

MARCH 23, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 23, 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 Joseph 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 Kaden Stutzman to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested City Council confirmation for the appointment of Francis Breen to serve as the Citizen Member at Large on the Traffic Safety Committee.

The City Clerk requested approval of the Minutes from the March 9, 2006 Regular Council Meeting.

The City Clerk presented several license applications, including BEER Licenses to Blue Hashi, Frosty Gator (Transfer Only), and Puerto Vallarta II (Transfer Only) all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on March 23, 2006.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
March 14, 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 self-contained breathing apparatus (SCBA) units with accessories. This purchase will be partially funded with money received from a grant.

s/ S. Craig Lords

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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 Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memo:

City of Idaho Falls
March 20, 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 of the aircraft hangar between the Estate of David Wilkins and Sherri Wilkins.

All terms and conditions of the lease 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 Hardcastle, to approve the Consent to Assignment of Hangar Lease Agreement between the Estate of David Wilkins and Sherri Wilkins 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

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Motion Carried.

The Acting Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: SLICE GOVERNMENT AFFAIRS COUNSEL RETENTION, COST SHARING AND REIMBURSEMENT AGREEMENT

Attached for your consideration is the Slice Government Affairs Counsel Retention, Cost Sharing and Reimbursement Agreement. This agreement allows for the Slice Customers to jointly retain the services of government affairs counsel. The agreement has been reviewed by the City Attorney.

s/ Jo Fikstad

Councilmember Lehto explained that this agreement allows for an investment in a Washington, D. C. lobbyist to advocate the City's position on the allocation of Slice as it comes up. The total cost for the City's portion for a year's worth of services is approximately \$3,000.00.

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to approve the Slice Government Affairs Counsel Retention, Cost Sharing and Reimbursement Agreement 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
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: SLICE CONSULTANT RETENTION, COST SHARING AND REIMBURSEMENT AGREEMENT

MARCH 23, 2006

Attached for your consideration is the Slice Consultant Retention, Cost Sharing and Reimbursement Agreement for the 2004-05 contract year audit under the Block/Slice Power Sales Agreement. This agreement has been reviewed by the City Attorney.

Idaho Falls Power requests approval of this agreement and authorization for the Mayor to sign.

s/ Jo Fikstad

Councilmember Lehto explained that his agreement allows the City to partner with the Slice partners in hiring an auditor to review the Bonneville Power Administration billing for the Slice product. This will cost the City of Idaho Falls approximately \$6,000.00.

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to approve the Slice Consultant Retention, Cost Sharing and Reimbursement Agreement for the 2004-05 contract year audit under the Block/Slice Power Sales Agreement 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 Municipal Services Director submitted the following memos:

City of Idaho Falls
March 14, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PERSONNEL POLICY – VACATION

Attached for your consideration are proposed changes to the City's Personnel Policy related to the definition of Vacation. Items A and B clarify existing language and allows employees to become eligible for vacation following the first complete month of their employment.

Municipal Services respectfully requests that the Mayor and Council approve said changes.

s/ S. Craig Lords

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It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the changes to the City's Personnel Policy related to the definition of Vacation. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 14, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUCTION SALE TO DISPOSE OF IMPOUNDED, UNCLAIMED,
AND SURPLUS MERCHANDISE

Municipal Services respectfully requests authorization to conduct a City Auction Sale for impounded, unclaimed and City surplus merchandise. The sale is scheduled for Friday, April 14, 2006.

Municipal Services also respectfully requests to retain Great Western Auctions International to set up said auction, tag merchandise, provide crew to man the auction, and provide accounting of sales and proceeds at the cost of five percent (5%) of all large equipment/vehicles and ten percent (10%) for the remainder of net proceeds of the auction.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization to conduct a City Auction Sale for impounded, unclaimed, and City surplus merchandise on Friday, April 14, 2006 and, further, retain Great Western Auctions International to set up said auction, tag merchandise, provide crew to man the auction, and provide accounting of sales and proceeds at the cost of five percent (5%) of all large equipment/vehicles and ten percent (10%) for the remainder of net proceeds of the auction. Roll call as follows:

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

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Nay: None

Motion Carried.

City of Idaho Falls
March 15, 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 of sixty (60) Taser Stun Guns with accessories and cartridges for an amount of \$59,805.10.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization for the Municipal Services Division to advertise and then make a sole source purchase of sixty (60) Taser Stun Guns with accessories and cartridges for an amount of \$59,805.10. 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 14, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SALE AND REMOVAL OF TWO (2) HOUSES

Municipal Services respectfully requests authorization to advertise and receive bids for the sale and removal of a two story frame house located at 2299 East Lincoln Road and a brick house with attached garage located at 355 West Sunnyside Road.

s/ S. Craig Lords

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization for the Municipal Services Division to advertise to receive bids for the sale and removal of a two story frame house located at 2299 East Lincoln Road and a brick house with attached garage located at 355 West Sunnyside Road. 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
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PROSECUTING LEGAL SERVICE

Attached for your consideration is the Legal Services Contract with Bonneville County Prosecuting Attorney's Office. It is the recommendation of Municipal Services that the Council approve the contract and authorize the Mayor to sign said contract.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Legal Services Contract with Bonneville County Prosecuting Attorney's Office 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.

The Parks and Recreation Director submitted the following memo:

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City of Idaho Falls
March 23, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: NAMING OF "CIVITAN PLAZA"

Attached for your consideration is a proposal from the Idaho Falls Civitan Club requesting that B Street Plaza Park, located at the northeast corner of Park Avenue and B Street, be officially named "Civitan Plaza".

The request has been reviewed by the Parks and Recreation Commission and found to be in accordance with park naming criteria as established. It is the recommendation of the Parks and Recreation Commission that the request be forwarded to the Mayor and City Council for approval.

s/ David J. Christiansen

It was moved by Councilmember Cornwell, seconded by Councilmember Groberg, to approve the naming of the park at the northeast corner of Park Avenue and B Street as "Civitan Plaza". Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
March 17, 2006

MEMORANDUM

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

Attached are the Development Agreement and the Final Plat for Micro Investments Addition, Division No. 1. This one-lot subdivision of 4.4 acres is zoned C-1 and R3-A and is located south of 1st Street, north of John Adams Parkway, west of Ronglyn Avenue, and east of Freeman Avenue. The Planning Commission recommended approval of this final plat at its February 7, 2006

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Meeting. This agreement and final plat 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 Development Agreement and Final Plat approval request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated February 7, 2006
Exhibit 2	Staff Report dated February 7, 2006
Exhibit 3	Copy of Final Plat

The Planning and Building Director commented, further, that Staff has found this Final Plat to be in compliance with the Subdivision Ordinance and Zoning Ordinance.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement and Final Plat for Micro Investments Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute 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 Public Works Director submitted the following memos:

City of Idaho Falls
March 14, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – SEAL COATING, 2006

On March 7, 2006, bids were received and opened for the Seal Coating, 2006 Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, HK Contractors, Inc., in the amount of \$140,892.00; 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 HK Contractors, Inc. in the amount of \$140,892.00 to complete the Seal Coating, 2006 Project 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.

City of Idaho Falls
March 16, 2006

MEMORANDUM

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

On March 7, 2006, bids were received and opened for Drilling and Testing, Test Well No. 18. A tabulation of the bid results is attached.

Public Works recommends award of this contract to the only bidder, Andrew Well Drilling Services of Idaho, in the amount of \$35,220.00; 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 only bid from Andrew Well Drilling Services of Idaho in the amount of \$35,220.00 to complete the Drilling and Testing of Test Well No. 18 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

MARCH 23, 2006

City of Idaho Falls
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD RIGHT-OF-WAY CONTRACT – PARCEL
NO. 12, INTERMOUNTAIN SELF STORAGE, LLC

Attached is a proposed Sunnyside Road Right-of-Way Contract for Parcel No. 12, Intermountain Self Storage, LLC in the amount of \$106,680.00.

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 Right-of-Way Contract for Parcel No. 12 in the name of Intermountain Self Storage, LLC in the amount of \$106,680.00 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
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD RIGHT-OF-WAY CONTRACT – PARCEL
NOS. 2 AND 3, BASIC AMERICAN, INC.

Attached is a proposed Sunnyside Road Right-of-Way Contract for Parcel Nos. 2 and 3, Basic American, Inc., in the amount of \$3,587.00.

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

s/ Chad Stanger

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Councilmember Lehto explained that there was one more right-of-way along Sunnyside Road to obtain. The paperwork on that parcel was nearly complete. He commented, further, that all right-of-way purchases will be completed as promised.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Sunnyside Road Right-of-Way Contract for Parcel Nos. 2 and 3 in the name of Basic American, Inc. in the amount of \$3,587.00 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 Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
March 20, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: 19TH STREET RAILROAD CROSSING AGREEMENT

Attached is a proposed agreement between the City, Union Pacific Railroad, and the Idaho Transportation Department for an upgrade to the 19th Street Railroad Crossing. This upgrade involves removal and replacement of existing planking, signals, pavement and pavement markings. The total project cost is estimated to be \$265,157.00, of which the City is responsible for \$38,015.70.

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 agreement between the City of Idaho Falls, Union Pacific Railroad Company, and the Idaho Transportation Department for an upgrade to the 19th Street Railroad Crossing and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

MARCH 23, 2006

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for Sunterra Addition, 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
March 17, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING, INITIAL ZONING OF R-1,
AND FINAL PLAT – SUNTERRA, DIVISION NO. 1

Attached are the Annexation Agreement Prior to Platting, Annexation Ordinance, Final Plat, and Development Agreement for Sunterra, Division No. 1. The annexation request is for approximately 78 acres south of and immediately adjacent to Township Road and west of and adjacent to Holmes Avenue. The requested initial zoning is R-1, Single-Family Residential. At the northern end of this annexation request, a final plat with 32 lots, four of which are common lots, is proposed. The Planning Commission recommended approval of this annexation, initial zoning of R-1, and final plat at its February 7, 2006 Meeting. This agreement and final plat 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 Annexation Prior to Platting request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Vicinity Map showing Final Plat
Slide 4	Aerial Photo showing Final Plat superimposed
Slide 5	Comprehensive Plan for area under consideration
Slide 6	Final Plat under consideration
Slide 7	Aerial Photo with Sunterra Addition Preliminary Plat
Slide 8	Sunterra Addition Preliminary Plat
Slide 9	Site Photo showing point of entry onto Township Road
Slide 10	Site Photo looking south across site
Slide 11	Site Photo looking north on Holmes Avenue
Slide 12	Site Photo looking north across site
Slide 13	Site Photo looking at Hallmark Addition and Holmes Avenue entrance, as well as the landscaping provided with the Hallmark Addition
Exhibit 1	Planning Commission Minutes dated February 7, 2006

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Exhibit 2 Staff Report dated February 8, 2006
Exhibit 3 Copy of Final Plat

The Planning and Building Director explained that the Developer is proposing to annex the entire 78 acres in order for Idaho Falls Power to serve the lift station that will be required. The Final Plat is in compliance with the City's Comprehensive Plan. She explained that contiguity is being provided for this annexation through Solstice Addition, which is the division to the immediate west and south of 49th South. When Staff reviewed this Final Plat, it was found to be in compliance with the City's Subdivision Ordinance and the Zoning Ordinance.

Councilmember Lehto requested to know whether the Hallmark Subdivision, being a County plat and on wells and septic systems, would eventually annex to the City of Idaho Falls.

The Planning and Building Director stated that she did not know whether that would happen. The subdivision could request such an annexation.

Mike Hicks, 7471 South 8 West, appeared as the representative for the developer. He stated that Hallmark Subdivision is also one of the developments that belong to them. In visiting with some of the homeowners in that subdivision, he stated that they are not interested in annexing to the City of Idaho Falls. Mr. Hicks stated that the Sunterra Addition has been in the development stage for approximately 1-1/2 years. They have tried to create a subdivision that does not have long thoroughfares. All subdivision signs will be recessed back into the subdivision to create a park-like setting. A berm will be constructed along the northern portion of this subdivision, similar to those found in Southpoint Addition. On the northern portion of this development, the average size of the lots will be .55 acres.

Councilmember Hardcastle requested to know how many lots were in the entire subdivision. Mr. Hicks stated that there are 132 lots in the entire subdivision of Sunterra.

Tammy Gardner, 4949 South Holmes Avenue, appeared to state that she lives on the southeast corner of 49th South and Holmes Avenue. She expressed her concern over whether her home would be protected from the additional traffic. The proposed berm around the subdivision protects the subdivision and does nothing for her property. She stated, further, that they applied to Bonneville County, who granted an entrance onto Holmes Avenue. They are preparing to construct a circular driveway that would provide better egress/ingress to their property. She requested to know why this growth had to be at others expense. Mrs. Gardner expressed her concern for her property value deteriorating as a result of the increased traffic, and requested any assistance that the City Council could give them.

Gary Lords, 311 East 49 South, appeared to state that he has lived in this area for a long time. He expressed his concern over how water rights would be handled in the area.

Mike Hicks re-appeared to explain that a traffic study was required in this area. It was determined that the roadway would have to be widened along 49th South. The existing irrigation ditch is going to be moved 20 feet to the south. There will be no interruption of services to any property owners already being served by this irrigation ditch.

Councilmember Hardcastle requested to know where the berms will be constructed around the subdivision.

Mr. Hicks explained that there will be a more substantial berm on the north end of the subdivision. He explained that they held a meeting for the landowners in the area to address any concerns that they had. At that meeting, landowners expressed their concern for safety of the people living in the subdivision, along with concerns for their own land. From the standpoint of public good and also aesthetic appeal, it was decided to bring the berms in.

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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.

Councilmember Lehto requested to know whether the comments made by Mr. Hicks answered the questions from Mr. Lords and Mrs. Gardner.

The public hearing was re-opened for Mr. Lords and Mrs. Gardner to comment.

Mrs. Gardner stated that the berms are being constructed to protect the subdivision. She stated that she would be dealing with all of the traffic. As a result of the additional traffic, her property values will decrease.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that a traffic study was conducted for this subdivision. The traffic on Holmes Avenue, while it seems dramatic, will not change its level of service as a result of this subdivision. Eventually, turn lanes will be needed in this area. He explained, further, that the developer is paying their fair share. They are also improving the area.

Gary Lords re-appeared to request more detail as to how the irrigation system will be addressed.

Mr. Kofoed re-appeared to explain how extensions will be placed on the pipes that are under the roadway in this area. If that does not work, there will be no choice but to come up with a system that will keep the irrigators whole.

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

Councilmember Lehto commented that as the City grows to the south, existing residents are not entirely comfortable with that growth. In the future, Township Road may become a major arterial road. With the berms being set back, that gives the City the opportunity for widening of Township Road when it is needed. He expressed his concern for the County developments and the wells and septic systems that are being developed so close to the City. Councilmember Lehto stated that he believed that the access permitted to the Gardners onto Holmes Avenue by the Bonneville County Commissioners is irresponsible. In light of some of the recent tragic accidents that have happened at County intersections, the last thing that is needed is another entrance onto a major thoroughfare close to an intersection. This development is well thought out. It allows for growth of the roads and the community around it.

Councilmember Groberg stated that the City appreciates the berms being constructed in the newer developments. More traffic is generated when there is growth to the City. The City and the Developer have no right to interfere with water rights. Water rights need to be preserved. They can be modified or changed to accommodate the development, but ultimately the same water needs to be delivered in the same way.

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

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2637

SUNTERRA ANNEXATION PRIOR TO PLATTING

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

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

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 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,

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zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

Nay: None

Motion Carried.

Mayor Fuhriman stated that it has been requested to recess consideration of a Conditional Use Permit to allow for single-family attached homes in Carriagegate Addition, Division No. 3. It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle to recess consideration of 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 to the April 13, 2006 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
