

JUNE 26, 2003

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 26, 2003, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam requested Boy Scout Preston Landon to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes for the June 12, 2003 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER LICENSE to Babe's Quick Stop, Inc.; BARTENDER PERMITS to Dana L. Abbott, Michael D. Abbott, Derek N. Ballard, Douglas R. Bennion, Maria A. Blakely, Teresa A. Butikofer, Lois M. Cutler, Ardenna A. Goodwin, Holly J. Haviland, Dawn M. Millward, Stacey L. Moore, Charles D. Thomason, and Tawna L. Wilson, 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 June 26, 2003.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 20, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR THE FIBER RING CLOSURE PROJECT

Idaho Falls Power respectfully requests authorization to advertise to receive bids for the Fiber Ring Closure Project.

s/ Mark Gendron

The Public Works Director submitted the following memos:

JUNE 26, 2003

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – WELL NO. 16 ELECTRICAL AND MECHANICAL UPGRADES

Public Works requests authorization to advertise to receive bids for Well No. 16 Electrical/Mechanical Upgrades.

s/ Chad Stanger

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – GRUPO MODELO WATER AND SANITARY SEWER MAIN PROJECTS

Public Works requests authorization to advertise to receive bids for the Grupo Modelo Water and Sanitary Sewer Main Projects.

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 Hardcastle
Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Barnes

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of an Amendment to the Zoning Ordinance to create a Medical Services Zone, which permits professional offices, medical and dental offices, and limited retail (Ordinance passed on First Reading Only at June 12, 2003 Regular Council Meeting). At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

JUNE 26, 2003

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ZONING ORDINANCE AMENDMENT – MEDICAL SERVICES ZONE

Attached is a revision of the Medical Services Zone as discussed at the Council Meeting on June 12, 2003. The Department respectfully requests the adoption of this Ordinance.

s/ Renée R. Magee

Councilmember Barnes requested the Planning and Building Director to come forward to explain the changes that were made to the Ordinance for the Medical Services Zone. The Planning and Building Director explained that a change was made to Section 7-21-2.Q, "Buildings greater in height than twenty four (24) feet when found to be in compliance with Section 7-18-4.C.4, Section 7-18-4.C.13, and Section 7-9-2.B of this Ordinance and approved by the Planning Commission as a conditional use." A change was made to 7-21-6 as follows, "twenty-four (24) feet from original grade unless a conditional use is approved by the Planning Commission under Section 7-21-2 above." A change was made to 7-21-8.D as follows, "Location of Zone. All MS Zones shall be located contiguous to an arterial street. If located at the intersection of an arterial with a collector street, there shall be no direct access to the arterial street. If the property is served only by arterial streets, any direct access shall be in accordance with the guidelines of *The Access Management Plan*, February, 1998, and Section 10-1-7 of the Subdivision Ordinance."

Dixie Murphy, 2630 Legend Circle, appeared to state that she appreciated the hard work that has taken place to develop this new zone. She explained that there are 82 acres of PB and PB compatible land within ½ mile of the property that she owns at the corner of Sunnyside Road and Woodruff Avenue. When this land is filled with business offices, she shuttered to think where these employees would go for food and other needs. This Medical Services Zone is a smart move, in that the City is taking giant steps to keep some of the traffic off of the major streets and intersections. Mrs. Murphy stated that she would be appearing under another public hearing this evening, and stated that their property would be a perfect candidate for the Medical Services Zone.

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

Councilmember Groberg commented that rather than create a prohibition that all MS Zones should be located contiguous to an arterial street, it would be better to put this into the general characteristics of the zone with the following language added, "Therefore, this zone will generally only be located contiguous to arterial streets." If the City Council did see a location for this zone that they would believe appropriate, there would not be a legal argument that this would violate the Ordinance.

Councilmember Barnes noted that this change was suggested at the Planning and Building Council Committee Meeting. There was no opposition to that change.

Councilmember Hardcastle requested Councilmember Groberg to give an example, other than an arterial street, where this Medical Services Zone could be located.

Councilmember Groberg stated that he was not speaking of any specific instance for locations of this zone; he just did not want the Council to be limited. He also stated that he believed that this new zone would largely replace the Limited Commercial Zone.

JUNE 26, 2003

Mayor Milam stated that the Medical Services Zone is confined to areas of major medical centers.

Councilmember Hardcastle stated that she wanted to protect any residential areas that might abut this new zone.

Councilmember Shurtleff requested the Planning and Building Director to explain why the language of "being contiguous to an arterial street" was in the Ordinance, and whether it was the Bonneville Metropolitan Planning Organization that designates an arterial street.

The Planning and Building Director explained that arterial streets are designated in the Comprehensive Plan. The Bonneville Metropolitan Planning Organization designates arterials on a regional level. The rationale for suggesting that the Medical Services Zone be contiguous to arterial streets was that there are several developers that are interested in this zone. Some of these developers were discussing that this zone could be placed approximately 1,000 feet south of an arterial street, in an area that would immediately be adjacent to single-family residential housing. This would be in an area that the Medical Services Zone would not be expected. The places that looked the most natural for this zone were adjacent to arterial streets.

Councilmember Shurtleff requested the Planning and Building Director to comment on whether she visualized that any development would build in the Medical Services Zone that was not on an arterial street. The Planning and Building Director stated that she did not believe that any developer would want to develop away from an arterial street, but there has already been a proposal made.

Mayor Milam restated that the Medical Services Zone is to provide services for those that work at or use the services of the major medical facility. The zone should remain in close proximity to that major medical facility.

A brief discussion was held among the City Council regarding the location of the Medical Services Zone.

Councilmember Hardcastle requested Councilmember Barnes to inform the Council as to what the staff's recommendation was concerning the location of the Medical Services Zone.

Councilmember Barnes stated that staff commented that the word "generally" would indicate to someone applying for the Medical Services Zone, that this zone should probably be located adjacent to an arterial street.

Councilmember Lehto requested a clarification from the Planning and Building Director as to a report that was in the Post Register today. He requested to know whether apartments and motels/hotels would be allowed in the Medical Services Zone. The Planning and Building Director stated that motels/hotels are permitted in the Medical Services Zone under a Conditional Use Permit. Councilmember Lehto commented that he would probably not support this Ordinance should there be a recommendation to pass it on all three readings, as he wanted to see the proposal from Dixie Murphy.

It was moved by Councilmember Groberg, seconded by Councilmember Shurtleff, to add the following language to Section 7-21-1, "Therefore, this zone will generally only be located contiguous to arterial streets," and that the following language be deleted from 7-21-8.D, "All MS Zones shall be located contiguous to an arterial street." Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lehto
Councilmember Shurtleff

Nay: Councilmember Barnes
Councilmember Hardcastle
Councilmember Eldredge

JUNE 26, 2003

Due to a tied vote, Mayor Milam broke the tie with a "No" vote. Motion did not pass.
The City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2495

AN ORDINANCE AMENDING ORDINANCE NO. 1941 OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE ZONING ORDINANCE OF THE CITY, ESTABLISHING A NEW ZONE WITHIN THE CITY KNOWN AS MS MEDICAL SERVICES ZONE; SETTING FORTH THE GENERAL OBJECTIVES AND CHARACTERISTICS OF THE ZONE; STATING PERMITTED USES WITHIN THE ZONE; ESTABLISHING SIZE REQUIREMENTS FOR LOTS; ESTABLISHING MINIMUM WIDTH REQUIREMENTS OF BUILDING SITES; SETTING FORTH SETBACKS AND SIDE AND REAR YARD RESTRICTIONS; LIMITING HEIGHT OF BUILDINGS WITHIN SUCH ZONE AND RESTRICTING LOT COVERAGE OF LOTS; REPEALING AND RE-ENACTING SECTION 5-10, CONDITIONAL USE PERMITS; PROVIDING FOR CONDITIONAL USE PERMITS FOR MOTELS/HOTELS IN SUCH ZONE; PROVIDING FOR FEES FOR CONDITIONAL USE PERMITS TO BE SET BY RESOLUTION; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Barnes moved, and Councilmember Hardcastle seconded, that this Ordinance be passed on the first and second readings only with the amendments discussed at the first reading. Roll call as follows:

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

Nay: None

Motion Carried.

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 with the amendments discussed at the first reading, 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

JUNE 26, 2003

Councilmember Groberg
Councilmember Barnes

Nay: Councilmember Lehto

Motion Carried.

Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of an Ordinance to establish a new residential zone, the Residence Estate Zone, to permit single-family homes and to permit limited agricultural use and the keeping of horses for non-commercial use (Ordinance passed on the First Reading Only at June 12, 2003 Regular Council Meeting). At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 9, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESIDENCE ESTATE ZONE

Attached is a copy of the Residence Estate Zone, a proposed zone that allows the keeping of horses and llamas within the City of Idaho Falls. The Planning Commission considered this zone at two public hearings, one on March 4 and one on May 20 of 2003, and recommended approval of the zone for existing development. This Zoning Amendment is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Barnes opened the public hearing and requested any in favor or in opposition to this new zone to come forward at this time. There being no one to appear either in favor of or in opposition to this new zone, Mayor Milam closed the public hearing.

Councilmember Lehto requested to know whether the Public Works Council Committee addressed the issue of irrigation water. Councilmember Barnes stated that the Public Works Council Committee has not met since the last Council Meeting, but felt that the Idaho Department of Water Resources requires a separate (non-culinary) well for anything over one-half acre. The Idaho Department of Water Resources does not control anything that is in the City Limits. He cautioned that if a property over one-half acre is requesting to be annexed, that it is in compliance with the Idaho Department of Water Resources statute. Councilmember Barnes stated, further, that one-half acre is not a sufficient size for a horse or a llama, especially when considering setbacks and the footprint of any building or outbuildings. He stated that he would like to see this zone increased to a minimum of one acre per horse or llama.

Councilmember Lehto requested to know how the irrigation issue would be monitored under a new annexation.

The City Attorney stated that if the City Council were dealing with the irrigation issue under an annexation, there would be a broad amount of discretion, simply as a result of the annexation. This could be dealt with in the Development Agreement for the property. The Water Ordinance may be another avenue to address this issue.

JUNE 26, 2003

The Public Works Director appeared to state that he would be comfortable handling the irrigation issue with the Annexation or Development Agreement, as those Agreements are recorded against the property.

Councilmember Shurtleff expressed his concern for creating a problem that there is no answer to. If a person has over one-half acre, and a separate source of water is required to irrigate the acreage, the Idaho Department of Water Resources would regulate that secondary source of water.

Councilmember Eldredge stated that he understood Councilmember Barnes to mean that the Residence Estate Zone would apply only to already developed properties with existing irrigation sources, which would then be annexed.

The Planning and Building Director reappeared to explain that a lot of 15,000 square feet with a single-family dwelling could be annexed into this new zone, but in order to have animals, the requirement would become one acre per one adult animal.

Due to the changes discussed this evening, it was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to refer this Ordinance back to Staff for consideration of minimum lot size, number of animal units per acre, irrigation issues, new developments and sewer issues. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for Castlerock Addition, Division No. 4. Councilmember Groberg announced that he had a conflict of interest with regard to this annexation and would not participate in any discussion or decision. He left the Council Table at this time. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – CASTLEROCK
 ADDITION, DIVISION NO. 4

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Castlerock Addition, Division No. 4. The requested zoning is R-1, Single-Family Residential. The Idaho Falls Planning Commission considered this request at its May 6, 2003 Meeting and recommended approval. This Department concurs in this recommendation. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

JUNE 26, 2003

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	Final Plat under consideration
Slide 4	Preliminary Plat
Slide 5	Site Photo showing end of Castlerock Lane
Slide 6	Site Photo looking southwest across the southern end of site
Slide 7	Site Photo of retention pond
Slide 8	Site Photo showing end of Stonebrook Lane
Slide 9	Site Photo showing speed table (traffic calming measure)
Slide 10	Site Photo showing chokers (traffic calming measure)
Exhibit 1	Planning Commission Minutes dated May 6, 2003
Exhibit 2	Staff Report dated May 6, 2003
Exhibit 3	Copy of Final Plat

The Planning and Building Director explained, further, that this Final Plat is found to be in compliance with the Comprehensive Plan, Subdivision Ordinance, and Zoning Ordinance with the exception of three corner lots. The Subdivision Ordinance requires all corner lots to be ten percent (10%) larger than the average lot size. The average lot size in this subdivision is 0.34 acres. Therefore, corner lots should be 0.37 acres. Three of the corner lots are smaller by the hundredths of an acre. However, the Planning Commission has recommended that a variance be granted for the three corner lots, with the City Council approving it as is. This Final Plat will generate approximately 29 peak hour trips. The Planning and Building Director explained that when the Preliminary Plat was proposed for Stonebrook Addition, it was a street pattern that was essentially self-contained. In 1990, the Planning Commission and Staff approved a Preliminary Plat that had stubs. Stonebrook Lane was approved as a stub that would extend Stonebrook Lane to the south. Traffic patterns were briefly discussed. Under the traffic calming measures (speed tables and chokers), several issues would have to be addressed. Those issues would be location, legal liability, snow removal, and who pays for these measures. Part of the issue on Stonebrook Lane is not knowing what will happen on the School District property. If a school were developed, that would determine where the chokers or speed tables would be installed.

Richard Groberg, 620 Castlerock Lane, appeared as the developer for this property. He stated that this development improves the traffic between the church and the school.

Councilmember Barnes requested those in favor of this annexation to come forward at this time.

There being no one to appear in favor of this annexation, Councilmember Barnes requested those in opposition to this annexation to come forward at this time.

Greg Weatherby, 3580 Charleston Circle, appeared to express his appreciation to the Mayor and City Council for the hard work that they do. He stated that he is a member of the Stonebrook Homeowners' Association and represented approximately 300 homeowners in Stonebrook Addition. Stonebrook Addition was a stand-alone development. In 1990, stubs were added to extend egress/ingress to the subdivision. Recently, homeowners have noticed a large increase in traffic due to the expansion of the subdivision and the addition of Victorian Village. Nathan Avenue is nearly out of control. Homeowners are very unhappy. They petitioned the Traffic Safety Committee last week for traffic control devices, such as stop signs, etc. They were turned down. During a recent poll conducted by the Homeowners Association, homeowners in Stonebrook Addition did not want to have Stonebrook Lane opened. Mr. Weatherby presented the following flier that was distributed throughout Stonebrook Addition:

JUNE 26, 2003

**STOP THE
STONEBROOK FREEWAY!**

On Thursday, June 26th (Tomorrow) the City Council is planning to approve a subdivision that borders the southern boundary of Stonebrook. This subdivision will be connected to Boulevard via Stonebrook Lane, our main street!

Unless we stop this connection by attending the City Council Meeting and voicing our opinion on Thursday night, we can expect:

- Huge traffic increases,
- Higher risk to our children,
- Lower property taxes,
- Increased noise and speeding.

We must act now to stop this imminent threat!

Join your neighbors at the City Council Meeting

140 South Capital Avenue
7:30 p.m., Thursday, June 26th

Mr. Weatherby requested that the stub be made into a cul-de-sac, rather than opening it to the subdivision to the south. Opening Stonebrook Lane presents an unreasonable burden to the neighborhood. The School District property might become a high school at some point. If Stonebrook Lane is opened, it might become a raceway for teenagers using the new high school.

Jill Wright, 3729 Stonebrook Lane, appeared to state that she lives near Sunnyside Elementary School. She presented two photographs showing a car crash into a tree, which took place the day before. She expressed her concern for an increase in traffic, with a future school, and the two existing schools. Surveys from traffic engineers will say that the average traffic flow on Stonebrook Lane is not that high. The averages do not tell the story. There is one time of day, just before elementary school opens that there is a volatile and dangerous mix of traffic (with adults driving too fast because they are already late for work and teenagers driving too fast because that is what teenagers do) heading out of the neighborhood or into Taylorview. At the same time, construction traffic is traveling much too fast into the neighborhood. This traffic mixes with day care vans, school buses and distracted parents on cell phones at the same time that 6-year olds are crossing Stonebrook Lane to the school. There is a policy at the school that you drop off your children in a certain direction. Between Sunnyside Elementary School and Taylorview Junior High School, there are a lot of pedestrians. Crossing 17th Street at this time of day, there is both a light and a crossing guard. Stonebrook Addition is not allowed to have a four-way stop so that children can cross with any kind of a break in traffic. With this new development, there is a proposal to increase the construction traffic and the residents late for work. Since they cannot have a four-way stop and there are not enough resources to put police officers on the street to keep the speed down, she requested to know whether another subdivision is needed so badly that they are willing to have children killed to build it. She requested the City Council to consider not building this subdivision or to reroute the traffic to one of the other arterial streets that are designed to safely handle it.

Councilmember Hardcastle stated that a few years ago, while serving on the Traffic Safety Committee, police were patrolling in Stonebrook Addition. Twenty-five tickets were issued at about 8:30 a.m. Twenty-three of those tickets were residents from in and

JUNE 26, 2003

around the Stonebrook area. Mrs. Wright stated that the northern portion of Stonebrook Addition has a curved street configuration. The traffic slows down because of this.

Glenda Belnap, 115 Stone Run Lane, appeared to state that recently her family had visited San Francisco. Due to the topography, there are beautiful housing additions there. She stated that she would like to see our developers build subdivisions with more curve in the street configuration. In Denver, her daughter found a beautiful older neighborhood. Denver has maintained a certain zoning to preserve this neighborhood. The Stonebrook area could be historic homes in 75 years, and this neighborhood needs to be preserved now to be able to accomplish that. She requested the City Council to look at a method to preserve this neighborhood for the future.

John Stanger, 130 Arden Drive, appeared to state that he moved into the area recently. They are surrounded by children. He requested the Mayor and Council not to conduct traffic studies, but to conduct studies on the traffic of children. There is a real danger for the children in the area.

Karen Smith, 3840 Stonebrook Lane, appeared to state that most of the construction is complete in the Stonebrook Addition. Construction vehicles are mostly gone. The vehicles that were out of control are not as bad. She expressed her concern for the increase in traffic should Castlerock Addition, Division No. 4 be approved. If the subdivision is approved, she requested that the City Council approve a different traffic pattern for the construction traffic. She expressed her appreciation for the Mayor and Council for their hard work.

Sheryl Bohn, 245 Georgetown Court, appeared to state that she is the President of the Stonebrook Homeowners' Association. She stated that she lives near Nathan Drive. The traffic is unbearable. She has talked with the Traffic Safety Committee, Chief of Police, the Mayor, and several of the Councilmembers, regarding ways to improve the safety of the children in the Stonebrook area. If the new subdivision is approved as shown, she requested the Mayor and City Council to consider traffic calming issues.

Mark Harrison, 125 Woodhaven Lane, appeared to state that his residence has become known as the on-ramp/off-ramp for the subdivision. He requested consideration for the Mayor and City Council to consider changing the ingress/egress point of the stub for Stonebrook Lane. He suggested that the Developer take a little more property and make this a curved ingress/egress point to slow the traffic and provide safety features. The Stonebrook area has been turned down for some safety considerations in the past. They are looking for the opportunity to keep children safe and keep their homes in the way, means and manner that they were purchased for.

Cheri Snyder, 3810 Stonebrook Lane, appeared to state that when you enter Stonebrook Lane, there are curves in the street configuration, which slows the traffic. When traffic reaches the straight roadway, there is an immediate increase in speed. That area is also where children cross the street to go to school. She requested that the Mayor and Council not approve Stonebrook Lane being constructed straight through to the new subdivision. If this has to take place, please take into consideration some traffic calming measures. The traffic situation is dire.

Richard Groberg reappeared to state that the street configuration for Castlerock Addition, Division No. 4 is the only configuration that can be had in this location. He stated that he believed that this street configuration would help with traffic issues.

Greg Weatherby reappeared to state that the Stonebrook Homeowners' Association has not had a great deal of time to study this new development. He requested the Mayor and City Council to recess consideration of this annexation, so that more study can be made regarding traffic concerns. This is the only chance that they have to do this right.

Mayor Milam requested to know whether notices had been sent to those within 300 feet of this development. The Planning and Building Director appeared to confirm that

JUNE 26, 2003

notification had been made and that this is the third public hearing for the Castlerock development. There was a public hearing on the Preliminary Plat, one on the Final Plat before the Planning Commission and this one in front of the City Council.

Councilmember Lehto requested to know whether the land was posted for this public hearing. The Planning and Building Director stated that annexations are not posted. She explained further that the traffic calming measures need to wait for the school to be completed in order to determine where they would be needed most. There are two separate issues, one being this development and one being the existing development. In one of the Planning Commission Meetings, it was noted that they usually try to change street patterns so that long straight streets are not developed. Castlerock Addition, Division No. 4 is a small strip of property with no alternative. Where Stonebrook Lane curves into Castlerock, there is a curve, which should slow traffic at that point. In addition, traffic will be able to move from the west to the east. According to the Subdivision Ordinance and Comprehensive Plan, neighborhoods need to be connected. Neighborhoods are connected so that people can get to the facilities within the neighborhoods without having to drive out to the arterials.

Councilmember Lehto requested the Planning and Building Director to describe how the 29 peak hour trips were arrived at for Stonebrook Lane. The Planning and Building Director stated that 26 homes would generate 260 trips daily. Some will go north, some will go east, some will go west and some will go southwest. She described the traffic pattern should Stonebrook Lane remain closed. Councilmember Lehto requested to know how many traffic impact studies have been conducted for the Stonebrook Addition and Victorian Village Addition. The Planning and Building Director stated that there have been no traffic impact studies done, as it was not in the Comprehensive Plan to conduct traffic impact studies within subdivisions until the last few years.

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

Councilmember Lehto requested that this matter be referred to staff and be properly addressed in context. On June 10, 2003, the Stonebrook Homeowners' Association presented a plan to the Traffic Safety Committee. Since Sunnyside Elementary and Taylorview Junior High School have been built, travel has been traditionally along Nathan Drive, onto Cobblestone, and into the schools. Following a brief description of the traffic pattern to the elementary school, it was concluded that the Traffic Safety Committee did not have the proper traffic information to act upon the request for stop signs or bouncing lights. A similar request was made one year ago, of which a traffic count was made one week after school was out for the summer. With planning and building, there ought to be a process to assess the cumulative affects on traffic. Councilmember Lehto stated that he lives in that neighborhood and concurs with everything that has been said at the public hearing. When a new school is constructed, safety measures for the subdivision need to be addressed at that time. These issues have not been properly considered.

Councilmember Hardcastle requested to know whether any traffic warrant studies were scheduled following the Traffic Safety Committee. Mayor Milam stated that a traffic warrant study would be conducted when school was in session this fall. Further, Mayor Milam stated that Chief Livsey requested that the bouncing light be moved on Nathan, so that it would be to the south of Woodhaven. Councilmember Lehto stated that this was properly addressed. He stated that in April, when Planning Staff and Planning Commission discussed this annexation, there was an understanding there was no problem with traffic in the Stonebrook Addition. One month later, when the traffic issues were presented at the Traffic Safety Committee, there is no handle on traffic issues to be able to make a decision on signage or signals.

Councilmember Shurtleff requested the Planning and Building Director to comment on the fact that when Stonebrook Addition was first approved, it was approved as a closed community. The Planning and Building Director stated that under the Preliminary

JUNE 26, 2003

Plat, it was approved with a looped road structure. In 1990, the Preliminary Plat was revised and at that time there was a traffic study conducted for Taylorview Junior High School. Councilmember Shurtleff requested to know when approval was given for Stonebrook Lane to go through. The Planning and Building Director stated that in approximately 1990, there was a Preliminary Plat revision, followed by a Final Plat approval, both of which were public hearings showing that Stonebrook Lane would go through at some point in the future.

Councilmember Lehto questioned the Planning and Building Director how she reconciled the fact that the 1998 Access Management Plan recommends, "all new developments or additions to existing developments, which are expected to generate 100 peak hour vehicle trips need a traffic impact study." The Planning and Building Director stated that when the Mayor and Council adopted the Comprehensive Plan in 2000, a traffic impact study would be required when over 200 peak hour trips are generated. Policies have changed. She gave several examples of subdivisions that have required traffic impact studies. Most of the Stonebrook Addition was developed and built prior to 2000. If this Addition were to be annexed today, a traffic impact study would be required.

Councilmember Lehto stated that he came on the City Council in 2000. Since that time, at least three subdivisions of Stonebrook Addition have been annexed. He requested to know how that did not generate a traffic impact study. Homeowners in this area had very short notice of this annexation proposal and requested that this annexation proposal be referred back to staff to work with the Stonebrook Homeowners' Association to develop some ideas that might help mitigate traffic issues. He would also like to have an understanding how subdivisions can keep being added without the benefit of a traffic impact study. The Planning and Building Director stated that traffic safety issues need to be addressed by the Traffic Safety Committee. Councilmember Lehto stated that the Planning and Building Director is the final word on traffic issues. The Planning and Building Director stated that she is not the final word on traffic calming measures. The Planning and Building Division addresses the planning of streets. They do not address the construction of streets or the traffic control measures that are taken in the future.

The Planning and Building Director suggested that, legally, when the City burdens a developer, it has to be related to his development. A large part of the problems that are being discussed are related to Sunnyside Elementary, existing Stonebrook subdivision, and existing Victorian Village. What has to be asked, is it fair for this one developer to handle the burden of the existing development. Councilmember Lehto stated that this developer has a lot of rights here and should go forward. There have been many issues decided in the Planning Office, rather than under the public forum process.

Councilmember Barnes commented about his experience with the traffic going to and from the schools in the area. If there were a closure of Stonebrook Lane at this point in time, that traffic would go onto Plantation and Leesburg and end up on Nathan Drive. The traffic is only diverted. The new development will relieve some of the traffic on Nathan Drive. He stated that if a new school were to become involved, traffic calming measures would have to be considered.

Councilmember Lehto requested to know whether the Mayor had anyone on staff that could address safety measures on arterial collectors in the vicinity of schools, and why Stonebrook Lane would not be eligible for the same protection that is afforded traffic down Nathan Lane. Mayor Milam stated that this is all based upon warrants and based upon peak hour trips through the intersection. Those are national standards.

Councilmember Barnes stated that the safety concerns expressed this evening are without the Castlerock Subdivision. The impact of this subdivision would be minimal and should lighten traffic on Nathan Drive, and disburse the traffic more evenly throughout the subdivision. Councilmember Hardcastle agreed with Councilmember Barnes in his assessment.

JUNE 26, 2003

Councilmember Shurtleff commented that developer after developer have added to this area. It is now time to do something about the traffic issues.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Castlerock Addition, Division No. 4 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Barnes
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge

Nay: Councilmember Lehto

Abstain: Councilmember Groberg

Motion Carried.

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

ORDINANCE NO. 2493

CASTLEROCK ADDITION, DIVISION NO. 4

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 Eldredge
Councilmember Barnes
Councilmember Shurtleff

Nay: Councilmember Lehto

Abstain: Councilmember Groberg

Motion Carried.

JUNE 26, 2003

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 Castlerock Addition, Division No. 4 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 Hardcastle
Councilmember Shurtleff
Councilmember Eldredge
Councilmember Barnes

Nay: Councilmember Lehto

Abstain: Councilmember Groberg

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for Castlerock Addition, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Barnes
Councilmember Eldredge

Nay: Councilmember Lehto

Abstain: Councilmember Groberg

Motion Carried.

Councilmember Groberg returned to the Council Table.

Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of a rezoning from R-3A (Apartments and Professional Offices) to PB (Professional Business) with PUD (Planned Unit Development) Overlay on property located generally at the northeast corner of the intersection of Sunnyside Road and Woodruff Avenue, legally described as a parcel of land in the Southwest Corner of Section 28, Township 2 North, Range 38, East of the Boise Meridian. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST – R3-A TO PB WITH A PUD OVERLAY,
NORTHEAST CORNER OF WOODRUFF AVENUE AND
SUNNYSIDE ROAD

JUNE 26, 2003

Attached is a rezoning request from Kevin Stanger and others to rezone the eight acres on the northeast corner of Woodruff Avenue and Sunnyside Road from R3-A (Single-Family, Apartments, and Offices) to PB (Professional Business) with a Planned Unit Development Overlay. The Planning Commission at two separate hearings considered this rezoning request. At the first hearing on August 6, 2002, the Planning Commission, in a 5 to 2 vote, recommended denial of the application for a rezone. A second public hearing on this request was held on November 5, 2002. After reviewing a conceptual drawing submitted by the applicants and property owners, the Planning Commission recommended PB with a PUD Overlay on the 5.3 acres of the property adjacent to existing residences in a 6 to 2 vote. Since the November hearing, the Medical Services Zone has been reviewed at public hearings at the Planning Commission and Council level. The staff, therefore, recommends tabling this rezoning request until final action is taken on the Medical Services Zone. 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 showing parcel under consideration |
| Slide 3 | Site Photo of Vacant Land |
| Slide 4 | 1979 Aerial Photo compared to the 2000 Aerial Photo |
| Slide 5 | Land Use Plan from 1965 |
| Slide 6 | Land Use Plan from 1981 |
| Slide 7 | Land Use Plan from 1992 |
| Slide 8 | Land Use Plan from 2000 |
| Slide 9 | Movement vs. Access, Access Management Plan for Idaho Falls Metropolitan Area |
| Slide 10 | Cycle of Traffic Congestion, Idaho Falls Access Management Plan |
| Slide 11 | Land Use – Peak Hour Trips from Trip Generation, Sixth Edition
Institute of Transportation Engineers |
| Slide 12 | 2015 Long Range Transportation Plan and 2020 Update for the
Bonneville Metropolitan Planning Area |
| Slide 13 | Site Plan |
| Slide 14 | Zoning Ordinance – Section 3.4 |
| Exhibit 1 | Planning Commission Minutes dated August 6, 2002 and
November 5, 2002 |
| Exhibit 2 | Staff Reports dated August 6, 2002 and November 5, 2002 |
| Exhibit 3 | Application from Kevin Stanger and others |
| Exhibit 4 | Letters of Dixie Murphy dated February 28, March 28, and
April 11, 2003 |
| Exhibit 5 | Section 3.2.F – Ordinance No. 1941, Zoning Ordinance |

The Planning and Building Director stated that the issue in this area is traffic generation and what is the best policy for the City. Staff looked at the Medical Services Zone and the Comprehensive Plan, and determined that less traffic would be generated if the Medical Services Zone were implemented. The Medical Services Zone offers the following to the surrounding neighbors:

JUNE 26, 2003

1. Limited height of buildings;
2. Setback that is increased to 20 feet of landscaping;
3. Landscaping is specified;
4. Public hearing for motels and hotels and for buildings with a structure that is higher than 24 feet;
5. Provides limited services to employees and visitors;
6. Eliminates the potential for single-family housing, duplexes, triplexes, or apartments on this 8 acres;

The Medical Services Zone reflects changes that are occurring in the area surrounding the Eastern Idaho Regional Medical Center.

Kevin Stanger, 1564 Delmar Circle, appeared to state that he did not have much to add to what had been presented. He said that the neighbors and the landowner have had some cordial discussions and ideas that would make the development of this land a win-win situation. Mr. Stanger explained that the City initially determined that this property needed to be addressed as the City was growing around it. The neighbors decided that they should be proactive in getting some things changed. The neighbors determined that the PB with a PUD Overlay was the best alternative for zoning of this land. The citizens and the neighbors did not want Mr. Developer from California to come in and develop something that was not compatible with the surrounding neighborhood. He suggested that the proposed zoning be implemented at this time. The landowner could come forward when the Medical Services Zone is fully implemented and request that zone at that time. Mr. Stanger expressed concern that the land is up for sale at this time and did not want to take the chance that a development would come forward in the interim.

Councilmember Eldredge requested to know whether Mr. Stanger and his neighbors would be in favor of the Medical Services Zone for this development. Mr. Stanger stated that he has not had a chance to review the Medical Services Zone. He was not opposed to the zone; he just wanted to have an opportunity to review the Medical Services Zone.

Dixie Murphy, 2630 Legends Circle, appeared to state that they were trying to work with the neighbors in the development of this land. In meeting with the neighbors, it was determined that the landowners would be willing to forego some of the property to PB in compensation for some of the property remaining RSC-1, which is a more lucrative zoning. The Planning Commission thought that this was a great idea for a compromise, only they said that the landowner could have PB in the back corner and be allowed to keep the R-3A on the front. To the landowners, that constituted no compromise whatsoever. At that time, the landowners stopped the process. This is not what they were asking for, and an application for that rezoning was not filed. She filed a Rezoning Application for an RSC-1 Zone in order to keep from losing money, knowing full well that she would not get that zone. She stated that she was hoping to stave off being zoned PB until a Medical Services Zone could be enacted. Mrs. Murphy shared the following letter:

SPEAKING AGAINST PB ZONING:

My name is Dixie Murphy
I live at 2630 Legends Circle and I am the spokeswoman for the property at Sunnyside and Woodruff.

The First Article in the Idaho State Constitution is a Declaration of Rights. Inalienable Rights of Man.

Among other things it states that man has the right of possessing and protecting property. Tonight I am here to do that.

JUNE 26, 2003

If you received the same packet of information sent out by Renée R. Magee that I did you will find reference, twice, alluding to the fact that this Council, or certain members of this Council, has urged the neighbors to file this petition to change our zoning. In today's Post Register, Mr. Stanger wants to know if you will hold up your part of the deal.

It seems clear that this City Council has encouraged neighbors to single out and specifically "target" our property. I consider this an action of "a taking" on the part of the neighbors and this Council. By downgrading our zoning you are taking our right to develop our property at its best and highest use.

But what is most scary here is that this Council is allowing someone other than themselves or the property owner to request a zoning change on someone else's property. Just imagine where this could go, say if one developer decided to change another developer's zoning because they didn't like the competition and decided it might destroy their property values. The potential for abuse is overwhelming.

In discussions with my sister, Deanna Goodlander, a two-term Councilwoman in Coeur d'Alene, I have discovered that this is unheard of and in her research she has found no other case in the State that has allowed a neighborhood to arbitrarily file to change someone's zoning. This may well set a "precedence" for the State of Idaho if taken to higher levels.

This has concerned her so much that she has taken steps to clearly define the definition of an "applicant" in the Coeur d'Alene Comprehensive Plan and to assure that no one other than the Council or the Property Owner may petition to change zoning.

I have worked with the City staff and have found them to be most helpful. I have tried to be cooperative and work with the system. I have been before the Planning Commission three times.

The Planning Commission understood the seriousness of neighbors carrying the power to change people's zoning. In the first meeting, we had a 5 to 2 vote to deny the neighbor's application. It was then remanded back due to items of little or no consequence and the neighbors chipped away at us again.

I'm tired and I want to know why you feel you must take action to change our zoning now, right now, when all this is avoidable if we just wait until the Medical Services Zone is in place and I can file an application for it. What I propose is a win-win situation for everyone!

Therefore, tonight I am asking you two things. 1) I request that you deny the neighbors' application tonight allowing us to remain R-3A and 2) table my application for RSC-1 Zoning until such time as the Medical Services Zone is available. When it becomes available, I will withdraw my application for RSC-1 and submit an application to become the first MS Zone in the City.

Thank you.

Mrs. Murphy stated that she objected to the Planned Unit Development Overlay, as it is against the State Statute. Information from Nancy Strickland via the Association of Idaho

JUNE 26, 2003

Cities, caused her to have her attorneys check this information. Her attorneys found this information to be correct, in that a Planned Unit Development is a development right and cannot be applied without the owner applying for it. Idaho State Statute, Section 67-6515, 67-6508, and 67-6521 address this issue.

Councilmember Eldredge clarified that Mrs. Murphy would rezone the entire 8 acres to the Medical Services Zone. Mrs. Murphy stated that to be correct.

Kevin Stanger reappeared to state that he respects Mrs. Murphy's rights as a property owner. With this new zone being adopted, there are some opportunities for the neighbors and the property owners to work together. He stated that as participants, if they did not like the law, then they need to change the law. At this point in time, the law says that the zoning can be changed by a property owner, by a City, or by affected neighbors. Therefore, the neighbors got together to address concerns for what this land could be developed into.

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

Councilmember Groberg questioned the City Attorney regarding the property being sold while in the process of a rezone to Medical Services Zone. The City Attorney stated that the neighbors concern has some merit in that current zoning is the R-3A Zone. There are some uses that are characteristic to that zone that may not fit. Assuming that the direction that the City Council wishes to go to rezone this property to Medical Services, the City Council could 1) table the current request before the City Council, which leaves it on the table such that if an application comes in under the current zone, the City Council would have the ability to react quickly to enact the PB zone; or, 2) a moratorium could be adopted on the development of the property until such time as the City Council could consider the Medical Services Zone on this property.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to table the request for a rezoning from R-3A (Apartments and Professional Offices) to PB (Professional Business) with PUD (Planned Unit Development) Overlay on property located generally at the northeast corner of the intersection of Sunnyside Road and Woodruff Avenue, legally described as a parcel of land in the Southwest Corner of Section 28, Township 2 North, Range 38, East of the Boise Meridian. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to recess the public hearing for consideration of an Ordinance to revise Section 5-8, Board of Adjustment of the Zoning Ordinance to provide the setting of fees by resolution, to revise the criteria for variances to more closely reflect Idaho Statutes, to provide criteria for conditional use permits for off-street parking requirements in the central commercial zone, and to provide an expiration period for variances and conditional use permits to the July 10, 2003 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Eldredge

JUNE 26, 2003

Councilmember Lehto
Councilmember Barnes
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

Following a brief recess, the Airport Director submitted the following memo:

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: REIMBURSEMENT AGREEMENT WITH THE TRANSPORTATION
SECURITY ADMINISTRATION FOR LAW ENFORCEMENT

Attached for City Council approval is a new Reimbursement Agreement for Law Enforcement Personnel with the Transportation Security Administration for the remainder of FY-2003 through FY-2007. The reimbursement for FY-2004 is \$160,541.00 and increases by 3% per year.

The City Attorney has received the documents.

The Airport Division recommends accepting the Agreement and requests the Mayor be authorized to sign the documents.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Reimbursement Agreement for Law Enforcement Personnel with the Transportation Security Administration subject to the City Attorney's review and approval and, further, give authorization for the Mayor and City Clerk 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.

The Idaho Falls Power Director submitted the following memos:

JUNE 26, 2003

City of Idaho Falls
June 17, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CONFIRMATION AGREEMENT WITH AVISTA ENERGY

Attached for your consideration is a Confirmation Agreement to sell power to Avista Energy for the month of July 2003.

Idaho Falls Power respectfully requests ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement to sell power to Avista Energy for the month of July 2003. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
June 18, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: REQUEST AUTHORIZATION OF CHANGE ORDER TO D. E. A. CONSTRUCTION

Attached for your consideration is Change Order No. 1 (Final) for D. E. A. Construction, Phase 1, for Fiber Optics Installation.

Idaho Falls Power respectfully requests Council authorization for the Mayor to sign this Change Order.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Change Order No. 1 to D. E. A. Construction for the Fiber Optics Installation, Phase 1 Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

JUNE 26, 2003

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

Nay: None

Motion Carried.

City of Idaho Falls
June 18, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: REQUEST AUTHORIZATION OF CHANGE ORDER TO CH2M HILL

Attached for your consideration is a Change Order to CH2M Hill, for Fiber Optics Professional Services, Phase 1 Design.

Idaho Falls Power respectfully requests Council authorization for the Mayor to sign this Change Order.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Change Order No. 1 to CH2M Hill for the Fiber Optics Professional Services, Phase 1 Design and, further, give authorization for the Mayor to execute 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 Municipal Services Director submitted the following memos:

City of Idaho Falls
June 17, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF CITY AUDITORS

JUNE 26, 2003

Attached for your consideration is the audit proposal from Rudd and Company, PLLC for the audit of the City for the fiscal year ending September 30, 2003.

Municipal Services respectfully requests the approval to have Rudd and Company, PLLC perform the annual audit for \$32,000.00.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the audit proposal from Rudd and Company, PLLC for the audit of the City for the fiscal year ending September 30, 2003 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.

City of Idaho Falls
June 17, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF ELECTRIC LIGHT FUND AUDITORS

Attached for your consideration is the audit proposal from Deloitte and Touche for the audit of the City's Electric Light Fund for fiscal year ending September 30, 2003.

Municipal Services respectfully requests the approval of Deloitte and Touche to audit the Electric Fund for \$42,800.00.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the audit proposal from Deloitte and Touche for the audit of the City's Electric Light Fund for fiscal year ending September 30, 2003 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

JUNE 26, 2003

Nay: None

Motion Carried.

City of Idaho Falls
June 19, 2003

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, July 18, 2003 at 5:00 p.m.

Municipal Services also respectfully requests to retain Top Dollar Appraisal and Auction Services to set up said auction, tag merchandise, provide crew to man the auction, and provide accounting of sales and proceeds at the cost of ten percent (10%) of net proceeds if auction total is over \$5,000.00, or twelve percent (12%) of net proceeds if the auction total is under \$5,000.00.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to give authorization to conduct a City Auction Sale for impounded, unclaimed, and City surplus merchandise and, further, retain Top Dollar Appraisal and Auction Services to set up said auction, tag merchandise, provide crew to man the auction and provide accounting of sales and proceeds at the cost of ten percent (10%) of net proceeds if auction total is over \$5,000.00, or twelve percent (12%) of net proceeds if auction total is under \$5,000.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
June 20, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF AIRPORT LIABILITY INSURANCE

JUNE 26, 2003

Municipal Services respectfully requests that the Mayor and Council approve the City's Airport Liability Insurance with Marsh-Boise. The premium is \$30,000.00. This coverage will begin on July 1, 2003.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve placement of the City's Airport Liability Insurance with Marsh-Boise. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
June 26, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: SANDY DOWNS SIMULCAST LEASE AGREEMENT

Attached for your consideration is a Lease Agreement between the City of Idaho Falls and Sandy Downs Simulcasting, LLC for the purpose of leasing facilities at Sandy Downs to conduct simulcasting. This Lease is for a period of one year terminating on June 30, 2004 and was prepared and reviewed by the City Attorney. It is, therefore, submitted for your approval.

s/ David J. Christiansen

Councilmember Groberg stated that he has read the agreement and intended to vote against this Lease, as he did not believe that the City should be involved with this. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Lease Agreement with Sandy Downs Simulcasting, LLC for the purpose of leasing facilities at Sandy Downs to conduct simulcasting and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: Councilmember Groberg

JUNE 26, 2003

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RULING OF SIMILAR USE – HC-1 ZONE

Attached is the request of Call Development, LLC, to permit a pawn shop in the HC-1 Limited Business Zone under Section 7-11-2.G, "Other uses ruled by the City Council to be similar to the above listed uses and in harmony with the objectives and characteristics of this Zone." Pawnshops are presently permitted in three zones: Central Commercial Zone (downtown), General Commercial Zone, and I & M-1 (Industrial and Manufacturing) Zone. Call Development is requesting to remodel an existing 2,260 square foot building into a pawnshop and title loan business. If the business is conducted with the following conditions, this Department recommends it be considered under the similar use provisions:

- a. The windows or other exterior openings not be barred;
- b. The former gasoline canopy be removed;
- c. Landscaping similar in nature to the shopping center to the east (Fred Meyers) be installed;
- d. Bail bonds not be available at this location; and,
- e. Exterior signs be limited to advertising services found at this location.

s/ Renée R. Magee

Councilmember Barnes stated that the developer has agreed to complete all of the provisions. It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the request from Call Development, LLC to permit a pawn shop in the HC-1 Zone at 1385 Northgate Mile under the ruling of similar use, with the conditions as stipulated. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

JUNE 26, 2003

City of Idaho Falls
June 13, 2003

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

I respectfully request the attached Ordinance amending Section 4-15-7 of the City Code, which brings the City into compliance with State Law regarding the fingerprinting and background checks for applicants of operator's licenses, and the manner in which fees are collected, be heard at the City Council Meeting of Thursday, June 26, 2003.

Thank you for your consideration.

s/ J. K. Livsey

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

ORDINANCE NO. 2494

AN ORDINANCE AMENDING SECTION 4-15-7 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; ADOPTING CERTAIN AMENDMENTS RELATING TO PROCEDURES FOR OBTAINING FINGERPRINTS AND CRIMINAL BACKGROUND HISTORY CHECKS FOR LICENSING OF OPERATORS OF PUBLIC CONVEYANCES; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Lehto 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 Eldredge
Councilmember Lehto
Councilmember Barnes
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

Councilmember Groberg requested the Fire Chief to come forward. Fire Chief Ellis came forward and expressed his appreciation for the Mayor and City Council working so

JUNE 26, 2003

diligently on the Bonneville County Fire Protection District No. 1 Contract. This enabled the Fire Department to hire 7 firefighters. He explained further that the Civil Service Exams have been completed, with 28 applicants passing the physical agility test. The 28 applicants will be rated from 1 through 28. The Fire Chief will call for the first 21 applications tomorrow to begin the interview process. Councilmember Groberg stated that these young men are the cream of the crop.

The Public Works Director submitted the following memo:

City of Idaho Falls
June 23, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ARCHITECTURAL SERVICES - SEWER ADMINISTRATION BUILDING

Attached is a proposed Agreement between the City and Alderson, Karst and Mitro to provide architectural services for the Sewer Administration Building in the amount of \$66,600.00.

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 Shurtleff, seconded by Councilmember Barnes, to approve the Agreement with Alderson, Karst and Mitro to provide architectural services for the Sewer Administration Building and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Lehto, that the meeting adjourn at 10:30 p.m.

CITY CLERK

MAYOR
