

OCTOBER 24, 2013

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 24, 2013, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

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

Absent was:

Councilmember Thomas Hally

Also present:

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

Mayor Fuhriman requested Boy Scout Jayden Jones to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested those to come forward who had items for the City Council that were not otherwise on the Council Agenda. No one appeared.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the October 10, 2013 Council Work Session, and the October 10, 2013 Regular Council Meeting.

The City Clerk requested approval of License Applications, including a BEER LICENSE to Krung Thep, all carrying the required approvals.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on October 24, 2013.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
October 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: REQUEST ADVERTISEMENT – FOOD AND BEVERAGE OPERATIONS AT PINECREST MUNICIPAL GOLF COURSE

The Parks and Recreation Division respectfully requests authorization to request advertisement for proposals for a restaurant concessionaire at Pinecrest Municipal Golf Course.

s/ Greg A. Weitzel

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The Public Works Director submitted the following memo:

City of Idaho Falls
October 18, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: REQUEST FOR PROPOSALS – DESIGN SERVICES, WASTE WATER TREATMENT PLANT, PRIMARY TREATMENT UPGRADE PROJECT

Public Works requests authorization to request proposals for design services related to Primary Treatment Upgrades at the Waste Water Treatment Plant.

s/ Chris H. Fredericksen

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 Parry
Councilmember Lehto
Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The memo from the Human Resources Director regarding Personnel Policy Changes has been withdrawn by the Division Director.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
October 21, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-14-01, NEW 2013 FORCE FEED SNOW LOADER

Please find attached tabulation for the above subject bid.

It is the recommendation of Municipal Services and Public Works to accept the low bid of Cate Equipment Rental and Sales, LLC to furnish One (1) New 2013

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Leeboy Force Feed Loader for a lump sum amount of \$212,169.00 with Trade-In Unit No. 90.

s/ S. Craig Lords

Councilmember Taylor requested to know why there was only one bidder for this piece of equipment. The Municipal Services Director appeared to explain that this is not a sole source bid. There were companies who could have bid on this equipment, but only one bid was received. This is a specific piece of equipment and has a unique use. It was moved by Councilmember Taylor, seconded by Councilmember Parry, to accept the low bid of Cate Equipment Rental and Sales, LLC to furnish One (1) New 2013 Leeboy Force Feed Loader for a lump sum amount of \$212,169.00 with Trade-In Unit No. 90. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 21, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-14-04 – CYLINDERS/CONTAINERS OF CHLORINE AND SODIUM BISULFITE

Attached for your consideration is the tabulation for above subject bid.

It is the recommendation of Municipal Services and Public Works to accept the low bid of Land View, Inc., for Section III. This service will be for the period beginning November 1, 2013 and ending September 30, 2014. It is further requested that we purchase the items from Section I and Section II on the open market.

| Section | Description | Price per Container/ Cylinder |
|---------|-------------------------------|----------------------------------|
| I | Chlorine, 150 Pound Cylinders | No Bid |
| II | Chlorine, 1-Ton Container | No Bid |
| III | Sodium Bisulfite, per Gallon | \$1.65 |

s/ S. Craig Lords

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It was moved by Councilmember Taylor, seconded by Councilmember Parry, to accept the low bid provided by Land View, Inc. for Section III for a one-year period beginning November 1, 2013 and ending September 30, 2014 and, further, give authorization for the Municipal Services Division to purchase the items under Section I and Section II on the open market. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 22, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-14-B – ROAD SALT

It is the recommendation of Municipal Services and Public Works to piggyback the Idaho Department of Transportation's Contract No. 43 456 AS12. Evans Grain and Elevator Company will furnish the required road salt for the amount of \$37.97 per ton plus a fuel surcharge of \$24.20 per load, which calculates out to be approximately \$.69 per ton.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to give authorization to piggyback the Idaho Department of Transportation's Contract No. 43 456 AS12 with Evans Grain and Elevator Company, who will furnish the required road salt for the amount of \$37.97 per ton plus a fuel surcharge of \$24.20 per load, which calculates out to be approximately \$.69 per ton. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: AGREEMENT – BAER DESIGN GROUP, INC. – GOLF COURSE IRRIGATION SYSTEM(S)

The Parks and Recreation Division respectfully requests authorization to enter into an Agreement with BAER Design Group, Inc. to provide an analysis report and feasibility study for the existing Golf Course Irrigation System(s) at Sand Creek and Pinecrest Municipal Golf Courses in the amount of \$8,750.00 and further, give authorization for the Mayor and City Clerk to execute the necessary contract documents.

s/ Greg A. Weitzel

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Agreement with BAER Design Group, Inc., to provide an analysis report and feasibility study for the existing Golf Course Irrigation System(s) at Sand Creek and Pinecrest Municipal Golf Courses in the amount of \$8,750.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Division Director
SUBJECT: AGREEMENT – ALTA PLANNING + DESIGN – PATHWAYS AND BIKEWAYS PLAN FOR CITY OF IDAHO FALLS

The Parks and Recreation Division respectfully requests authorization to enter into an Agreement with Alta Planning + Design to complete Phase Two (2) of Connecting Our Community, A Plan for Connecting the Idaho Falls Area Through Walking and Biking, in the amount of \$36,890.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents.

s/ Greg A. Weitzel

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It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Agreement with Alta Planning + Design to complete Phase Two (2) of Connecting our Community, A Plan for Connecting the Idaho Falls Area Through Walking and Biking, in the amount of \$36,890.00 and, further, give authorization for the Mayor to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
October 18, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: ENGINEERING PROFESSIONAL SERVICES AGREEMENT -
TRAFFIC SIGNAL REMOVAL STUDY

Attached is a proposed Engineering Professional Services Agreement with Six Mile Engineering for the Traffic Signal Removal Study. The agreement has been reviewed and approved by the City Engineer and the City Attorney. The not-to-exceed fee proposal amount is \$99,000.00. This is a Federal Aid Project that requires the City pay a matching contribution of approximately \$4,900.00.

Public Works recommends approval of this Professional Services Agreement; and, authorization for the Mayor and City Clerk to sign necessary documents.

s/ Chris H. Fredericksen

Councilmember Lehto stated that the Agreement involves studying 12 intersections. It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the Engineering Services Agreement with Six Mile Engineering for the Traffic Signal Removal Study with the City paying approximately \$4,900.00 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

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Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris Fredericksen, Public Works Director
SUBJECT: ALLEY VACATION REQUEST – ALLEY BETWEEN ELVA STREET
AND POULSON STREET, ADJACENT LOTS 12, 13, AND 36, 37
OF BLOCK 15, MAYFLOWER ADDITION

The adjacent property owner is requesting vacation of the alley between Lots 12 and 13 and 36 and 37 of Block 15 in the Mayflower Addition. The owner has agreed to provide a utility easement to accommodate Idaho Falls Power's overhead power line if the vacation is approved. All other utilities have reviewed and approved the proposed vacation.

Public Works requests authorization for the City Attorney to prepare documents needed to accomplish the vacation.

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to give authorization for the City Attorney to prepare the necessary documents to vacate the alley between Elva Street and Poulsen Street, adjacent Lots 12, 13, and 36, 37 of Block 15, Mayflower Addition. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: PURCHASE AND SALE AGREEMENT – WEST SIDE SOCCER
COMPLEX EXPANSION

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Attached is a proposed Purchase and Sale Agreement between the City and Rosewood Contractors, LLC to purchase 40 acres of real property located on the west side of Idaho Falls immediately north of the West Side Soccer Complex at a cost of \$650,000.00. The Agreement has been reviewed and approved by both the Parks and Recreation Director and the City Attorney. The proposed property acquisition is intended for future expansion of parks and recreation facilities.

Public Works recommends approval of this Purchase and Sale Agreement; and, authorization for the Mayor and City Clerk to sign contract documents.

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve the Purchase and Sale Agreement between the City and Rosewood Contractors, LLC to purchase 40 Acres of real property located on the west side of Idaho Falls immediately north of the West Side Soccer Complex at a cost of \$650,000.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: CHANGE ORDER NO. 1 – OVERLAY 2013

Attached is proposed Change Oder No. 1 for the Overlay 2013 Project totaling \$23,352.30. This Change Order is for additional work to meet ADA compliance requirements at the intersection of Holmes Avenue and Sunnyside Road. It also includes an adjustment in the unit price for milling due to a large reduction in quantity from what was originally bid. The City Engineer and City Attorney have reviewed and approved this Change Order.

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

s/ Chris H. Fredericksen

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It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve Change Order No. 1 to HK Contractors, Inc. in the amount of \$23,352.30 for the Asphalt Overlay – 2013 Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 22, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: BID AWARD – LAND BANK STREET BRIDGE DECK
REPLACEMENT

On October 22, 2013, bids were received and opened for Land Bank Street Bridge Deck Replacement Project. A tabulation of the bid results is attached.

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, D. L. Beck in an amount of \$172,828.80 and, authorization for the Mayor and City Clerk to sign contract documents.

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve the plans and specifications for the Land Bank Street Bridge Deck Replacement Project; to accept the lowest responsive, responsible bid submitted by D. L. Beck in the amount of \$172,828.80; and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Taylor
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 Conditional Use Permit for the Addition of a Gym to a Day Care Facility (Creations of a Child) on property located generally south of Sunnyside Road at the southeast corner of the intersection of Potomac Way and Delaware Avenue, north of Lexington, east of Merlin Drive, west of Washington Parkway, and legally described as Lots 10 through 13, Block 12, St. Clair Estates Addition, Division No. 7, First Amended and Lot 1, Block 16, St. Clair Estates Addition, Division No. 11. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 21, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Director
SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT FOR THE ADDITION OF A GYM TO A DAY CARE FACILITY, LOTS 10-13, BLOCK 12, ST. CLAIR ESTATES ADDITION, DIVISION NO. 7

Attached is the application for a Conditional Use Permit for the addition of a gym to an existing day care facility. The Planning Commission considered this request at its September 17, 2013 Meeting and recommended denial by a vote of 5-1. The recommendation was due to concerns that the site did not meet the requirements from the original Conditional Use Permit approved in 2005. This request is now being submitted to the Mayor and Council for consideration.

s/ Brad Cramer

Councilmember Parry stated that the applicant for this Conditional Use Permit and she are friends. They have briefly discussed this Conditional Use Permit Request, but Councilmember Parry stated that she has not been tainted by the discussion and would be able to take part in the discussion and decision on this issue.

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 | Vicinity Map showing surrounding zoning |
| Slide 2 | Aerial Photo showing area under consideration |
| Slide 3 | Aerial Photo – Close Up |
| Slide 4 | Site Plan |
| Slide 5 | Building Elevation |
| Slide 6 | Timeline |
- PUD for day care approved 9-8-2005 – Not all of the landscaping was completed and a fence was not installed along the southern end of the parking lot.
 - Site Plan approved 10-24-2005 – The applicant indicated that a staff member had come out at the completion of the building and approved the site.

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- Building constructed in 2006. Certificate of Occupancy issued 6-29-2006
 - Zoning inspection conducted and site approved for zoning compliance 6-12-2006
- Slide 7 Aerial Photo taken October 12, 2006
- Slide 8 Lot Dimensions
- Slide 9 Site Plan approved September 8, 2005
- Slide 10 Landscape Plan approved September 8, 2005
- Slide 11 Site Photo showing front of building
- Slide 12 Site Photo showing east side of property
- Slide 13 Site Photo showing south side of property
- Slide 14 Site Photo showing vacant lot between day care and single family homes
- Slide 15 Site Photo of parking lot
- Slide 16 Site Photo showing new landscaping adjacent to parking lot
- Slide 17 Site Photo showing new landscaping
- Slide 18 Site Photo showing new landscaping
- Slide 19 Recommended Conditions:
- No building permit be issued until the recorded deed showing the ownership of Lot 1, Block 16, St. Clair Estates Addition, Division No. 11 has been transferred to the applicant and a copy is submitted to the Planning Department.
 - A minimum 6-foot opaque fence be constructed along the south side of the parking lot as shown on the 2005 site plan.
- Slide 20 Photo submitted by applicant – Playground
- Slide 21 Photo submitted by applicant – New Trees
- Slide 22 Photo submitted by applicant – New Trees
- Slide 23 Photo submitted by applicant – Playground
- Slide 24 Photo submitted by applicant – Drive into Day Care Facility
- Slide 25 Photo submitted by applicant – Parking Lot
- Slide 26 Photo submitted by applicant – Parking Lot
- Slide 27 Photo submitted by applicant – Parking Lot
- Slide 28 Photo submitted by applicant – Playground Area
- Slide 29 Photo submitted by applicant – Parking Lot
- Slide 30 Photo submitted by applicant – Parking Lot and Landscaping
- Slide 31 Photo submitted by applicant – Landscaping along Street
- Exhibit 1 Vicinity Map
- Exhibit 2 Aerial Photo
- Exhibit 3 Planning Commission Minutes dated October 1, 2013
- Exhibit 4 Planning Commission Minutes dated July 12, 2005
- Exhibit 5 Staff Report dated October 1, 2013

The Planning and Building Director stated that at one time the landscaping was completed, but the buffer along the south side of the parking lot was no longer there if it ever was there. There needed to be a buffer between the R-1 Zoning in the area and the parking lot. The lot where the parking lot encroaches is a buildable lot. With the asphalt that has been put in for the parking lot, it is no longer buildable. Staff is recommending approval of this Conditional Use Permit, not because Staff feels that the Planning Commission's vote was in error. The Planning Commission vote centered around the original conditions not being met

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and that the property owner did not control the land where the asphalt was constructed at that time. The Planning and Building Director stated that he now has a Purchase Agreement with the owner of the property that is between the Day Care Center and the residential homes. The concerns of the Planning Commission are met and are being met. If the City Council recommends approval of this Conditional Use Permit, the following conditions should be included:

- No building permit be issued until the recorded deed showing the ownership of Lot 1, Block 16, St. Clair Estates Addition, Division No. 11 has been transferred to the applicant and a copy is submitted to the Planning Department.
- A minimum 6-foot opaque fence be constructed along the south side of the parking lot as shown on the 2005 site plan.

The Planning and Building Director stated that if these conditions are met, the Staff would recommend approval of the Conditional Use Permit.

Holly Jackson, 165 West Woodhaven Lane, appeared to state that she is the owner of Creations of a Child Day Care Facility. She stated that she was denied the Conditional Use Permit by the Planning Commission. They want to create an indoor recreation room where the children can run, jump and play all winter long. She stated that many of the things that the Planning Commission addressed, they were not aware of. They paid their Contractor to complete the project and he did not finish the job. She stated that she was instructed to put in shrubbery or a fence. They did not put in the fence due to the fact that they did not own that land. They planted trees instead. Ms. Jackson stated that when the parking lot was completed, they got ready to stripe the lot and found that they were less 10 parking stalls. It was determined that their contractor had built the building in the wrong location. The contractor then told the Jacksons that he owned the lot between the Child Care Center and the single-family homes, and would allow them to build a larger parking lot on his lot. Due to the fact that they did not own the property where the extended parking lot was built, the Planning Commission stated that they needed to purchase the property and acquire a Deed in order to be compliant. Ms. Jackson stated that they have purchased the lot and are planning to finish it off by planting grass and will build a fence. Currently, they have 48 trees on their property. There have never been any concerns about the addition of the gym. Ms. Jackson presented the following petition:

Approval of Landscaping of Creations of a Child

City Council Members

We, the undersigned, approve the landscaping that Creations of a Child has provided as a buffer for the neighbors and surrounding area of the St. Clair Addition.

Craig and Holly Jackson, 3645 Potomac Way, Idaho Falls, Idaho 83404,
created by

| Name | Address | Signature |
|-------------------|----------------------|----------------------|
| Kristi Johnson | 4035 Kentucky Avenue | s/ Kristi Johnson |
| Shaylene Peninger | 3419 Summer Sun | s/ Shaylene Peninger |
| Jill Phillips | 1549 Summer Way | s/ Jill Phillips |

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| Name | Address | Signature |
|-------------------|----------------------------------|-----------------------|
| Jordan Mobley | 1797 Sunny Pine Way | s/ Jordan Mobley |
| Anne McCartin | 353 Stillwater Drive | s/ Anne McCartin |
| Kimberly Case | 2755 Western | s/ Kimberly Case |
| Heather Peterson | 1585 Sunny Pine | s/ Heather Peterson |
| James Peterson | 1585 Sunny Pine | s/ Heather Peterson |
| Jennifer Derbidge | 4090 Silverado | s/ Jennifer Derbidge |
| Holly West | 3450 Potomac | s/ Holly West |
| Melissa Bates | 1680 Shady Pine Drive | s/ Melissa Bates |
| Bill McCartin | 353 Stillwater Drive | s/ Bill McCartin |
| Jon Ryan McArthur | 4035 Kentucky Avenue | s/ John Ryan McArthur |
| Amber Masse | 4931 South 52 nd East | s/ Amber Masse |
| Amy Clark | 395 Willow Ridge Drive | s/ Amy Clark |
| Lacie Douglass | 242 Leesburg Lane | s/ Lacie Douglass |
| Deborah Boggia | 2785 Eagle Drive, C304 | s/ Deborah Boggia |
| Misti Mobley | 1797 Sunny Pine Way | s/ Misti Mobley |
| Craig Williams | 240 Ronglyn | s/ Craig Williams |
| Aaron Phillips | 1549 Summer Way | s/ Aaron Phillips |
| Arlene Edwards | 1815 Sunny Pine Way | s/ Arlene Edwards |
| Kimberly Holm | 1900 Sammon Road #2 | s/ Kimberly Holm |
| Cara McCartney | 3690 Tiscany Drive | s/ Cara McCartney |

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Conditional Use Permit for the Addition of a Gym to a Day Care Facility (Creations of a Child) on property located generally south of Sunnyside Road at the southeast corner of the intersection of Potomac Way and Delaware Avenue, north of Lexington, east of Merlin Drive, west of Washington Parkway, and legally described as Lots 10 through 13, Block 12, St. Clair Estates Addition, Division No. 7, First Amended and Lot 1, Block 16, St. Clair Estates Addition, Division No. 11 with the following conditions:

1. A minimum 6-foot opaque fence be constructed on the property line south of the parking lot for the length of the parking lot; and,
2. No building permit be issued until the recorded deed showing the ownership of Lot 1, Block 16, St. Clair Estates Addition, Division No. 11 has been transferred to the applicant and a copy is submitted to the Planning Department.

Roll call as follows:

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

Nay: None

Motion Carried.

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Mayor Fuhriman requested Councilmember Hardcastle to conduct Annexation Proceedings Prior to Platting (Metes and Bounds Legal Description – 7.673 Acres in the Northwest Quarter, Section 31, Township 3 North, Range 37, East of the Boise Meridian). At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 21, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF R-1, 7.673 ACRES, NORTHWEST QUARTER, SECTION 31, TOWNSHIP 3 NORTH, RANGE 38, EAST OF THE BOISE MERIDIAN, FAIRWAY ESTATES ADDITION, DIVISION NO. 20

Attached is the Annexation Agreement Prior to Platting and Annexation Ordinance for 7.673 Acres on the southeast corner of the intersection of East River Road and Tower Road. The requested initial zoning is R-1. The Planning Commission considered the request at its September 3, 2013 Meeting and recommended approval. Staff concurs with the recommendation of the Planning Commission. The annexation request is now being submitted to Mayor and Council for consideration.

s/ Brad Cramer

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 with property under consideration outlined |
| Slide 3 | Aerial Photo – Close Up |
| Slide 4 | Comprehensive Plan |
| Slide 5 | Site Photo looking west across site |
| Slide 6 | Site Photo looking at existing homes to the south |
| Slide 7 | Site Photo looking northeast across site |
| Slide 8 | Site Photo looking north towards intersection of Tower Road and East River Road |
| 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 |
| Exhibit 5 | Comprehensive Plan Future Land Use Map |

The Planning and Building Director explained, further, that this is the future site for Fairway Estates Addition, Division No. 20. The only difference between this Annexation request and what was shown on the Preliminary Plat, is the northwest corner was originally planned for commercial zoning. That has been changed to provide for the

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entire site being R-1 Zoning. This area is shown as low density residential, which the R-1 Zone is consistent with.

Kevin Allcott, P. O. Box 3082, Idaho Falls, Idaho, appeared to state that he has been developing this area for fourteen years. The original annexation for this development was in 1991. There are more than 100 acres left to develop. The Final Plat will be brought forward within one month.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Annexation Agreement for Metes and Bounds Legal Description – 7.673 Acres in the Northwest Quarter, Section 31, Township 3 North, Range 37, East of the Boise Meridian and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2932

7.673 ACRES, NORTHWEST QUARTER, SECTION 31, TOWNSHIP 3 NORTH, RANGE 38, EAST OF THE BOISE MERIDIAN, FAIRWAY ESTATES ADDITION, DIVISION NO. 20

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 Hardcastle moved, and Councilmember Cornwell seconded, that the provisions of Idaho Code requiring all Ordinances to be read by title, and once in full, on three separate dates be waived, the Ordinance be passed, and published by summary. Roll call as follows:

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

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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 Hardcastle, seconded by Councilmember Cornwell, to establish the initial zoning for 7.673 Acres in the Northwest Quarter, Section 31, Township 3 North, Range 37, East of the Boise Meridian be established as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, that the meeting adjourn at 8:15 p.m.

CITY CLERK

MAYOR
