

NOVEMBER 9, 2000

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 9, 2000, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Brad Eldredge
Councilmember Mike Lehto
Councilmember Bruce Rose
Councilmember Joe Groberg
Councilmember Mary Klingler
Councilmember Ida Hardcastle

Also present:

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

Mayor Milam requested Boy Scout Scott Klingler to come forward to lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the Regular Council Meeting held October 26, 2000. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes for the October 26, 2000 Regular Council Meeting be approved as printed. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

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

The City Clerk presented several license applications, including BEER LICENSES to Buck's, Gas 'n' Grub, Maverik Country Store (Broadway), Pockets, Inc., Puerto Vallarta, Samoa Club, and Weston Lamplighter; BARTENDER PERMITS to Annette M. Becker, Cynthia M. Cook, Deborah Goodman, Jill T. Muir, Jeannie A. Neidner, Colleen M. Prophet, Joseph J. Prophet, Anthony A. Peterson, Debra Solis, Brian Twining, and Marie A. Ward, 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 November 9, 2000.

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated October 1, 2000 through October 31, 2000, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$1,073,430.33	\$1,149,272.29	\$2,222,702.62
Street Fund	271,601.77	54,462.78	326,064.55
Airport Fund	191,228.89	30,886.98	222,115.87
Water and Sewer Fund	281,710.75	133,838.27	415,549.02
Electric Light Fund	3,008,107.54	273,156.87	3,281,264.41
Sanitation Fund	187,681.64	66,788.82	254,470.46
Recreation Fund	25,467.83	30,304.22	55,772.05
Municipal Capital Improvement Fund	57,917.70	.00	57,917.70
Library Fund	73,665.99	55,774.43	129,440.42
Street Capital Improvement Fund	20,355.00	.00	20,355.00
Bridge and Arterial Street Fund	41,772.72	.00	41,772.72
Ambulance Fund	47,306.47	73,747.91	121,054.38
Municipal Equipment Replacement Fund	84,343.08	.00	84,343.08
Electric Light Public Purpose Fund	38,364.44	.00	38,364.44
TOTALS	\$5,402,954.15	\$1,868,232.57	\$7,271,186.72

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 21024 in the amount of \$880.85 and Check No. 56534 in the amount of \$4,500.00 made payable to the American Red Cross. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

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Abstain: Councilmember Rose (As he is Director for the American Red Cross)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of the remainder of the expenditures for the month of October, 2000. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing, as legally advertised, to consider the adoption of the Resolution authorizing the filing of a petition in the District Court to obtain judicial confirmation of the authority of the City Council to enter into a Lease and Trust Agreement with U. S. Bank National Association providing for the issuance of certificates of participation to finance the upgrade and renovation of the Idaho Falls Airport Terminal Building. At the request of Councilmember Groberg, the City Clerk read the following memo from the Airport Director:

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: NOTICE OF PUBLIC HEARING

The Council will be conducting a public hearing to consider whether it should adopt a resolution authorizing a petition for judicial confirmation under the Judicial Confirmation Law to authorize the City Council to enter into a Lease and Trust Agreement to finance the upgrade and renovation of the Airport Terminal Building.

The adoption of the resolution ordinance will take place at a Special Council Meeting scheduled on November 29, 2000 at 3:00 p.m.

s/ Mike Humberd

At the request of Councilmember Groberg, the City Clerk read the following Notice of Public Hearing:

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NOTICE OF PUBLIC HEARING

THIS NOTICE OF HEARING is provided pursuant to Idaho Code Section 7-1304. Notice is hereby given that the City Council of the City of Idaho Falls, Idaho (the "City Council") will conduct a public hearing to consider whether it should adopt a Resolution authorizing a Petition for judicial confirmation under the Judicial Confirmation Law. The public hearing will be held during the regular meeting of the City Council on Thursday, November 9, 2000 at 7:00 p.m., at the City Council Chambers located at the Idaho Falls Power Building, 140 South Capital Avenue, Idaho Falls, Idaho.

The matter to be discussed in the public hearing is whether the City Council should adopt a resolution authorizing the filing of a petition in the District Court to obtain judicial confirmation of the authority of the City Council to enter into a Lease and Trust Agreement with U. S. Bank National Association (the "Agreement") providing for the issuance of certificates of participation (the "Certificates") to finance the upgrade and renovation of the Idaho Falls airport terminal building (the "Project"). The District Court will be requested to confirm that the expenditures to accomplish the Project are "ordinary and necessary" as defined under Article VIII, Section 3 of the Idaho Constitution, that the Agreement may be entered into pursuant to Idaho Code Section 50-321, without an election, and that the Certificates may be payable with revenues, including passenger facility charges, of the Idaho Falls Municipal Airport (the "Airport Revenues"). The Certificates proposed to be issued will be issued in an amount up to \$7,250,000.00, of which up to \$6,000,000.00 will be used for funding all or a portion of the Project and up to \$1,250,000.00 will be used for the refinancing of the City's outstanding revenue bonds. The Certificates will be payable solely from Airport Revenues and not from ad valorem property tax revenues.

CITY OF IDAHO FALLS

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: October 25, 2000

Councilmember Groberg then announced that all those interested persons wishing to express their views, both orally and in writing, on the proposed filing by the City of the Airport Petition would be heard and that all such written or oral statements would be considered. All interested persons wishing to speak were then given full opportunity to be heard. All interested persons wishing to submit written statements were given the opportunity to do so.

There being no questions or comments regarding the proposed filing by the City of the Airport Petition, Mayor Milam closed the public hearing.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for Chantilly Addition, Division No. 1. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls
October 23, 2000

MEMORANDUM

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

Attached is the Annexation Agreement, Annexation Ordinance, and Final Plat for Chantilly Addition, Division No. 1. The requested initial zoning is PB with a PUD Overlay, and the Final Plat consists of one 6-acre lot immediately south and adjacent to Sunnyside Road and southeast of Merlin Drive. The Planning Commission reviewed this annexation request at its September 19, 2000 Meeting and recommended approval with conditions which have been covered in the Annexation Agreement. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Assistant Planning Director appeared to locate the subject area on a map and further explain the request. Following is a list of exhibits used in connection with this Annexation request:

Slide 1	Aerial Photo
Slide 2	Vicinity Map showing surrounding zoning
Slide 3	Preliminary Plat
Slide 4	Final Plat
Slide 5	Former Preliminary Plat for Kensington Park, approved by Council
Slide 6	Site Photo looking east along East Sunnyside Road
Slide 7	Site Photo of developed land on the southeast corner of Sunnyside Road and Holmes Avenue
Slide 8	Vacant Lands in surrounding area of this proposed development
Exhibit 1	Planning Commission Minutes dated September 19, 2000
Exhibit 2	Staff Report
Exhibit 3	Copy of Final Plat

The Assistant Planning Director stated that this Final Plat has been reviewed by the Planning Commission, the City Surveyor, and the City Engineer, and has been found to be in compliance with the City's Subdivision Ordinance and the City's Zoning Ordinance. One of the issues discussed at the Planning Commission was whether this subdivision was in compliance with the City's Comprehensive Plan. The Comprehensive Plan for this area shows single-family housing with landscape entrances. As Sunnyside Road has developed, the City's Subdivision Ordinance requires that it have a reverse frontage, which would result in fences running down the length of Sunnyside Road. It is also required that no development shall have access directly to Sunnyside Road, but shall feed to a Collector Street and then to Sunnyside Road.

Matt Morgan, Morgan Construction Company, 520 West 15th Street, appeared to state that he is the developer of the proposed Chantilly Addition. This will be a real addition to the community. With the current growth at the Eastern Idaho Regional Medical

Center, that area of town is in need of additional professional office space. Mr. Morgan stated that he is the developer of Clock Tower Addition at Sunnyside Road and Holmes

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Avenue. As that project has been completed, there has been additional interest for professional office space. Mr. Morgan then read a letter from Dr. Gene Kantack, as follows:

Dr. Gene Kantack

Mr. Matt Morgan
Morgan Construction Company

Dear Mr. Morgan:

It is never easy to admit it when one is in error. Both I and my wife felt very strongly against the rezone of Sunnyside Road for the Clock Tower Project. I spoke against it, despite the fact that a fellow orthodontist was a key figure. While I still believe that down-zoning should always be approached with caution, this project has actually added greatly to the neighborhood. As one of the severest critics at the beginning, this is a profound turn-about. I must admit that you have done a great job. I would have felt much differently today if I would have known that you were in charge. After seeing the results, this is the key difference. Incidentally, traffic has never been a problem. The professionals are great neighbors and far better than many of the alternatives we could have faced. I wish you all the best.

s/ Dr. Gene Kantack
Dr. Gene Kantack

Mr. Morgan explained that the PUD Overlay would include a different design concept than what has been shown. The buildings will be a French Country design.

Councilmember Groberg questioned Mr. Morgan as to how he would insure what has been proposed will actually be built. Mr. Morgan stated that under the PUD Overlay, he will be required to stay with the concept. He takes a great deal of pride in his projects and wants to proceed with the concept provided. Councilmember Groberg requested to know if Mr. Morgan had any plans for covenants in the proposed project. Mr. Morgan stated that there will be covenants for this subdivision, and he is currently working on the rough draft for those covenants, by-laws, and common-area maintenance agreements. The covenants will state the design criteria, the range in the roof pitch designs with dominant gable roof, combination of rock and brick along with the materials to be used. A landscape design has been proposed that will continue throughout the development.

Councilmember Hardcastle requested to know which development would be more dense, Clock Tower or Chantilly Addition. Mr. Morgan stated that the Clock Tower development is more dense than Chantilly Addition will be. He allowed for larger pad sizes with Chantilly Addition. The parking spaces in the Chantilly development are over and above the minimum requirement for parking areas. Councilmember Hardcastle requested to know if this development were approved, whether Mr. Morgan has clients lined up to begin the development. Mr. Morgan stated that he has 4 interested professional businesses in locating in this project. Mr. Morgan stated that the Professional Business zone is very limited around the hospital and the mall. There is a great need for professional offices in close proximity to the hospital.

Councilmember Rose requested to know where access to the development is proposed. Mr. Morgan stated that Merlin Drive would be extended to the south, providing

access to Fontaine Bleu, which is a street in Chantilly Addition, Division No. 1. There will also be access provided to the south. Councilmember Rose requested to know what mechanism he has in place for the placement and number of signs along Sunnyside Road.

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Mr. Morgan stated that he has provided for a monument type of signage for this development, similar to that found in the Clock Tower development.

Councilmember Klingler requested to know whether all of the land on the Preliminary Plat under consideration for Chantilly Addition WAS under the same ownership. Mr. Morgan explained that when he approached Mrs. Parkinson, the current owner, about purchasing the additional property necessary to complete this subdivision, he was unable to meet her demand for financial consideration for that property. He has all the land necessary to complete Chantilly Addition and south of Chantilly Addition at this time. Mr. Morgan has acquired a first-right-of-refusal from Mrs. Parkinson on her property.

Councilmember Rose requested those in favor of this Annexation request to come forward at this time.

Doyle Buckland, 5050 South 45 East, appeared to state that he owns Buck's Convenience Store at the corner of Sunnyside Road and St. Clair Road. Prior to his move, he lived where Chantilly Addition is proposed. He stated that the hospital makes more noise than people would think. If he moved back to his previous location, he would love to have an addition like Mr. Morgan's buffering his residential area. Mr. Buckland did not believe that anyone would want a home backing up to Sunnyside Road. Chantilly Addition would be a great addition to the hospital area.

Councilmember Rose requested those in opposition to this Annexation request to come forward at this time.

Julie Collings, 3231 Merlin Drive, appeared to share the following letter:

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City Councilmembers, City of Idaho Falls

SUBJECT: Chantilly Addition Proposal

I have previously been before you regarding various proposals on this piece of property. In fact, I have been involved since 1995. First of all, I do not have any personal feelings towards any of the landowners/developers. In fact, I do not now for sure who owns what portion of this property south of Sunnyside and east and south of Bucks. I have heard several times about different developers having options and/or purchase agreements with the owner(s). The ownership is not a major concern to me at the present. The concern I do have is relative to the various land uses that are being and have been proposed for this property by various developers. These include:

1. Sunnyside Business Park in 1995-1996
2. Kensington Park in 1997-1998
3. Cherry Tree Addition in early 2000
4. Chantilly Addition in Fall of 2000

In addition, there have been other meetings with proposals that included strip malls, grocery stores, apartment complexes, attached homes and single-family homes that have not progressed to the point of having come before the City Council. During consideration of all of these proposals, valid, well considered, thoughtful and respectful reasons for denial of the proposals based on long-range planning, including but not limited to the Comprehensive Plan, were

provided. In fact, during this time a new Comprehensive Plan has finally been proposed, drafted and sent on for approvals. Both the previous plan and the proposed plan define the land use for this area to be residential – a major factor

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for many of us making a purchase and/or building of residential homes along this corridor. Those same decisions and reasons for denial are still very much applicable today – nothing has changed!

We have been told time and time again by the Planning Commissioners that the Comprehensive Plan is only a plan or guideline; it does not have to be followed. Why is there a plan, paid for with many tax dollars and countless hours of all who took time to participate in this plan development, revision, approvals and adoption. It should serve all residents and developers in planning for their homes, businesses, recreation, etc. The Plan further states that no additional nodes of PB along Sunnyside would be permitted. Why should there be a need to even consider needs to alter or approve exceptions to this plan even before it is finally approved and adopted. If it was a good plan at the time it was sent to the City Council for final approval, why is it not a good plan only a few weeks/months later? Certainly, nothing has changed! The developers should be making proposals in compliance with this plan.

Spot zoning is not the way to approve land uses. When a development for a parcel of land is proposed, it needs to include projected land uses of adjacent/adjoining properties. I realize this is often land owned by someone else, however, they should be required to work together enough on the land use proposals to insure proper and safe accesses, engineering requirements and the proper zoning requirements for those proposed or projected land uses. This is especially important for all adjacent property owners. Spot zoning in the past has allowed for landowners/developers to change the final use of the land as long as the development meets the zoning requirements. In good faith, approvals have been given based on the word of the developer, only to find that developers/landowners have changed or the developer did not keep his/her word. Recent examples: Teton Apartments and NSI Offices! For this very reason, PUDs should be heavily considered and more frequently required to give the residents opportunity to have input during the final development stages.

We have heard many times in these meetings, “we do not want Sunnyside to become another 17th”. Well, ladies and gentlemen, it is very fast becoming just that with more and more approvals of accesses onto Sunnyside, closer and closer together. Sunnyside is destined to be a major arterial to move traffic east and west, however, these many accesses are going to be slowing traffic and increasing the risk of accidents every few tenths of a mile.

Adding to the confusion by placing an access from a development at Merlin Drive, into land-locked Prestwich Estates (a county island without sidewalks, curbs, lighting, marked streets, etc.) is no answer either. Developers keep stating that the traffic created by PB will not be any more than if it were developed as residential. However, people in residential areas know how the traffic flows around their neighborhoods, vs. visitors to offices who get lost trying to find their way around. Therefore, if the traffic patterns in PB are similar to residential, then collector streets (St. Clair and George Washington development accesses) should be used to eliminate another access to Sunnyside only 0.4 to 0.6 miles from those already existing. What is good for the residents

should be good enough for PB. This has already proved workable at the Clock Tower Addition and on Hitt Road as developers have shared accesses.

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Limiting additional accesses onto Sunnyside at this location will also improve the safety of those many children, young adults and others using the Erickson Sunnyside Park. This is a beautiful and very flexible park. It is well used during early and late hours as the weather permits, as it should be. Ways to improve the parking and safe access by those of all ages walking, riding bicycles, driving cars and arriving in buses need to be carefully considered. The recent opening of the Fairwinds Sand Creek Senior Apartments will potentially add to the number of seniors using this facility for their own recreation or for participating with their families involved in activities at this park.

Also consider the real need for additional PB zoning at this location. Currently, there are many PB locations in close proximity to the Hospital – George Washington Estates on the south side of Sunnyside:

1. East of Channing between 25th and Sunnyside – 0.4 to 2 miles from George Washington
2. George Washington Business Park – 0.2 miles from Chantilly, 0.5 miles from Merlin Drive
3. NSI Business Park – 0.6 miles from George Washington, 0.1 miles from Merlin Drive
4. Clock Tower Park – 1.6 miles from George Washington, 0.8 miles from Merlin Drive
5. Realty Executives Business Park – 2.2 miles from George Washington
6. McNeil Business Park – 2.5 miles from George Washington
7. Unnamed property north side of Sunnyside and east of Sunnyside and east side of St. Clair – 0.6 miles from George Washington

As all of these locations still have spaces available and additional spaces are being developed east of EIRMC, it seems unnecessary to zone additional land at this location for PB. I remind you of the many names on petitions that have been previously submitted to previous proposals for PB zoning in this location. Their feelings have not changed. They continue to petition you to approve single-family residential development in this location. We respectfully request that you deny this proposal for additional PB zoning on Sunnyside.

Respectfully,

Julie A. Collings
3231 Merlin Drive
Idaho Falls, Idaho 83404

Jim Johnson, 3267 Merlin Drive, appeared to state that he lives directly across the street from this annexation request. He stated that some years ago, he lived by the Wal-Mart Development on 17th Street and decided that he would not like to live next to commercial property. Before he moved to his present location, he researched different areas of the City to determine where he wanted to live. He determined that the home that he moved into would be the place that he wanted to live, and it was promised that housing would be next to his residence. He stated that it is the responsibility of the Mayor and City Council to live within the Comprehensive Plan for the following reasons:

1. There is a park across from the proposed annexation request. Children are always using this park. This development will bring more traffic to this area.

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2. Other things are rumored to be developed in this area, which will increase the traffic also.
3. Many petitions have been submitted from the surrounding residents indicating that they would not like a professional business park in this area.

Mr. Johnson stated that the Comprehensive Plan is a good plan and the Mayor and Council should not deviate from that Plan. He proposed that the City Council should reject the annexation request for Chantilly Addition, Division No. 1.

Councilmember Hardcastle requested Mr. Johnson to explain where he lived on Merlin Drive. Mr. Johnson explained that he is on the corner of Merlin Drive and Sunnyside Road, with a cinder block fence along Sunnyside Road.

Kevin Spencer, 1910 East Sunnyside Road, appeared to express his concern for public safety along the bike path where Merlin Drive will intersect with Sunnyside Road. He also submitted the following letter that he submitted to the Planning and Building Division:

Kevin M. Spencer
1910 East Sunnyside Rd.
Idaho Falls, Idaho 83404
October 18, 2000

City Council
City of Idaho Falls
c/o Planning and Building Division
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

SUBJECT: Chantilly Addition

As I prepared to write the letter I took a minute (several) to review all the correspondence and meeting material I have gathered concerning the property next to me. (February 1998, Kensington; April 1998, Kensington Park; January 2000, Cherry Tree; May 2000, Cherry Tree; June 2000, Cherry Tree; September 2000, Chantilly).

All of the above considerations have been disapproved by the Planning Commission for a multitude of reasons except the Chantilly Addition. Having attended numerous hearings concerning the above proposals, I do not understand what has changed in the area to change the Planning Commission's decision to allow additional PB zoning south of Sunnyside Road. I attended the meeting at which the vote by the Commission passed the Chantilly Addition proposal. The Commission discussed how unsightly the "concrete" corridor has become on Sunnyside and how attractive the Clock Tower corner is. I guess the Commission has forgotten the fact the entire "concrete" corridor will soon be torn all to heck as the Sunnyside Road improvements commence. The last design I saw showed some 30 feet of bicycle path and landscaping on the south side of the improved road. Is not the east side of Woodruff, out of Sunnyside Road, rather attractive – after the road improvements.

In past hearings, the “Sunnyside Corridor Study” has been the brunt of many comments as to how antiquated it is. So this year a lot of meetings and time has been spent gathering public comment. I made comment during the

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information booth established at the Idaho Falls Zoo. Again, at the meeting in which the Commission's recommendation was to approve the Chantilly Addition, the old antiquated and will as the "new" plan (at the time awaiting City approval) were discussed. In both plans/studies the Chantilly Addition is outside the recommendations. I am sure glad I spent my time to comment on a plan. The first time a proposal comes before the Commission that is contrary to the plan the Commission recommends approval. What a waste of time has been spent on the development of an up to date plan.

I am not a land developer but do not see the need for additional PB zoning in my area. The vacant southwest corner of Sunnyside and St. Clair is zoned PB and the developer pushed you to approve without an overlay. Have you noticed the sign advertising the emptiness of this area. The northeast corner of Sunnyside and St. Clair is also vacant. Recently, PB has been approved for the George Washington development south of the hospital. There is enough PB zoning in my neighborhood.

The annexation of the Chantilly Addition would be surrounded on all sides by County property. Is this not "spot" zoning? Reviewing all the plot plans for the area around me, the dreams of out of town developers have ranged from shopping malls, apartments, residential housing, and professional office buildings. Few of these have shown an all-inclusive plan. If Chantilly is approved, the next planning and zoning issue I will face is the connecting road between Chantilly and George Washington and more PB zoning directly behind my home.

I ask the City to deny the Chantilly proposal. It is not in the best interest of the residential neighborhood (homes on Sunnyside, St. Clair Estates, and north of the proposal), contrary to one or both Sunnyside Corridor studies, and currently there are vacant areas in the immediate area to support PB development.

Thank you,

s/ Kevin M. Spencer
Kevin M. Spencer

Lynn Collings, 3231 Merlin Drive, appeared to express two concerns. He applauded the developer for his Clock Tower development and stated that this type of a development can be a very nice addition. The accesses onto Sunnyside Road are a concern. In .6 of a mile from St. Clair Road and Channing Way, there are no less than 7 or 8 accesses on Sunnyside Road. The developers need to work together to determine whether access can be achieved similar to the method used at the Clock Tower development. The Clock Tower development uses a collector street (Holmes Avenue) to circulate to Sunnyside Road. Mr. Collings stated that he is very much opposed to the additional access onto Sunnyside Road at Merlin Drive.

Delwin Roberts, 3232 Merlin Drive, appeared to state that he has circulated petitions regarding whether the surrounding neighbors wanted residential zoning around them or business zoning. The overwhelming sentiment of the people who live in this area is

to comply with the Comprehensive Plan and the Sunnyside Corridor Study. He submitted the following petition for Council review and consideration:

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January 10, 2000

TO: Idaho Falls Planning Commission Members and City Council
FROM: Developer Requests for Other Than R-2A Zoning for Undeveloped
Land South of Sunnyside and East of St. Clair to Sunnyside Park

We the undersigned property owners are opposed to R-3 and RSC-1 rezoning of the undeveloped property south of Sunnyside Road and east of Bucks Service Station all the way east to the existing homes south of Sunnyside Park. We petition you to follow the established Sunnyside Corridor Study for R-2A, predominantly single residential homes on the south side of Sunnyside Road. We request that you reject any business development, which would request rezoning for anything except R-2A for this area. Homeowners along Sunnyside Road have built or purchased homes in such residential developments as Stonebrook and Spring Creek on the south side and Cedar Ridge, Home Ranch, Shamrock Park and Prestwich Estates on the north side with the expectation that the development of land south of Sunnyside Road would follow the City's Comprehensive Plan and the Sunnyside Corridor Study. This undeveloped land is the last large undeveloped parcel remaining south of Sunnyside as part of the Sunnyside Corridor Study. As Planning and Zoning Commission Members, it is within your power to restrict zoning of this land to only R-2A. We respectfully request that you do restrict it to only R-2A. We are mindful of your role and responsibility and the role and responsibility of City Council Members to affected persons in developmental areas, as defined by the Land Use Protection Act. This act provides for careful study of impact for schools, infrastructure, traffic and safety, including how the use of the land will impact the surrounding residents. As residents surrounding this proposed developmental area and as taxpayers, we hold you accountable in your role and responsibility as defined by this Land Use Protection Act. We again respectfully request that you allow only R-2A zoning in this area. Thank you.

s/ Signatures of 35
Property Owners

Mr. Roberts stated that he liked Matt Morgan and this was not personal. He applauded Mr. Morgan for the Clock Tower development. It is a beautiful development. Mr. Roberts stated that the proposed location is not the place for the proposed Chantilly Addition. He stated that Chantilly Addition is not at an intersection, does not fit in the Sunnyside Corridor Study, and does not fit in the Comprehensive Plan. He expressed his concern for security after business hours, big signs, and delivery truck traffic. He is not against professional businesses and this is not the location for professional businesses. Mr. Roberts read from a Findings of Fact and Conclusions of Law dated March 4, 1996 for a similar proposal, "The Sunnyside Corridor Study which was adopted as part of the Comprehensive Plan in July of 1989 states several proposals for residential and commercial development on Sunnyside Road have been recently presented to the Idaho Falls Planning and Zoning Commission. The private sector interested in the development of the Corridor has not been matched by the public facilities to support that development. Sunnyside Road is a remnant of quieter rural days. It cannot safely carry the traffic that will be generated by development of adjoining lands. Land Use: Development in the Sunnyside Corridor should be residential, but R-3A or PB Zoning may be permitted on the north side of Sunnyside, between St. Clair Road and Hitt

Road, to allow development associated with Eastern Idaho Regional Medical Center. The proposed development does not conform to the Comprehensive Plan for the City. The

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Applicant has not shown a material change in circumstances which justifies amending the Comprehensive Plan.” Mr. Roberts requested the Mayor and City Council to show him a material change, which justifies amending the Comprehensive Plan. In November 1997, there was a request to amend the Comprehensive Plan and downzoning. At that time, the Mayor wrote, “The City of Idaho Falls is concerned about the request from (Name not mentioned) to change the Comprehensive Plan at 810 East Sunnyside Road from only residential to commercial. As you know the City of Idaho Falls adopted the Sunnyside Corridor Study as part of its Comprehensive Plan in July of 1989.” ... “On Page 22 of the County’s Plan, there are a list of objectives to be reviewed before any development is allowed on the existing or new arterial. These objectives encourage protection of arterial roads. We are asking the County to protect the capacity of the future Sunnyside arterial by not expanding commercial development south of Sunnyside Road. Thank you for giving the City this opportunity to express its concerns and thank you for your consideration.” Mr. Roberts stated that the same feelings have been expressed by the surrounding neighbors as are expressed in the Mayor’s letter. Long range planning is important.

Councilmember Hardcastle questioned Mr. Roberts as to his concern for traffic on Merlin Drive. Mr. Roberts stated that Merlin Drive is not a through street. Traffic may turn on Merlin Drive by mistake, looking for the professional offices. Councilmember Hardcastle stated that Mr. Roberts is linking PB Zoning and C-1 Zoning together. She requested to know if the petitions were gathered based upon the C-1 Zoning. Mr. Roberts stated that PB Zoning is an open invitation to allow for commercial zoning at some time in the future.

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

Councilmember Klingler stated that she is a proponent of the Sunnyside Corridor Study and is in agreement with much of what has been said. Until the Comprehensive Plan and Sunnyside Corridor Study are rescinded or changed, the Council ought to uphold the plans in place. The Bonneville Metropolitan Planning Organization has considered this to be a main east-west access across Idaho Falls. The current and future land use plan of the proposed acreage should be residential with a reverse frontage that is in the Sunnyside Corridor Study. Concrete corridors can be softened.

Councilmember Groberg stated that as he has listened to the opposition, one of the key concerns seems to be the access off of Sunnyside Road with the extension of Merlin Drive. He requested the Assistant Planning Director to come forward and clarify whether this was a consideration at the Planning Commission level. The Assistant Planning Director explained that on the Final Plat for Chantilly Addition, Division No. 1 there is a statement, which reads, “No Direct Access onto Sunnyside Road”. A traffic study has been done for this lot. An anticipated traffic count of 85 peak hour trips has been calculated. The Planning Commission discussed the need for signage for the north side of Sunnyside on Merlin Drive, that this be posted as a “No Through Street”. Councilmember Groberg requested to know what the appropriate number of accesses would be moving east from St. Clair Road. The Assistant Planning Director stated, that by using the Sunnyside Corridor Study, accesses are recommended for ½ mile increments. A few months following the approval of the Sunnyside Corridor Study by the City Council, the Sunnyside Estates Addition Final Plat was presented. Several uses were included in this Final Plat. One of the issues with that Final Plat was the access point in approximately the same location as this access is being requested. The Assistant Planning Director submitted the following memo from Lee Nellis:

NOVEMBER 9, 2000

MEMO

TO: Idaho Falls Planning and Zoning Commission
FROM: Lee Nellis, Consulting Planner
DATE: October 2, 1989
SUBJECT: Recent Plan Amendments and the Proposed Sunnyside Estates Plat

The purpose of this memo is to evaluate the proposed plat of Sunnyside Estates using the Comprehensive Plan policies adopted as a result of the Sunnyside Corridor Study.

Sunnyside Estates is located at the southeast corner of the intersection of Sunnyside Road and St. Clair (NW ¼ of Section 33, T. 2 N., R. 38 E.). The lot on which Buck's Convenience Store is located is Division 1 of Sunnyside Estates. Proposed Division 2 includes about 35 acres east and southeast of the store.

Proposed Land Uses

As submitted, Division 2 of Sunnyside Estates would include approximately 12 acres of R-1, 16 acres of R-3A, and 7 acres of C-1. The R-1 area includes 29 lots, giving a net density of approximately 3.1 dwelling units per acre. Average R-1 density in Idaho Falls is 3.5 dwelling units per acre.

The proposed R-3A parcels would accommodate approximately 144 dwelling units at average R-3A density, and many more at the maximum density permitted in that zone. Given the high traffic volume on Sunnyside Road and the proximity of the Eastern Idaho Regional Medical Center, it seems reasonable to assume that R-3A office development is anticipated in this subdivision. Office development would conflict with the recently adopted comprehensive plan policy repeated below:

Land Use in the Sunnyside Corridor. Development in the Sunnyside Corridor shall be predominantly residential, but R-3A or PB zoning will be permitted north of Sunnyside, between St. Clair and Hitt Road, to allow development associated with EIRMC. Limited neighborhood commercial development should not be permitted along Sunnyside Road. As in all arterial corridors, high density residential uses should be concentrated along collector streets.

Use of the proposed R-3A area for multiple family dwellings would comply with this policy, but use for that purpose alone cannot be guaranteed with R-3A zoning.

The proposed C-1 zoning would also conflict with the policy stated above. The policy you recommended to the Mayor and Council provided for limited neighborhood commercial development along Sunnyside Road, but the Council asked us to modify that policy to eliminate further commercial uses on Sunnyside, except for office development in the immediate vicinity of EIRMC.

NOVEMBER 9, 2000

Access

The proposed subdivision would create two points of access to Sunnyside Road and one to St. Clair. Access to Sunnyside would be on collector streets, which are about 1,050 feet apart. Access to St. Clair would be via a driveway about 350 feet south of the intersection. The recently adopted policy on access is repeated below.

Access. Direct access to an arterial road should not be permitted, except where the option of indirect access has been eliminated by existing land use patterns. All new points of access to arterial roads should be via collector streets developed at approximately half mile intervals. Minor exceptions to this policy may be necessary for parcels where existing structures or uses eliminate the option of access via collector streets.

Sunnyside Estates, as proposed, does not permit direct access to an arterial. It does violate the policy of spacing collector streets at half mile intervals. An exception to that policy may be justified by the City's past efforts to prevent congestion at the intersection (in the annexation agreement for the Buck's parcel) by requiring the store to move its access to Sunnybrook, when that road is extended. This exception could actually take two forms: 1) the store could be allowed to keep its present access nearer to the intersection (with Sunnybrook not being extended across Sunnyside Road), or 2) Sunnybrook could be extended as shown on the proposed plat. Extension of Sunnybrook is the best option. It also should be noted that development of an access at the exact half-mile point is precluded by existing development, making the proposed location of Balboa a fairly reasonable one.

Other Policies

More details will be needed to determine compliance with the other policies recently adopted for development patterns along arterial streets. The proposed plat suggests the presence of the required buffer along Sunnyside Road, but an actual site plan will be required to evaluate the proposed buffer.

Conclusions

1. The land use pattern proposed for Sunnyside Estates does not comply with the Comprehensive Plan.
2. The access pattern proposed for Sunnyside Estates is not in strict compliance with the Comprehensive Plan, but is a practical and reasonable response to existing conditions.
3. The extent of compliance (or noncompliance) with other policies for development along arterial streets remains to be determined.

Councilmember Lehto questioned the Assistant Planning Director as to whether this memo was ever presented to City Council for review. The Assistant Planning Director stated that

the Council probably did not see this memo, as it was part of a review for the Preliminary Plat for Sunnyside Estates. Councilmember Lehto stated that the only issue that was before the City Council in 1989 was the Sunnyside Corridor Study. The Assistant Planning Director

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stated that the author of the above memo was the same author to the Sunnyside Corridor Study.

The Assistant Planning Director explained that the Sunnyside Corridor Study is not a part of the proposed Comprehensive Plan, although principles have been taken from the Sunnyside Corridor Study and adopted into the Comprehensive Plan. The proposed Comprehensive Plan is scheduled for consideration by the Mayor and City Council on November 21, 2000.

Councilmember Lehto questioned the Assistant Planning Director as to whether the Sunnyside Corridor Study is an adopted document and part of the Comprehensive Plan. The Assistant Planning Director stated that it is adopted through the 1994 Comprehensive Plan. On the proposed Comprehensive Plan, it is recommended by the Planning Commission but not included in the Comprehensive Plan.

Councilmember Rose requested the Assistant Planning Director to clarify what the Comprehensive Plan is. The Assistant Planning Director stated that the Subdivision Ordinance and the Zoning Ordinance are laws that must be adhered to. The Comprehensive Plan is a guide.

Councilmember Lehto stated that the Council would consider a new Comprehensive Plan in approximately two weeks. He stated that consideration of Chantilly Addition at this time is like putting the cart before the horse. Councilmember Lehto stated that at this time the Sunnyside Corridor Study is in place and access is restricted. If the Council bends the rules for one development, then the remainder of the Sunnyside Corridor will be developed in a piecemeal fashion and there will be additional pressures on the Planning Commission and the City Council to approve additional developments. The Sunnyside Corridor Study states, "Direct access to Sunnyside Road should not be permitted, except where the option of indirect access has been eliminated by existing land use patterns." Chantilly Addition does not comply. Councilmember Lehto stated that he did not want to create another 17th Street, where there are numerous traffic signals. Additional access points will slow the traffic on Sunnyside Road, which is supposed to be an arterial from the west side of Idaho Falls to the east side.

Councilmember Eldredge questioned whether the access proposed as Merlin Drive meets the Access Management Plan from Bonneville Metropolitan Planning Organization. The Assistant Planning Director stated that it meets guidelines of that plan. Councilmember Eldredge requested the Assistant Planning Director to review for the Mayor and Council what process the Planned Unit Development must go through. The Assistant Planning Director stated that a Planned Unit Development requires one public hearing before the Planning Commission and another public hearing before the Mayor and City Council. As part of the application, before the public hearings, a site plan must be turned in showing traffic circulation, landscaping, and covenants. With the PB Zone with a PUD Overlay, setbacks are determined by any adjacent residential areas.

The Assistant Planning Director explained to Councilmember Lehto that Merlin Drive would be a collector street. Merlin Drive will go through the Chantilly development and will line up with a street going through St. Clair Estates.

Councilmember Hardcastle stated that she has attended every meeting concerning Sunnyside Road. Time after time, she has listened to the complaints of people who live on Sunnyside Road. She stated that Chantilly Addition is a good land use and provides a good buffer to the residential property. Councilmember Hardcastle stated that she does not agree with the Sunnyside Corridor Study for the reasons previously stated. The Sunnyside Corridor Study needs to be in place until Sunnyside Road is improved (Sunnyside Road will be built within two years), until there is Fire Protection (that is in place at this

time), until there are City parks (they are available now), and until there are landscape paths (which will be in place as Sunnyside Road is improved). She stated that she appreciated all of the comments presented. She stated that she has first-hand knowledge about what it is

NOVEMBER 9, 2000

like to live off of Sunnyside Road. She is also aware that there are homes that have been for sale in the Meadows Addition for two years. These lots back up to Sunnyside Road. Councilmember Hardcastle stated that she does not support commercial development along Sunnyside Road, with the exception of Bucks Convenience Store.

Councilmember Lehto stated that everyone is in agreement that the Clock Tower development is a great development. This development enters on Holmes Avenue. He believed that Chantilly Addition will be a great development and that it will look great. He stated that he believes that this development probably fits in this location, but he does not like talking about access onto Sunnyside Road when a new Comprehensive Plan is going to be considered in two weeks. Councilmember Lehto submitted the following memo from the Planning and Building Director:

City of Idaho Falls
Planning and Building
Division

RRM-139-00

MEMORANDUM

TO: Mayor and City Council
Idaho Falls Planning Commission
FROM: Renée R. Magee, Director
SUBJECT: Comments from the Open Houses at Tautphaus Zoo and Public Library
DATE: May 25, 2000

Generally the comments and opinions we received in the middle of May show support for the plan generated at the March 30 workshop. The foundation of the plan, the purpose statement found on page 2 of the *Comprehensive Plan Policies*, is well accepted. The themes we found in 1992-3 are still repeated, and the priorities have changed little over seven years.

Citizens favor the expansion of the Greenbelt and the provision of parks, especially on the west side and in the southeast portions of the City, where growth is occurring. People liked the Greenbelt mixed use concept. They also liked the employment center and higher education concept, although expansion of medical services south of Sunnyside Road and east of St. Clair is contentious. Some people want the convenience of commercial land uses near residential areas while others prefer larger centralized commercial locations. The location of apartments is still an issue as well as the location of single-family attached homes in or near detached homes. People feel serious improvements are necessary to better manage traffic flow across the community and to provide safe biking and walking opportunities.

Attached are comments we received. We have delivered copies of the draft land use plan to the County Commissioners and mailed copies to the developers and real estate firms in the community. We asked the developers and real estates

firms to return their comments by June 2, 2000. When we receive their comments, we will forward them.

NOVEMBER 9, 2000

Councilmember Lehto stated that by approving Chantilly Addition annexation at this time, the Council is essentially changing the face of the Comprehensive Plan. He stated that he has heard many comments regarding the Sunnyside Corridor Study, as follows:

1. The City needs to keep the original Comprehensive Plan on Sunnyside.
2. The City needs to keep its previous commitments to the Sunnyside Corridor, no businesses on the south side of Sunnyside.
3. Please do not allow developers to run the show.

Councilmember Hardcastle requested the Assistant Planning Director to locate all areas of PB Zoning on the north side of Sunnyside Road. The Assistant Planning Director stated that there are no areas of PB Zoning available on the north side of Sunnyside Road. He located all areas of PB Zoning in the surrounding area.

Councilmember Rose stated that he agreed that approval of Chantilly Addition is a matter of timing in relation to consideration of the new Comprehensive Plan. The reason for considering a new Comprehensive Plan is because the old Comprehensive Plan has lived its life. The Chantilly Addition fits in with his concept of good planning.

Councilmember Groberg agreed with Councilmember Rose in that this area should be developed in professional offices. In looking at the entire picture, this is the appropriate use.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for Chantilly Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Rose
Councilmember Groberg
Councilmember Hardcastle

Nay: Councilmember Lehto
Councilmember Klingler

Motion Carried.

At the request of Councilmember Rose, the Assistant City Attorney read the following Ordinance by title:

ORDINANCE NO. 2396

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Rose moved, and Councilmember Eldredge 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 and the Ordinance be passed on all three readings. Roll call as follows:

NOVEMBER 9, 2000

Aye: Councilmember Rose
Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge

Nay: Councilmember Lehto
Councilmember Klingler

Motion Carried.

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

Aye: Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Rose

Nay: Councilmember Lehto
Councilmember Klingler

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of Chantilly Addition, Division No. 1 as PB (Professional Business) with a Planned Unit Development Overlay as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Eldredge
Councilmember Groberg
Councilmember Rose

Nay: Councilmember Klingler
Councilmember Lehto

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Planned Unit Development for a professional building park on property located generally south of Sunnyside Road, east of St. Clair Road, west of George Washington Parkway, legally described as Chantilly Addition, Division No. 1. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

NOVEMBER 9, 2000

City of Idaho Falls
October 13, 2000

MEMORANDUM

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

Attached is the application for a Planned Unit Development on Chantilly Addition, Division No. 1. The requested development has fourteen buildings with a total envelope of 56,000 square feet. Staff has reviewed this site plan and found it to be in conformance with the zoning regulations. The Planning Commission reviewed this Planned Unit Development at its October 10, 2000 Meeting and recommended approval. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Aerial Photo
Slide 2	Vicinity Map showing surrounding zoning
Slide 3	Site Plan showing landscape plan and traffic circulation plan
Slide 4	Proposed Building Elevations – Home Site photo looking at home similar to style proposed for development
Exhibit 1	Planning Commission Minutes dated October 10, 2000
Exhibit 2	Staff Report

The Assistant Planning Director stated that the developer has fulfilled all of the zoning requirements for PB Zoning with a Planned Unit Development Overlay.

Councilmember Hardcastle requested to know how many feet of landscaping would be provided between the buildings.

Matt Morgan, Morgan Construction Company, 520 West 15th Street, appeared to explain that the Building Code requires 20 feet between buildings to meet the Fire Code.

The Assistant Planning Director stated that the parking requirements with regard to parking and overall development have been exceeded. He stated, further, that the owner of the land in the entire Preliminary Plat has submitted an Affidavit of Legal Interest, which was notarized and approved for all applications made on the land.

Councilmember Groberg questioned at what point would it be determined that a traffic light should be installed at the intersection of Sunnyside Road and Merlin Drive. The Assistant Planning Director stated that the traffic study that was conducted was for the single lot development. It did not indicate that a light is required. As the other lots are developed, and if the requirement of 200 peak hour trips is met, then a traffic study would be required at that time.

A brief discussion was held regarding the requirements of the Access Management Plan and the requirements of the Comprehensive Plan with regard to peak hour

trips. It was determined that the Access Management Plan was a planning guide. Mayor Milam stated, further, that the need for traffic signals and stop signs are determined by national warrants.

NOVEMBER 9, 2000

Councilmember Klingler requested to know whether Merlin Drive will be developed as a half street with this development or will a complete street be built. The Assistant Planning Director stated that a full street would be built. The Subdivision Ordinance does not allow for half street development.

Mr. Morgan re-appeared to explain that the Site Plan shows building pads. The building may not be that actual size. He stated that Chantilly Addition would be a great development for the City and something to be proud of. The Planned Unit Development Overlay holds him liable to stay with the proposed plan.

Councilmember Rose opened the public hearing for those interested in commenting regarding the Planned Unit Development Overlay for Chantilly Addition, Division No. 1.

There being no public comment, Mayor Milam closed the public hearing.

Councilmember Klingler expressed her concern for the placement of the transformers. The Idaho Falls Power Director stated that the specific location of transformers is usually determined between the utility and the developer.

There being no further discussion either in favor of or in opposition to this Planned Unit Development Overlay, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Planned Unit Development Overlay on Chantilly Addition, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to recess Annexation Proceedings for Summerfield Addition, Division No. 2 to the November 21, 2000 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

NOVEMBER 9, 2000

City of Idaho Falls
November 7, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: JUDICIAL PETITION FOR BLOCK AND SLICE AGREEMENT WITH
BONNEVILLE POWER ADMINISTRATION

Attached is the Resolution authorizing the City to file a petition for a judicial confirmation of the validity of the Block and Slice Power Sales Agreement between the City and Bonneville Power Administration.

Idaho Falls Power respectfully requests City Council adoption of the Resolution.

s/ Mark Gendron

After reading the above memorandum, the City Clerk presented to the Council an affidavit evidencing the giving of public notice of the agenda, date, time and place of the November 9, 2000 regular public meeting of the Council in compliance with the requirements of applicable Idaho Law. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF IDAHO)
)
County of Bonneville)

I, the undersigned, the duly qualified and acting City Clerk of the City of Idaho Falls, Bonneville County, Idaho (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 67-2343, Idaho Code, as amended, I gave public notice of the agenda, date, time and place of the November 9, 2000 regular public meeting held by the Council of the City, by:

(a) causing a notice of the regular meeting schedule of the Council for calendar year 2000 to be posted at the principal office of the City on or before December 31, 1999; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Council until the convening of the meeting; and

(b) causing a copy of the agenda for the November 9, 2000 regular public meeting of the Council, in the form attached hereto as *Exhibit A*, to be posted at the principal office of the City at least 48 hours before the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the City, this 9th day of November, 2000.

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls,

(SEAL)

NOVEMBER 9, 2000

(Exhibit A – The Agenda for the November 9, 2000 Regular Council Meeting is on file in the Office of the City Clerk.)

The following Resolution was introduced by Councilmember Eldredge and was considered in full and in detail. After due discussion of the matters contained in the Resolution, it was moved by Councilmember Eldredge, seconded by Councilmember Klingler, to approve and adopt the Resolution and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Upon completion of the vote, the Resolution was filed and recorded in the official minutes of the Council. The Resolution is as follows:

A RESOLUTION authorizing the City of Idaho Falls to file a petition for a judicial confirmation of the validity of the Block and Slice Power Sales Agreement between the City and Bonneville Power Administration.

WHEREAS, the City Council of the City of Idaho Falls, Bonneville County, Idaho (the “City”) has previously determined that it is necessary, desirable and in the best interests of the City and the electric consumers served by the City to obtain a continued long-term supply of electric power and energy from the United States of America, Department of Energy acting by and through the Bonneville Power Administration (“Bonneville”), and to that end has authorized the execution and delivery of the Block and Slice Power Sales Agreement (the “Power Sales Agreement”) between the City and Bonneville;

WHEREAS, it is necessary and desirable and in the best interest of the City to obtain a judicial confirmation that the execution, delivery and performance by the City of the Power Sales Agreement is within the City’s powers under Idaho Law and that the Power Sales Agreement constitutes the legal, valid and binding obligation of the City enforceable in accordance with its terms; and,

WHEREAS, the City has previously taken all actions on its part required under the provisions of Title 7, Chapter 13, Idaho Code, as amended, as conditions precedent to the adoption of this Resolution including:

(1) causing a Notice of Public Hearing to be published on October 8, 2000 in *The Post Register*, a newspaper of general circulation in the City, far forward in the main section of *The Post Register*, and in a format, size, and type distinguishing the Notice of Public Hearing from legal notices, of a

NOVEMBER 9, 2000

public hearing to be held on October 26, 2000 (the "*Public Hearing*") with respect to the adoption of a Resolution authorizing the filing of a judicial petition for the confirmation of the validity of the Power Sales Agreement;

(2) causing a copy of the Notice of Public Hearing to be posted on October 8, 2000 at the principal office of the City in the City of Idaho falls, Idaho, such Notice of Public Hearing having continuously remained so posted and available for public inspection during the regular office hours of the City until the convening of the Hearing;

(3) causing a copy of the Notice of Public Hearing to be given by certified mail, not less than 14 days before the Public Hearing, to all persons who have requested notice of all meetings convened for the purpose of considering a Resolution or Ordinance authorizing the filing of a judicial confirmation petition; and,

(4) the holding of the Public Hearing, pursuant to Section 7-1304, Idaho Code, as amended, on October 26, 2000, on whether to adopt a Resolution authorizing the filing of a petition for judicial confirmation of the Power Sales Agreement;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, that the City is authorized to file a petition, pursuant to the provisions of Title 7, Chapter 13, Idaho Code, as amended, for a judicial confirmation of the City's authority to enter into and to perform its obligations under the Power Sales Agreement and of the validity and enforceability thereof.

ADOPTED AND APPROVED this 9th day of November, 2000.

s/ Linda Milam
Mayor, City of Idaho Falls
Bonneville County, Idaho

(SEAL)

ATTEST:

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls,
Bonneville County, Idaho

City of Idaho Falls
November 7, 2000

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: JUDICIAL PETITION FOR RESOURCE 2000 PROJECT

NOVEMBER 9, 2000

Attached is a Resolution authorizing the City to file a petition for a judicial confirmation of the validity of the Resource 2000 Project Power Sales Contract between the City and Utah Associated Municipal Power Systems.

Idaho Falls Power respectfully requests City Council adoption of the Resolution.

s/ Mark Gendron

After reading the above memorandum, the City Clerk presented to the Council an affidavit evidencing the giving of public notice of the agenda, date, time and place of the November 9, 2000 regular public meeting of the Council in compliance with the requirements of applicable Idaho Law. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF IDAHO)
)
County of Bonneville)

I, the undersigned, the duly qualified and acting City Clerk of the City of Idaho Falls, Bonneville County, Idaho (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 67-2343, Idaho Code, as amended, I gave public notice of the agenda, date, time and place of the November 9, 2000 regular public meeting held by the Council of the City, by:

(a) causing a notice of the regular meeting schedule of the Council for calendar year 2000 to be posted at the principal office of the City on or before December 31, 1999; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Council until the convening of the meeting; and

(b) causing a copy of the agenda for the November 9, 2000 regular public meeting of the Council, in the form attached hereto as *Exhibit A*, to be posted at the principal office of the City at least 48 hours before the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the City, this 9th day of November, 2000.

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls,
Bonneville County, Idaho

(SEAL)

(Exhibit A – The Agenda for the November 9, 2000 Regular Council Meeting is on file in the Office of the City Clerk.)

Councilmember Eldredge requested the following letter from James McFadden:

NOVEMBER 9, 2000

2255 Baltic Avenue
Idaho Falls, Idaho 83404

November 7, 2000

Mayor Linda Milam
Idaho Falls City Hall
308 Constitution Avenue
Idaho Falls, Idaho 83402

Dear Mayor Milam:

I am writing with regard to the agreement between the City of Idaho Falls and the Utah Associated Municipal Power Systems (UAMPS) by which Idaho Falls Power would contract for a portion of the output of the Reid Gardner Power Plant. I want first to clarify the comments I made at the October 26, 2000 meeting of the City Council regarding the process of reviewing this agreement. I also will take this opportunity to make some observations regarding the need to contract for this additional power.

The Decision Making Process

At the October 26, 2000 City Council Meeting, I expressed my disappointment with the process of reviewing this agreement, particularly the lack of opportunity for public participation. In making this statement, I did not intend to imply that the process was tainted and not legal. I am confident that all notices were given for the special meeting at which this agreement was approved. Rather, I intended the comment to refer to the process that led to the decision to approve the agreement with UAMPS. The first information published (other than a legal notice) regarding this agreement that I am aware of was made October 15, 2000 in the Post Register, well after the decision on the agreement was made.

At the City Council Meeting, you and several members of the Council commented that there were numerous work sessions of the Council to discuss this matter. This is something I would expect to occur anytime the City enters into a financial commitment of this magnitude, approximately \$8.5 million. My comments were directed to the lack of publicity given to this matter until after the decision was made. Had I known of the work sessions, I would have attended at least some of these sessions to question the assumptions on future demand and supply that ultimately led to the decision to make this financial commitment.

The Demand and Supply Assumptions

In September, the City of Idaho Falls made the decision to enter into an agreement with the Bonneville Power Administration (BPA) for the purchase of energy in the next ten years. I commend the City for executing this agreement with the BPA to provide energy for the City. Previous agreements with BPA have served us well, and I trust this one will also.

The BPA agreement was based in part on the recommendations contained in a September 28, 2000 letter report written to you and the City Council by E.

NOVEMBER 9, 2000

Robert Mooney, Mooney Consulting. In this report, a summary of the energy resources of the City was presented along with some projections of electric energy demand and supply for the 2002-2011 time period. It is these projections about which I have questions. The information in the following discussion is taken from Mr. Mooney's letter unless otherwise stated. When applicable, references to page numbers and tables in Mr. Mooney's letter are included.

Electric Energy Demand

The demand for electric energy in the service area of Idaho Falls Power is assumed to increase at an annual rate of 1.5% from 1999 to 2011. This is the same annual rate of growth that occurred from 1990-1999 (p. 1 of reference). What is not stated is that electric energy consumption in Idaho Falls has not increased since 1993 (see table at bottom of p. 9). This is likely due to increased competition from natural gas as well as significant improvements in efficiency for end use electric energy applications. While we cannot know the future effects of price competition on electric energy demand, we do know that improvements in efficiency of use will continue to be made. Thus, I question the assumption of a continued 1.5% annual growth rate, and ask what a growth forecast of 0.5% or 1.0% would mean for the supply side.

Supply Resources and Assumptions

There are four possible supply sources identified to meet the assumed demand:

- purchase of energy from BPA,
- energy produced by the City owned Gem State Project,
- energy produced by the City owned Bulb Turbine Project, and
- purchase of energy from some other source.

The recommendations of Mr. Mooney, and adopted by the City Council, involve the first, second and fourth sources listed above.

BPA Agreement

The common practice in supply assumptions for hydro sources assumes that we will always have a critical water year, and this is the approach used for the assumed Gem State output and BPA Contract (top table on p. 10). A more reasonable assumption would be to use the average annual water conditions and an average annual energy production. I understand the critical water assumption for the BPA Agreement as this protects the BPA in the unlikely event that we experience such a condition. I do not agree with this assumption for the Gem State Project.

Gem State Project

There are two items I question about the Gem State Project resource (see table at top of p. 10). First is the critical water condition assumption. The second

item is the agreement that permits Utah Power to use between 25% and 39% of the energy from the Gem State Project. The supply to Idaho Falls from the Gem State Project used in the Mooney Report assumes Utah Power always takes

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39%, the greatest amount available to them. Thus, we allow ourselves to have a minimum amount of energy from this resource.

Regarding the Utah Power Agreement, I question why that cannot be modified so that the annual amount is fixed. Further, is it possible to negotiate a new contract that would guarantee more energy to the City? Would this be more economical than committing \$8.5 million to a thermal plant along with the associated annual operating costs?

Second, regarding the water conditions. The first table on p. 9 gives the output from the Gem State Project for the 1990-1999 time period. The average annual production during this time period was 133,750 MWh, and 61% of this value is 81,590 MWh. This amount is nearly 31,000 MWh greater than the value of 50,756 MWh from the Gem State Project listed in the first table on p. 10, and is sufficient to provide for the stated "shortfall" until 2005. And, the Utah Power contract still is not changed.

Bulb Turbine Project

The City apparently is going to continue to sell energy from this resource to BPA (p. 8) until at least 2006 rather than use it to serve the citizens of Idaho Falls. There is no discussion in the Mooney Report about the merits and costs of doing this compared with buying a fraction of Gardner Plant in the UAMPS Agreement. This is an obvious point for further discussion.

Reid Gardner Plant

The Mooney Report does not discuss the economic aspect of the UAMPS Agreement. We know that the City is committed to about \$8.5 million should the UAMPS bid be accepted. But, that is only part of what we will pay. What will be the cost of energy from Gardner? How does it compare to the cost of energy from the Bulb Turbine Project?

The UAMPS Agreement indicates Idaho Falls is committed to 10 MW from the Gardner facility. In effect, the City will become a co-owner of this plant. It seems to me that the City should have considered this expenditure to be subject to a municipal bond or at least held public discussions on this.

Summary

In summary, it seems to me we have:

- a high assumption of electric energy demand,
- an electrical energy supply forecast which is low and is the result of the most pessimistic set of assumptions, and
- unanswered questions regarding why we buy a new resource when we have available resources that are not now serving the City.

Further, there is no discussion about the economics of the UAMPS option or any other option. Surely the City Council must have considered these items in their deliberations.

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Since the UAMPS Agreement is already approved, it seems to be futile to discuss this matter further. If the UAMPS bid for the Gardner Plant output is not successful, I hope Idaho Falls Power and the City Council will have an open discussion with the citizens of our community on the future of the electric energy supply in the City.

Sincerely,

s/ James McFadden
James McFadden

Councilmember Groberg questioned whether a response had been made to Mr. McFadden. Councilmember Eldredge stated that a response was being written at this time and a copy would be placed in all Councilmembers mailboxes for review upon completion.

The following Resolution was introduced by Councilmember Eldredge and was considered in full and in detail. After due discussion of the matters contained in the Resolution, it was moved by Councilmember Eldredge, seconded by Councilmember Klingler, to approve and adopt the Resolution and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Upon completion of the vote, the Resolution was filed and recorded in the official minutes of the Council. The Resolution is as follows:

A RESOLUTION authorizing the City of Idaho Falls to file a petition for a judicial confirmation of the validity of the Resource 2000 Project Power Sales Contract between the City and Utah Associated Municipal Power Systems.

WHEREAS, the City Council of the City of Idaho Falls, Bonneville County, Idaho (the "City") has previously determined that it is necessary, desirable and in the best interests of the City and the electric consumers served by the City to obtain a long-term supply of electric power and energy from Utah Associated Municipal Power Systems ("UAMPS") to supplement the power and energy available to the City from the Bonneville Power Administration, and to that end has authorized the execution and delivery of the Resource 2000 Project Power Sales Contract (the "Power Sales Contract") between the City and UAMPS;

WHEREAS, it is necessary and desirable and in the best interest of the City to obtain a judicial confirmation that the execution, delivery and performance by the City of the Power Sales Contract is within the City's powers

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under Idaho Law and that the Power Sales Contract constitutes the legal, valid and binding obligation of the City enforceable in accordance with its terms; and,

WHEREAS, the City has previously taken all actions on its part required under the provisions of Title 7, Chapter 13, Idaho Code, as amended, as conditions precedent to the adoption of this Resolution including:

(1) causing a Notice of Public Hearing to be published on October 8, 2000 in *The Post Register*, a newspaper of general circulation in the City, far forward in the main section of *The Post Register*, and in a format, size, and type distinguishing the Notice of Public Hearing from legal notices, of a public hearing to be held on October 26, 2000 (the "*Public Hearing*") with respect to the adoption of a Resolution authorizing the filing of a judicial petition for the confirmation of the validity of the Power Sales Contract;

(2) causing a copy of the Notice of Public Hearing to be posted on October 8, 2000 at the principal office of the City in the City of Idaho Falls, Idaho, such Notice of Public Hearing having continuously remained so posted and available for public inspection during the regular office hours of the City until the convening of the Hearing;

(3) causing a copy of the Notice of Public Hearing to be given by certified mail, not less than 14 days before the Public Hearing, to all persons who have requested notice of all meetings convened for the purpose of considering a Resolution or Ordinance authorizing the filing of a judicial confirmation petition; and,

(4) the holding of the Public Hearing, pursuant to Section 7-1304 Idaho Code, as amended, on October 26, 2000, on whether to adopt a Resolution authorizing the filing of a petition for judicial confirmation of the Power Sales Contract;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, that the City is authorized to file a petition, pursuant to the provisions of Title 7, Chapter 13, Idaho Code, as amended, for a judicial confirmation of the City's authority to enter into and to perform its obligations under the Power Sales Contract and of the validity and enforceability thereof.

ADOPTED AND APPROVED this 9th day of November, 2000.

s/ Linda Milam
Mayor, City of Idaho Falls
Bonneville County, Idaho

(SEAL)

ATTEST:

s/ Rosemarie Anderson

City Clerk,
City of Idaho Falls,
Bonneville County, Idaho

NOVEMBER 9, 2000

The Fire Chief submitted the following memo:

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Bob Drake, Fire Chief
SUBJECT: AMBULANCE SERVICES AGREEMENT

Attached for your review is the annual renewal of an Ambulance Services Agreement between the City of Idaho Falls and Bonneville County for FY 2001 beginning October 1, 2000. This Agreement provides for County-wide ambulance service and will be in effect until September 30, 2001. This Agreement is basically the same as in year's past, but includes some changes as drafted by the City Attorney. The new Agreement includes current dates and fees.

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

s/ Bob Drake

Councilmember Hardcastle commended the Fire Chief and Gary Rose for the work done on this Agreement. Mayor Milam commented that the Agreement refers to residents of Bonneville County and residents of the City of Idaho Falls, and she wanted it to be known that residents of the City of Idaho Falls are residents of Bonneville County. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Ambulance Services Agreement with Bonneville County and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
November 6, 2000

MEMORANDUM

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

SUBJECT: BID IF-01-02, ONE (1) NEW 2000/2001 LINEBED, HYDRAULIC
DIGGER DERRICK AND RELATED ACCESSORIES, MOUNTED ON
A NEW 2001 CAB AND CHASSIS

NOVEMBER 9, 2000

Attached for your consideration is the tabulation for Bid IF-01-02, One (1) New 2000/2001 Linebed, Hydraulic Digger Derrick and Related Accessories, mounted on a New 2001 Cab and Chassis.

It is the recommendation of Municipal Services to accept the low valid bid of Hirning Truck Center to furnish a new 2001 GMC Cab and Chassis to be mounted with a New 2001 Terex-Telelect Linebed, Hydraulic Digger Derrick for an amount of \$160,392.54 with trade-in No. 333.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low valid bid of Hirning Truck Center to furnish One (1) New 2000/2001 Linebed, Hydraulic Digger Derrick with related accessories mounted on a new 2001 Cab and Chassis as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-03, ONE (1) NEW 2000 OR NEWER TYPE III
AMBULANCE

Attached for your consideration is the tabulation for Bid IF-01-03, One (1) New 2000 or Newer Type III Ambulance.

It is the recommendation of Municipal Services to accept the bid meeting specifications of Pacific Emergency Vehicles, Inc. to furnish One (1) New Type III Ambulance mounted on a 2001 Ford 'E' Super Duty Cab and Chassis. They will provide a 2001 Apollo Model ambulance body constructed by Medtec Ambulance Corporation. The total purchase amount is \$97,210.00.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the bid meeting specifications of Pacific Emergency Vehicles, Inc. to furnish One (1) New Type III Ambulance as presented. Roll call as follows:

Aye: Councilmember Hardcastle

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Councilmember Klingler
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-04, QUIKSALT ROAD SALT

Attached for your consideration is the tabulation for Bid IF-01-04, Quiksalt Road Salt.

It is the recommendation of Municipal Services to accept the low bid of Crapo, Ltd. to furnish the required Quiksalt Road Salt for an amount of \$22.85 per ton.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low bid of Crapo, Ltd. to furnish the required Quiksalt Road Salt as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
November 6, 2000

MEMORANDUM

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

SUBJECT: DOWNTOWN OFF STREET PARKING

NOVEMBER 9, 2000

It is the recommendation of Municipal Services to accept from the Downtown Off Street Parking Association the parking lots at Capital and B and Yellowstone Avenue between A and B Streets with the stipulation from the Downtown Off Street Parking Association that the lots only be used for public parking and supportive facilities.

In addition it is recommended that the Downtown Off Street Parking Association be advised by accepting the Deed to the parking lots the City is making no commitment for the maintenance or improvements of said lots.

s/ S. Craig Lords

Following a brief discussion regarding the parking lots and the requirements of the City, it was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept from the Downtown Off Street Parking Association the parking lots at Capital and "B" Street and Yellowstone Avenue, between "A" and "B" Streets with the stipulation from the Downtown Off Street Parking Association that the lots only be used for public parking and supportive facilities, and to advise the Downtown Off Street Parking Association that by accepting the Deed to the parking lots, the City is making no commitment for the maintenance or improvements of said lots. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: 2000 ENGINEERING DEPARTMENT STANDARD SPECIFICATIONS
AND DRAWINGS

Attached is a Resolution providing for adoption of the 2000 Engineering Department Standard Specifications and Drawings. These documents contain revisions of previously adopted documents and have been through a thorough review process comprised of engineers, developers and contractors.

Public Works recommends adoption of this Resolution; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

NOVEMBER 9, 2000

RESOLUTION

WHEREAS, the Council finds it necessary and desirable to establish certain general Standard Specifications and Engineering Drawings with respect to the construction of streets, sidewalks, curbs, gutters, water lines, sewer lines, and certain other public improvements to be constructed within the public right-of-way in the City of Idaho Falls;

WHEREAS, it is necessary and desirable that such Standard Specifications and Engineering Drawings be adopted for the protection of the health and safety of the public;

NOW, THEREFORE, be it hereby resolved as follows:

1. That the 2000 Edition of the City of Idaho Falls Standard Specifications and Engineering Drawings as set forth in Exhibit "A" attached hereto be and hereby is adopted by the City, and that all references hereafter in any contract, ordinance or other document by the City to such Standard Specifications and Engineering Drawings shall be deemed to refer to the document attached hereto as Exhibit "A".

2. The adoption of such Standard Specifications and Engineering Drawings by this Resolution shall be finding only if such Standard Specifications and Engineering Drawings are specifically incorporated by reference into any contract or ordinance duly approved by the Mayor and City Council; otherwise, such Standard Specifications and Engineering Drawings shall be used solely for reference and as a general guideline.

3. This Resolution shall be effective only with respect to construction of any improvement commenced on or after the effective date hereof.

DATED this 13th day of November, 2000.

s/ Linda M. Milam
Linda M. Milam
Mayor

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Resolution adopting the 2000 Engineering Department Standard Specifications and Drawings and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CH2M HILL TASK ORDER NO. 11 – NPDES PERMIT REVIEW AND TECHNICAL ASSISTANCE

Attached is proposed CH2M Hill Task Order No. 11 to provide technical assistance with respect to the NPDES Permit for the City's wastewater treatment plant. This task order will require CH2M Hill to assist the City in responding to the draft NPDES Permit recently proposed by EPA and will do so on an actual time and materials basis, not to exceed \$25,000.00.

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

s/ Chad Stanger

Councilmember Lehto stated that the Environmental Protection Agency has taken well over three years to prepare the draft NPDES Permit and they have given the City of Idaho Falls thirty days to respond. It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve Task Order No. 11 with CH2M Hill and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
November 6, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: PENFORD PRODUCTS COMPANY – LICENSE AGREEMENT

Attached is a proposed License Agreement between the City and Penford Products Company, which, if approved, allows Penford to install an air quality

monitoring device on the Ridgewood Park storm pond property for a period of two (2) years.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the License Agreement with Penford Products Company and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Eldredge, that the meeting adjourn at 9:40 p.m.

CITY CLERK

MAYOR
