Nay: None

Motion Carried.

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

ORDINANCE NO. 2640

BRISTOL HEIGHTS ADDITION, DIVISION NO. 2

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 Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

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 Bristol Heights Addition, Division No. 2 as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell

APRIL 13, 2006

Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Bristol Heights Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. 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 rezoning from RP-A (Single-Family Residential Park) to R-1 (Single-Family Residential) on property located generally east of the Snake River and Vissing Circle, south of U. S. Highway 20, and west of Fremont Avenue, legally described as The Merrill Addition. At the request of Councilmember Groberg, the City Clerk read the following letter from the Planning and Building Director:

City of Idaho Falls
March 31, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE THE MERRILL ADDITION FROM RP-A TO R-1 (FORMERLY A PORTION OF HIGHLAND HEIGHTS)

Attached is the request to rezone Merrill Addition from RP-A (Residence Park) to R-1 (Single-Family Residential). This parcel is located at the northern end of Vissing Street, south of U. S. 20, east of Vissing Circle, and west of Fremont Avenue. The Planning Commission recommended denial of this request at its March 7, 2006 Meeting, in an eight to two vote. The Planning Commission determined the RP-A Zone was consistent with this small neighborhood, especially when those most affected objected to the request. This area has been zoned RP-A or its equivalent zone since 1950. This rezoning 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 Aerial Photo
- Slide 3 Site Photo showing east portion of Merrill Addition
- Slide 4 Site Photo showing west portion of Merrill Addition
- Slide 5 Site Photo of unfinished cul-de-sac in the Merrill Addition to the south and west of Vissing Circle
- Slide 6 Site Photo of existing Vissing Street and southern portion of cul-de-sac
- Slide 7 Site Photo of home on east side of Vissing Street
- Slide 8 Site Photo of rear of home on western side of Vissing Street
- Slide 9 Site Photo of vacant lot on Vissing Street that separate Merrill Addition from existing homes
- Slide 10 Site Photo showing the "No Parking" signs on Vissing Street
- Exhibit 1 Map of parcel and surrounding zoning
- Exhibit 2 Planning Commission Minutes dated March 7, 2006
- Exhibit 3 Staff Report dated March 7, 2006
- Exhibit 4 Council Minutes dated October 20, 1994

The Planning and Building Director explained that in the RP-A Zone, building lots must be at least 8,000 square feet, not allow home occupations, and the side yard minimum is 10 feet. In the R-1 Zone, the building lots must be at least 6,000 square feet, allow for home occupations, and the side yard minimum is 7-1/2 feet. The Comprehensive Plan designates this area as single-family low-density residential. Either an RP-A Zone or an R-1 Zone would be appropriate for this area. The Planning and Building Director explained, further, that there was no compelling reason to change the zone from RP-A to R-1, as this land has been zoned for more than 50 years as RP-A or its equivalent.

Councilmember Groberg requested to know what the equivalent zone was prior to the RP-A Zoning designation. The Planning and Building Director stated that the equivalent zone was RP (Residence Park). Councilmember Groberg requested to know when the RP Zone was converted to the RP-A Zone. The Planning and Building Director stated that the RP-A Zoning designation took place in approximately 1953 to 1957.

Kerri Jo Daniels, 3453 Sun Circle, appeared to explain that she would like to put a small hair salon in her new home. She stated that she had one in her previous home at 785 East 15th Street and is still conducting business at that location two days per week. She requested that her new home be zoned R-1, as the vacant lot and homes directly to the east of her property are zoned R-1. The Claytons originally signed the rezoning petition to become zoned R-1, but have since stated that they do not wish to have a home occupation in their new home and would like to remain RP-A. Mrs. Daniels stated that she has since become aware that Helen Stanton has previously conducted a business out her home and shared the following letter:

April 12, 2006

To Whom It May Concern:

My son Clayton Phillipp took art lessons from Helen Stanton about 1994-1995 at 1020 Vissing Street. At the time he was about 9 or 10 years of age. He

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cul-de-sac for the home occupation. She expressed her support for the Daniels' rezoning request.

Helen Stanton, 1020 Vissing Street, appeared to state that the letter that Mrs. Daniels presented from Patty Phillip was not the truth. She stated that she has taught many children, but always at another location. She stated that changing the zone along the Greenbelt is only the tip of the iceberg. There is a lot of traffic in this area in the summer months. She stated that she is the one that is impacted most by the zoning change.

Councilmember Hardcastle requested to know whether "No Parking" was posted in front of her home. Mrs. Stanton stated that her home is posted "No Parking".

Councilmember Groberg requested to know whether Mrs. Stanton opposed the zone change. Mrs. Stanton stated that she opposed the zone change from RP-A to R-1.

Councilmember Lyon stated that he understood Mrs. Stanton to say that she did not oppose a hair salon in the Daniels home. He requested to know whether Mrs. Stanton opposed the zoning due to the increased traffic in the area.

Mrs. Stanton stated that she did not care what the Daniels did in their home, but that a zone change would severely impact the neighborhood. That is why "No Parking" signs have been posted.

Councilmember Lyon requested to know that if there was a mechanism to approve this business venture only, would that satisfy Mrs. Stanton's concerns.

Mrs. Stanton stated, again, that she was opposed to the zone change.

Steve Stanfield, 1300 Vissing Circle, appeared to state that all members of their neighborhood were present at the Planning Commission Meeting. They are all present for this City Council Meeting. He stated that he wants to keep his neighborhood quiet. During construction of these homes, construction workers have parked so that the school bus cannot get into the area to pick up his children for school. Mr. Stanton expressed his concern as to what business might go into one of these homes, if the rezoning is allowed.

Scott Antrim, 1200 Vissing, appeared to state that he was opposed to the rezoning as it would affect his property negatively. Due to the increased traffic from construction, a portion of his lawn has been muddied along the alleyway. He believed that a carport was being built on the back side of the home to accommodate the traffic from the hair salon. As the City grows, the Greenbelt in this area will get more use. Mr. Antrim stated that if there was a past violation of a business use in this neighborhood that should be no justification for a future use.

Tory Peterson, 5530 Kolob, appeared to state that he owns the home at 1040 Fremont Circle. He is renting that home to a family who uses the alleyway as an access to the property. Recently, the mail service has been terminated by the Post Office due to the congestion from the construction. He express his concern that garbage pick-up might be next. He expressed his concern for increased traffic in this area. He stated that he opposes the zone change.

Art Daniels, 3453 Sun Circle, re-appeared to clarify that the carport referred to earlier is actually a patio cover. There will be no access to this area from the alleyway.

Kerri Jo Daniels, 3453 Sun Circle, re-appeared to state that she has talked with the Sanitation Superintendent to find out where she should put her garbage cans. He indicated that she should place her garbage cans in the alleyway behind their home.

Tory Peterson re-appeared to state that the mail man will not deliver to the home at 1040 Fremont Circle due to the congestion from the construction workers.

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

Councilmember Hally requested to know whether a person in an R-1 Zone needs to apply for a Conditional Use Permit to have a business in their home. The Planning and Building Director stated that there is a Home Occupation Permit that is required. This

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is a no-fee permit and approximately twelve conditions are applied to a home occupation in an R-1 zone. There is no mechanism to limit the home occupation, upon a rezoning, to a certain type of home occupation.

Councilmember Cornwell requested to know how many homes could be built on the cul-de-sac.

The Planning and Building Director stated that three homes could be built in the cul-de-sac in addition to the existing homes on that street.

Councilmember Hardcastle stated that she was sympathetic to the Daniels. The issue is that once this is rezoned to R-1, regardless of how limited the Daniels' business would be, there is nothing that can be done to limit the next type of business going into that home should it be sold. She expressed her concern that the people in the area expected this area to remain RP-A.

Councilmember Lyon stated that he agreed with Councilmember Hardcastle's comments. The people who live in the cul-de-sac are long-term residents and have the expectation that they are going to play by a set of rules under the RP-A Zone. He stated that the people knew that the land was zoned RP-A when they began construction of their home.

Councilmember Groberg stated that there are restrictions for home occupations. It is unlikely that if this were zoned R-1 that there would be undesirable uses. Typically, if the City Council changes a zone, there would be a compelling reason for that change. He stated that he did not believe that there was a compelling reason to change the zone in this location.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to deny the rezoning request from RP-A (Single-Family Residential Park) to R-1 (Single-Family Residential) on property located generally east of the Snake River and Vissing Circle, south of U. S. Highway 20, and west of Fremont Avenue, legally described as The Merrill Addition. Roll call as follows:

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

Nay: Councilmember Cornwell

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Lehto, that the meeting adjourn at 9:10 p.m.

CITY CLERK

MAYOR
