

JANUARY 24, 2002

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 24, 2002, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam read the following Proclamation for Idaho State University Day in Idaho Falls:

PROCLAMATION

WHEREAS, in 1901 Pocatello Mayor and newly elected Idaho Senator Theodore Turner proposed Senate Bill No. 53 to create the Academy of Idaho; and,

WHEREAS, Governor Frank W. Hunt signed that bill on March 11, 1901 and the Academy of Idaho grew to become Idaho State University in 1963; and,

WHEREAS, the Centennial Celebration, observed during the academic year of 2001-2002, marks the one hundred-year anniversary of the birth of an institution of higher education; and,

WHEREAS, during its first century, Idaho State University's faculty and students have distinguished themselves with national academic honors, and have served Idaho, the nation and the world with compassion and dedication; and,

WHEREAS, the alumni of Idaho State University have achieved great success and have made significant contributions to society, and are widely recognized for their significant accomplishments throughout Idaho and the world; and,

WHEREAS, the Centennial Celebration recognizes the University's success in "Creating Legacies...for all time" in honor of the faculty, students,

staff, and alumni who have taught, learned, worked, and graduated from this institution; and,

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WHEREAS, Idaho State University has successfully served the needs of more than 80,000 students throughout its 100 years and has raised more than 102 million dollars in its first-ever Capital Campaign; and,

WHEREAS, Idaho State University is to be commended for a century of service to education in Idaho and for academic excellence resulting in significant contributions to the historical, cultural, and economic well-being of the State of Idaho, as well as the nation and the world;

NOW, THEREFORE, I, LINDA MILAM, MAYOR, of the City of Idaho Falls, do hereby proclaim February 7, 2002 as:

IDAHO STATE UNIVERSITY DAY IN IDAHO FALLS

s/ Linda Milam
Linda Milam, Mayor

Mayor Milam presented a plaque to the Parks and Recreation Director for Idaho Nursery Association Awards Program – Recreational Gold Award 2001 Design Installation Division to the City of Idaho Falls. This is for work that has been completed on the entryways into the City of Idaho Falls by the Horticulturist.

The City Clerk read a summary of the minutes for the January 10, 2002 Regular Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the minutes as printed. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam announced that Councilmember Shurtleff, Councilmember Rose, and Councilmember Eldredge would serve on the Bonneville Metropolitan Planning Organization Policy Board. Councilmember Shurtleff will serve on the Targhee Regional Public Transportation Agency Board.

The City Clerk presented several license applications, including a BEER LICENSE to D. D. Mudd; BARTENDER PERMITS to Sharon L. Hartwell, Brian B. Petersen, Steve K. TenEyck, and Kay A. Wiemer, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on January 24, 2002.

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

Aye: Councilmember Lehto

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Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a rezoning from RSC-1 (Residential Shopping Center) to R3-A (Apartments and Professional Offices) on property generally located east and adjacent to Woodruff Avenue, south and adjacent to Hoopes Avenue, and north of Parkwood Street, legally described as Lot 3, Block 2, Third Amended Plat of Parkwood Meadows, Division No. 1. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
December 13, 2001

MEMORANDUM

TO: Mayor and City Council
FROM: René R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM RSC-1 (RESIDENTIAL SHOPPING CENTER) TO R3-A (APARTMENTS AND OFFICES) – LOT 3, BLOCK 2, PARKWOOD MEADOWS SUBDIVISION, DIVISION NO. 1

Attached is the application to rezone the southeast corner of Woodruff and Hoopes Avenues, legally described as Lot 3, Block 2, Parkwood Meadows Subdivision, Division No. 1, from RSC-1 (Residential Shopping Center) to R3-A (Apartments and Offices). The Planning Commission considered this rezoning request at its November 27, 2001 Meeting and recommended approval. The Department concurs in this recommendation. This matter is now being submitted to the Mayor and Council for consideration.

s/ René R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Site Photo looking southeast across site
Slide 4 Site Photo looking north of Lot No. 3
Slide 5 Comprehensive Plan – Future Land Use
Exhibit 1 Planning Commission Minutes dated November 27, 2001

Exhibit 2 Staff Report dated November 27, 2001
Exhibit 3 Site Map

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The Planning and Building Director stated that the request for an R3-A Zone is in compliance with the Comprehensive Plan, as is the existing RSC-1 Zone.

Councilmember Groberg expressed his concern over signage and setback requirements in the R3-A Zone as compared to the RSC-1 Zone. He questioned, further, whether the whole area should be changed to R3-A. The Planning and Building Director stated that the Staff has discussed that issue and felt that it would be appropriate to change all of the zoning to R3-A or PB. The land uses on this island surrounded by Woodruff Avenue, Hoopes Avenue, and Parkwood Street is predominantly office buildings. The staff has not initiated that rezone. This rezoning request comes from a Developer. Initially, it was thought that the Developer would request that both parcels of land north of Rudd and Company be zoned R3-A. Recently, the land was platted and the access was addressed in that plat. There would be only one access to Woodruff Avenue for both lots, that access being between the two lots. The new owner is requesting the zone change, primarily because of the setback requirements in the RSC-1 Zone. The setback required is 50 feet from a major street. The R3-A Zone requires a 15-foot setback.

Councilmember Groberg requested to know the difference between the two zones as far as the sign requirements were concerned. The Planning and Building Director stated that signage in the RSC-1 Zone is limited to one sign every 300 feet. In the R3-A Zone, there is a limit of a sign being no taller than 15 feet in height and no larger than 200 square feet in dimension. Councilmember Groberg expressed concern over whether the owners would be able to comply with the sign requirement of the new zone. The RSC-1 Zone is designed for one property owner, and the sign requirement could be an issue.

Councilmember Lehto requested to know whether a traffic study would be required for the R3-A Zone. The Planning and Building Director stated that there is not a traffic study requirement for this particular parcel. The small square footage of office building that is proposed would not significantly impact Woodruff Avenue in being either 100 peak hour trips or 200 peak hour trips, which are the two numbers that trigger a request for a traffic study. Councilmember Lehto stated that the applicant could build apartments on this parcel of ground. The Planning and Building Director stated that the applicant could build apartments, but apartments generate less traffic than office uses according to the Institute of Traffic and Transportation Engineers. Councilmember Lehto questioned that if apartments were built at this location, how many peak hour trips would have to be generated to require a traffic study. The Planning and Building Director stated that 200 peak hour trips would have to be generated.

Councilmember Rose requested the applicant or the applicant's representative to come forward to explain the request for a rezone. The applicant or the applicant's representative was not present.

Councilmember Rose requested those in favor of this rezoning request to come forward at this time. There being no one to appear in favor of this rezoning request, Councilmember Rose requested those in opposition to come forward at this time.

Brad Cannon, 2921 Tipperary Lane, appeared to share the following statement:

Discussion Points for City Council Meeting

We apologize for not bringing up our concerns regarding the changes to this zoning earlier, and regret that this may cause any potential developer of the property any undue expense. The notices regarding the property development and changes came during an extremely busy time of our practice and we did not understand the impact that a change in the zoning of this property could have on the area until today.

We don't profess to be experts on the zoning requirements – particularly as to how the RSC-1 Zone differs from the R3-A Zone. We've read the rules, and

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believe we understand how adversely this change could impact our property and the surrounding property. I'm sure that the City has employees that can explain the technical differences between the two Zones better than we can. What we've tried to focus on is how we believe that approving the requested zoning change will adversely impact our property and the surrounding area.

The RSC-1 Zone was originally intended to provide retail and professional space adjacent to residential areas. In the case of this area, however, the RSC-1 Zone was used to go beyond that – it was used to create an area of visually appealing property with large setbacks from the main street, adjoining streets, and adjoining properties, particularly residential property. While in some minimal ways the R3-A Zoning is more consistent with the professional nature of this area, from a visual standpoint, the area has developed certain characteristics which would be undermined by a change to R3-A Zoning. Creation of an R3-A Zone would negate the current characteristics of the area that we expected when we originally built on this property.

Specifically, we object to the rezoning of this section of Parkwood Meadows for the following reasons:

Building Placement

The new zoning would allow placement of buildings on the property that would be inconsistent with the other adjoining properties. Starting with the Credit Union Building on the south and continuing through the mini-mall located north of the property, all of these properties are significantly set back from the street. The RSC-1 Zone requires a minimum of a 50-foot setback, with a requirement of a 60-foot setback if the parking area is between the building and the street. This was attractive to us when we purchased the property, because we felt that development of properties close to the street would give Woodruff a “crowded” feeling.

An R3-A Zone only requires a 15-foot setback from Woodruff – which is 35 feet less than that required by an RSC-1 Zone. This minimal setback on an individual property in the middle of a zone with much larger setbacks negates the wide-open feeling existing with the current RSC-1 Zone. In this particular case, it would result in only one building along a long stretch of Woodruff close to Woodruff, with all the surrounding buildings built back from the street. While this may be commercially appealing to a potential developer – since that building would be visible from both the north and south approaches, it is clearly visually unappealing to those with surrounding property.

Buffer Zones

The side and rear buffer zones required by RSC-1 Zoning are significantly more restrictive than those of the R3-A Zone. Specifically, the RSC-1 Zone would require a 30-foot setback of this development from Hoopes on the north and a 30-foot setback plus a visual buffer (such as landscaping or a fence) from any residential development that might occur to the east of the property. An R3-A

Zone would only require a 15-foot setback from Hoopes and a 10-foot setback on the east side to separate it from any residential property. In addition, there would be no requirement for a visual buffer on the east side to separate it from

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residential property. Again, the intent when we purchased our property was that we wanted to participate in a low-density area with large buffer zones on all sides, providing large buffers to adjoining residential areas.

The rear yard buffer area (that which would be adjacent to a residential area – which on this lot is the eastern edge of the property) has only a 10-foot requirement under the R3-A Zone. The RSC-1 Zone has a requirement that the building have a 30-foot buffer zone from the back of the building, which is a much better buffer zone for the residential area abutting the property. Accordingly, in this situation, the RSC-1 Zone is better for the surrounding residential area than the R3-A Zone.

Consistency with Other Property in the Zone

The RSC-1 Zone is intended to provide a large zone of consistent development. To make sure that this takes place, the Zone requires approval from the City of the development plan for the Zone, as well as plans for the actual layout (including drawings of front elevations for buildings to be constructed) of the entire zone and each building within the zone to insure consistency. These are intended to provide consistency in the layout and development within the zone. These requirements do not exist in the R3-A Zone, which can give rise to a hodge-podge of architectural styles.

The RSC-1 Zone specifically excludes housing development and restricts buildings within the Zone to a height of 35 feet. No similar restrictions exist for development within an R3-A Zone – the combination of potential residential property, and no height limitations can create a development that is wholly inconsistent with the existing and intended development.

Landscaping

Consistent with the requirements within an RSC-1 Zone, the existing landscaping provides significant landscaping buffers between the street and the property and is intended to be in harmony with the surrounding residential area. Specifically, RSC-1 Zoning requires that the landscaping plan must be approved by the City – and that the landscaping plan shows the location and species of all plants as well as the sprinkler system. It also requires at least a 15-foot landscape buffer between the street and any development on the property. Furthermore, the zoning requirements seem to require that the property owners maintain the landscaping so it continues to be attractive. These requirements, which we and other property owners have tried to follow, have enhanced the attractiveness of the area and have increased the value of ours and surrounding properties.

In addition, in the case of this particular development, because of the smaller size of the lots and the relatively large setback requirements surrounding the buildings relative to the size of the lots, there is an abundance of landscape area and wide-open space in the existing developed properties. For example, for our property, the building takes up a relatively small percentage of the property,

with attractive landscaping on over half of the remaining land. This wide-open area has enhanced the attractiveness and value of ours as well as other properties that have followed the same requirements.

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On the other hand, an R3-A Zone requires only that 20% of the lot be landscaped. There is no requirement for a landscape buffer between development and adjoining streets. There is no requirement that location and species of all plants used on the development be approved by the City to insure that the development is aesthetically pleasing. In fact, in the case of a one-acre lot, this minimal landscaping requirement could be by planting roughly 8,000 square feet of the property with grass, without a sprinkler system to keep it attractive.

These reduced landscaping requirements would allow development within the zone that could be much less visually attractive than that of the adjacent property. It would lack a landscape buffer from Woodruff, thereby reducing the attractiveness of the development along the street. It would have less landscaped area. These requirements were part of what attracted us and other property owners to this location in the first place. They have made the area visually appealing for all who drive by. Reducing these requirements for one piece of property in the midst of this area creates the opportunity for a landscaping eyesore.

Traffic Impact

As previously mentioned, the RSC-1 Zone requires significant setbacks from both front and side streets. In addition, the Zone restricts access to surface streets, which can cause traffic problems. For example, the RSC-1 Zone generally requires that no driveway can be located closer than approximately 150 feet from a side street (the actual rules are somewhat complex). This is intended to reduce traffic congestion along the major street, in this case Woodruff. Quite frankly, there are probably already more accesses onto Woodruff in this development than are safe.

The R3-A Zone has no such requirement. Under current zoning, it doesn't appear that it would be possible to provide access directly to Woodruff from the property, which we believe to be a good thing. Changing the zoning from RSC-1 to R3-A would allow a developer to adversely impact the traffic along Woodruff as those leaving the property would try to turn either north or south out of the property within 150 feet of those entering Woodruff from Hoopes. Similarly, those turning into the property off Woodruff from either the north or the south will interfere with traffic turning onto Hoopes from Woodruff.

Summary

When we built our building here, we worked with the developer to develop an area that would be visually appealing and enhance the aesthetics of the neighborhood – particularly the surrounding residential area. We envisioned a low-density development – due, in part, to wide setbacks from the street and surrounding property – particularly residential property. We wanted and expected attractive landscaping. We also expected the surrounding area to be generally consistent with the attractive building and landscaping that we and others have developed and intended developed. While there has not been as much development along this section as perhaps we and others would like, our

hope is that the original intent might still be met. Changing any part of this area from RSC-1 would negate the plan that was attempted by the original

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zoning and neighborhood plan. Doing so is not equitable to those who have bought and developed property in the area.

We respectfully request that you honor the intent and efforts of those who now own and use property along this section of Woodruff by denying the request for a change in the zoning from RSC-1 to R3-A.

Councilmember Lehto questioned whether the zoning was RSC-1 when Rudd and Company developed their property. Mr. Cannon stated that it was zoned RSC-1 at the time of development. He also commented that the Credit Union building is zoned R3-A, but has been set back to the standards of the RSC-1 Zone. If a 15-foot setback were allowed at this location, it would be inconsistent with all other development in the surrounding area.

Councilmember Shurtleff requested a clarification from Mr. Cannon as to whether he attended the Planning Commission Meeting. Mr. Cannon stated that he did not appear before the Planning Commission.

Councilmember Groberg requested the Planning and Building Director to come forward to detail the history of development in this area. The Planning and Building Director stated that the island that is surrounded by Woodruff Avenue, Hoopes Avenue, and Parkwood Street was annexed as an RSC-1 Zone. The original proposal for this area was an athletic club that did not develop. Following that, the southernmost office buildings developed in the RSC-1 Zone. Rudd and Company did go through a site plan review with the original building, and also with the addition. When the Assisted Living Center came in, then the eastern half of the island was rezoned to R3-A. Mr. Cannon is correct in stating that the Assisted Living Center buildings have a large setback, with a fair amount of open space. There is also a 15-foot required landscaping. On the western side, there is PB Zoning. The Staff has often been recommending that with new office development, PB Zoning be used, as it is not a mixed use. On this particular location, Staff looked at the Zoning Ordinance and determined that the R3-A Zone is a higher density and allows more office buildings to be built on the parcel. The R3-A Zone requires 15 feet of landscaping. With a 15-foot setback on the building, no parking area is allowed to be within the 15 feet of landscaping. This is not found in the PB Zone. Under the PB Zone, the requirement is 7 feet of landscaping. The R3-A Zone was recommended on the basis of the Comprehensive Plan policies, as part of the standards require that perimeter landscaping on major arterials would be required for new commercial development. Also, commercial and office development will be buffered from residential development.

Councilmember Lehto stated that he suspected that the real reason for rezoning is access onto Woodruff Avenue. An access cannot be provided with an RSC-1 Zone. He questioned whether an access could be provided under the PB Zone. The Planning and Building Director explained that both zones would provide an access onto Woodruff Avenue. Councilmember Lehto stated that the distance between where Hoopes Avenue enters Woodruff Avenue and an access to Woodruff would have to be 150 feet. The Planning and Building Director stated that was correct. Councilmember Lehto questioned whether there was 150 feet between the intersection and the access. The Planning and Building Director stated that there was approximately 145 feet. Under the replat, Staff required that the lot under consideration and the lot to the south would share a joint access to Woodruff Avenue. By rezoning to an R3-A Zone, the Planning Commission and the City Council lose the ability to review the Site Plan, as well as the Landscaping Plan and Elevations. Councilmember Lehto questioned whether there is a distance requirement in the PB Zone between the intersection of Hoopes Avenue and Woodruff Avenue and the southern part of the property

line to have access to that lot. The Planning and Building Director stated that there is not a requirement under the PB or R3-A Zones for an access requirement as the RSC-1 Zone has.

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Mr. Cannon reappeared to state that when the Assisted Living Center was built, Rudd and Company's rear yard was not in compliance. They had to install a fence to buffer Rudd and Company from the Assisted Living Center. That was appropriate. Rudd and Company has a 30-foot setback in the rear yard, where the R3-A Zone requires 10 feet.

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

Councilmember Rose questioned that if the Developer had requested the PB Zone, instead of the R3-A Zone, would this request be in compliance with the Comprehensive Plan. The Planning and Building Director stated that the PB Zone would be in compliance.

Councilmember Hardcastle requested to know how large the parcel is. Councilmember Rose stated that this parcel is 1.13 acres.

The Planning and Building Director stated that the Planning Commission did not hear the testimony of Mr. Cannon. This could be remanded back to the Planning Commission for further consideration.

Councilmember Eldredge commented that if the development were constructed in the RSC-1 Zone, there would be a 30-foot buffer on all streets, with a 50-foot buffer on Woodruff Avenue. The Planning and Building Director stated that there is also a 30-foot buffer from the side property line and the rear property line. Councilmember Eldredge stated that if the Developer complied with all the requirements for setbacks, there would not be much land left for development under the RSC-1 Zone. The Planning and Building Director stated that the parking areas could be part of the setback requirements.

Councilmember Shurtleff questioned the Planning and Building Director whether, in her professional opinion, she would rather see a cluster of zoning or whether the zoning should be intermixed. The Planning and Building Director stated that she would rather see the zoning in clusters.

Councilmember Groberg stated that there was the contemplation of a single development in this area when the land was annexed, which required this particular zoning. This area has been rezoned as needed which forced the situations for setbacks. The RSC-1 Zone is not designed to accommodate this type of development. It was developed for a single-ownership or large shopping center. If this area were just being developed, the RSC-1 Zone would not be considered appropriate for the frontage on Woodruff Avenue. Councilmember Groberg stated that he would like to see the entire area changed to R3-A or PB. He also expressed his concern over holding two public hearings, one for the Planning Commission and one for the City Council. Testimony can be brought up at the City Council Meeting that the Planning Commission was not able to listen to. He did not believe that this was fair to the Planning Commission.

Councilmember Lehto stated that he is of the opinion that it is going to be difficult to develop the property. Other property owners have located in this area and expect for all other developments to comply with the standards that have been set. New development should comply with existing requirements.

Councilmember Rose stated that this happens all around the City. Developments are constructed next to vacant land. Sometimes the expectations are met and sometimes they are not met for surrounding development.

Councilmember Lehto stated that the zones have been in place for a long time and more effort needs to be made to fit into the zones already provided.

Councilmember Groberg stated that he has no opinion as to whether this land would be easier or harder to develop. He was concerned with the use. This started as a large area and has been developed into individual ownerships and office use. The R3-A Zone is the appropriate use for that type of development.

A brief discussion followed regarding whether this rezoning request needed to be remanded to the Planning Commission for further consideration.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to change the zone from RSC-1 to R3-A on Lot 3, Block 2, Third Amended Plat of Parkwood

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Meadows, Division No. 1 and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Councilmember Eldredge stated that this should be remanded to the Planning Commission, in that the applicant or the representative of the applicant was not present at this hearing. Going forward without having both sides being able to comment on this would not be a wise decision. Taking this back to the Planning Commission would allow for the ability to work out some of the details. Councilmember Lehto stated that the City Council has the power to make the decision at this time. He stated that he is favor of making decisions when the City Council has the power to do that. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose

Nay: Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto

Due to a tied vote, Mayor Milam broke the tie by voting "No"; Motion Denied.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, that the rezoning request of RSC-1 to R3-A on Lot 3, Block 2, Third Amended Plat of Parkwood Meadows, Division No. 1 be remanded to the Planning Commission for further deliberation. Roll call as follows:

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

Nay: Councilmember Lehto

Motion Carried.

Mayor Milam requested Councilmember Shurtleff to conduct a public hearing for the purpose of receiving comments or objections to the proposed exchange of two parcels of real property: One parcel located in Range 38, Township 2 North, Section 8, Center One-Quarter Corner (City of Idaho Falls Property) to be exchanged for Lots 1, 2, 3, and 4, Block 3, Spencer Addition and one parcel located in Range 38, Township 2 North, Section 8, West Quarter Corner (Bonneville County Property). At the request of Councilmember Shurtleff, the City Clerk read the following memo from the Public Works Director:

City of Idaho Falls
January 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: HEMMERT AVENUE PROPERTY EXCHANGE

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On December 20, 2001, the Idaho Falls City Council declared intent to exchange certain parcels of real property with Bonneville County; and, authorized the City Clerk to advertise a public hearing for the purpose of considering such an exchange. A Notice-of-Hearing has been advertised, establishing this as the date, time and location for conducting such a hearing.

s/ Chad Stanger

The Public Works Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this property exchange request:

Slide 1 Vicinity Map showing the properties to be exchanged

The request for exchange of property was due to Bonneville County selling their property, which was being used for the Bonneville County Road and Bridge Department along Interstate 15. In anticipation of that sale, they asked if the City whether would be willing to exchange properties located on Hemmert Avenue to accommodate their desire to locate their Road and Bridge Department adjacent to the Transfer Station and the Bonneville County Jail. The City has retained a portion of the property to allow for a roadway to be able to access another stockpile. The Public Works Director also explained that the salt shed would have to be moved from its present location in order to accommodate the transfer.

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

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

ORDINANCE NO. 2439

AN ORDINANCE PROVIDING FOR THE EXCHANGE OF A PARCEL OF REAL PROPERTY OWNED BY THE CITY OF IDAHO FALLS, IDAHO, PURSUANT TO THE PROVISIONS OF TITLE 50, CHAPTER 14, IDAHO CODE; PARTICULARLY DESCRIBING SAID PARCELS; SETTING A DATE FOR A PUBLIC HEARING PRIOR TO SAID EXCHANGE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Shurtleff moved, and Councilmember Rose seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to execute the Ordinance and the subject Option Agreement. Roll call as follows:

Aye: Councilmember Shurtleff
 Councilmember Hardcastle
 Councilmember Rose
 Councilmember Eldredge

Councilmember Lehto
Councilmember Groberg

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Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls
January 23, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: WORK ASSIGNMENT NO. 7 TO THE ENGINEERING AGREEMENT
WITH DELTA AIRPORT CONSULTANTS

Attached for City Council approval is Work Assignment No. 7 for Delta Airport Consultants in conjunction with the design bid and construction for Runway 20 Lighting System in the amount of \$43,477.00. This project was funded by the FAA with Fiscal Year 2001 discretionary funds. The grant was previously accepted by City Council.

The Airport Division recommends approval and requests the Mayor be authorized to sign the document.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve Work Assignment No. 7 with Delta Airport Consultants, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

City of Idaho Falls
January 16, 2002

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Bob Drake, Fire Chief
SUBJECT: RECIPROCAL FIRE FIGHTING ASSISTANCE AGREEMENT -
DEPARTMENT OF ENERGY

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Attached for your review is a copy of a Memorandum of Understanding by and between the United States Department of Energy Idaho Operations Office and the City of Idaho Falls Fire Department. The five-year Agreement extends the Reciprocal Agreement last approved in 1997. The City Attorney has reviewed the document.

The Fire Department respectfully requests approval and authorization for the Mayor and City Clerk to sign the document.

s/ Bob Drake

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve the Memorandum of Understanding between the United States Department of Energy Idaho Operations Office and the City of Idaho Falls Fire Department and, further, give authorization for the Mayor, City Clerk, and Fire Chief to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
January 18, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE
 OUTSIDE PLANT ENGINEERING/DESIGN PROJECT

Idaho Falls Power has received and evaluated proposals from five (5) engineering firms for the Municipal Telecommunication Infrastructure Outside Plant Engineering and Design Project. The evaluation summary is attached. The highest scoring bidder is CH2M Hill. The City Attorney has reviewed the attached contract.

Idaho Falls Power respectfully recommends award of the contract to CH2M Hill.

s/ Mark Gendron

Scott McBride, Electric Engineer for Idaho Falls Power, appeared to state that approximately three years ago, Idaho Falls Power began investigating the potential of the City entering into a new business. By Resolution, which was adopted in December, 2001, the fact

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was established that the City has a long-standing history of providing numerous services to the community. This particular service of providing metro-carrier network transport system, if it is economically viable, would be another service that the City could provide. This would encourage competition and economic development. Further, this would meet the objectives of the City's long-range plan. Through numerous consultants, along with staff, and previous analysis that Idaho Falls Power has completed, the economics have indicated that this is viable. With this proposal, Idaho Falls Power would like to develop further information and a business plan to determine whether or not this program would be feasible. If that were the case, Idaho Falls Power would proceed with the design of the network and generate documents for construction.

Councilmember Rose requested a brief explanation of the scoring system used to determine the bidder's proposals. The Electric Engineer explained that the scoring system was based upon a system that was developed for the SCADA System Replacement. This scoring system was developed so that Idaho Falls Power could quantitatively evaluate each of the five proposals received. The quantitative analysis allowed Idaho Falls Power to determine which proposal best met the objectives and would provide the best products.

Councilmember Eldredge introduced Bill Cole (Consultant), Robert Peterson (Consultant), Amy Lientz (CH2M Hill), and Brent Stacey (Chief Information Officer for Scientech and involved with Eastern Idaho Forum on Information Technology).

Councilmember Shurtleff commented that from the two proposals that were the final choices, the second proposal was accepted, which was \$20,000.00 more. He, personally, liked the choice that was made due to the fact that CH2M Hill has an Idaho Falls Office. CH2M Hill is developing the business plan with a time frame gap, which would allow the City to discontinue the services if it does not become feasible to continue.

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to accept the proposal from CH2M Hill and, further give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
January 16, 2002

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PERSONNEL POLICY CHANGES

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Attached are proposed changes to the City Personnel Policy. It is the recommendation of Municipal Services that the Mayor and Council adopt said changes.

The changes include the following sections of the Personnel Policy:

- | | |
|---------------------------------|---|
| Section VII | The proposed changes would prohibit any form of harassment or discrimination. |
| Section VIII
Paragraph C | We are adding "regular employees" and deleting "City Personnel". |
| Section XV
Paragraph E and F | This changes the reporting requirements for sick leave and the stay at home provisions of the policy. |
| Section XXV
Paragraph C | This change would prohibit suspending without pay employees who are exempt from FLSA. |
| Section XXVI
Paragraph I | This change would add an informal step to the grievance procedure. |

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg to adopt the proposed changes to the City of Idaho Falls Personnel Policy. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
January 18, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LICENSE AGREEMENT

Attached for your consideration is a License Agreement between the City and Harris Publishing, Inc. for a fiber optic telecommunication line across B Street. The License Agreement is for a two-year period beginning February 1, 2002.

Municipal Services respectfully requests the Council approve said License and authorize the Mayor to sign.

s/ S. Craig Lords

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It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the License Agreement with Harris Publishing, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
January 18, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-07, NEW VEHICLES

Attached for your consideration is the tabulation for Bid IF-02-07, New 2002 Vehicles.

It is the recommendation of Municipal Services to award to the low bidder meeting specification as per Attachment "A".

s/ S. Craig Lords

Councilmember Shurtleff requested to know why there was only one bidder on one of the vehicles. The Municipal Services Director explained that the vehicle that was bid was a bi-fuel vehicle and the only bidder offering that vehicle at this time is Ford Motor Company.

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to accept the low bids meeting specifications as per Attachment "A" for new vehicles. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
January 22, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CIVIC AUDITORIUM HVAC ENGINEERING/ARCHITECTURAL
CONTRACT

Attached for your consideration is the Contract with Engineered Systems Association, Inc. for designing a heating, ventilation and air condition revision at the Civic Auditorium.

The engineering/design fee for the Civic Auditorium's HVAC revision is 8-1/2% of the construction cost, not to exceed \$35,000.00 plus the cost of plans and printing.

Municipal Services respectfully requests the Council approve said contract and authorize the Mayor to execute the same.

s/ S. Craig Lords

Councilmember Eldredge stated that School District No. 91 is going to be in charge of the construction of this project. The City will participate with School District No. 91 for the additional cost to complete the Civic Auditorium HVAC System.

Councilmember Groberg commented that this system would be a single system with the school.

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the Contract with Engineered Systems Association, Inc. for designing a heating, ventilation, and air condition revision at the Civic Auditorium and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
January 24, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: VETERINARY SERVICES AGREEMENT

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Attached for your consideration is a Veterinary Services Agreement between the City of Idaho Falls and Dr. Rhonda Aliah of Skyline Animal Clinic. The Agreement provides for veterinary services at the Tautphaus Park Zoo. The term of the Agreement is for **one** year terminating December 31, 2002. The Agreement has been reviewed by the Assistant City Attorney. It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Veterinary Services Agreement with Dr. Rhonda Aliah of Skyline Animal Clinic and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
January 18, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENVIRONMENTAL CONSULTANT AGREEMENT – FIRST STREET
AND FREEMAN AVENUE INTERSECTION IMPROVEMENTS

Attached is a proposed Agreement between the City and SERG, Inc. to provide consultant services involving the First Street and Freeman Avenue Intersection Improvements Project. A number of tasks related to environmental data collection, evaluation, and assessment are necessary to satisfy Idaho Transportation Department required environmental clearances and are included in the scope of services. The cost of providing these services is \$9,471.00.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to approve the Agreement with SERG, Inc. to provide consultant services involving the First Street and

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Freeman Avenue Intersection Improvements Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Rose, seconded by Councilmember Shurtleff, that the meeting adjourn at 8:45 p.m.

CITY CLERK

MAYOR
