

**SEPTEMBER 25, 2003**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 25, 2003, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Ida Hardcastle  
Councilmember Bill Shurtleff  
Councilmember Brad Eldredge  
Councilmember Mike Lehto  
Councilmember Joe Groberg  
Councilmember Robert Barnes

Also present:

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

**CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation for the appointment of Tom Hersh to serve as an at-large member on the Parks and Recreation Commission (Term to expire on December 31, 2004). He will also serve as the liaison between the Parks and Recreation Commission and the Golf Advisory Board.

The City Clerk requested approval of the Minutes for the September 11, 2003 Regular Council Meeting.

The City Clerk presented several license applications, including BARTENDER PERMITS to Matthew B. Arthur, Trisha J. Blair, Chanel M. Chantrill, Damon S. Daw, Jonathan M. Duerden, Darrel R. Homer, Cindy M. Moorefield, Maria Sato, Michael J. Sato, Allison R. Scheets, Lanette M. Wadsworth, Patricia Whitmire, and Ron A. Wright, 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 September 25, 2003.

The Public Works Director submitted the following memos:

City of Idaho Falls  
September 11, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: AUTHORIZATION TO BID

Public Works requests authorization to advertise to receive bids for construction of the Sewer Administration Building.

s/ Chad Stanger

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City of Idaho Falls  
September 15, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: AUTHORIZATION TO ADVERTISE – HITT ROAD AND 25<sup>TH</sup>  
STREET INTERSECTION IMPROVEMENTS

Public Works requests authorization to advertise to receive bids for the Hitt Road and 25<sup>th</sup> Street Intersection Improvements.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Barnes  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Lehto

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for Fairway Estates Addition, Division No. 12. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
September 21, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING OF R-1 -  
FAIRWAY ESTATES ADDITION, DIVISION NO. 12

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Fairway Estates Addition, Division No. 12. This Division is located north of Tapitio Drive, east of Red Rock Drive, and west of Sage Lakes Golf Course and contains a 2.20-acre landscape lot and a small lot to be joined with Lot 38, Block 4. At its August 5, 2003 Meeting, the Planning Commission recommended approval with the condition the Annexation Agreement clarify Lot 39 is to be maintained by the homeowner's association. Such condition has

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been met, and the department recommends approval. 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
Slide 4	Final Plat
Exhibit 1	Planning Commission Minutes dated August 5, 2003
Exhibit 2	Staff Report dated August 5, 2003
Exhibit 3	Copy of Plat

Staff has found this Final Plat to be in compliance with the Preliminary Plat, Subdivision Ordinance, and Zoning Ordinance.

There being no one to appear either in favor of or in opposition to this annexation request, Mayor Milam closed the public hearing.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Fairway Estates Addition, Division No. 12 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Shurtleff  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg  
Councilmember Barnes

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2509**

**FAIRWAY ESTATES ADDITION, DIVISION NO. 12**

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 Barnes 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 Shurtleff  
Councilmember Hardcastle  
Councilmember Barnes  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

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 Barnes, seconded by Councilmember Hardcastle, to establish the initial zoning of Fairway Estates Addition, Division No. 12 as R-1 (Single-Family Residential) Zoning as requested, 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 Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Barnes  
Councilmember Shurtleff

Nay: None

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for Fairway Estates Addition, Division No. 12 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 Barnes  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Lehto

Nay: None

Motion Carried.

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Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for George Washington Estates, Division No. 3. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
September 21, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING OF PB -  
GEORGE WASHINGTON ESTATES, DIVISION NO. 3

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for George Washington Estates, Division No. 3. This subdivision is located south of Sunnyside Road and west of George Washington Parkway. The request is to annex three-fourths of an acre with the zone of PB and replat a portion of Division No. 1, which is presently zoned PB with a PUD overlay. The Planning Commission, at its August 19, 2003 Meeting, recommended approval of this request. The Planning Department concurs. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo showing Preliminary Plats in the area
Slide 4	Final Plat
Slide 5	Site Photo looking south across Sunnyside Road at area to be annexed
Exhibit 1	Planning Commission Minutes dated August 19, 2003
Exhibit 2	Staff Report dated August 19, 2003
Exhibit 3	Copy of Final Plat

The Planning and Building Director stated that the request is for replatting a portion of a parcel of ground that is inside the City of Idaho Falls and annexing an additional three-fourths of an acre. The annexation extends to a City park and to the Regional Medical Center, but the Plat only extends to the center of Sunnyside Road due to ownership. The Planning Commission and the City Staff are both recommending that the zoning be established as PB on the parcel being annexed. This is due to the R-1 Zone to the north. The PUD Ordinance requires that any setback on a parcel reflect the adjacent residential setback. In the three-fourths of an acre, with a PUD overlay, a setback of 30 feet would be required. The remainder of the parcel would only require a 15-foot setback. To make the site developable and to make it consistent, the Staff and Planning Commission recommend that the three-fourths acre be zoned PB, with the PUD remaining on the Washington Parkway parcel. The PUD was originally placed on the Washington Parkway parcel to assure that access points are controlled.

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Councilmember Lehto questioned how the PB Zone would affect parking adjacent to Sunnyside Road. The Planning and Building Director explained that the PB Zone would allow for parking immediately adjacent to Sunnyside Road. The Annexation Agreement, at the request of the Planning Commission, has a provision that says that there would be 15 feet from the property line of landscaping immediately south of the right-of-way and that area would not be used for parking.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that there is a green strip along the south side of Sunnyside Road. From the edge of the road, there will be approximately 35 feet before parking would start.

There being no one to appear either in favor of or in opposition to this annexation request, Mayor Milam closed the public hearing.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for George Washington Estates, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Barnes  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2510**

**GEORGE WASHINGTON ESTATES, DIVISION NO. 3**

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 Barnes 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 Hardcastle  
Councilmember Shurtleff  
Councilmember Eldredge

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Councilmember Lehto  
Councilmember Groberg  
Councilmember Barnes

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 Barnes, seconded by Councilmember Hardcastle, to establish the initial zoning for the western portion of George Washington Estates, Division No. 3 as PB (Professional Business) Zoning as requested, 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 Barnes  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for George Washington Estates, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Eldredge  
Councilmember Lehto  
Councilmember Barnes  
Councilmember Groberg  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of a land use change in the Planned Transition Zone for a proposed 135,224 square foot building (Lowe's) on property located generally at 925 East 17<sup>th</sup> Street, legally described as Lot 1, Block 1, Willard-Warr Subdivision. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls  
September 21, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: PLANNED TRANSITION ZONE APPLICATION – LOT 1, BLOCK 1,  
WILLARD-WARR SUBDIVISION FOR LOWE'S HOME  
IMPROVEMENT CENTER

Attached is the site plan for a Lowe's Home Improvement Center to be located on Lot 1, Block 1, Willard-Warr Subdivision, the former Wal-Mart site. This parcel is located north of 17<sup>th</sup> Street, east of June Avenue, and west of Ponderosa. After holding a public hearing on August 19, 2003, the Planning Commission recommended approval of site plan on the condition the staff and Council Committee review the traffic study. The department recommends approval of the site plan as presented. 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 are on a map and further explained the request. Following is a list of exhibits used in connection with this land use change request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo (Close-Up View)
Slide 4	Site Plan
Slide 5	Elevations of Lowe's Building
Slide 6	Landscape Plan
Slide 7	Performance Standards
Slide 8	Site Photo showing Jennie Lee and 17 <sup>th</sup> Street Entrance
Slide 9	Site Photo looking east along 17 <sup>th</sup> Street
Slide 10	Site Photo looking south across east property line
Slide 11	Site Photo showing pedestrian access, east property line
Slide 12	Site Photo showing canal and single-family homes north of site
Slide 13	Site Photo looking east at north property line
Slide 14	Site Photo showing existing June Avenue berm
Slide 15	Site Photo looking across parking area towards proposed June Avenue access
Slide 16	Site Photo looking south on June Avenue
Slide 17	Site Photo showing June Avenue looking north
Exhibit 1	Planning Commission Minutes dated August 19, 2003
Exhibit 2	Staff Report dated August 19, 2003
Exhibit 3	Copy of Site Plan
Exhibit 4	Following letter from Robert Johnson:

Renée R. Magee  
Director, Planning and Building Division  
P. O. Box 50220  
Idaho Falls, Idaho 83405-0220

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RE: Proposed Zoning Change for new Lowe's Building

Dear Renée:

As the co-owner of the business located to the east of the vacant Wal-Mart building, I am excited to see Lowe's interest in the property. I would be in favor of the proposed zoning change to enable them to proceed with their plans.

Also, I would like to concur with Lowe's that the berm located east of their property and west of ours should be removed. It has no function but to restrict visibility from both directions.

Please submit this letter to the Planning Commission for their review.

Sincerely,

s/ Robert R. Johnson  
Robert Johnson  
President, Bonneville Foods, Inc.  
d.b.a. Subway Sandwich

Exhibit 5 Telephone Message from Mary Jane Fritzen (who lives on Woodruff Avenue) on August 19, 2003:

Re: Lowe's

Should allow second entrance to go in on June Avenue.

Exhibit 6 Telephone Message from Sharon Hancock (who lives at 1690 June Avenue) on August 19, 2003:

- Property for sale if price is right.
- Neutral regarding Lowe's and access onto June Avenue.

Exhibit 7 Following Letter from Marie R. Mitchell:

August 14, 2003

City of Idaho Falls, Planning and Building Division

I am a property owner at 783 East 17<sup>th</sup> Street. I am unable to come to the hearing regarding the consideration of a land use change in the planned transition-2 zone for a proposed Lowe's building on the property located at 925 East 17<sup>th</sup> Street.

I am in favor wholeheartedly of the construction of such a building. To leave the property empty now that Wal-Mart is moved would be to lower the property values in the area and promote more of the slum atmosphere that occurs when this happens. Eventually the 700 block will become a commercial development and the property owners will be able to make a profit and move on

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to something better in the way of housing. Right now the block of 700 is becoming more an eyesore because of loss of interest on the part of homeowners. I can see this happening with my own property since I have now rented it and moved. It is very disheartening to see this change in once a beautiful addition to Idaho Falls. I believe, with commercial interest, that the value and use of 17<sup>th</sup> Street is beneficial to the community.

Thank you,

s/ Marie R. Mitchell  
Marie R. Mitchell  
783 East 17<sup>th</sup> Street  
Idaho Falls, Idaho 83404

18159 East Lake Shore  
Bigfork, MT. 59911

The Planning and Building Director stated that the site plan proposes and the staff has asked for an emergency access only in the loading/unloading area. The emergency access would be fenced, gated and locked with a chain. Should it be necessary, then the Fire Department could clip the chain and move through the area. Access to June Avenue is proposed as one way south from Martin's Addition (with this lane being 16 feet in width), with one lane going south from Lowe's and one lane going north into Lowe's. This access has been reviewed by the Transportation Engineer in the recent Traffic Study. The access to Jennie Lee Drive and 17<sup>th</sup> Street is proposed to remain the same. This site plan provides for two public accesses into the site and one emergency access. The Lowe's building wall height is 27 feet. The PT Zone requires that the wall height be relative to the highest point of the surrounding buildings. This building will have higher, non-structural, non-occupied spaces that are signage or decoration at the front of the building. Staff has found that this site plan does comply with the PT Performance Standards.

Councilmember Lehto questioned whether there was any consideration given to the increased traffic in the residential area to the west of this development in the Traffic Study. The Planning and Building Director stated that there was consideration given to this area. June Avenue was designed to be an "exit only" from the Martin Addition. It was not anticipated that there would be a great amount of traffic moving through the Martin Addition. This particular plan does not allow an access from Lowe's into Martin Addition.

Councilmember Lehto questioned whether the access of June Avenue was given to accommodate the trucks that need to supply Lowe's. The Planning and Building Director stated that this access was granted to not only accommodate the supply trucks, but also clientele.

Councilmember Groberg requested to know where the berm was being removed along June Avenue. The Planning and Building Director explained that 55 feet of berm would be removed from the southern portion of the development, along June Avenue.

Councilmember Barnes requested to know whether the Traffic Study recommends synchronization of the June Avenue and Jennie Lee Drive traffic lights. The Planning and Building Director stated that there is a recommendation for synchronization of the lights. There is also a recommendation that the Developer consider protected-permitted left hand turns at these intersections. The June Avenue level of service would fall from a "B" to a "C". If the lighting were changed to the protected, permitted left hand turns, it was indicated that the level of service might return to a "B" for both intersections.

Councilmember Hardcastle requested to know how much less traffic would be generated to the Lowe's store as compared to the Wal-Mart Store that was the previous tenant. The Planning and Building Director stated that approximately one-third less customers would use this store as compared to the Wal-Mart Store.

Jim Manion, 1530 Faraday Avenue, Carlsbad, California, appeared as the Site Development Manager for Lowe's. He thanked the Mayor and Council for looking at this project. Currently, Lowe's does approximately \$26 Billion in sales. More than 700 customers go through each store each week. There are 900 stores in 45 states. Lowe's is the 14<sup>th</sup> largest retailer in the United States. A new store opens on average every 3 days. This store will provide approximately 175 to 200 new jobs at this location, of which 80% of those will be full-time. The company has been in business as "Lowe's" for 58 years. Lowe's has just begun its western expansion. They have primarily been located in the east. If this store is approved, it will be the third store located in Idaho. This store will be a welcome addition to the community. Lowe's will provide use to a vacant box store, plus upgrades to the area. Mr. Manion explained that an additional access is being requested as the one access that Wal-Mart used did not function well for the store. The additional access will reduce stacking in the main parking lot. This will make a better experience for the customers. Truck traffic will be diverted from the main entrance.

Clint Boyle, 104 9<sup>th</sup> Avenue South, Nampa, Idaho, appeared as a representative of Lowe's. He explained that the existing Wal-Mart site that has been vacated had approximately 750 parking stalls on site. The Lowe's store is designed with approximately 610 parking stalls. From the neighborhood meeting that was held before the Planning Commission Meeting, several changes were made to the site plan. Lowe's has determined that the buffer along June Avenue will stay. The only portion of that buffer that would be removed is the portion where the access is provided on June Avenue. Lowe's has also proposed to extend the buffer into June Avenue as an additional barrier to the residents along this area. On the east side of the project, the residential properties will be buffered. At the neighborhood meeting, those residents on the east side requested a block wall and Lowe's would provide that block wall. Along 17<sup>th</sup> Street, the landscaping will remain approximately the same as is now there. Mr. Boyle explained that the access onto 17<sup>th</sup> Street would remain basically the same, with the addition of a protected-permitted left turn phasing being provided. The Traffic Study recommended that. This would also increase the level of service at this intersection to a level "B". The access onto June Avenue eliminates some of the cut-through traffic that was discussed at the neighborhood meeting. The June Avenue access is the proposed truck route for deliveries to Lowe's. This would eliminate conflicts between the customers and trucks delivering supplies to Lowe's. This provides for better traffic circulation within the site. Mr. Boyle showed a slide that showed the site plan for Lowe's overlaid onto the existing Wal-Mart Store site. This gave perspective as to the site layout. The Lowe's store is a good use for this property. Currently, the City has a vacant building. Vacant buildings produce certain hazards with regard to safety, loitering, graffiti, etc. He requested approval of the site plan from Lowe's.

Councilmember Lehto questioned Mr. Boyle as to how Wal-Mart was able to conduct business with only one access, when Lowe's is supposed to generate fewer trips. Mr. Boyle stated that he did not believe that Wal-Mart was able to conduct business successfully with only one access. He has heard many expressions of frustration with the one access into Wal-Mart. Lowe's proposal is for a 134,000 square foot building, which is larger than the Wal-Mart building by approximately 17,000 square feet. Even with the larger building, Lowe's will generate less traffic. This is based on the Institute of Transportation Engineers calculations. The access onto June Avenue is requested for delivery trucks into the site as there is a safety issue when the trucks are circulated through the general parking area. The functioning Jennie Lee Drive access is not adequate for a store of this size. Lowe's is trying to make the parking lot as safe an environment for their customers as possible. Councilmember Lehto questioned that if the Council voted to limit this development to one access, could Lowe's come up with a business plan to move traffic like Wal-Mart did for ten years. Mr. Boyle indicated that this development might not take place if it were limited to one access. Councilmember Lehto questioned regarding who would maintain the buffer in the City street. Mr. Boyle explained that the landscape buffer is addressed in the

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Development Agreement. Lowe's will construct and maintain the landscape buffer in June Avenue. Councilmember Lehto requested to know who is responsible for plowing snow on June Avenue.

Mayor Milam stated that the question that needed to be addressed was whether it was a public street until it enters the parking lot. If it were a public street, then the City would plow the public street.

Councilmember Groberg requested to see the traffic flow in and out of the Martin Addition. Mr. Boyle gave a brief description of how traffic would flow in this area.

Councilmember Shurtleff requested to know how many supply trucks go to Lowe's each day or week. Mr. Boyle gave an explanation of how the supply trucks come and go with deliveries. There will be approximately 5 trucks per week delivering supplies to Lowe's.

Mr. Manion re-appeared to state that Lowe's has distribution centers, where consolidation is done, to make full truckloads. Depending on demand, the Distribution Center would provide 3-4 full truckloads per week to each store. On the eastern side of the store, the lumber area is located. There is another Distribution Center that sends flat beds of those supplies. There could be 3-4 flat beds per week for that activity. He gave examples of smaller deliveries from season to season. Mr. Manion explained that a senior team, up to the Chairman of the Board, decides on the location of stores. The Planning and Building Director showed Mr. Manion several sites to choose from. The senior team determined that the old Wal-Mart location was the place that they wanted. The senior team told him that if two accesses were not approved, then there would not be a project.

Steve Brunt, 1630 June appeared to share the following statement:

September 22, 2003

Ladies and Gentlemen of the Council:

My name is Steve Brunt. I live at 1630 June Avenue, Idaho Falls, Idaho.

I appreciate your kindness extended to me, to say a few things about the purported development of the retail store in front of my home, on the old Wal-Mart property.

It seems to be in your hands ... my home and its future. I plead with you to guard this power with the justice and wisdom of Solomon!

Basically, it comes down to one problem ... free movement into and out of a property. Lowe's wants that ... and in so doing, is taking away from another property owner, his right to that same privilege.

Not only his right to the free movement into and out of his property, but if the proposal is adopted, it seems to have taken away my law given right to certain protections that have been held as "SACRED" by, not only our founding fathers; but, I'm certain, to every one in this room tonight.

I am old-fashioned enough to believe that there is a Civil law that constitutionally guarantees an individual from ARBITRARY and unreasonable actions by the government that would deprive me of my basic right to life, liberty, and property.

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That right of property gives to me a right to the BENEFICIAL USE, the right to use and enjoy that property to MY liking. This includes the right to derive a profit or benefit from it, and all that makes it desirable and habitable. Our ability to derive that enjoyment and profit will be reduced considerably because of the TRAFFIC, THE NOISE, THE POLLUTION, AND THE HAZARDS planned by the Lowe's development.

My property seems to be bearing the full impact of this effort, and because of this, it becomes ARBITRARY and unreasonable interference with the interests of this property owner.

Those protections that zoning laws gave us to spare us from such an onslaught, seemed to have no meaning to the planners that adopted this concept.

Again, my due process guarantees, requires that an administrative agency set precise standards for performing its governmental tasks. If such an agency like "this body" the City Council of Idaho Falls, does not follow its own regulations, which have the force and effect of statutes, it would violate procedural due process.

Please let me explain:

I bought my property secure in my beliefs that my basic rights could not be violated by government officials at any level – federal, state or local, when such standards were set in the zoning laws that said:

NO USE SHALL CREATE ANY NUISANCE OR SAFETY HAZARD FOR NEIGHBORING PROPERTIES OR ON OR ALONG PUBLIC STREET.

NO USES SHALL GENERATE TRAFFIC IN EXCESS OF THE CAPACITY OF THE PUBLIC STREETS SERVING IT OR OF ITS OWN PROPOSED ACCESS POINTS TO THOSE STREETS.

ACCESS TO ARTERIAL STREETS SHALL BE MINIMIZED. ALL ACCESS SHALL BE FROM THE NON-ARTERIAL STREET OR ALLEYS, OR CONFINED WITHIN AN AREA OF 50 FEET IN EITHER DIRECTION FROM THE CENTER OF THE BLOCK.

No where have I seen a "variance" granted to set aside such zoning laws!

In the passage of the City Council Ordinance for the Wal-Mart development, it left us to understand that IF THE IMPACT TO THE PROPERTY OWNER AT 1630 JUNE AVENUE WAS SATISFIED, the Council would once again look at the use of June Avenue as an access for that development. Wal-Mart recognized this impact by offering a rather large amount of money to help us build against it...

To me, the only way the City of Idaho Falls can reduce the impact of the property owner of this property is for the developer of the Lowe's store to become that property owner by giving a fair price so as to allow the present owner to pull up his forty-four years of plans, hopes, and dreams to relocate and start over again.

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With this done, Lowe's can do what they will to develop their store.

I NOW PLEAD WITH THIS BODY TO DEFER ANY VOTE ON THIS PLAN UNTIL THE PROPERTY RIGHTS ARE PROTECTED FOR THE PROPERTY OWNER MOST AFFECTED BY THIS ...

Thank you for your time and efforts.

Charles Olson, 736 East 16<sup>th</sup> Street, appeared to express his concern for the one-way exit from Martin Addition on June Avenue. With Lowe's growth rate, in approximately 5-8 years, traffic will double to the Lowe's store. He stated that he would have to travel much further to get back into his residence. Mr. Olson expressed his concern over emergency vehicles being able to access the Martin Addition, the width of June Avenue is not sufficient to provide for all that is planned, and sanitation trucks will have a difficult time accessing this area. He would prefer an ingress lane and an egress lane on June Avenue to the Martin Addition. The barrier in June Avenue should be extended further down June Avenue.

Councilmember Shurtleff requested a clarification from Mr. Olsen. He stated that he understood Mr. Olsen to request two-way traffic on June Avenue, along with the access to June Avenue from the Lowe's store. Mr. Olsen stated that to be correct. Councilmember Shurtleff stated that this would allow traffic to go through the Martin Addition to get to the Lowe's store. Mr. Olsen stated that he did not want the traffic to go through Martin Addition to get to the Lowe's store.

Kevin Murray, 1301 East 17<sup>th</sup> Street, appeared to state that Steve Brunt has hired him. If an access is granted to June Avenue, the Brunts are the most affected. This will make it difficult to enjoy their home. There will be no off-street parking available. Headlights from those leaving the Lowe's store will stream into their living or bedroom window. If the Brunts wanted to visit a neighbor up the street from them, they would have to back out on the one-way street and go all the way around the Martin Addition to enter into 15<sup>th</sup> Street or 16<sup>th</sup> Street to see their neighbor that is only 100 yards from their house. Any visitors to their home would have to park on 16<sup>th</sup> Street or at the funeral home parking lot. The Brunts do not want to block the Lowe's store from coming to this area. The Lowe's representatives agree that the June Avenue access will negatively impact the Brunts. He stated that he had a written offer from Lowe's to purchase the Brunts home. The Brunts appreciate the offer, but it would not allow them to purchase an equivalent home. Mr. Murray requested the City Council to take their position and authority carefully, and allow these long-term Idaho Falls residents to move out of harm's way. There are two properties along June Avenue, where the Lowe's access is requested. If those properties were to be purchased, then June Avenue could become as large as is necessary to accommodate the housing addition and the Lowe's development.

Councilmember Hardcastle questioned whether the Brunts were offered the appraised value or fair market value for their home. Mr. Murray stated that they were offered a fair price from a residential standpoint. If you view this from a commercial standpoint, benefiting a commercial development, they were not offered what was due them.

Councilmember Shurtleff commented regarding the headlights that would shine directly onto the Brunts home. The barrier may not be enough to block the headlights from shining into the home. A brief discussion was held regarding the barrier on June Avenue.

Cindy Huffaker, 610 East 16<sup>th</sup> Street, appeared to state that she appreciated the City's Planning and Building Division Staff for helping to buffer her neighborhood. She stated that she would like to have a Lowe's store in Idaho Falls. She has been in their stores and they are a great asset to a community because they provide a better variety. She was working in her backyard earlier in the day. They have delivery trucks coming off of 17<sup>th</sup>

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Street onto Cranmer Avenue. She could smell and taste the vapors from the trucks. She requested the City Council to keep that in mind with the Lowe's development.

Bill Fager, 734 East 15<sup>th</sup> Street, appeared to request consideration for the people living in the Martin Addition. He has lived in his home for 42 years, and should not have to fight for his home.

Lois Cherry, 724 East 15<sup>th</sup> Street, appeared to state that the Martin Addition residents have two accesses onto Holmes Avenue. It is difficult to access 15<sup>th</sup> Street and 16<sup>th</sup> Street when you are traveling south on Holmes Avenue.

Bruce Huffaker, 610 East 16<sup>th</sup> Street, appeared to state that it is necessary to protect the people that are most impacted by the Lowe's development. The Wal-Mart building, as it stands now, is sitting on prime commercial land. He cannot see a new box store coming into this area without having two access points. The vacant Wal-Mart store offers other problems. As far as the traffic flow is concerned, other than for the Brunts and other residents along June Avenue, it may be a little inconvenient to travel down 17<sup>th</sup> Street and around to Holmes Avenue, but the problem that it is solving may be worth the extra time taken. He encouraged the City Council and the Developer to find some way to protect the properties on June Avenue while moving forward with this project.

Sylvan Greenhalgh, 781 East 16<sup>th</sup> Street, appeared to state that Lowe's needs to occupy the vacant Wal-Mart development. He requested the City Council and the Developer to find a way to provide an ingress onto June Avenue if possible.

Roger Hunt, 1195 East 15<sup>th</sup> Street, appeared to state that he wanted to be sure that the berm on the east side of the property would stay in place. He expressed his concern that if the berm were removed that the "4-wheel drive enthusiasts" would use that to get to 16<sup>th</sup> Street.

Larry Lyon, 346 5<sup>th</sup> Street, appeared to state that he was happy to see Lowe's want to come to Idaho Falls. He questioned the Developer as to what the wages would be for the new jobs coming in with this development. The situation with the Brunts needs to be adequately resolved now. The Brunts need full replacement value.

Charles Olson, 736 East 16<sup>th</sup> Street, re-appeared to state that there is a lot of cut-through traffic from the kids at the high school. They are also traveling at high rates of speed. He expressed his concern for how traffic would flow from June Avenue and the Lowe's development access.

Clint Boyle, 104 9<sup>th</sup> Avenue South, Nampa, Idaho, re-appeared to address issues that were brought up during the public hearing. Traffic flows on streets have been determined without the public hearing process. Lowe's has tried to incorporate many of the points that were made at the neighborhood meeting. The Developer as well as Staff and the Planning Commission have scrutinized the June Avenue access. Consideration has been given to the neighbors of this development. Transportation professionals have reviewed this site plan and the June Avenue access. Recommendations have been made from Landscape Architects as to what types of plantings would best screen the residential area from headlights coming out of Lowe's. The exiting lane from Lowe's does not line up with the Brunts home. Mr. Boyle stated that he has had discussions with other residents along June Avenue, that are happy to see the Lowe's development and the June Avenue access. That access would make their property more attractive for other potential commercial users to purchase their property and develop it. The cut-through traffic that was discussed earlier would be reduced as one leg of that cut-through traffic from June Avenue would be closed off. The Brunts would have parking on 16<sup>th</sup> Street, along with parking off of the alley directly behind them. Lowe's made a good faith offer to purchase the Brunts home. Mr. Boyle stated that in reviewing the Traffic Study, the Saturday peak trips on June Avenue was 25 trips. In the weekday peak, there were 47 trips. This is well below the capacity of the street. The landscaping along June Avenue and the block walls were added to the site plan following the neighborhood meeting. Lowe's is striving to be a good neighbor. The wages being paid by

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Lowe's will be comparable to those of the competitor. The street width on June Avenue is sufficient to accommodate the Lowe's access along with the exit from the Martin Addition. Lowe's has met all of the standards and requirements for the PT-2 Zone.

Councilmember Lehto requested to know how many of the 47 peak hour trips were coming from Holmes Avenue, down 15<sup>th</sup> Street or 16<sup>th</sup> Street, going south on June Avenue and making a U-turn at the end of the berm to enter the Lowe's development. Mayor Milam stated that the peak hour trips were based on current data. Councilmember Lehto expressed his concern that traffic would do just what he has described.

Councilmember Barnes stated that there was one concern expressed for emergency vehicle access from the east side into the Martin Addition. He requested to know whether the Fire Department has reviewed and approved the site plan. The Planning and Building Director stated that this has been reviewed and approved by the Fire Department.

There being no further discussion either in favor of or in opposition to this site plan, Mayor Milam closed the public hearing.

Councilmember Lehto requested to know how a portion of June Avenue could be abdicated to a commercial development. The Planning and Building Director stated that Cranmer Avenue is a similar situation. Neither June Avenue nor Cranmer Avenue will be vacated. There will be a larger portion of June Avenue open to the public. Mayor Milam indicated that there have been a number of streets in Idaho Falls, where the usage has been changed, while maintaining it as a public street. Councilmember Lehto stated that since June Avenue is a public street to the entrance of the Lowe's development, whether any consideration has been given to how it would be maintained in the winter. The Planning and Building Director stated that if the City does not respond in time, Lowe's (or any commercial business) has their snowplows out by 6:00 a.m. to remove any snow accumulation.

Councilmember Groberg stated that it is impressive the amount of time that has been put into this development. The question is not how good of a store that Lowe's is, but how does this specific proposal impact the neighborhood to the extent that the City has any say. Looking at this proposal realistically, this property is going to be put to some use. The Lowe's development is a good option. He was impressed by two concerns. One is the concern for the people who want to enter into Martin Addition. He was inclined to give the benefit of the doubt to the Staff and the Planning Commission, who have heard all of the evidence and weighed all of the options. Even though this has some negative effect on the residents of the Martin Addition for easy access into the subdivision, that those are outweighed by the positive. The second concern is the owner of the house who is most directly impacted. He is aware of the fact that streets have been designated as one-way and changed the use of streets in front of people's houses. He was confident that the designer and the builder of the median would provide an opaque barrier so that lights will not disturb the residents. He has weighed all of the evidence and felt that Lowe's has come up with something that is good for the community, but in balance, is also something that is good for the neighborhood.

Councilmember Lehto commented that he did not know how Councilmember Groberg could reconcile the Brunts property right to be able to park in front of his house and have access to a street that he was responsible for paying for when the Martin Addition was developed, and then denying that access. Wal-Mart made one access work. If Lowe's were to think this development through, they could make this development work with one access. They do not need a second access.

Mayor Milam stated that Wal-Mart requested several public hearings over the years asking for the second access because one access was not working.

Councilmember Lehto stated that Staff weighed through this development in the best manner that they could, but he believes that Staff does not go far enough in the Traffic Studies in residential areas to consider all the issues that go on against the law.

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Councilmember Hardcastle stated that the City Council couldn't make enough laws for people who are going to break the law.

Councilmember Eldredge stated that with all due respect, he would think that a professional engineer conducting a Traffic Study would not want to consider illegal actions as part of his charge and would be doing a disservice if he were to consider illegal actions as part of the traffic study.

Councilmember Lehto stated that he has still not been given an answer to the question of how many peak hour trips this project would generate.

The Planning and Building Director stated that the weekday, p.m., peak hour trips are 539 trips. There would be 296 entering and 243 exiting. They would be split between two access points.

Councilmember Lehto requested to know what the Access Management Plan tells us for 125 peak hour trips. Mayor Milam stated that traffic lights would be required. The Planning and Building Director stated that June Avenue would go from a level of service "B" to a level of service "C", with a level of service at the main entrance to remain at a "C". Providing protected-permitted signalization at the intersections can raise the levels of service.

Councilmember Barnes stated that he shared Councilmember Groberg's accolades for the Staff and the Planning Commission. He stated that he appreciated Lowe's efforts in trying to accommodate the residents and the traffic in this area. Councilmember Barnes stated that he shared concerns about the impact to the neighborhood on the number of accesses.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Development Agreement for Willard-Warr Subdivision for the Lowe's Home Improvement Center and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye:            Councilmember Groberg  
                  Councilmember Hardcastle  
                  Councilmember Eldredge  
                  Councilmember Barnes  
                  Councilmember Shurtleff

Nay:            Councilmember Lehto

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the site plan as presented, with access to June Avenue as shown on the site plan, the main access at Jennie Lee Drive, and access to emergency vehicles only in the northeast corner of the parcel through the City Well property. Roll call as follows:

Aye:            Councilmember Groberg  
                  Councilmember Barnes  
                  Councilmember Shurtleff  
                  Councilmember Hardcastle  
                  Councilmember Eldredge

Nay:            Councilmember Lehto

Motion Carried.

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Following a brief recess, Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of rezonings from I & M-1 (Industrial and Manufacturing) to CC-1 (Central Commercial) on properties located generally west of Milligan Road, east of Utah Avenue, north of Pancheri Drive; including the former Kirkham Auto, legally described as Taylor Crossing on the River, Division No. 5 and a parcel of land in Section 24, Township 2 North, Range 37, East of the Boise Meridian, running east along said Section Line 110 feet, thence N. 00° 03' W. 159.32 feet to the Milligan Road. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
September 21, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REZONING FROM I & M-1 TO CC-1, METES AND BOUNDS PARCELS SOUTH OF MILLIGAN ROAD, NORTH AND EAST OF UTAH AVENUE, AND WEST OF PORTER CANAL

On September 2, 2003, the Planning Commission heard a request to rezone metes and bounds parcels (one to be platted as Taylor Crossing, Division No. 5) located south of Milligan Road, north and east of Utah Avenue, and west of Porter Canal and recommended approval of the request. This department concurs. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Comprehensive Plan
Slide 4	Site Photo looking west across the site towards Utah Avenue
Slide 5	Site Photo looking south across the site at the C-store and the Zion's Bank that is under construction
Slide 6	Site Photo looking east across the site towards the Clark Office Building
Exhibit 1	Planning Commission Minutes dated September 2, 2003
Exhibit 2	Staff Report dated September 2, 2003

The Planning and Building Director stated that the Planning Commission approved the rezoning from I & M-1 to CC-1 on this site not only because it complies with the Comprehensive Plan, but also because the conditions in this area are changing as illustrated by the slides, moving away from Industrial and Manufacturing to Storage Units, Offices and Retail.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he was present to answer any questions.

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

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It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the zone change from I & M-1 (Industrial and Manufacturing) to CC-1 (Central Commercial) on properties located generally west of Milligan Road, east of Utah Avenue, north of Pancheri Drive; including the former Kirkham Auto, legally described as Taylor Crossing on the River, Division No. 5 and a parcel of land in Section 24, Township 2 North, Range 37, East of the Boise Meridian, running east along said Section Line 110 feet, thence N. 00° 03' W. 159.32 feet to the Milligan Road and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Eldredge  
Councilmember Lehto  
Councilmember Barnes  
Councilmember Groberg  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls  
September 22, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: CHANGE ORDER NO. 2 WITH BECO CONSTRUCTION COMPANY, INC.

Attached for City Council's approval is Change Order No. 2 with BECO Construction Company, Inc. This Change Order was requested by the FAA and is at no additional cost to the project.

Prior to start of the project, BECO requested a variance with the FAA in the voids and material aggregate value associated with the design mix of the asphalt. The variance was verbally approved at the time. The FAA feels this Change Order was the easiest method to change the approved specification for the design mix of the asphalt.

The Airport Division recommends approval and requests the Mayor be authorized to sign the document.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve Change Order No. 2 with BECO Construction Company, Inc. for the East and West General Aviation Ramp Rehabilitation Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Barnes  
Councilmember Shurtleff

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
September 22, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: BONNEVILLE POWER ADMINISTRATION SLICE AND BLOCK AGREEMENT

Attached for your consideration is Exhibit J to the Bonneville Power Administration Slice and Block Power Sales Agreement.

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

s/ Mark Gendron

Councilmember Lehto complimented Staff for their hard work in obtaining leverage in this Agreement that allows more flexibility for the utility. It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Exhibit J to the Bonneville Power Administration Slice and Block Power Sales Agreement subject to the review and approval of the City Attorney and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Barnes  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Lehto

Nay: None

Motion Carried.

The Library Director submitted the following memo:

**SEPTEMBER 25, 2003**

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City of Idaho Falls  
September 25, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Nancy Donahoo, Library Director  
SUBJECT: RATIFICATION OF SERVICE CONTRACT BETWEEN THE BOARDS  
OF TRUSTEES FOR IDAHO FALLS PUBLIC LIBRARY AND THE  
BONNEVILLE COUNTY LIBRARY DISTRICT

Attached for your consideration, please find the executed legal agreement between the Boards of Trustees of the Idaho Falls Public Library and the Bonneville County Library District. Approval for the negotiated contract was given by both Library Boards by August 28, 2003. Then the document was sent to City Attorney Dale Storer for review and input. The legal document was signed by both Board Chairmen on Monday, September 15<sup>th</sup>.

As a Division of the City of Idaho Falls, we are hereby requesting ratification of this library service contract by the Mayor and City Council, and request the Mayor be authorized to sign the contract in recognition of the ratification.

s/ Nancy Donahoo

Mayor Milam complimented Councilmember Barnes for his good work on attaining this contract. He paired with the representative from the Board who was requested by the Board to undertake the negotiations. It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to ratify the Library Use Agreement between the City of Idaho Falls through the Board of Trustees of the Idaho Falls Public Library and the Bonneville County Library District and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge  
Councilmember Lehto  
Councilmember Barnes  
Councilmember Groberg  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
September 23, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: "E" STREET PARKING LOT

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Municipal Services recommends awarding the bid for the "E" Street Parking Lot to HK Contractors, Inc. in the amount of \$105,631.25.

s/ S. Craig Lords

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

Aye: Councilmember Barnes  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Eldredge

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
September 25, 2003

MEMORANDUM

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

At the Parks and Recreation Commission Meeting held on Monday, September 8, 2003, the Commission unanimously approved a request from Mr. Fred J. Hahn, III to have the City Aquatic Center named in recognition of Mr. Wes Deist.

Attached is the letter of request from Mr. Hahn, minutes from the Parks and Recreation Commission Meeting in which the request was approved, a copy of criteria as set forth by the Parks and Recreation Commission for the renaming of park properties, and an informational biographical timeline of Mr. Deist's involvement as a former City Councilman. It is, therefore, submitted for your review and approval.

s/ David J. Christiansen

Councilmember Hardcastle explained that Wes Deist has continued to support the community by serving on many committees. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the name change to Wes Deist Aquatic Center. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Shurtleff

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Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg  
Councilmember Barnes

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
September 19, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ENGINEERING SERVICES AGREEMENT – CH2M HILL, TASK  
ORDER NO. 13, THICKENING FACILITY AT WATER POLLUTION  
CONTROL PLANT

Attached is proposed Task Order No. 13 to the Engineering Services Agreement between the City and CH2M Hill. The purpose of this task order is to provide design services for the Thickening Facility and related improvements at the Water Pollution Control Plant, the total cost of which is \$576,000.00.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Barnes, to approve Task Order No. 13 to the Engineering Services Agreement between the City and CH2M Hill to provide design services for the Thickening Facility and related improvements at the Water Pollution Control Plant and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Barnes  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

Nay: None

Motion Carried.

**SEPTEMBER 25, 2003**

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City of Idaho Falls  
September 22, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: CHANGE ORDER NO. 1 - DOWNTOWN PARKING AND  
RENOVATION, EASTERN AVENUE, PHASE III

Attached is proposed Change Order No. 1 to the Downtown Parking and Renovation, Phase III Contract. This Change Order eliminates some bid items and modifies other bid items to match the funding amount available for the project.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Barnes, to approve Change Order No. 1 to Silver Creek Construction Company, Inc. for the Downtown Parking and Renovation, Eastern Avenue Parking Lot, Phase III Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Barnes  
Councilmember Shurtleff

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Shurtleff, that the meeting adjourn at 10:20 p.m.

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CITY CLERK

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MAYOR

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