

JULY 25, 2002

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 25, 2002, 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 Bruce Rose
Councilmember Joe Groberg
Councilmember Bill Shurtleff
Councilmember Ida Hardcastle

Also present:

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

The City Clerk read a summary of the minutes for the July 11, 2002 Regular Council Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the minutes as printed. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including a BEER LICENSE to LW's Chevron; BARTENDER PERMITS to Rick O. Baker, Jessica L. Jeppesen, Melanie A. Kippen, Steven R. Paul, Danny L. Raschke, and Mel Savage, 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 July 25, 2002.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
July 17, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISEMENT FOR BIDS

JULY 25, 2002

Municipal Services respectfully requests authorization to advertise to receive bids for replacing a section of the roof at the Parks and Recreation Activity Center and doing general maintenance work on the remainder of the roof.

s/ S. Craig Lords

The Public Works Director submitted the following memo:

City of Idaho Falls
July 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – ASPHALT OVERLAY - 2002

Public Works requests authorization to advertise to receive bids for the Asphalt Overlay 2002 Project.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for Spencer Addition, Division No. 2 (Recessed from the July 11, 2002 Regular Council Meeting). At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 22, 2002

MEMORANDUM

TO: Mayor and City Council

FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF I & M-1 FOR SPENCER
ADDITION, DIVISION NO. 2

JULY 25, 2002

Attached are the Annexation Ordinance, Annexation Agreement, and Final Plat for Spencer Addition, Division No. 2. The two-lot plat of 4.04 acres is located east of Holmes Avenue, north of Hemmert Avenue, and west of Spencer Avenue. The southern portion of the Plat, 1.56 acres, is located within the City and zoned I & M-1 (Industrial and Manufacturing). The applicant is requesting annexation and I & M-1 zoning for the remaining 2.48 acres. At its May 7, and June 4, 2002 Meetings, the Planning Commission recommended approval of this request. The Department concurs. 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 area under consideration and surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat
Exhibit 1	Planning Commission Minutes dated May 7, 2002
Exhibit 2	Staff Report dated May 7, 2002

The Engineering Staff and Planning Staff have reviewed the final plat and found it to be in compliance with the Subdivision Ordinance and the Comprehensive Plan.

Councilmember Groberg questioned whether this Final Plat was the first creation of the name "Spencer Avenue". The Planning and Building Director stated that this is not the first creation for that name. She was informed by Councilmember Groberg that there is a Spencer Lane in Ammon. In order to change the name of Spencer Avenue, an ordinance would have to be passed by City Council. She stated, further, that the Engineering Firm would be contacted to get the new name for this street.

Scott Spaulding, 3685 West Highway 33, appeared as a representative for Design Intelligence and the Eagles Lodge of Idaho Falls. The Eagles are currently outgrowing their aged facility in Idaho Falls. They plan on building a nice structure on this lot. As soon as the plans are prepared for the building, they will be submitted to the Engineering Department for their review and comment.

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

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Spencer Addition, Division No. 2 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 Rose

Nay: None

Motion Carried.

JULY 25, 2002

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

ORDINANCE NO. 2452

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 Rose 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 Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to accept the Final Plat for Spencer Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

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 Rose, seconded by Councilmember Hardcastle, to establish the initial zoning of Spencer Addition, Division

No. 2 as I & M-1 (Industrial and Manufacturing) as requested, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to

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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 Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

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

City of Idaho Falls
July 22, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF I & M-1 FOR SPENCER ADDITION, DIVISION NO. 3

Attached are the Annexation Ordinance, Annexation Agreement, and Final Plat for Spencer Addition, Division No. 3. The one-lot plat of 3.24 acres is located north of Hemmert Avenue and east and adjacent to Spencer Avenue. The southern portion of the plat, 1.27 acres, is located within the City and zoned I & M-1 (Industrial and Manufacturing). The applicant is requesting annexation and I & M-1 zoning for the remaining 2.21 acres of the plat. At its May 7, 2002 Meeting, the Planning Commission recommended approval of this request. The Department concurs. 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 area under consideration and surrounding zoning
Slide 2 Aerial Photo
Slide 3 Preliminary Plat superimposed on Aerial Photo
Slide 4 Final Plat
Exhibit 1 Planning Commission Minutes dated May 7, 2002

Exhibit 2 Staff Report dated May 7, 2002

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The Planning and Building Director explained that this one-lot plat would be used for Bonneville County Road and Bridge Department.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions from the Mayor and City Council. There were none.

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

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

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2453

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 Rose 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 Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Groberg

Nay: None

Motion Carried.

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It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to accept the Final Plat for Spencer Addition, 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 Rose
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hardcastle

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 Rose, seconded by Councilmember Hardcastle, to establish the initial zoning of Spencer Addition, Division No. 3 as I & M-1 (Industrial and Manufacturing) 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 Rose
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing, as legally advertised, for consideration of a Conditional Use Permit to allow a modular classroom on property located generally at 2500 South Higbee (Longfellow Elementary School), legally described as Lot 1, Block 10, Home Ranch Addition, Division No. 7. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 22, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT FOR MODULAR CLASSROOM
BUILDING – LONGFELLOW ELEMENTARY SCHOOL

Attached is a request for a Conditional Use Permit for a 28' X 66' modular classroom to be placed to the east or rear of Longfellow Elementary School and

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adjacent to an existing modular. Although only one modular sits behind Longfellow presently, two modular classrooms were located behind Longfellow in the mid-nineties. The site plan for this request has been reviewed by the Planning, Building, and Engineering Staff and is in compliance with City Codes. This matter is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

- Slide 1 Aerial Photo showing parcel under consideration.
- Slide 2 Site Plan
- Slide 3 Site Photo looking south at Longfellow School
- Slide 4 Site Photo looking across street from homes
- Slide 5 Site Photo looking at the back of Longfellow School, north of existing modular classroom
- Exhibit 1 Copy of Site Plan
- Exhibit 2 Application from the School District for a Conditional Use Permit to place a modular classroom at Longfellow Elementary School

The Planning and Building Director explained that there is one other building located on this property, that being a small greenhouse. The School District is making plans at this time to remove that greenhouse and place it at the Vocational Technical College. The Planning and Building Director submitted the following letter from a neighbor to Longfellow Elementary School:

Idaho Falls City Council,

I am aware of the public hearing concerning the permit to allow a modular classroom on the property near the Longfellow Elementary School. I am opposed to having a building put back into this area. There is a storage shed and a run down greenhouse in this area already. It is an eyesore to look at from our side of the street. Wouldn't it be more cost effective to quit buying and moving these buildings and add on to the existing school? Am I also wrong in assuming that eventually as the area grows the City will need to do just that? It seems to me that if it was done now the taxpayer could save money as construction costs continue to rise. Please take a serious look at the concerns that I have. I for one am tired of the junk we have to look at each day from the front yard. We used to be able to see the mountains.

Thank you, Evan.

Evan Woolstenhulme
445 East 25th Street
Idaho Falls, Idaho 83404

Councilmember Hardcastle requested to know whether the power to this facility would be placed underground. The Planning and Building Director stated that this was correct.

Councilmember Rose requested to know how long this Conditional Use Permit would be valid. The Planning and Building Director stated that this Conditional Use Permit would be approved for a one-year period. The School District requests the Conditional Use

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Permits to be extended on an annual basis for any modular classrooms placed throughout the District.

Councilmember Hardcastle requested to know whether the City has any power to be sure that the School District moves the greenhouse as was stated. The Planning and Building Director stated that the greenhouse was not approved through a Conditional Use Permit, it was approved under a building permit as a structure. The City would not have power to demand that the structure be removed.

Desiree Laughlin, 2576 Waterford Lane, appeared as a representative for School District No. 91. She explained that the modular unit was being requested for use as space for a classroom for the coming school year. Ms. Laughlin assured Councilmember Hardcastle that the greenhouse would be removed.

Kelly Coughenour, 642 East 13th Street, appeared as the Principal for Longfellow Elementary School. He stated that the storage shed would also be removed from the school property. It is now being used for musical equipment. This equipment will be placed in the modular unit if it is approved.

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

Councilmember Groberg commented that the City and the School District are separate entities. The City of Idaho Falls does not determine which schools will need to be remodeled with an addition and which do not. That is determined only by the School District.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit for a modular classroom at Longfellow Elementary School. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing, as legally advertised, for consideration of an appeal from a decision of the Board of Adjustment for a variance to encroach 3 feet into the required 15-foot setback to construct a vestibule entrance onto a building currently under construction located generally at 2420 East 25th Circle, legally described as Lots 6 and 7, Block 1, Rose Nielsen Addition, Division No. 110. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 22, 2002

MEMORANDUM

TO: Mayor and City Council

FROM: Renée R. Magee, Planning and Building Director
SUBJECT: APPEAL FROM DENIAL OF VARIANCE – LOTS 6 AND 7, BLOCK 1,
ROSE NIELSEN ADDITION, DIVISION NO. 110

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Attached is an appeal from Skidmore, Inc., for a variance to decrease the front setback from fifteen feet to twelve feet to add a handicapped accessible entry onto an office building under construction at 2420 East 25th Circle, Lots 6 and 7, Block 1, Rose Nielsen Addition, Division No. 110. The Board of Adjustment heard this request at its June 11, 2002 Meeting and denied the variance. The Board found the lots under consideration are shallow lots; however, the applicant is the developer, seller, and building contractor. He laid out the lots and submitted improvement drawings for the public street. The Board concluded any hardship was the result of the owner's own actions. In addition, there is an alternative to meet ADA requirements. The vestibule can be extended into the front room of the building as suggested by Building Department personnel.

The Department concurs with the decision of the Board of Adjustment. This matter is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Site Plan
Slide 5	Front Elevation
Slide 6	Site Photo of side view of front of building
Slide 7	Site Photo of 18-foot rear easement
Exhibit 1	Board of Adjustment Minutes dated June 11, 2002
Exhibit 2	Staff Report dated June 5, 2002
Exhibit 3	Application to Appeal to City Council as follows:

APPLICATION TO APPEAL TO CITY COUNCIL

Appellant: Skidmore, Inc.
Address: 3920 East Sunnyside Road

I hereby appeal from the decision of the Board of Adjustment, dated June 11, 2002. The address affected by the appeal is 2420 East 25th Circle. The property is zoned R-3A.

My reasons for appeal are:

1. We feel we are in compliance with the Zoning Ordinance 7-7-5 as written. We feel that the Planning and Building Department erred in their interpretation of the Ordinance.
2. We were issued a building permit from the Planning and Building Department with a vestibule drawn as built. After the vestibule was completely framed and roofed, they notified us that we were in non-compliance. We complied with the Ordinance 7-7-5 as written.

Date: June 25, 2002

s/ Steve Wilson
Project Manager
Signature of Appellant

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FOR OFFICE USE ONLY:

Date Received: June 25, 2002

Filing Fee: \$25.00 Check: 05834 Cash: _____

The Planning and Building Director stated that upon further review by the Planning Department and the Building Department, the recommendation has been reconsidered to grant the variance. The variance should be granted on the basis of what the Board of Adjustment noted when they were making their opinion, that this lot is shallow. At the end of East 25th Street, the depth of this lot is 76 feet. There is an 18-foot easement at the southern end, so that reduces the building site to approximately 58 feet in depth. There is also another easement of 10 feet, leaving the remaining area to be only 48 feet in depth. This is a difficult lot to work with. At the time that the Developer developed this lot, he anticipated two office buildings. That has now changed to one office building. This is a minimal variance being used to comply with ADA requirements. The variance request is for 3 feet for 7 feet across the front of the two lots.

Councilmember Eldredge stated that part of the uniqueness of these lots, are that they are shallow to begin with. The power line easement narrows the lots further. The Planning and Building Director stated that the buildable area on the two lots is small due to the shallowness of the two lots. Mayor Milam stated that the building is constructed at the narrowest point in the two lots. Councilmember Eldredge requested to know whether there was a setback from the easement in the rear. The Planning and Building Director stated that there is a 2-foot setback from the 18-foot easement, which would have been an encroachment into the zoning setback of one foot.

Steve Wilson, 3920 East Sunnyside Road, appeared to state that he is with Skidmore, Inc. Skidmore, Inc. submitted the plot plan in December, 2001. The structure plan was developed and ready to submit for a building permit in February, 2002. At the time plans were submitted for a building permit, they met all of the zoning requirements for the building back. Upon completion of the plan check, the only correction was to add 3 feet to the front vestibule to meet ADA requirements. Skidmore, Inc. made the correction and resubmitted the plans for final approval. The Building Department approved the plans and Skidmore's began construction of the building. A Footing Inspection and a Foundation Inspection were conducted, with no problems being noted. When the Framing Inspection was requested (framing complete and roof on), then the problem was noted on the vestibule being within the setback. There will be approximately 30% of landscaping on the two lots around the building and parking area. The building is constructed at the end of a cul-de-sac. There are no safety issues or traffic issues.

Rich Meyers, 425 11th Street, owner of Meyers Counseling Services, Inc., appeared to state that he would be the ultimate occupant of the building under construction. Originally, he had intended to construct his building on one of the lots in question. They became concerned, upon analyzing their client load, that parking could be an issue. They contacted Custom Land Development and purchased the neighboring lot, so that parking could be installed on both sides of the building. The building was already designed when the placement of the building on the two lots was changed. He emphasized that he did this on a good faith gesture, and was not intending to violate any of the City Codes.

Dave Skidmore, 3920 East Sunnyside Road, appeared to submit the following three letters from neighbors to the building:

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STATEMENT OF SUPPORT

By signing below, I hereby acknowledge receipt and review of correspondence from Richard J. Meyers and note that I have no objection, as an adjacent property owner, to the current placement of the vestibule on his building, located at 2420 East 25th Circle.

Robert K. Beck
Sandcreek Development,
LLC
s/ Robert K. Beck
2450 East 25th Street
Idaho Falls, Idaho 83404
July 24, 2002

Meyers Counseling
Services, Inc.
3345 South Holmes
Avenue, Suite B
Idaho Falls, Idaho 83404
(208) 528-6853
Fax: (208) 528-6888

July 23, 2002

David G. Collette, C.P., B.O.C.
2230 East 25th Street
Idaho Falls, Idaho 83404

Mr. Collette:

Thank you for taking time to speak with my wife on the telephone today. As you are aware, my wife and I are in the process of constructing a building at 2420 East 25th Circle on a property directly adjacent to yours. As you are also aware, the City of Idaho Falls is concerned about the placement of the vestibule of our building. Given that you are the owner of said adjacent property, I am hereby respectfully requesting your assistance in supporting our efforts to allow the current placement of our vestibule to be maintained.

According to the city ordinance governing property zoned R-3, any new building must be located fifteen (15) feet from the street. It also notes that the "main part" of the building must be set back fifteen (15) feet from the property line in order to accommodate landscaping in front of the structure. As my wife and I understand it, the City is stating that the vestibule, located seventeenth feet, nine inches from the street should actually be at least fifteen feet from the front property line which they define as beginning from the inner border of the sidewalk.

As my wife mentioned to you on the telephone, we specifically purchased two lots upon which to construct our building to allow a distinctly more aesthetically pleasing layout. We have a relatively large practice and, early in

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the planning stages, rapidly realized that a single lot would not accommodate the amount of parking necessary for us to conduct business. As such, the decision was made to place the building in the center of the combined property, with parking lots placed on each side. We expended a great deal of time, effort, and consideration in selecting the physical structure and exterior presentation of our building, and we maintain our position that the vestibule, as currently constructed and placed, is an integral element of our building's architectural presentation. I believe even casual observers would agree with this commentary.

If you have no objection to the current placement of the vestibule, we would appreciate your endorsement of this correspondence so that we may present same to the City Council for their consideration of our appeal. Thank you so much for taking time to speak with me and assist in our efforts.

Respectfully submitted,

s/ Richard J. Meyers
Richard J. Meyers, M.S.,
LPC

STATEMENT OF SUPPORT

By signing below, I hereby acknowledge receipt and review of correspondence from Richard J. Meyers and note that I have no objection, as an adjacent property owner, to the current placement of the vestibule on his building, located at 2420 East 25th Circle.

David Collette
s/ David Collette
2440 and 2442 East 25th
Circle
July 23, 2002

Meyers Counseling
Services, Inc.
3345 South Holmes
Avenue, Suite B
Idaho Falls, Idaho 83404
(208) 528-6853
Fax: (208) 528-6888

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Terry L. Roe, CPA
Parry, Roe & Clayton, P. A.
2400 East 25th Street

Idaho Falls, Idaho 83404

Mr. Roe:

JULY 25, 2002

By way of introduction, my wife and I are in the process of constructing a building at 2420 East 25th Circle on a property adjacent to yours. As you are also likely aware via their correspondence to you, the City of Idaho Falls is concerned about the placement of the vestibule of our building. Given that you are the owner of said adjacent property, I am hereby respectfully requesting your assistance in supporting our efforts to allow the current placement of our vestibule to be maintained.

According to the city ordinance governing property zoned R-3, any new building must be located fifteen (15) feet from the street. It also notes that the "main part" of the building must be set back fifteen (15) feet from the property line in order to accommodate landscaping in front of the structure. As my wife and I understand it, the City is stating that the vestibule, located seventeen feet, nine inches from the street should actually be at least fifteen feet from the front property line which they define as beginning from the inner border of the sidewalk.

I feel compelled to note we specifically purchased two lots upon which to construct our building to allow a distinctly more aesthetically pleasing layout. We have a relatively large practice and, early in the planning stages, rapidly realized that a single lot would not accommodate the amount of parking necessary for us to conduct business. As such, the decision was made to place the building in the center of the combined property, with parking lots placed on each side. We expended a great deal of time, effort, and consideration in selecting the physical structure and exterior presentation of our building, and we maintain our position that the vestibule, as currently constructed and placed, is an integral element of our building's architectural presentation. I believe even casual observers would agree with this commentary.

If you have no objection to the current placement of the vestibule, we would appreciate your endorsement of this correspondence so that we may present same to the City Council for their consideration of our appeal. Thank you so much for taking time to review this correspondence and assist in our efforts.

Respectfully submitted,

s/ Richard J. Meyers
Richard J. Meyers, M.S.,
LPC

STATEMENT OF SUPPORT

By signing below, I hereby acknowledge receipt and review of correspondence from Richard J. Meyers and note that I have no objection, as an adjacent property owner, to the current placement of the vestibule on his building, located at 2420 East 25th Circle.

Terry L. Roe
s/ Terry L. Roe
2400 East 25th Circle

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

Councilmember Eldredge stated that there are clear criteria on when and when not to grant variances. One of the criteria is the uniqueness of the lot. This particular lot meets that criterion because of the power line easement. He stated that he was not certain whether that information was available to the Board of Adjustment. That would be one of the reasons for overturning their decision.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to grant the variance request for Lots 6 and 7, Block 1, Rose Nielsen Addition, Division No. 110 as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls
July 19, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CHANGE ORDER NO. 4 TO THE TERMINAL RENOVATION PROJECT

Attached for City Council approval is Change Order No. 4 for \$69,075.00. The Change Order is a consolidation of 34 credits and charges. There is money in the budget for these changes.

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

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve Change Order No. 4 to Ormond Builders, Inc. for the Airport Terminal Renovation Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose

Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge

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Councilmember Lehto

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
July 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: DARK SINGLE MODE FIBER LICENSE AGREEMENT WITH
CYMPHONY

Attached for your consideration is an agreement to provide dark fiber services to Cymphony. The City Attorney has reviewed the agreement.

Idaho Falls Power respectfully requests approval of this agreement and authorization for the Mayor to execute the document.

s/ Mark Gendron

Councilmember Eldredge commented that this is not going to affect the power rates or the financial situation of the power company because of the work that is being done to establish a line-of-credit from the General Fund to create this new business line for fiber optics. It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the agreement to provide dark fiber services to Cymphony and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Library Director submitted the following memo:

City of Idaho Falls
July 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Nancy Donahoo, Library Director
SUBJECT: RESOLUTION AUTHORIZING DISPOSAL OF LIBRARY MATERIALS

JULY 25, 2002

Attached you will find a "Resolution Authorizing Disposal of Library Materials". These materials are surplus, worn out, of little or no utility, or are otherwise unneeded for public purposes.

I am hereby requesting authorization from the Mayor and City Council to have the Mayor sign the Resolution and, further, give authorization for the library materials to be given to the Friends of the Library to sell as surplus. The proceeds from the sale will come back to the Library in the guise of various projects specifically supported by the Friends group.

s/ Nancy Donahoo

RESOLUTION NO. 2002-03

WHEREAS, the Idaho Falls Public Library has accumulated a number of library materials which are surplus, worn out, of little or no utility, or which are otherwise unneeded for public purposes;

WHEREAS, the Board of Trustees for the Library has recommended that such books be sold at public auction or in such other manner as may be determined by the Board of Trustees;

WHEREAS, it appears that such sale is appropriate under the circumstances.

NOW, THEREFORE, be it resolved that the Idaho Falls Library Board of Trustees be and hereby is authorized to sell, convey or dispose of the library materials described below at public auction or in such other manner as the Board shall deem appropriate:

Books	299
Audio Tapes	495
LP Records	<u>127</u>
Total	921

DATED this 29th day of July, 2002.

s/ Linda M. Milam
Linda M. Milam
Mayor

(SEAL)

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to approve the Resolution authorizing disposal of Library materials and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Rose
Councilmember Eldredge

Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle

JULY 25, 2002

Councilmember Groberg

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 17, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CIVIC AUDITORIUM HVAC SYSTEM – CHANGE ORDER NO. 1

Please find attached for your consideration is the Change Order No. 1 in the amount of \$5,596.00 to furnish and install a concrete floor in the unfinished space under the entryway of the Civic Auditorium.

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

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve Change Order No. 1 to Vern Clark and Sons Construction Company, Inc. for Civic Auditorium HVAC System and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 19, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-23, SURPLUS USED EQUIPMENT

Attached for your consideration is the tabulation for Bid IF-02-23, Surplus Used Equipment.

JULY 25, 2002

It is the recommendation of Municipal Services to accept the high bid for Items 1 through 16 and reject all bids for Items 17 through 27 as listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to accept the high bids for Items No. 1 through 16 and reject all bids for Items No. 17 through 27 as listed on Attachment "A". Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 19, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-26, ONE (1) 2002 OR NEWER CAB AND CHASSIS MOUNTED WITH A NEW SALT/SAND SPREADER

Attached for your consideration is the tabulation for Bid IF-02-26, One (1) 2002 or Newer Cab and Chassis Mounted with a New Salt/Sand Spreader.

It is the recommendation of Municipal Services to accept the bid of Hirning Truck Center to furnish a 2002 GMC Cab Over Cab and Chassis Mounted with a Monroe Salt/Sand Spreader for an amount of \$80,915.00 with trade in Unit No. 43.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to accept the bid from Hirning Truck Center to furnish One (1) 2002 Cab and Chassis Mounted with a New Salt/Sand Spreader as presented. Roll call as follows:

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

Councilmember Rose

Nay: None

JULY 25, 2002

Motion Carried.

City of Idaho Falls
July 19, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-28, TRAFFIC SIGNAL EQUIPMENT

Attached for your consideration is the tabulation for Bid IF-02-28, Traffic Signal Equipment.

It is the recommendation of Municipal Services to accept the low evaluated bid meeting specifications as listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to accept the low evaluated bid meeting specifications for Traffic Signal Equipment as listed on Attachment "A" as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
July 25, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: UNIVERSITY PLACE PATHWAY PROJECT – PROFESSIONAL SERVICES AGREEMENT

Attached for your consideration is a Professional Services Agreement between the City of Idaho Falls and SERG, Inc. of Idaho Falls for the purpose of performing environmental services for the University Place Pathway Project. The University Place Pathway Project is an ITD Enhancement Project. Cost for this service is not to exceed \$13,200. The City Engineering Department has

reviewed and approved this Agreement. It is, therefore, submitted for your approval and to have the Mayor sign and execute said Agreement.

s/ David J. Christiansen

JULY 25, 2002

Councilmember Lehto requested to know how the value of the Contract was determined. The City Attorney stated that typically, the professional would set forth the rates and factors for overhead. The rates will be known, but the quantities and time to provide the service will be unknown. A cap is established, so that the City will have control over what the cost will be.

Councilmember Eldredge stated that this project has been in process for a long time.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Professional Services Agreement with SERG, Inc. to perform environmental services for the University Place Pathway Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Chief of Police submitted the following memo:

City of Idaho Falls
July 15, 2002

MEMORANDUM

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

I respectfully request that the attached contract from Cole Associates Architects, P. A. regarding the Idaho Falls Police Department Needs Assessment Study be heard at the City Council Meeting of July 25, 2002.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Groberg explained that this study indicates the space available and what can be done with that space at the Police Department building. This is the first step in a remodeling consideration or whether the Police Department needs another location.

Councilmember Shurtleff expressed his concern over these types of studies. These studies lend credence to what is already known. He questioned whether the City gets a lot out of these studies.

Councilmember Hardcastle stated that she understood that this study would determine once and for all whether a new Police facility was needed at this time.

Councilmember Eldredge explained that the contract provides for multiple phases. The first phase would determine what the needs of the Police Department are, to find out how much space is needed and what type of facilities are required. The second phase, which is not part of this contract, would determine what is the best way to accomplish

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the needs. It has been determined that the existing facility has been outgrown. When the Police Department moved in, there were approximately one-half of the sworn officers that the Police Department now has. It needs to be determined what the Department requires, so that when the time comes to make a change, it will already be determined what is needed before that change is made.

A brief discussion was held among Council regarding some of the needs of the Police Department and what this study would accomplish.

Captain Bruce Jones, 1116 East 1200 North, Shelley, Idaho, appeared to state that he has contacted Mr. Cole from Cole Associates Architects in Boise. He also contacted some of the other Police Departments that have had dealings with Cole Associates Architects. The City of Nampa did not build a new Police Department building after their study from Cole Associates Architects. They remodeled the existing facility to be more effective.

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve the Contract with Cole Associates Architects, P. A. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
July 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – 9TH STREET WATER LINE – HOLMES AVENUE TO IDAHO CANAL

On July 16, 2002, bids were received and opened for the 9th Street Water Line – Holmes Avenue to Idaho Canal. A tabulation of the bid results is attached.

Public Works recommends the contract be awarded to the low bidder HK Contractors, Inc. in the amount of \$411,860.90; and, authorize the Mayor and City Clerk to sign the contract document.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to accept the low bid from HK Contractors, Inc. to complete the 9th Street Water Line – Holmes Avenue to Idaho Canal Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

JULY 25, 2002

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Groberg, that the meeting adjourn at 8:35 p.m.

CITY CLERK

MAYOR
