

FEBRUARY 9, 2006

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

There were present:

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

Also present:

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

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

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the following Appointments and Re-Appointments: Appointment of Steve Anderson to serve on the Deferred Compensation Committee; Appointment of Dean Ellis to serve on the Deferred Compensation Committee; Appointment of Kevin Pettingill to serve on the Deferred Compensation Committee; Appointment of Craig Rockwood to serve on the Deferred Compensation Committee; Appointment of Thane Sparks to serve on the Deferred Compensation Committee; Appointment of Jesse Boyd Leavitt to serve on the Golf Advisory Board (Term to expire on December 31, 2008); Appointment of Matt L. Hill to serve on the Parks and Recreation Commission (Term to expire on December 31, 2006); Re-Appointment of Leslie Anderson, Citizen Member at Large, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of Randy Drake, Idaho Transportation Department, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of George Boland, School District No. 91, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of Leon Hunsaker, Transportation Safety Officer, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of Mark McBride, Idaho Falls Police Department, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of Bruce Lawrence, Traffic Technician in the Engineering Department, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); Re-Appointment of Chris Fredericksen, City Engineer, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007); and, Re-Appointment of Mark Reed, Information System Coordinator, to serve on the Traffic Safety Committee (Term to expire on December 31, 2007).

The City Clerk requested approval of the Minutes from the January 26, 2006 Regular Council Meeting and the February 2, 2006 Work Session.

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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 January 1, 2006 through January 31, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 1,770,668.54
Street Fund	25,909.49
Recreation Fund	26,400.94
Library Fund	41,514.17
Municipal Equipment Replacement Fund	133,287.00
Electric Light Public Purpose Fund	17,193.19
Sanitary Sewer Capital Improvement Fund	96,555.83
Street Capital Improvement Fund	144,761.28
Water Capital Improvement Fund	4,582.90
Airport Fund	110,634.13
Water and Sewer Fund	228,814.18
Sanitation Fund	4,010.69
Ambulance Fund	6,516.89
Electric Light Fund	3,823,511.15
Payroll Liability Fund	2,595,680.05
TOTALS	\$9,030,040.43

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 February 9, 2006.

The Airport Director submitted the following memo:

City of Idaho Falls
February 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR THE
FISCAL YEAR 2006 FAA PROJECT

The Airport Division requests authorization to advertise to receive bids for the Fiscal Year 2006 FAA Project which is the Southwest Expansion of the General Aviation Ramp.

s/ Mike Humberd

The Public Works Director submitted the following memos:

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City of Idaho Falls
February 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – WELL NO. 18, TEST WELL

Public Works requests authorization to advertise to receive bids for drilling a test well at Well No. 18 site.

s/ Chad Stanger

City of Idaho Falls
February 6, 2006

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for Paving Equipment Rental; and, Adjustment of Manholes, Water Valve Boxes, and Street Monuments.

s/ Chad Stanger

Councilmember Lyon requested that the minutes from the January 26, 2006 Regular Council Meeting be moved to the Regular Agenda.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, that the Consent Agenda be approved, with the exception of the January 26, 2006 Regular Council Meeting Minutes, in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk requested approval of the Minutes from the January 26, 2006 Regular Council Meeting. It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Minutes from the January 26, 2006 Regular Council Meeting.

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Councilmember Lyon commented that since the Oath of Office was not placed in the January 12, 2006 Regular Council Meeting Minutes, he requested that it be placed in the January 26, 2006 Regular Council Meeting Minutes. He stated that this was the first time, since he has been on the City Council, that a Councilmember or citizen has been denied his request for something to be placed in the record. He also expressed his concern that the discussion at the last Council Meeting was not transcribed at all. Councilman Lyon quoted the requirements in Robert's Rules of order for minutes that are published, "When minutes are to be published, they should contain...a list of the speakers on each side of every question, with an abstract or the text of each address." and stated that the City needed to have a standard parliamentary procedure. Councilmember Lyon requested that the discussion regarding whether the Oath of Office should be placed in the Council Minutes, along with the Oath of Office, be placed in the January 26, 2006 Regular Council Meeting Minutes in compliance with Roberts' Rules of Order.

Councilmember Hally thanked Councilmember Lyon for his comments. He stated that the City Council has received training from the Association of Idaho Cities and the City Attorney, regarding requirements for minutes. There is no requirement to follow Roberts' Rules of Order. The City Council recently held a Work Session in which it was agreed upon to summarize the meeting discussion. Lengthy dialogs would not be permitted.

Mayor Fuhrman stated that the Oath of Office has been placed on the City's website.

Roll call as follows:

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

Nay: Councilmember Lyon

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
February 3, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IDAHO FALLS EQUIPMENT MAINTENANCE FACILITY – CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 in the amount of \$131.00 to change the fault current rate of the circuit breakers. It is also requested by the Contractor to extend the contract time an additional 60 days.

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

s/ S. Craig Lords

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Change Order No. 1 in the amount of \$131.00 to Shook Construction Company, Inc. for the Idaho Falls Equipment Maintenance Facility and, further, give authorization for the Mayor 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
February 3, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 2001

Municipal Services respectfully requests authorization to charge off as uncollectible, all utility accounts that have not had a transaction since 2001, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$192,677.39, which is .49% of sales for that year.

It is further requested that authorization be given to charge off the following accounts as uncollectible: Ambulance \$627,512.87, Accounts Receivable \$20,482.92 and returned checks \$1,771.89.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization to charge off as uncollectible all utility accounts that have not had a transaction since 2001, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets; Ambulance; Accounts Receivable, and returned checks as presented. Roll call as follows:

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

Nay: None

Motion Carried.

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The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
February 9, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: AWARD OF CONTRACT FOR COMMUNITY PARK PARKING LOT -
PHASE III

On Tuesday, February 7, 2006 at 10:00 a.m., bids were opened for the Community Park Parking Lot – Phase III Project. The low responsive bidder for the project was TMC Contractors, Inc. of Idaho Falls, in the amount of \$78,556.00. The engineer’s estimate for this project was \$82,246.15.

The Parks and Recreation Division respectfully requests approval of the plans and specifications as presented and recommends authorization to execute said contract.

s/ David J. Christiansen

It was moved by Councilmember Groberg, seconded by Councilmember Cornwell, to accept the low responsive bid from TMC Contractors, Inc. to complete the Community Park Parking Lot – Phase III Project, approve the plans and specifications for same and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
February 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT – TEMPORARY CONSTRUCTION
EASEMENTS – PARCEL NOS. 91A, 59, 64, 68, 62, 79, 65, AND
60

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Attached are Sunnyside Road Project Temporary Construction Easement Agreements for Parcel Nos. 91A, 59, 64, 68, 62, 79, 65, and 60.

Public Works recommends approval of these agreements; 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 Agreements for Parcel Nos. 91A, 59, 64, 68, 62, 79, 65, and 60 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.

City of Idaho Falls
February 6, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD RIGHT-OF-WAY ACQUISITION
AGREEMENT – PARCEL NO. 87, STEPHEN AND JULIE LAWSON

Attached is a proposed right-of-way acquisition agreement between the City and Stephen and Julie Lawson for Sunnyside Road right-of-way Parcel No. 87 in the amount of \$16,570.64. This amount includes an administrative settlement of \$5,982.64 for reasonable replacement costs of trees and other landscape features.

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 Right-of-Way Acquisition Agreement for Parcel No. 87 in the name of Stephen and Julie Lawson and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Hardcastle

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Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for a parcel of land in Section 12, Township 2 North, Range 38, East of the Boise Meridian, located generally west of East River Road, south of Iona Road, to the north and south of Martin-Laird Lane. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING, FINAL PLAT, AND INITIAL ZONING OF M-1 – EDUCATION RESEARCH CENTER

Attached is the annexation agreement prior to platting for approximately 35.5 acres, development agreement for 7.7 acres, annexation ordinance for 38 acres, and the final plat entitled Education Research Center, Division No. 1. This parcel is located adjacent to 5th West and north of University Place and the Willow Creek and EROB Buildings. The Planning Commission considered this annexation request and recommended approval of the M-1 Zone and the final plat which encompasses the southern portion of this annexation request. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

- Slide 1 Vicinity Map showing surrounding area
- Slide 2 Vicinity Map showing surrounding zoning
- Slide 3 Aerial Photo showing location of City of Idaho Falls utilities
- Slide 4 Aerial Photo showing how this subdivision is connected to the City of Idaho Falls
- Slide 5 Idaho State University Place Conceptual Plan
- Slide 6 Comprehensive Plan designates this area as Higher Education Center
- Slide 7 Bonneville County Zoning Map
- Slide 8 Site Photo looking south of site
- Slide 9 Site Photo looking southeast of site

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Slide 10	Site Photo looking southwest from the site
Slide 11	Site Photo of 33 rd North looking north of site
Slide 12	Site Photo looking south across the site
Slide 13	Site Photo showing homes located north of site
Slide 14	Site Photo looking north towards the site
Slide 15	Site Photo looking north across the site
Slide 16	Site Photo looking west across the site
Slide 17	Vicinity Map showing final plat under consideration
Slide 18	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated January 3, 2006
Exhibit 2	Planning Commission Minutes dated January 17, 2006
Exhibit 3	Planning Commission Agenda for February 7, 2006
Exhibit 4	Staff Report dated January 3, 2006
Exhibit 5	Staff Report dated January 17, 2006

The Planning and Building Director explained that under the Zoning Ordinance, the minimum land allowed for M-1 Zoning is 30 acres. The Planning Commission recommended the M-1 Zone because under the Comprehensive Plan, the description for this area calls for college facilities, office complexes, research laboratories, and limited support services. There is a 15-inch sewer main located in 5th West. She explained this annexation can easily be served by existing facilities located in 5th West, the east boundary of this annexation. Police and Fire presently serve approximately 400 lots in Fairway Estates Addition. Recent improvements have been completed or in process to increase capacity of water and sewer to serve growth in this area. This annexation is north of one of the City's largest employers and University Place. The Planning Commission reviewed the annexation and initial zoning request for the Idaho State University property on February 7, 2006, and recommended approval. The Planning and Building Director explained that the Final Plat encompasses 7.71 acres. The Annexation Ordinance encompasses approximately 38 acres. The Annexation Agreement encompasses a little more than 35 acres. The Development Agreement encompasses 7.71 acres. The Planning Commission and Staff have found this Final Plat to be in compliance with the City's Subdivision Ordinance.

Jeff Freiberg, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared to answer any questions from the Mayor and City Council. There were no questions.

Gary Voigt, 1908 Jennie Lee Drive, appeared to state that they have worked closely with Idaho State University and INEL employees to meet the desires and needs of both entities.

Gregory Horton, 1770 Science Center Drive, appeared as the representative for Idaho State University. He stated that they are working in conjunction with Gary Voigt in developing the initial property along University Boulevard. They are trying to expedite the annexation of this property so that they can build University Boulevard and be able to develop their property later this year.

Galen Williams, 3754 East 97 North, appeared to explain that the Martin Family owns a considerable amount of land in this area. Mr. Williams and his son have lease agreements with the Martin Family for a cattle feeding operation on this land. The Martin Family, as of today, has shown no desire to sell their land and cease the cattle feeding operation. Mr. Williams indicated that he has received some telephone calls questioning why the cattle feeding operation is still in existence. He wanted the Mayor and Council to know that to date there has been no complaints about his operation. They try to use the best management practices for this operation. They use waste products generated by the City. He stated that at this point in time, they have no intention of ceasing operations. They will try to be a good neighbor. Mr. Williams requested that if any

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complaints were received by the Mayor's Office, that he would be contacted. He also stated that he would be happy to show the Mayor and City Council the cattle feeding and recycling operation.

Mayor Fuhriman told Mr. Williams that he appreciated his efforts in making this work.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement Prior to Platting for a parcel of land in Section 12, Township 2 North, Range 38, East of the Boise Meridian, located generally west of East River Road, south of Iona Road, to the north and south of Martin-Laird Lane and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Education Research Center Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2635

VOIGT AND UNIVERSITY 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.

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

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

Nay: None

Motion Carried.

Councilmember Groberg explained that under the Comprehensive Plan, an area was designated for Higher Education. There is not a specific zone for this, it is a concept. He stated that in his opinion, the M-1 Zone fits within the Comprehensive Plan. 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 35.79 acres in Section 12, Township 2 North, Range 38, East of the Boise Meridian as M-1 (Industrial Park) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

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

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Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Conditional Use Permit to allow use for title loans and/or payday loans on property located generally at the southwest corner of the intersection of Lomax Street and Holmes Avenue, legally described as Lots 1 and 2, Block 30, Capital Hill Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 5, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – COMMERCIAL USE IN R-3A ZONE, LOTS 1 AND 2, BLOCK 20, CAPITAL HILL ADDITION

Attached is an application for a title/payday loan business in an R-3A Zone at 165 North Holmes. This address is located at the southwest corner of Holmes Avenue and Lomax Street. The Planning Commission considered this request at its January 3, 2006 Meeting and recommended approval of the Conditional Use Permit with the following conditions:

1. Landscaping with bushes and a working irrigation system be installed and maintained;
2. The existing exterior earth tone colors of the building be maintained;
3. No repossessed vehicles be stored on the property; and,
4. No more than three people be employed on the largest shift.

Staff concurs in this recommendation. This request for a Conditional Use Permit 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	Site Plan submitted by applicant
Slide 4	Site Photo looking at Site (East)
Slide 5	Site Photo looking at Site (North)
Slide 6	Site Photo looking south of site
Slide 7	Site Photo looking east of site

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- Slide 8 Site Photo looking northeast of site at intersection of Holmes Avenue and Lomax Street
- Slide 9 Site Photo looking east on Lomax Street
- Slide 10 Site Photo looking north of site
- Exhibit 1 Planning Commission Minutes dated January 3, 2006
- Exhibit 2 Staff Report dated January 3, 2006

The Planning and Building Director stated that under the R-3A Zone, commercial uses are allowed provided they are under a Conditional Use Permit. The criteria for a Conditional Use Permit are that the building will not change in order to house a commercial use.

Jeremy Manwaring, 3000 Old Castle Lane, appeared to state that he has owned this building since 1999. It has been a publishing company for a magazine, a mortgage company, and a real estate company, which are uses allowed in the R-3A Zone. The parking is limited for this building. They have had it up for sale and have considered leasing portions of the building. The building has been vacant for 1-1/2 years. Mr. Manwaring stated that they will comply with the conditions imposed by the Planning Commission. This area lends itself to financial institutions. He stated that he conducted a survey of title loan companies and payday loan companies to determine how much traffic was generated with those types of businesses. He reviewed those findings with the Mayor and Council.

Norman Geib, First Street Welding, 473 First Street, appeared to question what businesses are allowed under the R-3A Zone, whether those businesses need to comply with parking regulations, and how will issuing a Conditional Use Permit make the parking problems any better. Safety and traffic are issues on the corner of Holmes Avenue and Lomax Street.

The Planning and Building Director explained that there is a provision under 4-23-B in the Zoning Ordinance for buildings that have non-conforming parking or loading facilities. In essence, they can continue to operate as long as the parking is not reduced on the site. If the use is changed, then the applicant would have to show the parking facilities. By using the Conditional Use Permit, it allowed the Planning Commission to bring the staff requirements into compliance with what is available on this lot.

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

Councilmember Groberg stated that the City Council is moving in the right direction on this parcel. More stringent parking requirements are part of the conditions set by the Planning Commission.

Councilmember Lehto requested Councilmember Groberg to address what would happen if the business were to change hands.

Councilmember Groberg requested the Planning and Building Director to come forward. The Planning and Building Director stated that the Conditional Use Permit cannot be transferred to another owner without coming back before City Council. The Conditional Use Permit is for this particular use at this particular address.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit allowing the use for title loans and/or payday loans with the four conditions imposed by the Planning Commission on property located generally at the southwest corner of the intersection of Lomax Street and Holmes Avenue, legally described as Lots 1 and 2, Block 30, Capital Hill Addition. Roll call as follows:

- Aye: Councilmember Groberg
- Councilmember Hally

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Councilmember Lehto
Councilmember Lyon
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, that the meeting adjourn at 8:30 p.m.

CITY CLERK

MAYOR
