

**JULY 11, 2002**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 11, 2002, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Ida Hardcastle  
Councilmember Bill Shurtleff  
Councilmember Mike Lehto  
Councilmember Joe Groberg  
Councilmember Bruce Rose

Absent was:

Councilmember Brad Eldredge

Also present:

Shan Perry, Assistant City Attorney  
Rosemarie Anderson, City Clerk  
All available Division Directors

Mayor Milam was presented with a plaque at the Association of Idaho Cities Meeting held in June for "The City of Idaho Falls has been designated an Idaho Heritage City in recognition of its efforts to preserve and interpret the cultural heritage of the community for current and future generations".

The City Clerk read a summary of the minutes for the June 25, 2002 Special Council Meeting. It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, that the minutes be approved as printed. Roll call as follows:

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

Nay: None

Motion Carried.

### **CONSENT AGENDA ITEMS**

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented several license applications, including a BEER LICENSE to China Super Buffet (Transfer Only); BARTENDER PERMITS to Camille L. Clifford, Kelly T. Harman, Chris J. Hope, Stacey L. Rose, Eric J. Schultz, and Vieto Torres, 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 11, 2002.

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The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: FIBER OPTIC

Idaho Falls Power respectfully requests authorization to advertise and receive bids for fiber optic construction.

s/ Mark Gendron

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
July 11, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: REQUEST FOR PROFESSIONAL SERVICES – PROPOSED  
COMMUNITY RECREATION CENTER

The Division of Parks and Recreation respectfully requests ratification to advertise for professional architectural services for the proposed Community Recreation Center.

s/ David J. Christiansen

The Public Works Director submitted the following memo:

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – WELL NO. 1, ELECTRICAL AND  
MECHANICAL UPGRADES

Public Works requests authorization to advertise to receive bids for Well No. 1 Electrical and Mechanical Upgrades.

s/ Chad Stanger

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Mayor Milam stated that the memo from the Parks and Recreation Director would be removed from the Consent Agenda and would be considered under the Regular Agenda.

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The City Clerk presented the following Expenditure Summary dated June 1, 2002 through June 30, 2002, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$484,118.93
Street Fund	39,211.24
Recreation Fund	27,422.74
Library Fund	35,330.06
Municipal Equipment Replacement Fund	87,748.78
Electric Light Public Purpose Fund	56,409.46
Street Capital Improvement Fund	10,664.29
Bridge and Arterial Street Fund	2,255.00
Surface Drainage Fund	46,145.30
Airport Fund	641,145.86
Water and Sewer Fund	686,883.02
Sanitation Fund	15,886.25
Ambulance Fund	6,251.35
Electric Light Fund	2,930,144.69
Payroll Liability Fund	1,730,135.06
Airport Fund Certificates of Participation	10,644.00
<b>TOTALS</b>	<b>\$6,810,396.03</b>

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to ratify the payment of the expenditures for the month of June, 2002. Roll call as follows:

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

Nay: None

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Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing, as legally advertised, for consideration of a rezoning from R-1 (Single-Family Residential), R-2A (Apartments, not to exceed 8-plexes) and PT-2 (High Density Residential and Commercial) to R-3A (Apartments and Professional Offices) on property located generally north of 17<sup>th</sup> Street, south of 16<sup>th</sup> Street, east of Television Park Addition, legally described as Lots 2 and 3, Block 1, Homestead Square. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REZONING – HOMESTEAD SQUARE, LOTS 2 AND 3, BLOCK 1

Attached is the petition to rezone Lots 2 and 3, Block 1, Homestead Square from R-1 (Single-Family Residential), R-2A (Apartments, not to exceed 8 plexes), and PT-2 (High Density Residential and Commercial) to R-3A (Apartments and Professional Office). This property is located generally north of 17<sup>th</sup> Street, south of 16<sup>th</sup> Street, and east of Television Park Addition. The Planning Commission considered this rezoning at its June 4, 2002 Meeting and recommended approval. The Commission found the rezoning to be in accordance with the comprehensive plan. The Planning Department concurs in this recommendation. The petition for rezoning is now being submitted to the Mayor and City Council.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Site Photo south of site at it abuts 17 <sup>th</sup> Street
Slide 4	Site Photo showing existing building abutting 16 <sup>th</sup> Street
Slide 5	Site Photo showing property to the west of site
Slide 6	Site Photo showing parking lot abutting 16 <sup>th</sup> Street
Slide 7	Site Photo showing single-family homes to the north
Slide 8	Site Photo showing landscaping buffer between parking lot and 16 <sup>th</sup> Street
Slide 9	Site Photo showing sign indicating the east buffer
Slide 10	Site Photo looking north across site
Exhibit 1	Planning Commission Minutes dated June 4, 2002
Exhibit 2	Staff Report dated June 4, 2002

Mayor Milam indicated that the following e-mails were received in opposition to this rezoning request:

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July 10, 2002

Attention Todd Meyers, Zoning Commission, and Idaho Falls City Council:

As per my phone conversation with Todd yesterday regarding the Public Hearing of the property of ReMax Homestead, I am sending this e-mail to express my household's views and concerns. I realize that I sent an e-mail for the meeting held on June 4<sup>th</sup>, as that was my daughter's high school graduation night. Due to long-time scheduled family commitments, I might not be able to attend this second meeting on July 11, 2002. This letter is to further make clear our concerns and vote on the issues with regards to the above mentioned property. (There was some concern that my first e-mail might have been misinterpreted.)

1. The most important issue that I, and my neighbors, are concerned with is the AMOUNT OF TRAFFIC GENERATED by the businesses at the ReMax property. Also, the AMOUNT OF TRAFFIC FROM 17<sup>TH</sup> STREET THAT USE THIS PARKING LOT AS A CUT-THROUGH TO OTHER STREETS (LIKE TO GET TO 12<sup>TH</sup> STREET OR 9<sup>TH</sup> STREET OR EVEN HOLMES). It already makes it very hard for all the children to safely walk on the sidewalks past the property to get to school and home from Theresa Bunker. It is hard for The Bell Family and my family to back out of our driveways safely, even after we have checked many times to see if any cars are coming, someone always seems to pull out of the parking lot without stopping and nearly runs into our cars!!!

2. The NOISE FACTOR of any increase of business IF RETAIL will be IMPOSSIBLE TO LIVE WITH.

3. IF RETAIL SHOULD EVER GET IN THERE, THE EXITS AND TRAFFIC, ETC. USING THE 16<sup>TH</sup> STREET AS THE ROUTE TO THE PROPERTY would greatly increase even more than now and cause a safety threat to our children and residents.

4. We would like to see a BARRIER WALL PUT UP CLEAR ACROSS THE NORTH END OF THE ENTIRE PROPERTY TO CUT OFF THE BUSINESS LOT FROM THE RESIDENTIAL AREA (like Walgreen's, Wal-Mart, Winco and Dr. Ellison (dentist) have done on their own to help with these issues for the residential areas).

5. WE WOULD LIKE TO SEE THE TWO 16<sup>TH</sup> STREET EXITS CLOSED UP. According to the neighbors and Theresa Bunker School staff (those who fought this issue many years ago), there was supposed to be a condition met by Mr. Gagner and owners that the traffic would not be allowed to cut through to 16<sup>th</sup> Street. He was also supposed to provide a barrier YEARS AGO, but he NEVER KEPT HIS COURT RULING OBLIGATIONS, AND WAS NEVER FINED. ONLY A VERY FEW YEARS AGO DID HE PLANT SMALL TREES TO LEND **SOME PARTIAL DIVISION. The trees get ruined in the winter, are slow growing, and you can see between them. They do not extend completely across the property.**

6. This is a difficult problem for our area. We DO NOT WANT RETAIL AND TRAFFIC IN THERE. WE DO WANT ORDERLY, QUIET BUSINESSES. IF RESIDENTIAL HOUSING, We WANT CONTROLLED MONITORING OF FAMILIES

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IN THERE AS TO THE FACTORS OF QUIET, ORDERLY, CLEAN (NOT LIKE THE SEVERAL GROUPS THEY HAD IN THERE ABOUT 4, 5, AND 6 YEARS AGO WHO TURNED OUT TO BE HAVING SEX AND DRUG PARTIES GOING ON OVER THERE) (many nights our neighborhood would all have to call the police for help to get the noise, etc. taken care of over there). The residents, lately, have been quiet and have kept things clean over there (as far as we know).

I would like to have asked for PB rating of the property, however, that would allow Mr. Gagner and property to not have to be under any reviews.

THEREFORE, MY FAMILY IS ASKING FOR PT-2 rating, since the area will be under reviews for any changes to be made. Mr. Gagner has already been under this rating and HAS BROKEN ABOUT EVERY RULE IN THE BOOK. HE IS VERY DISHONEST. HE DOES WHAT HE WANTS TO THE PROPERTY AND THEN, AFTER THE FACT, GOES TO THE CITY TO HAVE IT LEGALIZED. THE ENTIRE AREA IS AWARE OF THIS AS WELL AS YOUR MR. JENSEN (WHO USED TO WORK IN THE ZONING OFFICE).

I hope this e-mail will state more clearly our wishes and concerns for the AREA IN WHICH WE LIVE. We hope you will take to heart our honest and rightful concerns and deal with this AS IF IT WERE YOUR RESIDENTIAL AREA. Thank you for your attention to this matter. We only want a SAFE AND QUIET NEIGHBORHOOD. We DO NOT wish to cause problems for anyone at ReMax, etc. Remember, the problem would have been solved a long time ago, IF MR. GAGNER WOULD HAVE ONLY BUILT A NICE CINDER BLOCK TALL WALL ACROSS THE ENTIRE PROPERTY BOUNDARIES ON THE NORTH END CUTTING OFF BOTH EXITS (LIKE WALGREEN'S). (Then, we would not care what he did on the other side of the wall.)

Thank you again,

Mrs. Marilyn Kelly

July 10, 2002

I am Keith Sheldon Bell and I reside at 1293 East 16<sup>th</sup> Street which is across the street from the property referred to as Homestead Square. Homestead Square is before the City Planning Commission by its owner (Mr. Gagner) to have the property rezoned from residential to business. Mr. Gagner converted the property and since he is now asking for permission to do so now he did this without a zone change. Mr. Gagner has not listened to the property owners on 16<sup>th</sup> Street and has continued with his agenda in spite of protest from those in the neighborhood.

The Homestead property has access from both 17<sup>th</sup> and 16<sup>th</sup> Streets. The "through" access has turned the Homestead property into a connection street between 17<sup>th</sup> and 16<sup>th</sup> Streets. In a space of about 15 minutes there were 12 vehicles who "cut" through the Homestead property.

THE OWNERS OF THE PROPERTY ON 16<sup>TH</sup> STREET DO NOT TRUST MR. GAGNER AND OPPOSE HIS BID TO REZONE THE PROPERTY. Mr. Gagner has already developed a business property (two business buildings, a parking lot for

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about 30 to 40 cars, commercial vehicles parking in the lot (moving vans), etc. This was done while the property still had a residential zone on it – what will he do with a business/commercial zone.

I REQUEST THAT IF THE CITY ALLOW THE ZONE CHANGE THAT MR. GAGNER BE REQUIRED TO PUT UP A 6-FOOT BLOCK WALL ALONG THE PROPERTY WHICH BORDERS 16<sup>TH</sup> STREET – THIS WILL BLOCK THE EXISTING TWO DRIVEWAYS WHICH EXIT ON TO 16<sup>TH</sup> STREET AND STOP THE TRAFFIC FLOW THROUGH THE PROPERTY.

Homestead Square would still have two driveways on 17<sup>th</sup> Street (one more than the present Wal-Mart Store which has only one and which blocks by a wall drivers from driving onto the streets behind Wal-Mart. I ASK FOR THE SAME CONSIDERATION GIVEN TO THE RESIDENTS ON 16<sup>TH</sup> STREET THAT THE CITY GAVE TO THE RESIDENTS WHO LIVE ON STREET SURROUNDING WAL-MART.

I oppose the zone change! I HOPE THAT THE CITY WILL NOT ALLOW THE ZONE CHANGE. I am sorry that I will be out of town during the hearing, but hope that this e-mail will convey to you my opposition to the zone change.

Keith S. Bell  
1293 East 16<sup>th</sup> Street  
Idaho Falls, Idaho 83404  
(208) 535-9082  
[twobells@ida.net](mailto:twobells@ida.net)

Councilmember Hardcastle requested the Assistant Planning and Building Director to identify the route that traffic is taking to get from 17<sup>th</sup> Street to 16<sup>th</sup> Street. The Assistant Planning and Building Director indicated that the access on the west is the problem access. It is a straight through access from 17<sup>th</sup> Street to 16<sup>th</sup> Street. He also indicated that there is a second access located to the east, which is separated from the first access by landscaping.

Councilmember Groberg requested to know what the underlying zone was for the PT-2 Zone in this area. The Assistant Planning and Building Director stated that Lot 3 (where the main building is located) is R-1 and Lot 2 is R-2A. Councilmember Groberg requested to know whether it made any difference in what the underlying zone is in the PT-2 Zone. The Assistant Planning and Building Director explained that if someone wanted to expand the use under an R-1 Zone with a PT-2 Overlay, the R-1 Zone would dictate that. If any other changes are requested, the PT-2 Overlay Zone would dictate the changes. If the PT-2 Overlay were left in place and the zone was changed to R-3A, any change of use would have to be addressed under the public hearing process for a site plan before the Planning Commission and the City Council.

Councilmember Hardcastle requested to know whether one of the accesses onto 16<sup>th</sup> Street could be closed under the present zoning. The Assistant Planning and Building Director explained that it would be questionable whether either zone would allow for one of the accesses to be closed. To make a planned use change under the PT-2 Overlay, there is a minimum of 30,000 square feet required. If a change of use were planned on the back two lots (which totals approximately 17,000 square feet), all three lots would have to be brought in for consideration under a site plan. In some instances the access between the lots could be terminated. The accesses would still be available to 16<sup>th</sup> Street and two separate parking lots would result.

Councilmember Groberg questioned what the relevance of submitting the site photo showing the "Do Not Enter" sign. The Assistant Planning and Building Director explained that the neighbors would like to have all access terminated to 16<sup>th</sup> Street at this location, with a stone wall fence built. He stated, further, that the photo was submitted to show that this battle has already been fought in court and accesses cannot be terminated.

Councilmember Shurtleff requested the Assistant Planning and Building Director to explain the Council's reasoning for placing the PT-2 Zone in this area. The Assistant Planning and Building Director explained that in the late 1980's, the Sunnyside Corridor Study was written and the PT Zone was established. The City Council reviewed several arterial streets that were established with single-family homes facing those streets. There were curb cuts at approximately 60-foot intervals as a result. With the traffic patterns that were being generated, some safety hazards were created. Traffic circulation and speed were also affected. There were opportunities for portions of the area to develop into commercial properties. The City of Idaho Falls did not want to see individual homes turn into commercial properties, creating further traffic problems. The PT Zone requires at least ten lots (which is typically 3 properties), of at least 30,000 square feet to combine for one commercial use. With this requirement, then accesses could be limited. The PT-2 Zone looks at how the properties are allowed to convert, improve the traffic, and at the same time buffer the residential properties that remain until it is time for those properties to convert. Councilmember Shurtleff commented that when the PT Zone was placed on these properties, it was the feeling of the Council that these properties were in transition. A discussion was held among Council regarding other areas in the City of Idaho Falls where the PT Zone was implemented.

Lee Gagner, 2555 Fieldstream Lane, appeared as the applicant for this rezoning request. He stated that he owned the property addressed as 1301 East 17<sup>th</sup> Street. In 1985, he purchased this property and built his office building. In 1985, he moved the large green house from the office building property to Lot 2 on 16<sup>th</sup> Street. The remainder of the area or Lot 3, was used for gravel parking. In 1985, there were improvement drawings showing curb cuts for each of the two lots on 16<sup>th</sup> Street. At about the same time, a lawsuit was brought against the City of Idaho Falls by the Voigt Company on the property adjacent to and left of his property. It was intended to restrict access to 16<sup>th</sup> Street. The court decided that access to 16<sup>th</sup> Street should not be limited. In 1991, Mr. Gagner had a conversation with the Planning and Building Director regarding a parking lot in that area. He was informed that in order to do that, he would have to plant trees on the east side of the property. Trees were also planted on 16<sup>th</sup> Street. In 1991, the PT-2 Zone was overlaid. The PT-2 Zone allows him to do two things that he could not do if he simply rezoned the property to R-3A. Under the PT-2 Zone, he has the right to request a commercial application for these lots. Also, under the PT-2 Zone, he is allowed to park two moving trucks; under the R-3A Zone, he would not be able to allow those vehicles to be parked at this location. Since 1985, the traffic pattern has been established. There has not been an accident, to his knowledge. The reason there was a change in use approximately 1-1/2 years ago, from strictly apartment buildings, was that he was attracting "party people" as tenants. This rezoning request comes before the Council as a use change, but the neighbors have made it a traffic concern. This is not a traffic issue that needs to be resolved. It is strictly a use change. Mr. Gagner described the businesses that he is renting to at this time. He stated that, until 1991, there was no discussion about whether a PT Zone would have to discuss a use change with the Planning and Building Division. It was strictly a decision and opinion of the City of Idaho Falls' legal counsel that the change in one portion of a parcel in a land use change in the PT Zone should be handled as a land use. He stated that he did not believe that he has had any complaints from surrounding neighbors about the way the buildings are being used.

Rebecca Kaiser, 1805 Michael, appeared to state that she is the Director of Birthright of Idaho Falls (business located in basement of green building). They have been at this location for approximately two years. They are open 4 hours on Monday and Tuesday, 6

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hours on Wednesday, and 3 hours on Saturday. They are a small group of volunteers who help women by giving them options to abortion. Ms. Kaiser stated that when giving directions to their office, they tell the public to come in off of 17<sup>th</sup> Street because it is too confusing to enter off of 16<sup>th</sup> Street. As far as the residents along 16<sup>th</sup> Street, the speed limit is 25 MPH with two stop signs being located by the elementary school. She explained that her main concern is the closure of access to 16<sup>th</sup> Street, and the removal of some essential parking in order to accomplish this.

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

Councilmember Groberg requested to know whether the moving trucks were allowed under the present zoning. The Assistant Planning and Building Director explained that any truck that is over a gross weight of 10,000 lbs. is not allowed to park in a residential area. If this property were to be rezoned to R-3A, the trucks would have to be moved to another location. Councilmember Lehto stated that the PT Zone allows for a little more latitude. Until the final zone was established, it was appropriate to park the trucks at this location. The Assistant Planning and Building Director stated that Mr. Gagner has changed the use of the building on Lot 2. A new site plan will have to be submitted on that change, or the use would have to be changed back to the use that has been approved there.

Mayor Milam commented that under the R-3A Zone, retail would not be allowed. The Assistant Planning and Building Director stated that the staff recommended the R-3A Zone because it reduces the amount of uses that would be allowed.

A general discussion was held among Council regarding whether the accesses onto 16<sup>th</sup> Street could be limited through the zone placed in this location. The Assistant Planning and Building Director explained that if the zone is changed to R-3A as requested, nothing could be done with the existing accesses. Councilmember Hardcastle commented that if the configuration of the accesses were changed, would that reduce the amount of traffic in this parking lot area and along 16<sup>th</sup> Street. The Assistant Planning and Building Director stated that if the PT-2 Zone remains on this property, the site plan would be reviewed and alterations could be made to the traffic flow through this area.

Councilmember Groberg stated that he does not have a problem with changing the zone in this area to R-3A, but he questions whether the Council wants to remove the PT-2 Overlay Zone.

Councilmember Hardcastle requested to know what the staff recommended regarding keeping the PT-2 Overlay. The Assistant Planning and Building Director stated that if the issues are more of traffic circulation than buffering, he would recommend the PT-2 Overlay. If the issue is the type of land use, then he recommended the zone change to R-3A.

Mr. Gagner re-appeared to state that the neighbors that are protesting the zone change are the ones that are using the accesses onto 16<sup>th</sup> Street. He has tried to resolve this conflict through a change of use.

Councilmember Groberg requested to know if the Council approved the rezone to R-3A, but re-imposed the PT-2 Overlay Zone, would the use that is now in existence be automatically permitted since it is now R-3A. The Assistant Planning and Building Director stated that the use has not been legally established, so it would not be grandfathered in. The use that has been legally established on the property is multi-family. Mr. Gagner has made the change over to Professional Business without taking the proper procedures to make that use change.

There being no further discussion, it was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to approve the rezone from R-1, R-2A, and PT-2 to R-3A as requested on Lots 2 and 3, Block 1, Homestead Square and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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Aye: Councilmember Lehto  
Councilmember Rose  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: Councilmember Groberg

Motion Carried.

Councilmember Groberg stated that the circulation of traffic needs to be studied within the lots and the removal of the PT-2 Overlay Zone prevents the City Council from doing that.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to recess Annexation Proceedings for Spencer Addition, Division No. 2 to the next regularly scheduled Council Meeting on July 25, 2002. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to recess Annexation Proceedings for Spencer Addition, Division No. 3 to the next regularly scheduled Council Meeting on July 25, 2002. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: CONFIRMATION AGREEMENT WITH PINNACLE WEST CAPITAL CORPORATION

Attached for your consideration is a Confirmation Agreement between Pinnacle West Capital Corporation and Idaho Falls Power for the sale of firm energy.

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Idaho Falls Power respectfully requests Council ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement between Pinnacle West Capital Corporation and Idaho Falls Power for the sale of firm energy. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: CONFIRMATION AGREEMENTS WITH UTAH ASSOCIATED  
MUNICIPAL POWER SYSTEMS

Attached for your consideration are two Confirmation Agreements between UAMPS and Idaho Falls Power for the purchase of firm energy.

Idaho Falls Power respectfully requests Council ratification of these Agreements.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the two Confirmation Agreements between Utah Associated Municipal Power Systems and Idaho Falls Power for the purchase of firm energy. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls  
July 8, 2002

MEMORANDUM

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

Attached for your consideration is a Confirmation Agreement between IDACORP Energy and Idaho Falls Power for the purchase of firm energy.

Idaho Falls Power respectfully requests Council ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement between IDACORP Energy and Idaho Falls Power for the purchase of firm energy. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
July 8, 2002

MEMORANDUM

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

Attached for your consideration is a Confirmation Agreement between Powerex and Idaho Falls Power for the sale of firm energy.

Idaho Falls Power respectfully requests Council ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement between Powerex and Idaho Falls Power for the sale of firm energy. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Shurtleff  
Councilmember Lehto

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Councilmember Groberg  
Councilmember Rose

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
July 2, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-02-21, TWO (2) NEW 2002 BACKHOE LOADERS, FOUR  
WHEEL DRIVE RUBBER TIRE WHEEL TYPE

Attached for your consideration is the tabulation for Bid IF-02-21, Two (2) New 2002 Backhoe Loaders, Four Wheel Drive Rubber Tire Wheel Type.

It is the recommendation of Municipal Services to accept the low bid of Arnold Machinery to furnish two (2) new 2002 JCB Backhoe Loaders for an amount of \$63,997.00 each. Total price for two units with trade-in Unit No. 136 is \$112,994.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the low bid from Arnold Machinery to furnish the required Two (2) New 2002 Backhoe Loaders, Four Wheel Drive Rubber Tire Wheel Type as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
July 3, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-02-22, ONE (1) 2002 OR NEWER CAB AND CHASSIS  
MOUNTED WITH A NEW HOT ASPHALT/PATCHER UNIT

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Attached for your consideration is the tabulation for Bid IF-02-22, One (1) 2002 or Newer Cab and Chassis Mounted with a New Hot Asphalt/Patcher Unit.

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 Thermolay patching unit for an amount of \$118,307.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the low bid from Hirning Truck Center to furnish One (1) 2002 Cab and Chassis Mounted with a New Hot Asphalt/Patcher Unit. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
July 2, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-02-24, FIVE (5) NEW VACUUM CIRCUIT BREAKERS

Attached for your consideration is the tabulation for Bid IF-02-24, Five (5) New Vacuum Circuit Breakers.

It is the recommendation of Municipal Services to accept the low bid of S & C Electric to furnish the required Circuit Breakers for an amount of \$13,247.00 each extended to a total purchase amount of \$66,235.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the low bid from S & C Electric to furnish Five (5) New Vacuum Circuit Breakers as presented. Roll call as follows:

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

Nay: None

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Motion Carried.

City of Idaho Falls  
July 2, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-02-25, MATERIALS ONLY FOR A COMPLETE NEW  
FLOATING DOCK SYSTEM

Attached for your consideration is the tabulation for Bid IF-02-25, Materials Only for a Complete New Floating Dock System.

It is the recommendation of Municipal Services to accept the low bid of Supreme Easy Dock to furnish the required floating dock system – materials only for a total amount of \$36,026.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the low bid from Supreme Easy Dock to furnish the required Materials Only for a Floating Dock System. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
July 11, 2002

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: REQUEST FOR PROFESSIONAL SERVICES – PROPOSED  
COMMUNITY RECREATION CENTER

The Division of Parks and Recreation respectfully requests ratification to advertise for professional architectural services for the proposed Community Recreation Center.

s/ David J. Christiansen

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Councilmember Hardcastle explained that the Request for Proposals is in two phases. The first phase is to refine the conceptual drawings that the City already has to produce floor plans and elevations, with the doors and window openings clearly defined. The idea is to show what the building is going to look like. Also, in the first phase, a site plan will be drawn clearly to show that a good working construction budget can be established. At the end of the first phase, a full site rendering will be colored and mounted for presentation purposes. Phase One has been budgeted in the 2001-2002 Fiscal Year Budget. The second phase of the Request for Proposals has been budgeted in the 2002-2003 Fiscal Year Budget. This phase would build the promotional material for the bond election that the Citizens' Committee would like to move ahead with in February, 2003. These would include colored and mounted building elevations, interior perspective of the main lobby, and a 3-D movie of the interior of the building. A survey was completed last month. Exactly fifty percent (50%) of the people who were polled said that, under the criterion that was presented, they would support a community recreation center. Forty-two percent (42%) of those polled required further information. The promotional material would provide that information.

A brief discussion was held, and it was determined that the City Council is only asking for Requests for Proposal and that no money is being spent at this time.

Maureen Finnerty, 1105 South Highline Drive, appeared to state that the City Community Recreation Center Committee has been working for some time on the concept of building a replacement Community Recreation Center. At the present time, the City has a 35,000 square foot facility. This new center would be approximately twice that size. People have routinely stopped her on the street and requested to know when their families would be able to attend a new recreation center. They have commented that the Airport has been updated, Sunnyside Road is in the process of being reconstructed and the jail has been updated. It is time to have a place for families to go. The City has received the preliminary conceptual drawings and preliminary cost estimates from Yarger and Associates, Inc. A licensed firm scientifically conducted the survey that was completed. This survey indicated that fifty-two percent (52%) of the individuals surveyed would vote to pay a tax increase for the community recreation center with no questions asked. The remaining percentage of people stated that they would most likely be in favor of a tax, if they were given more information. The Committee has long held that they need to educate the public. Ms. Finnerty has held back, as the Chairman of that Committee, to do any campaigning or to do any public educational or marketing efforts, because she wanted to make sure what the facility was proposed to include along with the total project costs. The Committee is now at the point that they can begin campaigning, educating, and marketing, but would like to have some better drawings and an additional valuation of the costs involved. The estimated cost is \$14 Million, with \$10 Million being the construction of the facility. The remaining amount is for equipment costs and contingencies. Furthermore, Ms. Finnerty wanted to work with the firm chosen, to look at the possibility of eliminating some of the programs that have been designed. She stated that she would like to see the center go forward. If it means delaying the construction of the second floor, or removing the climbing walls or the racquetball courts, she will bring those proposals to the City Council for review. The Committee would like to have materials to begin educating the public. She requested the City Council to allow the Recreation Center Committee to go forward with the Request for Proposals at this time. The citizens need to decide what should be available in the Community Recreation Center. The Committee is looking at a possible Bond Election in February, 2003. Once the Committee goes out to the public through workshops and walking around the streets handing out pamphlets, there will be a good indication as to how the community feels about the recreation center. If there is not a lot of positive support, the Bond Election should be withdrawn, to be brought forward at another time.

Councilmember Groberg stated that the Request for Proposals was for architectural services and requested to know who was producing the educational materials. Ms. Finnerty stated that in the Request for Proposals, there is a line item that states that in

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additional to fleshing out the conceptual drawings and developing some elevation views, that information would be used to develop some placards, posters, and pamphlets. The large architectural firms that engage in municipal projects will not only complete the conceptual drawings, but also will develop the large poster boards and develop some computer PowerPoint Programs much like they would for any other big proposal. Councilmember Groberg questioned whether there was an estimate on how much the proposal would be.

The Parks and Recreation Director stated that one reason that the City submitted to the Request for Proposals, is that there is a relatively new law that states that if a City exceeds the \$25,000.00 limit, a Request for Proposals would have to be completed. He explained, further, that the Request for Proposals addresses past history and qualifications of a firm, as opposed to the moneys. When the interview and selection process is complete, negotiations for price can take place. The Parks and Recreation Director stated that the cost might be approximately \$20,000.00 to \$25,000.00.

Ms. Finnerty reappeared to state that she understood that one of the concerns regarding the Community Recreation Center is the potential for duplication of services. She believes that the Community Recreation Center will fulfill a different need than private facilities, especially when it comes to a place where the youth, teens and seniors can come.

Councilmember Shurtleff questioned whether there was a limit to how much would be spent for Phase One. The Parks and Recreation Director stated that \$39,000.00 has been budgeted for this. Councilmember Shurtleff questioned whether the chosen firm would have any further obligation to the City, following the development of Phase One. The Parks and Recreation Director stated that the firm would be basically finished. Councilmember Hardcastle stated that the City of Idaho Falls could use that firm to build without going out to bid again, following a price negotiation. Councilmember Shurtleff stated that the City Council has the authority to solicit a private architectural firm, telling the firm that if the Bond passes, the firm will get the job at a specified price. Councilmember Hardcastle explained that if the amount of the architectural services exceeds \$25,000.00, a Request for Proposal would have to be completed at that time. Councilmember Shurtleff stated that the City would go out for bid in any case, but what is selected is an architectural firm that will design the entire complex. If the firm gets this bid, it is his opinion, the numbers given by them will only be backed up by their professional reputation. He stated that the City is spending money that does not need to be spent. He wanted to get this out to the people for their consideration.

Councilmember Groberg stated that he did not agree with that concept. He would rather keep control of this and pay for services rendered. If the City does not go forward with this project, then there is no obligation on the part of the City.

Councilmember Shurtleff stated that if money is available for this project, the project will be built and the firm will get a certain amount of money. If the project does not go through, then the City does not owe the firm anything.

Councilmember Groberg stated that he would want the firm to be paid for the work that they completed.

Councilmember Shurtleff stated that he had no problem with the firm taking the risk up front for a bigger basket at the end.

Councilmember Lehto requested to know how the architect was hired for the Airport Improvements. Councilmember Groberg stated that a Request for Proposals was not issued. An architect was selected to complete the project. The requirement for a Request for Proposals was adopted as law approximately two years ago.

There being no further comment or discussion, it was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to ratify the advertisement for professional architectural services for the proposed Community Recreation Center. Roll call as follows:

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Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Rose

Nay: Councilmember Shurtleff

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls  
July 8, 2002

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: NAUVOO ADDITION, DIVISION NO. 1

Attached are the Development Agreement and Final Plat for Nauvoo Addition, Division No. 1. This parcel is located within the City of Idaho Falls, north of West Anderson, south of Science Center Drive, and west of Bush Elementary School. The property is zoned R-3A (Apartments and Professional Offices). The Planning Commission considered this plat on June 4, 2002 Meeting and recommended approval. The Planning Department concurs with this recommendation. The Development Agreement and Final Plat are now being submitted for consideration by the Mayor and Council.

s/ Renée R. Magee

The Assistant 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 the Development Agreement and Final Plat request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Final Plat of Nauvoo Addition, Division No. 1
Exhibit 1	Planning Commission Minutes dated June 4, 2002
Exhibit 2	Staff Report dated April 9, 2002

The Assistant Planning and Building Director stated that this Final Plat has been reviewed by Planning Staff, City Engineer, and City Surveyor and found to be in compliance with the City's Subdivision Ordinance and the City's Zoning Ordinance.

Councilmember Rose requested to know whether a portion of this development was for a gated community. The Assistant Planning and Building Director stated that Lot 1, Block 1 is a gated community. Councilmember Rose stated that the utilities and street are private and will be maintained by the homeowners within this community. The Assistant Planning and Building Director stated that this information was correct. He stated, further, that due to the size of the property and the densities that are allowed under the R-3A Zone, Planning Staff was able to calculate peak hour traffic. The Comprehensive Plan states that if the area generates over 200 peak hour trips, then a traffic study is required. The applicant conducted a traffic study on this area due to the sensitivity of the school in this location. The Planning Staff then hired a private traffic engineer to re-evaluate this study, where the

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City is the client. The traffic engineer came up with five recommendations. All five recommendations were relatively inexpensive. Three of the recommendations were for the City of Idaho Falls. Those have all been completed. The other two recommendations were for the School District. Those recommendations have been passed on to School District No. 91.

Mayor Milam stated that she is offended by the whole idea of gated communities in Idaho Falls. She does not believe that we need them. Her understanding is that this development has been discussed as being affordable housing. Those homeowners, fifteen, twenty, or even twenty-five years down the road, will bear the cost of street repairs, water line repairs, or sewer line repairs within that area. The homeowners will bear the cost of snow removal at this time. As time passes, the developers of the property will no longer be available. The City of Idaho Falls is agreeing to this development, knowing that in years to come, there may be people who will come back to the City requesting assistance in repairing roads and utilities. Mayor Milam gave the example that not too far from this development, there are streets that have never been paved. Those residential areas were developed many years ago and were not in the City at the time of their development. They were later annexed into the City and a Local Improvement District was not established to construct those roadways. Not too long ago, a Local Improvement District was proposed. There was tremendous neighborhood support for that Local Improvement District. The day of the public hearing, several elderly people came before the City Council to address the Local Improvement District. These elderly people were fearful that they could not make the payments on the Local Improvement District and their homes would be taken away. Mayor Milam stated that she was concerned that there will be people in the gated community that will not be able to afford to maintain the roadways and utilities and it will come back on the City Council at some time in the future. She shared an article that she recently read regarding gated communities in California. Some gated communities are reaching the age where repairs need to be made, and the residents are not able to afford to repair the streets and utilities. These areas have developed something new, called "neighborhood entries". These entries have gates, but the gates are never closed. The gates meet with public streets and with public utilities.

Councilmember Rose stated that the Developer needs to inform the potential buyers of homes in a gated community that they are on their own in maintaining and repairing streets and utilities.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to approve the Development Agreement for Nauvoo Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay:            None

Motion Carried.

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

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

Nay: None

Motion Carried.

The Chief of Police submitted the following memo:

City of Idaho Falls  
July 3, 2002

MEMORANDUM

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

I respectfully request that the attached proposed Resolution pursuant to Section 9-4-14, City Code regarding towing/storage fees in regards to parking violations checks be heard at the City Council Meeting of July 11, 2002.

Thank you for your consideration.

s/ J. K. Livsey

**RESOLUTION 2002-02**

WHEREAS, pursuant to the provisions of Section 9-4-14 of the Idaho Falls City Code, the City Council has authority to establish towing and storage fees assessed against owners of motor vehicles parked in violation of the provisions of Chapter 4, Title 9, Idaho Falls City Code;

WHEREAS, the City Council desires to exercise its authority pursuant to such Code Section;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the following fees be established and charged for all purposes consistent with such Chapter of the Idaho Falls City Code, to-wit:

Storage Fees	\$15.00 per day
Towing Fee	\$85.00 per tow

BE IT FURTHER RESOLVED that such fees shall be effective immediately and shall remain in full force and effect until otherwise modified or changed by the City Council.

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DATED this 12<sup>th</sup> day of July, 2002.

CITY OF IDAHO FALLS

s/ Linda M. Milam

Linda M. Milam

Mayor

ATTEST:

s/ Rosemarie Anderson

Rosemarie Anderson

City Clerk

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve the Resolution regarding Towing/Storage Fees assessed against owners of motor vehicles parked in violation of the provisions of Chapter 4, Title 9, Idaho Falls City Code and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Rose, seconded by Councilmember Shurtleff, that the meeting adjourn at 9:10 p.m.

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CITY CLERK

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MAYOR

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