

OCTOBER 10, 2013

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 10, 2013, at 7:30 p.m. in the Council Chambers located in the City Annex Building at 680 Park Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman
Councilmember Karen Cornwell
Councilmember Sharon D. Parry
Councilmember Ken Taylor
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Thomas Hally

Also present:

Randy Fife, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Virginia Weitzel to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested those to come forward who had items for the City Council.

Mr. Suketu Gandhi, 2117 Darah Street, appeared to share the following statement:

The current fee for accessing various recreational facilities is set too high. The primary mission of the recreational facilities should be to advance the public goal of healthy living and quality life through exercise. When the public exercises vigorously, like swimming, it helps to live healthy until the natural end. Everyone needs to exercise. From obese to the slim size, and every size in between. Scholarly studies show that when children exercise, they learn better in school, and incite them to live healthy lifestyle. The best physical exercises are those that individual will continue day after day. People needing medical attention certainly benefit from vigorous exercises. People exercising regularly, but are inured, recover faster than those who do not exercise. Exercises are the best antidote against secondary diseases, such as hypertension, diabetes or cancer. Regular exercise helps keep immune system strong, and reduce unwanted fat in the body. As a result, cost of medical treatment is reduced regardless of the medical coverage plans like *Obama Care* or newly minted *Tea Party Doesn't Care* plans.

Exercising outside of the recreational center facilities is possible, but it comes with unwanted risks. Walking in my neighborhood, a dog has chased me. Walking around the Snake River on the Greenbelt, a dog has chased my wife. Walking in a community park, my daughter was chased by a vicious dog. Why this happens? Because dog owners view and behave as they are exempt from obeying ordinances that calls for dogs to be on a leash. It only takes one incident to appreciate the dangers posed by unrestrained dogs. Memories of a woman being killed by a dog in San Francisco several years ago are vivid, as

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are the injuries caused to relatives. Walking around the neighborhood, the Snake River, or in the Community Park does not guarantee safety from potential injuries from vicious dogs. However, exercising at the recreational center offers both security and access to vigorous exercise that would be repeated day after day, week after week, and month after month.

The previous price structure allowed the common man and his family to access various recreational facilities. The family pass promoted the family unity. It provides access to resources for physical exercises, like swimming. The common man needs access at the minimum, but not at the extravagant, to facilitate exercises. The new price structures that range per entry to the annual passes are prohibitively expensive. The pass provides access that goes beyond the minimum needed, and collects fees for not using the extravagant, like aerobic water exercise, exclusive lap lane swimming. One can swim during the public swim, and not wait for lap swimming time.

The needs for lower cost recreational facilities are legitimate. Property taxes that I pay have been lowered, but it has accompanied with reduced services. The money saved from reduced property taxes does not compensate for the additional expense incurred for the basic services that the common man needs. For example, the elementary school lacks serious physical education. Every school is deficient in both the science and mathematics education. The hand out through the reduction in the tax by one hand is taken away by the other hand to pay for outside of school physical education activities, and the curricular materials for home mathematics education.

Why the public did not come forward earlier when the prices were increased? I learned about the City's decisions when sought the services. At this juncture, the role of the City Officials must be clarified: Does the City rule or serve its residents? When the City Official rules, the citizen is left out of the decision making process. When it serves, the residents know of the changes when they seek specific services. In my case, it happens once a year upon renewing the pass. Why I do not attend the City Council Meetings to express my views? My time is focused on improving the quality of education.

I have attended the School District 91 Board Meetings on regular basis since Fall 2008, when my daughter entered Kindergarten. There, I make comments on the specific ways to improve education. Making comments without knowledge is easy, but they lack credibility. Making credible statements requires finding documents that contain reliable information and thoughtful discussions. Reading documents in detail are necessary to learn each issue in depth, and outcome from specific solutions implemented elsewhere. This provides the information on whether my views have legitimacy. Experiences teach us that it is impossible to improve the quality of education without forceful public participation. Failure to participate tantamount to approval of the current education practices that fails to provide rigorous education. The time required for both research and evaluation of documents, and writing to the concerned officials in detail is enormous. This level of engagement is required to improve the education practices. Thus, expecting regular attendance of the City Council Meetings is possible upon sacrificing time

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devoted to improving education. Because there is a dire need to elevate the education standards to the highest level, it is best to direct my energy and time on the school issues.

Similarly, voting on any issues, like the Propositions 1, 2, and 3 in 2012, or candidates is guided by the direction of my vision. Election day ballots must not be for the slickest advertisement that deprives the voters the information and thoughtful discussions. To get away from this mindset requires knowledge. This needs time for research on issues and candidates.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the September 12, 2013 Regular Council Meeting, the September 26, 2013 Council Work Session, and the September 26, 2013 Regular Council Meeting.

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 the following Expenditure Summary dated September 1, 2013 through September 30, 2013, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 1,199,290.25
Street Fund	1,063,090.70
Recreation Fund	33,182.94
Library Fund	161,287.10
Electric Light Public Purpose Fund	19,287.10
Golf Fund	49,833.29
Self-Insurance Fund	48,756.86
Municipal Capital Improvement Fund	301,098.64
Street Capital Improvement Fund	269,683.36
Traffic Light Capital Improvement Fund	20,185.00
Airport Fund	386,521.31
Water and Sewer Fund	2,453,250.30
Sanitation Fund	278,808.23
Ambulance Fund	15,987.39
Electric Light Fund	3,305,793.11
Payroll Liability Fund	2,508,857.48
TOTALS	\$12,114,709.65

The City Clerk requested approval of the Monthly Treasurer's Report for the month of September, 2013, as follows:

City of Idaho Falls
September 2013

Dear Mayor and City Council Members:

Attached please find the City of Idaho Falls, Idaho, Monthly Treasurer's Report for the above referenced month, as required by Idaho Code Section 50-208.

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This report was filed in the City Clerk's Office on or before the 10th day from the end of the month of the Report.

OATH

I, Craig Rockwood, the City of Idaho Falls Treasurer, do hereby affirm that this City of Idaho Falls, Idaho, Monthly Treasurer's Report is true and accurate to the best of my knowledge and that it shows the state of the City Treasury as of the date of this Report and the balance of money in the City Treasury, all as required by Idaho Code Section 50-208. (Full Report on File in the City Clerk's Office.)

s/ Craig Rockwood
Craig Rockwood

October 2, 2013
Date Signed

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 2nd day of October, 2013, before me, the undersigned, a Notary Public for Idaho, personally appeared CRAIG ROCKWOOD known to me to be the Treasurer of the City of Idaho Falls, the municipal corporation that executed the foregoing document and acknowledged to that such City executed the same.

(SEAL)

s/ Rosemarie Anderson
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 02-16-2018

The City Clerk presented several license applications, including a BEER Licenses to Bushido, Whitewater Grill, and Peppertree Lounge, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on October 10, 2013.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: IDAHO FALLS WES DEIST AQUATIC CENTER REMODEL
 2014

The Parks and Recreation Division respectfully requests authorization to advertise to receive bids for the Idaho Falls Wes Deist Aquatic Center Remodeling Project.

s/ Greg Weitzel

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City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES FEE PROPOSAL FOR
MISCELLANEOUS REMODEL WORK FOR THE IDAHO FALLS
WES DEIST AQUATIC CENTER PROJECT

The Parks and Recreation Division respectfully requests authorization to enter into an Agreement with Alderson Karst and Mitro to provide design services for the specifications and construction drawings for the Wes Deist Aquatic Center Remodel Project in the amount of \$9,780.00.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Agreement.

s/ Greg A. Weitzel

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

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Human Resources Director submitted the following memos:

City of Idaho Falls
October 10, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Human Resources Director
SUBJECT: COLLECTIVE BARGAINING AGREEMENT – INTERNATIONAL
FIREFIGHTERS UNION LOCAL NO. 1565

OCTOBER 10, 2013

It is respectfully requested the Council authorize the Mayor to sign the 2013-2014 Collective Bargaining Agreement between the City of Idaho Falls and the Idaho Falls Firefighters Union Local No. 1565. The Agreement has been negotiated in good faith with the Union Presidency. Attached for your consideration is the complete Collective Bargaining Agreement as negotiated with the Union.

s/ April Collier

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the 2013-2014 Collective Bargaining Agreement with the International Association of Firefighters Union Local No. 1565 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Lehto
Councilmember Parry
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
October 10, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: FISCAL YEAR 2013-2014 SALARY AND BENEFIT INCREASES
FOR IAFF LOCAL 1565

Because the City of Idaho Falls and Idaho Falls Firefighters Union Local 1565 have completed the collective bargaining process for the 2013-2014 contract year, it is respectfully requested that the Mayor and City Council now approve the following changes in employee compensation for Idaho Falls Firefighters effective September 22, 2013, as collectively bargained.

1. A 2% Cost of Living Increase to wages, longevity, and clothing allowance.
2. A 1.62% increase in group health insurance rates with Blue Cross of Idaho.

s/ April Collier

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Fiscal Year 2013-2014 Salary and Benefit Increases with International Association of Firefighters Union Local No. 1565 as recommended. Roll call as follows:

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Aye: Councilmember Hally
Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto
Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
October 1, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Bear Prairie, Assistant Idaho Falls Power Director
SUBJECT: RESOURCES TO SERVE ABOVE RHWL LOAD, REVISION
NO. 2, EXHIBIT A

Attached is a revision to the BPA Power Supply Contract that updates the reimbursement rate for resources serving above rate period high water mark load. This revision was requested by Idaho Falls Power in order to update the reimbursement rate that BPA pays Idaho Falls Power. The increased rate will reflect current PacifiCorp transmission rates charged by UAMPS to Idaho Falls Power. The City Attorney has reviewed the revision.

Idaho Falls Power respectfully requests City Council approve Revision No. 2 to Exhibit A of BPA Contract Number 10PB-12166 and authorize the Mayor to execute the document.

s/ Bear Prairie

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Revision No. 2 to Exhibit A to the Bonneville Power Administration Power Supply Contract that updates the reimbursement rate for resources serving above rate period high water mark load and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Parry
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

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City of Idaho Falls
October 8, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: SMALL GENERATION NET METERING AND INTERCONNECTION
AGREEMENT BETWEEN TURTLE & CRANE AND IDAHO FALLS
POWER

Attached is a copy of the Small Generation Net Metering and Interconnection Agreement between Turtle & Crane and Idaho Falls Power for generating facilities located at 1950 1st Street. The City Attorney has reviewed the Agreement.

Staff respectfully requests that City Council approve the Agreement and authorize the Mayor to execute the document.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Small Generating Net Metering and Interconnection Agreement between Turtle & Crane and Idaho Falls Power and, further, give authorization for the Mayor to execute the necessary document. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, 22.607 ACRES, I-15 AND SUNNYSIDE ROAD
INTERCHANGE

Attached is the Annexation Ordinance to annex 22.607 acres at the intersection of I-15 and Sunnyside Road. After a public hearing was held by the Council on September 12, 2013, the Council passed an Ordinance

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annexing the 22.607 acres owned by the Idaho Department of Transportation on the first reading. The annexation action is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Exhibit 1	Aerial Photo
Exhibit 2	Legal Description with illustration of land
Exhibit 3	Exhibit A, Annexation Ordinance

At the request of Councilmember Hardcastle, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2930

**INTERSTATE-15 AND SUNNYSIDE ROAD
INTERCHANGE AREA**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; 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 Hardcastle moved, and Councilmember Cornwell 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 waived, that the Ordinance be passed on second and third readings and published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Taylor
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Parry

Nay: None

Motion Carried.

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City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: REQUEST FOR ACCEPTANCE OF FINAL PLAT, TACOMA SCREW PRODUCTS

Attached is the Final Plat entitled Tacoma Screw Products. This Final Plat is located on the northwest corner of Yellowstone Highway and Hemmert Avenue. The Planning Commission considered this request at its September 17, 2013 Meeting and recommended approval of the Final Plat. The staff concurs with this recommendation. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the Final Plat entitled Tacoma Screw Products and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
October 4, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: ORDINANCE AMENDING REVOKING PROHIBITION OF PUBLIC INTOXICATION

Please review the attached City Ordinance amending Section 5-22-7 of the Idaho Falls City Code revoking the prohibition of public intoxication because the Ordinance has been preempted by the Idaho State Code.

Chief McBride would like this discussed at the Council Work Session on the 10th day of October, 2013 at 8:30 a.m., in the City Council Chambers and then approved at the City Council Meeting that evening.

s/ Mark McBride

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At the request of Councilmember Parry, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2931

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTION 5-22-7 OF THE IDAHO FALLS CITY CODE, REVOKING THE PROHIBITION OF PUBLIC INTOXICATION BECAUSE THE ORDINANCE HAS BEEN PREEMPTED BY THE STATE CODE AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Parry moved, and Councilmember Taylor 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 waived, that the Ordinance be passed on all three readings and published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Lehto
Councilmember Parry
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of a rezoning from R-1 (Single-Family Residential) to R-3A (Apartments and Professional Offices) on property located generally south of First Street, north of John Adams Parkway, east and adjacent to Lincoln Drive, west of St. Clair Avenue and legally described as Lot 1, North Part of Lot 2, Lots 5-8, Block 13, Linden Park Addition, Division No. 5. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM R-1 TO R-3A, LOT 1, NORTH PORTION OF LOT 2, LOTS 5-8, BLOCK 13, LINDEN PARK ADDITION, DIVISION NO. 5

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Attached is the application to rezone Lot 1, northern portion of Lot 2, and Lots 5 through 8, Block 13, Linden Park Addition, Division No. 5, from R-1 to R-3A. This parcel lies south of First Street, east of Lincoln Drive, and west of St. Clair Road. The Planning Commission considered this request at its September 3, 2013 Meeting and recommended approval of the rezoning to R-3A. The staff concurs with this recommendation. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo outlining the property under consideration
Slide 3	Aerial Photo – Close Up
Slide 4	Comprehensive Plan – Future Land Use Map
Slide 5	Site Photo showing 1350 East First Street; southeast corner of First Street and Lincoln Drive
Slide 6	Site Photo showing shops and former rear yard of 1350 East First Street
Slide 7	Site Photo looking south on Lincoln Drive
Slide 8	Site Photo looking north of 1350 East First Street; northwest of First and Lincoln Drive
Slide 9	Site Photo showing southwest corner of First and Lincoln Drive
Slide 10	Site Photo showing Lot 5, Block 13, north of Syringa Drive
Slide 11	Site Photo showing Landscape Business, existing R-3A Zone
Slide 12	Site Photo showing Lots 6 and 7, Block 13
Slide 13	Site Photo looking east across Idaho Canal from Landscape Yard
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Planning Commission Minutes dated September 3, 2013
Exhibit 4	Revised Staff Report dated September 4, 2013

The Planning and Building Director explained, further, that during the 1950's, prior to being annexed into the City of Idaho Falls, the owner of the home on the northwest corner of the property owned the parcel with the home and the parcels to the south and east. When this was annexed to the City, the use was a Home Occupation with a construction business. When this was annexed into the City, the use continued on. Over the years, a number of the parcels have been divided and sold without plats. The business has grown dramatically from what it once was. The Planning Department has been working with the owner (applicant) of the property to find an appropriate location for that business. This is part of that process.

Councilmember Parry requested to know what the City's interest was in changing the zone from a higher to a lower land use, when it already looks horrible.

The Planning and Building Director stated that regardless of what the City Council determines the zone to be, the City's staff is working with the owner to get the business into an appropriate location. The rezone is irrelevant in enforcing the Zoning Ordinance. The Planning and Building Director explained the parcels that the owner (applicant) owns in this area. The owner is trying to purchase another parcel of land. Bonneville Drive has been vacated in this area to adjacent property owners. There are a

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number of landlocked parcels in this area that cannot develop as single-family homes unless they are under a Planned Unit Development as there is no street frontage. As an R-3A parcel, if they were to develop as one large project with multiple buildings under the same ownership, that works in the R-3A Zone. It does not work in the R-1 Zone without a Planned Unit Development. On their own, these parcels are not large enough to meet the size requirements of the PUD. The R-3A makes this parcel developable for the applicant.

Councilmember Hally clarified that the purpose for this rezoning request is to have the owner (applicant) move his landscaping business to another location. That would allow for some type of development to take its place. For it to be feasible to provide for development of this property, it needs to be R-3A.

Blake Jolley, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared as the representative for the developer of this property. The owner (applicant) has requested the R-3A Zone so that he can be contiguous to the other portion of the property that he owns as a landscaping business. The owner (applicant) has purchased another parcel of property and is currently in the process of moving the landscaping business from this location. Mr. Jolley explained, further, that the owner (applicant) wants to build something in this proposed location that will benefit and beautify the City. The owner (applicant) would like to develop this as one large parcel to provide for multi-family housing.

Belle Barton, 1350 East First Street, appeared to state that her parents own the home at 1350 First Street. They moved away two years ago. They tried to sell this home as residential, but it is a strange floor plan. Ms. Barton's parents encouraged her to attend this meeting to let the Mayor and City Council know that they approved of the zone change and the proposed development.

Paul Flagler appeared to state that his parents purchased a home on Lincoln Drive in the early 1960's. The reason that Bonneville Street was not constructed is because the lots were made too small to be able to put a street through this area and be able to sell parcels for housing. He did not understand how a multi-family development could be constructed at this location, as the lots are too small. He stated that he was opposed to the proposed development.

Gaylene Anderson, 155 Lincoln Drive, appeared to state that she and her husband own two lots. They are in favor of the proposed multi-family development.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Parry, to approve the rezoning from R-1 to R-3A of Lot 1, North Part of Lot 2, Lots 5 through 8, Block 13, Linden Park Addition, Division No. 5, and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Taylor
 Councilmember Hally
 Councilmember Lehto
 Councilmember Parry
 Councilmember Cornwell
 Councilmember Hardcastle

Nay: None

Motion Carried.

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Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of a rezoning from R-3A (Apartments and Professional Offices) to C-1 (Limited Retail Business) on property located generally south of Grandview Drive, north of West Broadway, west and adjacent to Skyline Drive and legally described as the Northern 120 Feet of Lot 17, Block 4, Westland Heights Addition, Division No. 3. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 7, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM R-3A TO C-1, NORTHERN 120 FEET OF LOT 17, BLOCK 4, WESTLAND HEIGHTS ADDITION, DIVISION NO. 3

Attached to this application to rezone the northern 120 feet of Lot 17, Block 4, Westland Heights Addition, Division No. 3 from R-3A to C-1. This parcel lies west of Skyline Drive and north of Broadway and the former City Florist building. The Planning Commission considered this request at its September 3, 2013 Meeting and recommended approval of the rezoning to C-1. The staff concurs with this recommendation. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo outlining the subject parcel
Slide 3	Aerial Photo – Close Up
Slide 4	Comprehensive Plan – Future Land Use Map
Slide 5	Site Photo looking west across site to be rezoned
Slide 6	Site Photo looking southwest to vacant Florist Shop Property
Slide 7	Site Photo looking east towards shopping center and alley
Slide 8	Site Photo looking north towards single-family homes
Slide 9	Site Photo of shopping center to southeast of site
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Planning Commission Minutes dated September 3, 2013
Exhibit 4	Staff Report dated September 3, 2013

The Planning and Building Director clarified that under the R-3A Zone, the only buffer that is required along the alley is a ten foot wide landscape strip. If this is rezoned, the developer may choose a ten foot wide landscape strip with trees every twenty feet or a six foot opaque fence. The buffer strip would be constructed on the applicant's property, not across the alley on other property owner's land. The C-1 Zone would be consistent with the commercial and employment center zones within the Future Land Use Map.

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Amy Kingston, Kingston Legal Services, 477 Shoup Avenue, appeared to state that this is an island of residential zoning in the middle of commercial property. This is part of a grander plan to revitalize the west side of Idaho Falls. They will not be able to accomplish what is needed on this parcel of property if it remains R-3A. The alley spoken of is approximately 16 feet wide. A privacy fence will be constructed on the City Floral side of the development to comply with City requirements.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the rezone from R-3A (Apartments and Professional Offices) to C-1 (Limited Retail Business) on property located generally south of Grandview Drive, north of West Broadway, west and adjacent to Skyline Drive and legally described as the Northern 120 Feet of Lot 17, Block 4, Westland Heights Addition, Division No. 3 and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Hally
Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto
Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, that the meeting adjourn at 8:20 p.m.

CITY CLERK

MAYOR
