

FEBRUARY 13, 2014

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 13, 2014, 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 Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember Dee Whittier
Councilmember Michael Lehto
Councilmember Barbara Ehardt
Councilmember Edward Marohn

Absent was:

Councilmember Sharon D. Parry

Also present:

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

Mayor Casper introduced the Key of Liberty Home School Government Class, whom was in attendance this evening.

Mayor Casper requested Boy Scout Justus Loosli, to lead those present in the Pledge of Allegiance.

Mayor Casper requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda.

Jim Pletcher, 3354 LeRoy, appeared to express his concern for the aquifer below the City. He requested the City of Idaho Falls to acknowledge that there may not be enough water for the coming spring and summer season, and the City should be considering conservation measures. Within a year's time, a Facility Plan will be put in place through the Water Department, Public Works Division. Mr. Pletcher requested that this plan be fairly robust, with a variety of options for water conservation. The Public Works Division could then provide the City Council with those options. He, further, suggested that the Supervisors and Division Directors from the City of Idaho Falls should work closely with their counterparts in other cities to collectively work on conservation of water in the aquifer.

CONSENT AGENDA ITEMS

Mayor Casper requested Council Confirmation for the Appointment of Randy Westergard (from Idaho Falls Power) to serve on the Shade Tree Committee (Term to Expire in December 2016); the Re-Appointment of Bill Combo to serve on the Parks and Recreation Commission (Term to Expire in December 2016); the Re-Appointment of Tom Hersh to serve on the Parks and Recreation Commission (Term to Expire in December 2016); the Re-Appointment of Steve Janes to serve on the Parks and Recreation Commission (Term to Expire in December 2016); the Re-Appointment of Rick Carsone to serve on the Golf Advisory Board (Term to Expire on December 31, 2016); the Re-Appointment of Dr. Gary Lattimore to serve on the Golf Advisory Board (Term to Expire on December 31, 2016); and the Re-Appointment of Chris Lieckfield to serve on the Ice Arena Advisory Committee (Term to Expire on December 31, 2016).

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The City Clerk requested approval of the Minutes for the January 22, 2014 Special Council Meeting, the January 23, 2014 Regular Council Meeting, and the February 3, 2014 Executive Session.

The City Clerk presented several license applications, including a BEER LICENSE to New Yummy House, 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 February 13, 2014.

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

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

REGULAR AGENDA

The Police Chief submitted the following item:

City of Idaho Falls
February 11, 2014

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: ORDINANCE AMENDING IDAHO FALLS CITY CODE, TITLE 5, CHAPTER 6, SECTIONS 1, 6, 7, 9, 10, 11, AND 12 (ANIMAL CONTROL)

Idaho Falls City Ordinance amending Sections 5-6-1, 5-6-6, 5-6-7, 5-6-9, 5-6-10, 5-6-11, and 5-6-12. This Ordinance would amend the City's current Animal Ordinance (Title 5, Chapter 6). The purpose of the amendment is to require spaying and neutering of a dog or cat adopted from the Animal Control Shelter. Additionally, licensing requirements for commercial and non-commercial kennels would be deleted. This amendment also calls for setting a limit on the number of dogs allowed on the premises of any one (1) household or upon the premises of any one (1) business property in the City and to allow impoundment of a nuisance animal.

Chief McBride would like the City Council to consider this Ordinance for approval.

s/ Mark McBride

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The Police Chief appeared to explain that the current Code regarding Animal Control does not address some federal statutes regarding service animals. Further, the Ordinance Amendment will regulate the nuisance some animals are to the community. Currently, there is a provision for Commercial and Non-Commercial Kennel Licensing, whereby a citizen would have to apply for such licensing if they wanted to keep 3-5 dogs. This involves a survey of neighbors within 100 feet of their property. This survey caused contention among neighbors. For this reason, the Police Chief wanted to remove the Non-Commercial Kennel Licensing requirement and only allow for 3 dogs to be the maximum that are allowed in one household or on one business property. Commercial Kennel Licensing is addressed under the Zoning Ordinance. Chief McBride stated that a misdemeanor penalty clause has been added regarding spaying and neutering of an animal when it is adopted from the Animal Shelter.

Irene Brown, Animal Control Supervisor, appeared to state that 3 dogs would be manageable. The City of Ammon has the same requirement. A concern was expressed that, for example, every tenant in an apartment complex could have 3 dogs per apartment. This would overrun the complex with too many dogs. The Animal Control Supervisor explained that the owners and managers of Apartment Complexes have the right to limit animals as they see fit.

Mayor Casper stated that service animals would not be counted in the total number per household or business. Further, she requested to know whether the Kennel Licensing has been successful in the past.

The City Attorney explained that if an individual has a certain number of dogs, say 5, and as the dogs pass away, the individual would not be able to replace those dogs, over the 3 dogs that are allowed under the proposed Ordinance. Further, Federal law requires the City to make accommodations regarding companion animals and/or service animals. This proposed Ordinance provides for that accommodation. Each request for companion animals will be discussed on a case-by-case basis.

Councilmember Whittier requested to know how many Non-Commercial Kennel Licenses were issued. The Animal Control Supervisor appeared to state that there are approximately 40 Non-Commercial Kennel Licenses. Further, she estimated that there might be about as many that are not in compliance at this time with the current Non-Commercial Kennel Licensing provisions in the City Code. She explained that if the Non-Commercial Kennel Licensing provisions are removed, Animal Control will no longer have to take surveys of surrounding neighbors or conduct home inspections. This will also alleviate paperwork in the City Clerk's Office.

Councilmember Marohn stated that he has received several e-mails in support of the misdemeanor penalty provision that is included in the proposed Ordinance.

Councilmember Whittier questioned whether it was possible to still apply for a Non-Commercial Kennel License, should an individual want to maintain their 5 dogs.

The Animal Control Supervisor explained that it is approximately a 30-day process to obtain a Non-Commercial Kennel License, due to the survey period.

Councilmember Lehto stated that the public needs to be able to weigh in on the proposed Ordinance. He encouraged the City Council to pass this Ordinance on the first reading only to allow for more public comment.

It was moved by Councilmember Hally, seconded by Councilmember Marohn, to pass the Ordinance on the first reading only. Roll call as follows:

Aye: Councilmember Ehardt
 Councilmember Whittier
 Councilmember Marohn
 Councilmember Lehto
 Councilmember Hally

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Nay: None

Motion Carried.

At the request of Mayor Casper, the City Clerk read the following Ordinance by title only:

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SECTION 5-6-1; 5-6-6; 5-6-7; 5-6-9; 5-6-10; 5-6-11; AND 5-6-12 OF THE IDAHO FALLS CITY CODE, TO REQUIRE SPAYING AND NEUTERING OF A DOG OR CAT ADOPTED FROM THE ANIMAL CONTROL SHELTER; DELETING LICENSING REQUIREMENTS FOR COMMERCIAL AND NON-COMMERCIAL KENNELS; SETTING A LIMIT ON THE NUMBER OF DOGS ALLOWED ON THE PREMISES OF ANY ONE (1) DWELLING OR UPON THE PREMISES OF ANY ONE (1) BUSINESS PROPERTY IN THE CITY; ALLOWING IMPOUNDMENT OF A NUISANCE ANIMAL; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The Idaho Falls Power Director submitted the following items:

City of Idaho Falls
January 31, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Bear Prairie, Idaho Falls Power Assistant General Manager
SUBJECT: BPA ENERGY CONSERVATION AGREEMENT, CONTRACT NO. 11ES-11240

Attached is Amendment No. 01 to Idaho Falls Power's Energy Conservation Agreement with the Bonneville Power Administration. This Amendment extends the expiration date of the original agreement by one year to September 30, 2015. This agreement is the mechanism which enables Idaho Falls Power to receive our conservation program funding monies from BPA.

Idaho Falls Power respectfully requests City Council approve Amendment No. 01 of BPA Contract Number 11ES-11240 and authorize the Mayor to execute the document.

s/ Bear Prairie

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The Assistant General Manager appeared to explain the above item.

Councilmember Lehto explained that Idaho Falls Power is routinely recognized by the Bonneville Power Administration as having a tremendous and aggressive conservation program.

Mayor Casper requested to know what conservation programs that Idaho Falls Power provides. The Assistant General Manager stated that they conduct lighting retrofits in commercial buildings, energy audits, insulation programs, and subsidize electric heat pumps.

It was moved by Councilmember Lehto, seconded by Councilmember Marohn, to approve Amendment No. 01 to the Bonneville Power Administration (BPA) Contract Number 11ES-11240 and authorize the Mayor to execute the document. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

City of Idaho Falls
January 31, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Bear Prairie, Idaho Falls Power Assistant General Manager
SUBJECT: POWER TRANSACTION CONFIRMATION AGREEMENTS

Attached are multiple Purchase and Sale Agreements for power transactions with Shell Energy. The Agreements consist of selling 10 megawatts of March through June, light load energy; selling 15 megawatts of May, heavy load energy; and purchasing 15 megawatts of August, heavy load energy.

The total from these transactions are: \$964,592.00, of which \$610,160.00 are the above stated sales of energy and \$354,432.00 is the August purchase.

This bundle of forward power transactions enables the Power Division to better match expected loads with resources; therefore, Idaho Falls Power respectfully requests ratification of the attached Agreements.

s/ Bear Prairie

The Assistant General Manager explained the above item. These power sales and purchase transactions help to balance the power portfolio for Idaho Falls Power.

Councilmember Lehto stated that the Assistant Power Manager is a very humble man. He came to Idaho Falls Power being highly recognized in the community of energy as an expert in the field of power sales and purchase transactions. Idaho Falls

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Power has done very well in the market due to his expertise. This provides a huge advantage in keeping the City's rates among the lowest in the Country.

It was moved by Councilmember Lehto, seconded by Councilmember Ehardt, to ratify the execution of multiple Purchase and Sale Agreements for power transactions with Shell Energy. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

The Municipal Services Director submitted the following item:

City of Idaho Falls
January 5, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: HOLIDAY MOTOR COACH LEASE

Attached for your consideration is the proposed Lease Agreement between the City of Idaho Falls and Holiday Motor Coach Company for City-owned property located at 1800 International Way, Idaho Falls, Idaho.

Randall Fife, City Attorney, has prepared and approved the attached Lease.

Municipal Services respectfully requests that the Council approve said Lease Agreement and authorize the Mayor to execute the documents.

s/ Craig Rockwood

The Municipal Services Director appeared to further explain the above item. This Lease Agreement involves 100 parking spaces at the parking lot located at 1800 International Way. Center Partners has given the City of Idaho Falls notice that they are moving out of their facility, which is located across the street from this parking lot. At full capacity, Center Partners only used about half of the spaces provided, which is approximately 100 spaces. Further, it was noted that a clause was added to allow the City of Idaho Falls to cancel this Lease Agreement with 6-month notice should the property be required for City use. The Municipal Services Director stated that this Lease Agreement is for one year.

It was moved by Councilmember Marohn, seconded by Councilmember Lehto, to approve the Lease Agreement between the City of Idaho Falls and Holiday Motor Coach Company for City-owned property located at 1800 International Way in Idaho Falls and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Whittier
Councilmember Hally
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

The Public Works Director submitted the following items:

City of Idaho Falls
February 10, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: ENGINEERING SERVICES – WASTE WATER TREATMENT
PLANT, PRIMARY TREATMENT UPGRADE

As previously authorized, Public Works solicited and received proposals for providing engineering design services related to Waste Water Treatment Plant Primary Treatment Upgrade Project. Responses to the proposal request were received and evaluated.

Based upon those evaluations, Public Works recommends selecting Murray, Smith and Associates to perform the described services; and, authorize Public Works to negotiate a scope of work and fee structure.

s/ Chris H Fredericksen

The Public Works Director appeared to further explain this item. He stated that prior Council action gave authorization to solicit proposals for the Waste Water Treatment Plant, Primary Treatment Upgrade Project. The proposals have been received and rated by staff. Based upon those evaluations, Public Works Division is recommending Murray, Smith and Associates to provide the engineering services described and, further, requests that Public Works Division be given authorization to negotiate a scope of work and fee schedule for that work.

Mayor Casper requested to know where Murray, Smith and Associates are located. The Public Works Director stated that their firm is located in Boise, Idaho. Further, Mayor Casper requested to know whether the Engineering Services Agreement addressed using local people to complete the project. The Public Works Director explained that any work associated with the Waste Water Treatment Plant is so specialized, that in order to have a firm locally, with the amount of work that is available, it is difficult to keep a competent staff on hand to provide those services.

It was moved by Councilmember Ehardt, seconded by Councilmember Lehto, to approve Murray, Smith and Associates proposal to provide engineering design services related to the Waste Water Treatment Plant Primary Treatment Upgrade Project, and to authorize the Public Works Division to negotiate a scope of work and fee schedule for this project. Roll call as follows:

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Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Whittier

Nay: None

Motion Carried.

City of Idaho Falls
February 10, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: PROFESSIONAL APPRAISAL SERVICES AGREEMENT WITH
LINFORD REAL ESTATE APPRAISAL, INCORPORATED -
PANCHERI DRIVE RECONSTRUCTION BELLIN ROAD TO
SKYLINE DRIVE

Attached is a Professional Appraisal Services Agreement with Linford Real Estate, Inc., with respect to Pancheri Drive Reconstruction Bellin Road to Skyline Drive Project. Under the Agreement, Linford Real Estate Appraisal will perform appraisals on 10 parcels for the not-to-exceed amount of \$11,000.00. This Agreement has been reviewed by the City Attorney.

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

s/ Chris H Fredericksen

The Public Works Director appeared to further explain this item. He stated that they are very small parcels of land that will accommodate ADA ramps at intersections. The Public Works Director explained that when the City uses federal funding to complete a project, the City needs to conform to the federal requirements. Federal law requires the City to complete the appraisals, which will probably cost more than the price for the parcels of land to be purchased.

It was moved by Councilmember Ehardt, seconded by Councilmember Lehto, to approve the Professional Appraisal Services Agreement with Linford Real Estate Appraisal, Incorporated – Pancheri Drive Reconstruction Bellin Road to Skyline Drive Project and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally
Councilmember Whittier
Councilmember Lehto

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Nay: None

Motion Carried.

The Planning and Building Director submitted the following items:

City of Idaho Falls
January 30, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: DESTRUCTION OF RESIDENTIAL BUILDING PLANS

Attached is a Resolution for the destruction of residential building plans which have been stored at least two years following final inspection and approval of the project. Idaho Code allows for these plans to be destroyed after the specified time period. The Building Department respectfully requests the approval of this resolution.

s/ Brad Cramer

RESOLUTION NO. 2014-01

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE DESTRUCTION OF CERTAIN RESIDENTIAL BUILDING PLANS; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code Section 50-907(3)(a) requires building applications, plans, and specifications for non-commercial and non-governmental projects to be kept at least two (2) years after final inspection and approval; and,

WHEREAS, the Idaho Falls Planning and Building Division has held certain non-commercial and non-governmental building plans for longer than required by Idaho Code Section 50-907(3)(a); and,

WHEREAS, pursuant to Idaho Code Section 50-907, the City is authorized to destroy certain records after a specified time period.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, AS FOLLOWS:

That the City of Idaho Falls Planning and Building Director is hereby authorized to destroy all building plans and specifications for non-commercial and non-governmental projects which have been kept in the Planning and Building Division storage facility at least two (2) years after final inspection of

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the related project pursuant to the Idaho Code, City records retention policy, and this Resolution.

ADOPTED and effective this 14th day of February, 2014.

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, "A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE DESTRUCTION OF CERTAIN RESIDENTIAL BUILDING PLANS; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

(SEAL)

Reginald Fuller, Building Official, appeared to further explain this item. The State Law requires all residential building plans to be kept for two years. At the present time, they have residential plans back to 1998. Further, over the last two years, plans have been scanned and a database is being built for record keeping.

Mayor Casper requested the City Attorney to explain why it was not possible to have a standing rule for destruction of certain records.

The City Attorney stated that State Code requires City Councils to identify the specific documents that are requested to be destroyed. This gives another layer of oversight to this process.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Resolution for the Destruction of Residential Building Plans and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
 Councilmember Marohn
 Councilmember Whittier

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Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

City of Idaho Falls
January 30, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: AMENDMENTS TO AND ADOPTION OF INTERNATIONAL
BUILDING CODE, PROPERTY MAINTENANCE CODE,
PLUMBING CODE, AND ENERGY CONSERVATION CODE

Attached is an Ordinance pertaining to the adoption of the 2012 I-codes as well as proposed amendments to portions of those codes. Adoption of the 2012 I-codes is required in accordance with the Idaho State Building Board, as published in Idaho Statute, Title 39, Chapter 41 of the Idaho Building Code Act, Idaho Code 39-4116 for local government adoption and enforcement of building codes and in IDAPA 07.03.01, "Rules of Building Safety", and Division of Building Safety. The Building Department respectfully requests approval of this Ordinance.

s/ Brad Cramer

Mayor Casper announced that this item was to be considered under a public hearing. She declared the public hearing open. The adoption of the subject codes are required to be adopted according to State Code. The public hearing is necessary due to the fact that within the 2009 International Residential Code, the City is putting back in the code, the requirements for whole house ventilation. These requirements were in the previous 2006 International Residential Code adoption and other previous codes. With some independent testing that was done through a grant under the Northwest Energy Efficiency Alliance, tests were conducted on a number of houses within the region concerning tightness of houses and the necessity for houses to breath. The amount of air changes that were produced by these tests were low; they felt that it was important to require the whole house ventilation. A timer is put into the house with the furnace system at the time it is built. That timer can be set to allow for certain run times to allow for fresh air to be forced into the house. Russ Goyen appeared to state that the cost for this timer would not exceed \$300.00 to \$400.00 per house. Building contractors have continued the practice of installing the timers on furnaces for many code cycles, even though it was not required for several years, as they felt that it was a benefit.

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

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

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Aye: Councilmember Whittier
Councilmember Hally
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

At the request of Mayor Casper, the City Clerk read the Ordinance by summary only:

ORDINANCE NO. 2945

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO AMENDING TITLE 7, CHAPTERS 1, 2, 5, 6, AND 11, TO ADOPT CHANGES TO THE INTERNATIONAL BUILDING CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE CURRENT IDAHO STATE PLUMBING CODE; MAKING AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE; MAKING AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE AS TITLE 7, CHAPTER 13; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The Parks and Recreation Director submitted the following items:

City of Idaho Falls
February 11, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: SHORT-TERM EVENT LEASE AGREEMENT (IDA RACING AT SANDY DOWNS)

Attached for consideration is the "Short-Term Event Lease Agreement (IDA Racing at Sandy Downs). This agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests to enter into said Agreement with Intermountain Racing and Entertainment LLC for racing events in August and September of 2014.

s/ Greg A. Weitzel

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The Parks and Recreation Director appeared to further explain this item.

It was moved by Councilmember Hally, seconded by Councilmember Whittier, to approve the Short-Term Lease Agreement with Intermountain Racing and Entertainment LLC (IDA Racing) for racing events at Sandy Downs in August and September of 2014 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: NOISE PARK CARETAKER LEASE AGREEMENT

Attached for consideration is the "Noise Park Caretaker Lease Agreement". This Agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests authorization to enter into the "Noise Park Caretaker Lease Agreement" with Matt Psalto.

s/ Greg A. Weitzel

The Parks and Recreation Director appeared to further explain this item.

It was moved by Councilmember Hally, seconded by Councilmember Whittier, to approve the Noise Park Caretaker Lease Agreement between the City of Idaho Falls and Matt Psalto and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Whittier
Councilmember Hally
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – ALDERSON, KARST AND MITRO ARCHITECTS, P. A.

Attached for consideration is the “Agreement for Professional Services Related to Architectural Services for Pinecrest Golf Course Clubhouse”. This Agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests authorization to enter into said Agreement with Alderson, Karst and Mitro Architects, P. A. in the amount not to exceed \$2,500.00 for conceptual plans and drawings for a potential Pinecrest Golf Course Clubhouse Remodel.

s/ Greg A. Weitzel

The Parks and Recreation Director appeared to further explain this item. This Professional Services Agreement comes from recommendations from the 5-Year Business Plan. This remodel would improve the food and beverage area within the clubhouse. Further, under the recommendation from the food and beverage consultant, this improvement needed to take place first.

It was moved by Councilmember Hally, seconded by Councilmember Whittier, to approve the Professional Services Agreement with Alderson, Karst and Mitro Architects, P. A. in an amount not to exceed \$2,500.00 for conceptual plans and drawings for a potential Pinecrest Golf Course Clubhouse Remodel and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Marohn
Councilmember Whittier
Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ZOO CONCESSIONS AGREEMENT

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Attached for consideration is the "Tautphaus Park Zoo Concessions Agreement". This Agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests authorization to enter into said Agreement with Mountain Goods for a one (1) year term ending December 31, 2014.

s/ Greg A. Weitzel

The Parks and Recreation Director appeared to further explain this request.

It was moved by Councilmember Hally, seconded by Councilmember Whittier, to approve the Tautphaus Park Zoo Concession Agreement between the City of Idaho Falls and Mountain Foods for a one (1) year term ending December 31, 2014 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Fire Chief submitted the following items:

City of Idaho Falls
February 13, 2014

MEMORANDUM

TO: Mayor and Council
FROM: Dean Ellis, Fire Chief
SUBJECT: MEDSTAT MINI AMBULANCE AND TRAILER

1. The Fire Chief respectfully requests authorization to accept delivery and ownership of a MEDSTAT Mini Ambulance. Bureau of Homeland Security, through Tom Lenderink, Bonneville County Emergency Planner, has paid for this vehicle in full. The cost of the vehicle is \$55,465.00. This money will be paid directly to the company building the ambulance and will not pass through the City. It will be used at different venues such as the 4th of July Parade and Fireworks, the Duck Races, and other activities where there is a lot of people down by the Greenbelt. This vehicle will be easier to maneuver through crowds and down sidewalks.

2. The Fire Chief respectfully requests approval and authorization to purchase an enclosed trailer and safety equipment for this vehicle. The cost of said trailer is \$6,531.00. Division Chief Dave Coffey secured donations of

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\$10,000.00 from Mountain View Hospital to help purchase this Mini Ambulance. Since the Bureau of Homeland Security has paid the full amount for the vehicle, the Idaho Falls Fire Department would like to procure the above-mentioned trailer with the grant from Mountain View. This would allow it to be utilized if dispatched to areas where roadways are not conducive to full size ambulance travel.

s/ Dean Ellis

The Fire Chief appeared to further explain this item. The Fire Chief requested that the City accept ownership of this Mini Ambulance, which will be titled to the Bureau of Homeland Security for two years, at which time it will be titled to the City of Idaho Falls. Further, he is making the request to purchase the trailer, along with safety equipment for this vehicle.

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to give the Fire Chief authorization to accept the delivery and ownership of a MEDSTAT Mini Ambulance which was funded from the Bureau of Homeland Security in the amount of \$55,465.00; and, further, authorize the purchase of an enclosed trailer and safety equipment for this vehicle in the amount of \$6,531.00 through a secured donation of \$10,000.00 from Mountain View Hospital. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

City of Idaho Falls
February 13, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dean Ellis, Fire Chief
SUBJECT: AMENDMENTS, CHANGES, AND ADOPTION OF THE
INTERNATIONAL FIRE CODE

Attached is an Ordinance pertaining to the adoption of the 2012 International Fire Code with proposed amendments to Title 3, Chapter 2 of the Fire and Public Safety Division. Adoption of the 2012 International Fire Code is required in accordance with the Idaho State Fire Marshall's Office. The Fire Chief respectfully requests approval of this Ordinance.

s/ Dean Ellis

Fire Marshall Ken Anderson appeared to further explain this Ordinance. The Fire Marshall explained that he is a counterpart to the Building Official, and they work together to build buildings and to make buildings safe within the City of Idaho Falls. Each Code adopted this evening is a separate code. His Department provides code enforcement. The proposed Ordinance provides for some housekeeping items, to be sure that the Fire Code is named in all places as the International Fire Code. Further, standardization is provided for all addressing to be 4-inch numbers. Authority for the Fire Marshall was also provided within

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this Ordinance Amendment. For the past six years, fire sprinklers have been required in three-plexes and above. That remains the same. The Fire Marshall provided an explanation of “The Compliance Engine Implementation Plan”, which was not a part of this Ordinance, and was not addressed on the Council Agenda for this evening. This item will have to be addressed at a meeting in the future.

Councilmember Ehardt stated that she has had contact with the Fire Marshall through her work. She stated that she respected his practical opinion and would listen to his recommendations.

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to approve the Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Whittier

Nay: None

Motion Carried.

At the request of Mayor Casper, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2946

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 3, CHAPTER 2 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, TO MAKE CONSISTENT WITH UPDATES TO THE INTERNATIONAL FIRE CODE; PROVIDE FOR THE ESTABLISHMENT OF THE DEPARTMENT OF FIRE PREVENTION AND THE DUTIES AND POWERS THEREOF; AMENDING SECTIONS 7-10-1 THROUGH 7-10-3 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2012 EDITION, REPEALING SECTION 7-10-4 AND ADOPTING A NEW SECTION 7-10-4 PROVIDING FOR UPDATES TO THE INTERNATIONAL FIRE CODE; AND UPDATING SECTION 9-4-1 OF THE CITY CODE TO REFERENCE THE APPLICABLE FIRE CODE; AND REVOKING SECTIONS 10-6-4 AND 10-6-5 IN THEIR ENTIRETY AND REPLACE WITH LANGUAGE ADOPTED FROM THE INTERNATIONAL FIRE CODE TO ESTABLISH ONE STANDARD BETWEEN THE FIRE AND BUILDING CODES FOR ADDRESS IDENTIFICATION; AND PROVIDING SEVERABILITY, CODIFICATIONS, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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Following a brief recess, Mayor Casper declared the public hearing open for “Adoption of Permit Fees for Soil Erosion Control Plan Approvals and Contractor Certificates”. She requested the Planning and Building Director to come forward to further explain this item:

City of Idaho Falls
January 30, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: ADOPTION OF PERMIT FEES FOR SOIL EROSION CONTROL PLAN APPROVALS AND CONTRACTOR CERTIFICATES

Attached is a Resolution for adoption of fees for soil erosion control plan permits and contractor certificates. The creation of the fees was approved by the Council in February, 2013 as part of changes to the City’s Storm Water Management Program. At that time, the amount of the fees had not yet been established. The proposed fees have been developed by the Public Works Division and will be collected by the Building Department. This request is being submitted to the Mayor and City Council for consideration.

s/ Brad Cramer

RESOLUTION NO. 2014-02

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ESTABLISH A FEE AMOUNT FOR EROSION CONTROL CONTRACTOR CERTIFICATES AND EROSION CONTROL PLAN APPROVAL PERMITS; AND PROVISION THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Environmental Protection Agency (EPA) mandates through its Municipal Separate Storm Sewer System Permit with the City that the City maintain a Storm Water Management Program; and,

WHEREAS, the City recently amended Title 8, Chapter 14 of the City Code pertaining to erosion control permits and providing for expiration of erosion control certificates; and,

WHEREAS, the City has provided that a filing fee shall accompany all permit applications for erosion control plan approvals; and,

WHEREAS, the Council has held a public hearing in accordance with the Idaho Code to establish the filing and certification fee amounts hereinbelow.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls, Idaho, as follows:

FEBRUARY 13, 2014

That the Council hereby establishes a fee amount for Erosion Control Contractor Certificates and Permits for Erosion Control Plan Approvals as follows:

1. For Erosion Control Contractors Certificates:
Initial Certification – Fifty Dollars (\$50.00).
Renewal of Certifications – Twenty-Five Dollars (\$25.00).
2. For Permits for Erosion Control Plan Approvals:
Plans less than one (1) acre – Fifty Dollars (\$50.00).
Plans one (1) acre or more – One Hundred Dollars (\$100.00).

CITY OF IDAHO FALLS, IDAHO

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, “A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ESTABLISH A FEE AMOUNT FOR EROSION CONTROL CONTRACTOR CERTIFICATES AND EROSION CONTROL PLAN APPROVAL PERMITS; AND PROVISION THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.”

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

(SEAL)

The Planning and Building Director appeared to further explain this item. The Ordinance regarding Soil Erosion Control is related to the Public Works Division, and the Planning and Building Division is equipped to collect the fees for these permits and certificates. The fees have been established to cover administrative review costs and the time spent by City Staff.

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

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Resolution for the Adoption of Permit Fees for Soil Erosion Control Plans and Contractor Certificates and give authorization for the Mayor and City Clerk to execute said Resolution. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Whittier

Nay: None

Motion Carried.

Mayor Casper called the public hearing to order for "Rezone from HC-1 to HC-1 with a T-1 Tower Overlay Zone, 1.86 Acres, Section 14, Township 2 North, Range 37, East of the Boise Meridian, and Reasoned Statement of Relevant Criteria and Standards". She requested the Planning and Building Director to come forward to further explain the following item:

City of Idaho Falls
January 30, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: REZONE FROM HC-1 TO HC-1 WITH A T-1 TOWER OVERLAY ZONE, 1.86 ACRES, SECTION 14, TOWNSHIP 2 NORTH, RANGE 37, EAST OF THE BOISE MERIDIAN, AND REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

Attached is the application for rezoning from HC-1 to HC-1 with a T-1 Tower Overlay Zone and the Reasoned Statement of Relevant Criteria and Standards. The T-1 Overlay Zone will allow a telecommunication tower to be constructed on the property. The Planning Commission considered this application at its January 7, 2014 Meeting and recommended approval. This item is now being submitted to the Mayor and City Council for consideration.

s/ Brad Cramer

The Planning and Building Director appeared to locate the area on a map and further explain 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 Aerial Photo – close up

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Slide 4	Aerial Photo showing property under consideration
Slide 5	Future Land Use of the Comprehensive Plan
Slide 6	Map showing Tower Zone Locations
Slide 7	Photo supplied by Applicant showing area to be covered by tower
Slide 8	Photo supplied by Applicant simulating what the tower would look like
Slide 9	Photo supplied for Applicant simulating different views of what the tower would look like
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Planning Commission Minutes dated January 7, 2014
Exhibit 4	Staff Report dated January 7, 2014
Exhibit 5	Zoning Amendment Ordinance
Exhibit 6	Reasoned Statement of Relevant Criteria and Standards

The Planning and Building Director explained that the allowed uses would include a cellular communication tower up to a height of 90 feet. In terms of the Comprehensive Plan, this location (on the property of Skyline Lanes on West Broadway) would be an appropriate use and location. He explained that the only Tower Zone west of Interstate 15 is located on Foote Drive. The tower location is approximately 330 feet from any residential property.

Councilmember Lehto commented that when cell towers were first considered, a map was developed that showed concentric circles, showing where cell towers could serve. The Planning and Building Director stated it is a requirement that towers be built so that co-locations can occur. Applicants cannot build a tower that serves only one user.

Councilmember Marohn requested the Planning and Building Director to address the concerns expressed in the following letter:

City of Idaho Falls
February 7, 2014

Dear Mayor and City Council Members,

We are property owners at 1641 Raymond Drive. We would like to express our concerns and feelings about a cell phone tower being built just west of our back yard. We would rather not have this cell tower so close to our home. We will be able to see this tower all the time. We are concerned that the red lights will shine in our bedroom windows at night. We are also concerned about the noise that it will have.

Also, it seems to us that this is a very small area to be housing such a large tower. This cell phone tower would be surrounded on all four sides by commercial buildings and residential homes. We are concerned about the safety of the public and the buildings if the cell phone tower were to fall. This would be a danger to the public frequenting the bank, the bowling alley, workers at the District 91 bus area and the busses and the residents living in the area.

A few weeks ago in West Virginia, a cell phone tower fell killing three workers and injuring two other workers.

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The proposed site is very visible to many of us and would impact the aesthetics of our area. We are concerned about property values and the beauty of our community. We also worry about potential health issues. The jury is still out on the effects of cell towers, but studies show the greatest risk is within a half mile radius. We simply believe that the placement of a cell tower at this location is bad.

Also, there are many small planes that fly over the area preparing to land at the airport and we were wondering if anyone has researched that to see if the cell tower would interfere with the planes.

We have looked around and felt there would be other areas that are very close to this area that seems like they would work for a cell phone tower. There is an open field on the south side of Broadway on the corner of Bellin Road and Broadway. The planes do not fly over this area at all. It is an open field that seems like it would house a cell tower of that size.

We feel that the placement of a cell tower at the proposed location is a bad idea. We would hope that you would take our concerns and feelings into consideration at this time. Thank you so much.

s/ Sonja and Jeff Jones
Sonja and Jeff Jones
1641 Raymond Drive
Idaho Falls, Idaho
Telephone Number: 529-5734

The Planning and Building Director stated that he addressed the concern regarding airplanes and airport before the meeting. It is difficult to place cell towers west of I-15 due to height restrictions and safety issues. He made contact with the Airport Director earlier to ask if this cell tower would have any issues in close proximity to the Airport, being 90 feet in height. The Airport Director reported to him that there would be no issue with that tower height in proximity to the Airport.

Mayor Casper questioned why cell towers were not addressed under the recently adopted Comprehensive Plan. The Planning and Building Director explained that the Planning Division has purchased some training material on federal regulations regarding cell towers. This legislation might address communication corridors. He stated, further, that he did not believe that this item would go against any of the federal regulations. At this point in time, the Planning staff has tried to locate cell towers along major arterial streets and away from residential areas. This cell tower meets that criteria.

Councilmember Whittier questioned whether the property located on the south side of West Broadway would be an option to locate a cell tower. The Planning and Building Director stated that the property on the south side of West Broadway is located in the County. It may not be zoned to be able to house a cell tower.

Jared White, Verizon Wireless, 1894 West 1690 South, Woods Cross, Utah, appeared to state that the selected site serves two purposes. The first purpose is for a capacity site. He explained that when a call is dropped, it is not because there is no coverage, it is because there is not capacity for that call. Mr. White explained that all towers work together to provide coverage and capacity. If Verizon were to move this tower to another location, the same conversation would be held with different people. They try to stay within the parameters of the Tower Zone, and try to be good neighbors.

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Cheryl Just, 1620 Adele Avenue, appeared to express her concerns for the location of this cell tower. This tower is in the middle of an established residential area. She stated that she understands that Verizon Wireless needs the coverage for cell phones. Mrs. Just listed the locations of cell phone towers around the Idaho Falls area. She requested that there be another review for where cell phone towers are located. Mrs. Just stated that her main concern is the view of this tower from her home.

Sonja Jones, 1641 Raymond, stated that she wrote the above letter. She reviewed the information in her letter. This makes the residential area look industrialized.

Jared White re-appeared to state that he understands the concerns that have been expressed. There is no way to eliminate the visual impact of the cell phone tower. Cell phone towers fall under a federal law and are protected and cannot be prohibited as they are a public utility. The City's Ordinance covering the Tower Overlay Zone is one of the most restrictive Ordinances that he has seen. As more people are using their cell phones as home phones, it is difficult to provide the coverage where the cell phone towers are located now. He said that Verizon Wireless is interested in using the fewest cell phone towers as possible, as is the City. Cell phone towers are expensive to construct and to maintain. Should technology change and cell phone towers would no longer be needed, he said that Verizon Wireless would remove all of their towers due to that expense. The structural requirement for towers is 120 mph wind with 4 inches of ice on the tower sustained for 10 seconds.

Councilmember Whittier questioned whether there were more towers located around Idaho Falls than the aerial photo showed.

Mr. White stated when more coverage is required he first looks for existing towers. The major providers of cell phone services have existing agreements to be able to co-locate on each other's towers. If that is not an option, then he looks for land to place a tower. The advantage of co-location is that it eliminates towers.

Councilmember Ehardt requested to know what the options for the City Council were in deciding on this rezoning.

The Planning and Building Director stated that the Staff Report provided in the packet for this item, shows the requirements.

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

Councilmember Whittier and Councilmember Lehto requested to know whether the City Attorney knows what the statutory requirements were for federal or state law on cell phone towers.

The City Attorney stated that within the Zoning Ordinance is the acknowledgement of what the federal laws are regarding cell phone towers. The City Council cannot deny a cell phone tower just because they do not like cell phone towers.

Councilmember Lehto gave a brief history as to how the Ordinance was developed for cell phone towers.

A brief discussion was held to determine the height of this tower. This tower will be 90 feet. Councilmember Ehardt requested to know why the company could not use a 60 foot tower. It was explained that the height of the tower is directly related to the coverage that Verizon Wireless wanted to achieve.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the rezone from HC-1 to HC-1 with a T-1 Overlay Zone, 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 Ehardt
 Councilmember Marohn
 Councilmember Hally

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Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Marohn
Councilmember Whittier
Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

Mayor Casper requested the City Clerk to read the following Ordinance by title only:

ORDINANCE NO. 2947

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF APPROXIMATELY 1.86 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE TO INCLUDE A T-1 TOWER OVERLAY ZONE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezone from HC-1 to HC-1 with a T-1 Overlay Zone, 1.86 Acres in Section 14, Township 2 North, Range 37, East of the Boise Meridian, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

FEBRUARY 13, 2014

Mayor Casper opened the public hearing for consideration of "Vacation of a Plat, Conveyance of Oregon Avenue, Final Plat, and Reasoned Statement of Relevant Criteria and Standards for West Broadway Addition, Division No. 1, First Amended". The Planning and Building Director came forward to further explain the following item:

City of Idaho Falls
January 30, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: VACATION OF A PLAT, CONVEYANCE OF OREGON AVENUE, FINAL PLAT, AND REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR WEST BROADWAY ADDITION, DIVISION NO. 1, FIRST AMENDED

Attached is the application for vacation of a portion of the subdivision plat for West Broadway Addition, Division No. 1, the conveyance of Oregon Avenue to the Idaho Falls Redevelopment Agency, approval of a Final Plat for West Broadway Addition, Division No. 1, First Amended, and the Reasoned Statement of Relevant Criteria and Standards for the Plat. Each of these items are part of an Urban Renewal Project being completed by the Idaho Falls Redevelopment Agency and a private land owner. The Planning Commission considered the Final Plat at its September 3, 2013 Meeting and recommended approval. Staff concurs with this recommendation. These items are now being submitted to the Mayor and City 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 request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing area under consideration
Slide 3	Aerial Photo – close up
Slide 4	Aerial Photo showing detail of area under consideration
Slide 5	Aerial Photo showing some of the land transfers
Slide 6	Final Plat under consideration
Slide 7	Drawing showing turning movements
Slide 8	Drawing showing turning movements of different size of vehicles
Slide 9	Site Photo showing front of existing building
Slide 10	Site Photo showing view of existing auto sales lot from Seattle
Slide 11	Site Photo looking north along Nevada
Slide 12	Site Photo looking west along Denver
Slide 13	Site Photo looking southeast along Oregon
Slide 14	Site Photo looking east along Seattle
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Vacation Ordinance
Exhibit 4	Letter of Request from Idaho Falls Redevelopment Agency:

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Idaho Falls Redevelopment Agency
January 30, 2014

Mr. Brad Cramer, Director, Planning and Building Division
Mr. Chris Fredericksen, Director, Public Works Division
City of Idaho Falls
P. O. Box 50220
Idaho Falls, Idaho 83405

RE: Quitclaim Deed for Oregon Avenue

Dear Gentlemen:

The Idaho Falls Development Agency is requesting the Oregon Avenue right-of-way be conveyed by the City of Idaho Falls to the Agency. This parcel of 0.867 acres was conveyed to the City by a quitclaim deed on December 3, 1951, and was subsequently developed as Oregon Avenue and portions of Denver Street and Seattle Street. Because Oregon Avenue is deeded property, it cannot be vacated in the process currently underway by application of the property owner for Seattle Street. The Agency is assisting with the redevelopment of this immediate area, and this right-of-way has become integral to assuring private development occurs in this area which eliminates underutilized parcels and remediates deteriorating conditions in the area.

Sections 100 and 300 of the Snake River Urban Renewal Plan authorize the Agency to acquire real property and assemble land into sites suitable for modern, integrated development. Portions of the Snake River Urban Renewal District, including this immediate area, were divided into blocks of approximately three acres when originally platted. Today, many modern commercial uses require five to twenty acres under one ownership. To encourage such redevelopment, increase the tax base, and improve the gateway to Idaho Falls, it is necessary for the Agency to acquire the right-of-way of Oregon Avenue. Therefore, the Agency is requesting the cooperation of the City in accordance with Sections 305, 306, and 600 of the Plan. Idaho Code § 50-2015 of the Idaho Urban Renewal Law allows for the conveyance of property by the City to the Agency without consideration, appraisal, public notice, advertisement, or public bidding.

If you have any questions, please contact me at 522-6700 or Ryan Armbruster, Elam and Burke, 208-343-5454. Please let Ryan or me know whether the City needs any additional documents other than this letter to process the property transfer. Ryan is preparing to work with the City Attorney to draft the deed. Thank you for your assistance in improving this gateway to the City of Idaho Falls.

Sincerely,

s/ Lee Radford
Lee Radford
Chairman

FEBRUARY 13, 2014

cc: Randy Fife
Ryan P. Armbruster

Exhibit 5 Final Plat
Exhibit 6 Planning Commission Minutes dated September 3, 2013
Exhibit 7 Staff Report dated September 3, 2013
Exhibit 8 Reasoned Statement of Relevant Criteria and Standards

The Planning and Building Director explained that the reason for the public hearing provides an opportunity to notify adjacent landowners so that they might voice any concerns. The Planning and Building Director met with the Public Works staff to provide a drawing showing turning movements for different vehicles within the cul-de-sac provided at the end of Denver Street to alleviate some concerns from adjacent landowners. The cul-de-sac accommodates a semi-truck pulling one trailer and a semi-truck pulling two trailers. The drawings have been sent to the property owner, who has not returned with any response. The building at this location will be demolished and rebuilt on another location on their property. This Urban Renewal District closes in 2018.

Jeff Freiburg, 946 Oxbow Lane, appeared to state that he is the Project Manager for this development. He stated that he did not have anything to add, and was present to answer any questions.

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

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

At the request of Mayor Casper, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2948

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, VACATING A PORTION OF THE WEST BROADWAY ADDITION SUBDIVISION PLAT, AS DESCRIBED IN SECTION 1 OF THE ORDINANCE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Conveyance of Oregon Avenue to the Idaho Falls Redevelopment Agency and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Whittier
Councilmember Hally
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to accept the Final Plat for West Broadway Addition, Division No. 1, First Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Whittier

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for West Broadway Addition, Division No. 1, First Amended and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Ehardt, that the meeting adjourn at 10:15 p.m.

CITY CLERK

MAYOR
