

JULY 13, 2000

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 13, 2000, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

The City Clerk stated that the minutes from the June 8, 2000 Regular Council Meeting have been revised as requested. Furthermore, the summary of the minutes from the June 22, 2000 Regular Council Meeting were read at the previous Council Meeting. The City Clerk read a summary of the minutes for the Recessed Regular Council Meeting from June 22, 2000 to July 6, 2000 Council Meeting. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes be approved as printed. Roll call as follows:

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

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 a BEER NOT TO BE CONSUMED ON THE PREMISES LICENSE to Midget Market (Transfer Only); BARTENDER PERMITS to Lois Mae Cutler and Becky K. Elswood, 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 July 13, 2000.

The Public Works Director submitted the following memo:

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City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – 10TH STREET WATER LINE, SOUTHEAST BONNEVILLE TO CATHRYN AND SOUTHEAST BONNEVILLE SANITARY SEWER

Public Works requests authorization to advertise to receive bids for the 10th Street Water Line, Southeast Bonneville to Cathryn Avenue and Southeast Bonneville Sanitary Sewer.

s/ Chad Stanger

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 Hardcastle
Councilmember Klingler
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated June 1, 2000 through June 30, 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	\$1,745,746.71	\$1,160,913.66	\$2,906,660.37
Street Fund	84,055.29	50,951.20	135,006.49
Airport Fund	99,868.05	30,467.06	130,335.11
Water and Sewer Fund	1,051,451.70	132,442.70	1,183,894.40
Electric Light Fund	2,164,072.83	257,147.48	2,421,220.31
Sanitation Fund	56,174.84	62,455.94	118,630.78
Recreation Fund	31,815.13	34,940.04	66,755.17
Sanitary Sewer Capital Improvement Fd.	4,344.66	.00	5,344.66
Municipal Capital Improvement Fund	7,292.74	.00	7,292.74

Library Fund	104,273.21	54,413.58	158,686.79
Street Capital Improvement Fund	85,139.82	.00	85,139.82

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<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURE</u>
Water Capital Improvement Fund	4,116.20	.00	4,116.20
Ambulance Fund	72,476.67	60,784.73	133,261.40
Municipal Equipment Replacement Fund	176,271.49	.00	176,271.49
Electric Light Public Purpose Fund	53,078.86	.00	53,078.86
Swimming Pool G. O. Bond	525.00	.00	525.00
Surface Drainage Fund	16,405.43	.00	16,405.43
TOTALS	\$5,757,108.63	\$1,844,516.39	\$7,601,625.02

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 54176 in the amount of \$280.00 made payable to the University of Idaho. Roll call as follows:

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

Nay: None

Abstain: Councilmember Eldredge (As he is employed by the University of Idaho)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve Check No. 20665 in the amount of \$988.28 made payable to the American Red Cross. Roll call as follows:

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

Nay: None

Abstain: Councilmember Rose (As he is Director for the 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 June, 2000. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle

Councilmember Rose
Councilmember Eldredge

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Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Conditional Use Permit to locate a modular two-classroom facility on property located generally at 350 Castlerock Lane (Taylorview Junior High School), legally described as Lot 1, Block 17, Stonebrook Addition, Division No. 6 (recessed from July 6, 2000 Council Meeting). At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 5, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: TEMPORARY CLASSROOM BUILDING, TAYLORVIEW JUNIOR HIGH SCHOOL

Attached is the Site Plan for a two-classroom modular building to be placed at the northern doors of Taylorview Junior High School. The classroom building measures 28 feet by 66 feet and will be located approximately 100 feet south of Castlerock Lane. This request is now being submitted to the Mayor and City Council for approval.

s/ Renée R. Magee

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

Slide 1	Vicinity Map with zoning
Slide 2	Aerial Photo
Slide 3	Site Plan of location for proposed classroom building
Slide 4	Slide of northern existing Classroom at Taylorview Junior High School
Slide 5	Slide of southern existing Classroom at Taylorview Junior High School
Slide 6	Slide of both existing modular Classrooms at Taylorview Junior High School with power poles
Slide 7	Site Picture showing power poles, looking north from Castlerock Lane

The Planning and Building Director stated that there are three (3) power poles that will serve the modular classroom unit.

Councilmember Rose requested the applicant to come forward at this time.

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John Murdock, 280 Marjacq, appeared to state that he is the Assistant Superintendent for Curriculum and Instruction for School District No. 91. He submitted the following letter:

July 13, 2000

TO: Mayor Milam and City Councilmembers

A copy of the enclosed memo was distributed to occupied properties which back up to Castlerock/TVJHS or have a direct visual line to the power poles:

420 Coventry	Personal Contact
440 Coventry	by Mail
460 Coventry	Personal Contact
3995 Canterbury	Personal Contact
335 Sheffield	by Neighbor at 345 Sheffield
345 Sheffield	Personal Contact
350 Sheffield	Personal Contact
360 Sheffield	Personal Contact
4020 Woodhaven	Personal Contact
4025 Woodhaven	Personal Contact
270 Woodhaven	by Mail
258 Woodhaven	Personal Contact
226 Woodhaven	Personal Contact
208 Woodhaven	Personal Contact

Personal contacts were made on Monday evening, July 10th, by TVJHS Principal, Mike Marshall and myself. Mailed documents were posted Tuesday, July 11th.

Rockne Buraglio (270 Woodhaven) has publicly opposed the overhead power lines. The residents of 4025 Woodhaven expressed that they would rather have another solution. None of the other residents expressed opposition to the proposal.

Attachment No. 1 Hand drawn map (not to scale) of properties across from Taylorview Junior High School, showing those residents contacted personally, by mail, or by neighbor

Attachment No. 2:

Idaho Falls School District
No. 91
July 13, 2000

TO: Mayor Milam and City Councilmembers
FROM: School District No. 91
RE: Conditional Use Permit to locate a modular classroom unit at Taylorview Junior High School

This fall, Taylorview Junior High School will grow by 50 students to a total of 896. To meet the demand for additional classroom space, the District is

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requesting permission to locate a modular two classroom unit on the north end of the existing school.

The District's request to place the modular classroom at this specific location is based upon the best educational and safety interests of students as determined by the students' teachers and administrators.

Educational Interests: The proposed two classroom modular will be combined with four adjacent classrooms to form a six classroom pod that will serve a cohort group of students. These students will be served by a team of six teachers. These teachers provide supervision, educational planning/delivery, and parent conferencing for this group of students. Continuous communication among this team of teachers is very important and critical to the academic success of the students. To physically separate teachers, by requiring the modular be placed at the back of the building, makes their responsibilities far more difficult to accomplish.

Safety Interests: To locate the proposed unit next to the two existing modulares at the back of the school would require affected students to walk further, to walk through and add to crowded halls, of which they otherwise would not enter. It also adds 120 more students to a doorway that already serves up to 240 existing students. This would make a total of 360 students using a single entrance. One hundred eighty students going to class in modular units and 180 students coming back into the building – into a narrow hallway which must also support students going to the classrooms served by that hallway.

Financial Interests: Over the past 20 years, the flexibility of relocateable modular classrooms has literally saved taxpayers millions of dollars in construction costs. The attached financial analysis shows that the cost of underground electricity is 2.43 times more than running the same power overhead. Further, if required to remove existing poles and then run the power underground, the additional cost to the District will be \$10,163.53.

Currently, seventeen modular units are located on ten of our nineteen school campuses. Each of these units is being served by overhead power which was approved, at the time of relocation, by the City. In the July 6th hearing, one Councilmember wondered if requiring underground electricity as a stipulation for this Conditional Use Permit would signal an end to the practice of using overhead lines throughout the City's jurisdiction? If underground power becomes the Council's new rule, the additional cost of running underground power will be further multiplied each time a modular classroom needs to be relocated. Each year for the last decade, at least one modular classroom has been relocated to meet student's changing classroom needs. Two examples: (1) Last year following a boundary change, modulares were moved from Sunnyside Elementary to Hawthorne and Edgemont. (2) In the last ten years, a large four-plex moved from Gethsemane Christian to Westside then to A. H. Bush and is now located at Linden Park.

In summary, we sincerely hope that as you weigh this decision you would:

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- a) Honor the judgment of those individuals (teachers and building level administrators) who have daily responsibility to ensure student safety and manage educational programming.
- b) Be consistent with your past practice of approving Conditional Use Permits with overhead power (i.e., Bunker Elementary at your June 22nd meeting).
- c) Be mindful of the financial impact to taxpayers of underground power and of removing existing poles at Taylorview Junior High School (\$10,163.53).

Thank you.

Mr. Murdock explained, further, that the money, if not spent on providing underground power, would then be available to support technology needs and on-line testing for students in School District No. 91.

Attachment No. 3:

DATE: July 7, 2000

TO: John Murdock
Assistant Superintendent
Curriculum and Instruction

FROM: Ferel McArthur
Maintenance Supervisor

RE: Power Poles for RMC at Taylorview Junior High

Below is a list of costs to run underground power to the RMC to be located at Taylorview.

Remove and replace concrete	
Valley drain 100' X 4' @ \$3.75 per square foot	\$ 1,500.00
Modify drain	500.00
	<u>\$ 2,000.00</u>
 Curb and Gutter	
20' 10' each side X 20' @ \$12.00 per foot	\$ 240.00
 Flatwork concrete – City Standard	
1 ea. – 6' X 8' north @ \$2.75 per square foot	132.00
1 ea. – 8' X 8' south @ \$2.75 per square foot	176.00
	<u>\$ 308.00</u>
 Backhoe Operator/labor – 36 hours @ \$22.00	792.00
Backhoe Rental – 1 week	740.00
 Sand 1' X 600' long 53 yards @ \$3.00 per yard	159.00

Irrigation Repairs – 8 hours @ \$15.00 per hour	120.00
Irrigation Parts – miscellaneous	50.00

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City supply 600' cable @ \$6.00 per foot	<u>3,600.00</u>
	\$ 8,009.00
*Cost for installing the power poles will be	\$ 5,438.05
Per Dennis Price – Idaho Falls Power	
Installation	\$3,283.52
Removal	\$2,154.53

Councilmember Rose requested those in favor of this Conditional Use Permit to come forward at this time. No one appeared.

Councilmember Rose requested those in opposition to this Conditional Use Permit to come forward at this time.

Mark Marriott, 3995 Woodhaven Lane, appeared to state that in September, 1997, he came to Idaho Falls from Wisconsin to determine whether this would be a place where his family would want to move to. During that trip, he looked at the residence that he is now living in. At the time, he stood in the master bedroom of the house and looked out of the window. The view was the centerline of Taylorview Junior High School with the centerline of Taylor Mountain. It occurred to him that someone spent a lot of time, money, trouble, and effort to make Taylorview Junior High School blend with the surrounding area. Mr. Marriott questioned why the School District is ruining the view of Taylor Mountain with a power pole and transformer. He addressed the 3 points made by Mr. Murdock at the end of his presentation:

1. Mr. Marriott did not understand why the judgment of the teachers and building level administrators should be mutually exclusive. This is not giving consideration to the surrounding neighborhood.
2. Mr. Marriott did not understand why the modular unit at Taylorview Junior High School had to be installed in the same fashion as other units have been installed.
3. Mr. Marriott stated that the party who had the power poles installed prior to the approval of the Conditional Use Permit, should be responsible for the costs to remove the existing power poles and the costs for installation of the power underground to eliminate the power pole and transformer. Mr. Marriott stated, further, that he believed that the \$10,163.53 amount for removal of existing power pole and installation of underground power is an inflated price.

Rock Buraglio, 270 Woodhaven Lane, appeared to state that he contacted neighbors in his area that would be affected by the location of the power poles to service the modular classroom building. He provided for the Mayor and Council the following photographs showing the views from their residences and from the school:

Photograph 1	Residents view of power pole from back yard
Photograph 2	Residents view of power poles from back yard
Photograph 3	Residents view of power pole from back yard
Photograph 4	Residents view of power poles from back yard
Photograph 5	School view toward the east
Photograph 6	School view toward the southeast
Photograph 7	School view toward the south

Photograph 8	School view toward the south
Photograph 9	School view toward the west
Photograph 10	School view toward the west

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Photograph 11	School view toward the west
Photograph 12	School view toward the north
Photograph 13	School view toward the north
Photograph 14	School view toward the north

Mr. Buraglio stated that he planted his vegetation for his view of Taylor Mountain. The view of Taylor Mountain was a consideration when purchasing his home. The power pole is now in the middle of that view. Mr. Buraglio stated that he is not opposed to the installation of the two-classroom modular unit. He stated that the numbers have changed with regard to how many new students will be a consideration for the use of the modular unit. The modular units, by the School District's admission, are going to be located at Taylorview Junior High School until the school is no longer there. He questioned whether there would ever be a facility large enough for the students at Taylorview Junior High School, to allow for the removal of all modular units. He did not want the back side of his fence to be turned into a trailer park. In the letter from the School District, under Educational Interests, Mr. Buraglio expressed his concerns for the team teaching aspect and gave a definition for the word "cohort". Mayor Milam explained that any concept for teaching is a decision that is made by the School Board. Mr. Buraglio addressed the issue of safety. If the modular unit were to be placed on the northern side of the building as proposed, the students would have to be unloaded from buses under the power lines that will serve the modular unit. He addressed the issue of the numbers used to calculate how many students were moving from one area of the school to another. The numbers do not add up. Mr. Buraglio expressed his concern for the financial analysis for the removal of the existing power poles and installing underground power. He understood the Idaho Falls Power Director to state that there was not much difference in price to run overhead power as opposed to running underground power. Mayor Milam clarified that the Idaho Falls Power Director stated that he had not been directly involved with this particular instance. She explained, further, that the financial analysis has been compiled by someone who has addressed that. Mr. Buraglio stated that the Council needs to address on a case-by-case basis whether overhead or underground power should be required. There has not been one instance, in all of the correspondence from the School District that addresses the fact that parents or adjacent homeowners were involved in the process for the Conditional Use Permit, only teachers and building administrators. Mr. Buraglio offered, with the School District's permission, to find the \$10,000.00 in their budget needed to make the transition from overhead power to underground power. The School District installed the power poles prior to receiving approval from the Mayor and City Council for the Conditional Use Permit. Now, the School District is requesting that the overhead lines stay in place and allow the modular unit to be placed at the requested location. The School District should have the responsibility to fund the change from overhead to underground power should the Council decide that this is necessary. Mr. Buraglio stated that the building at the requested location would not be too visible above his fence. He was hoping that the School District would approach the affected neighbors with some sort of compromise. That has not happened. He requested that the School District place the requested modular unit in the same location as the two existing modular units.

Councilmember Eldredge questioned Mr. Buraglio about his willingness to pick up the costs for installing underground power. Mr. Buraglio stated that the School District approached him with that suggestion. He stated that he would not do that.

Janet Frost, 4025 Woodhaven Lane, appeared to state that she understood the need for the modular building. They have too many students for the existing building. Her complaint is with the power poles. They bought their home in October, 1999 because they loved the view of Taylor Mountain, only to have that view blocked by the 3 power poles with

transformers. She stated that she could live with the modular unit at the proposed location, but if more modular buildings were proposed to be installed near the requested one, she would change her opinion. Mrs. Frost stated that she feels that this represents a Catch

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22, in that she is a taxpayer and did not want to have to pay an additional amount for the power poles to be removed and have underground power installed. She, further, did not want to have the power poles in their present location. She expressed that the students would be safer with underground power, as the overhead power lines would be directly over the buses of students loading and unloading at the school.

Mark Marriott, re-appeared, to state that certain issues pertain to the School Board and certain issues pertain to the City Council. As a citizen, he did not want to fall in the crack between the School District and the City Council. It is up to the City Council to deny the Conditional Use Permit to the School District as they are the ones that are messing up the neighborhood that the City of Idaho Falls designed for the school. His final point was that it is alright for the power pole to be located at Theresa Bunker Elementary, but the power poles will not work at Taylorview Junior High School. Mr. Marriott wanted the opportunity to review the financial analysis prepared by the School District for the overhead power versus the underground power installation.

Councilmember Eldredge asked Mr. Marriott if he would pay for the installation of underground power at Taylorview Junior High School. Mr. Marriott stated that he would not pay for that installation and was insulted that he was asked the question.

Mayor Milam explained that when she mentioned the difference in responsibilities between the School District and the City Council, she was addressing the team teaching proposal for the students. That is an education philosophy question. The City Council is charged to consider the location of a modular unit and whether to approve it or not, and secondarily, the location of either overhead or underground wires.

Mr. Marriott re-appeared to state that he understood the process, and wanted the City Council to know that the power poles are the pervasive influence on the whole neighborhood. He is willing to compromise on this matter.

Councilmember Lehto requested the following letter from Ronald G. Starkey to be presented:

July 12, 2000

Mayor Linda Milam
City Council
P. O. Box 50220
Idaho Falls, Idaho 83405

Dear Mayor Milam and Members of the City Council:

This letter is to formally express my concerns and preferences against the modular classroom and power pole project at Taylorview Junior High School as currently proposed by School District 91. I live at 258 Woodhaven Lane, immediately north and west of the school and Castlerock Lane. I have similar concerns as expressed by Mr. Rocky Buraglio in his letter to you dated June 7, 2000.

I have a hard time understanding why the District chose to place these new buildings and power poles in the proposed location where they are in full view and close to the housing developments to the north instead of the rear of the school and out of sight of adjoining property owners. I note the letter the District sent to your offices detailing what they state are safety and educational

interests. However, I do not feel these necessarily outweigh the visual impacts and cluttered look the view from our property the area now have.

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I also note that the District has gone ahead and installed the power poles before this project has gone through the full public review and comment process. That particularly concerns me. It gives the impression that the District has disregard for processes and procedures that the rest of us are obliged to follow. The next argument we will hear is that because they have already incurred costs for installing the new power poles, they shouldn't be required to remove them.

I understand from Mr. Buraglio's previous contact with the District, that he was told the district was supposed to contact all of the affected neighbors to explain what they were doing and why as well as, presumably, to listen to and consider landowner concerns. I understand some effort was made to contact some landowners in the area, but I note on the list of those contacted that my name did not appear. Furthermore, many of those who were contacted live some distance away from the project and would not be particularly affected one way or the other.

I was not contacted until Monday, July 10, late in the afternoon. At that time, I was handed a document addressed to your offices that detailed the District's reasons for their project. I also understand that the District informed Mr. Buraglio that when all was said and done they were not required to contact anyone. This tends to add further weight to the fact that the District has their minds made up and that the project is going to go ahead regardless of due public process and adjoining landowners concerns. That kind of approach does little to generate support and good will from neighbors and the public, particularly the next time the District wants our support for other projects or to pass a levy. That may not be what the District intended, but that is certainly the impression we are left with.

One of the major issues here is the matter of principle and due process. In truth, I do not necessarily object to the addition of modular classrooms per se – I understand that renovating and adding to existing school buildings is a costly endeavor. Modular classrooms seem a prudent way to obviate high costs. However, that matter aside, the District owns a large piece of land surrounding Taylorview Junior High School. This property already has existing modular classrooms located toward the rear and west of the main building. I believe it is a workable option that the proposed classrooms be located behind and/or in close proximity to the existing ones. I also believe that electric power should be delivered underground. To state that these buildings and the power poles are temporary is very misleading. Those buildings will be permanent and so will the power poles – the existing modular classrooms at Taylorview and other schools in the system are a testament to that fact. Additionally, the access issues and the costs they cite are a small price to pay for good will from adjoining landowners as well as support and endorsement of other projects they may have on their hands.

I ask the Council to require the District to revise their project to relocate the classrooms and/or to install underground power. As for the costs of installing the new power poles that have recently been placed, that is the price that is paid for not waiting for the public process to be completed. Any other

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individual or group would be faced with the same consequence. They should not be exempt.

Sincerely,
s/ Ronald G. Starkey
Ronald G. Starkey
258 Woodhaven Lane
Idaho Falls, Idaho 83404

cc: Renée R. Magee
Director, Planning Department
Rockne Buraglio

Mr. John Murdock re-appeared to state that he owed Mr. Marriott an apology. He did not know that Mr. Marriott had a view of Taylorview Junior High School from his bedroom window. Had he known that, he would have knocked on Mr. Marriott's door, also. The School District has been accused of placing this modular unit without involving the community. It is difficult to know what the protocol should be when requesting that a modular classroom be located, as the issues seems to be different each time. Had he known that this would be such an issue, he would have completed the homework prior to the first meeting. Representatives from the School District have visited with the affected neighbors. They went into their homes and talked and they went into their backyards to look at where the modular classroom units would be located, along with the location of the power poles. The vast majority of those who back up to Castlerock Lane were supportive of the School District's effort to provide a quality education. Mr. Murdock clarified that the two-classroom modular would be used in conjunction with 4 of the classrooms in the building. He explained, further, where the children would be loaded and unloaded from buses. The entrance/exit that the children are using to go to the other two modular classroom units was not designed to handle the number of students traveling to and from those units. Mr. Murdock explained for the Mayor and Council where the power poles serving the two existing modular units are located. Some students walk under them now. He clarified that modular units do move and some are moved every year. The two largest 6th grade classes entering Taylorview Junior High School, creating the larger number of students, comes from Sunnyside Elementary and Longfellow Elementary. Those two schools are providing 93 and 94 students respectively. The kindergartens from those schools have 51 and 37 students respectively. The largest group in the pipeline at this time are the 6th graders going to junior high. He did not know how long the modular units would be needed.

Councilmember Lehto requested a clarification for how the financial aspect of the overhead lines versus the underground lines was arrived at. Mr. Murdock explained what was shown on the financial summary submitted earlier.

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

Councilmember Groberg requested to know whether part of the consideration for a Conditional Use Permit would be whether overhead or underground power would be provided. Mayor Milam clarified that the Council would not consider whether the use of overhead power or underground power would be provided with the modular unit.

Councilmember Klingler commented that the neighbors seem to be alright with the modular units, which is what the Conditional Use is about. The School District is remiss

for jumping the gun and putting up power poles that are not visually beautiful. There does not appear to be a solution for that.

A brief discussion was held among Council regarding the options that are available to the Council at this time. The City Attorney stated that the City Council would

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have to either approve the Conditional Use Permit as submitted and whether it is compatible with the neighborhood, or deny the Conditional Use Permit as submitted. The function of the City Council is to consider what is being presented. If there are other potential solutions and variations, it is up to the applicant (if the Conditional Use Permit is denied) to resolve the issues and appear again before City Council.

Councilmember Hardcastle stated that there appears to 4 of the 15 residents that oppose the installation of the modular classroom unit in the proposed location.

The Planning and Building Director appeared to state that this comes to the Mayor and City Council as a temporary modular building, meaning that it has a limited time frame of one year.

Councilmember Lehto questioned whether there were overhead power poles servicing the church that is next door to the school. The Planning and Building Director stated that she did not believe that there were overhead power poles.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Conditional Use Permit to locate a modular two-classroom facility on the north side of the property located generally at 350 Castlerock Lane (Taylorview Junior High School). Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Eldredge
Councilmember Groberg
Councilmember Rose

Nay: Councilmember Klingler
Councilmember Lehto

Motion Carried.

Following a brief recess, Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for L & C Haven, Division No. 1. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: L & C HAVEN, DIVISION NO. 1

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for L & C Haven, Division No. 1. This property is located north of Broadway and west of North Bellin Road. It consists of one lot of 0.637 acres. The requested initial zoning is R-1 (Single-Family Residential). On September 14, 1999, the Planning Commission considered this annexation request and recommended to the Mayor and Council approval of Annexation, Final Plat, and

initial zoning of R-1. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map with zoning
Slide 2	Aerial Photo with Final Plat superimposed
Slide 3	Final Plat
Slide 4	Site Picture of property looking west along West Broadway
Exhibit 1	Planning Commission Minutes dated September 14, 1999
Exhibit 2	Staff Report

The Planning and Building Director explained that this includes what most people know as the Reed's Dairy property. This annexation encompasses the single-family residence located on the Reed's Dairy property.

Councilmember Eldredge questioned whether the single-family home on the property would be connecting to water and sewer services from the City of Idaho Falls. The Planning and Building Director stated that the residence would hook up to City water and sewer.

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

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for L & C Haven, 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 Rose
Councilmember Klingler
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for L & C Haven, 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 Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

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

JULY 13, 2000

ORDINANCE NO. 2379

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:

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of L & C Haven, Division No. 1 as R-1 (Single-Family Residential) 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 Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for Blue Ridge Estates, Division No. 4. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

JULY 13, 2000

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: BLUE RIDGE ESTATES, DIVISION NO. 4

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Blue Ridge Estates, Division No. 4. This property is located north of 17th South and west and immediately adjacent to Battle Creek Canal. It consists of thirteen single-family lots on 4.65 acres, and the requested initial zoning is R-1 (Single-Family Residential). On May 9, 2000, the Planning Commission considered this annexation request and recommended to the Mayor and Council approval of Annexation, Final Plat, and initial zoning of R-1. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map with zoning
Slide 2	Aerial Photo with Final Plat superimposed
Slide 3	Preliminary Plat
Slide 4	Final Plat
Exhibit 1	Planning Commission Minutes dated May 9, 2000
Exhibit 2	Staff Report

The Planning and Building Director stated that the Final Plat has been reviewed by City Staff and has been found to be in compliance with the City's Subdivision Ordinance, City's Zoning Ordinance, and the City's Comprehensive Plan.

Councilmember Lehto questioned the Planning and Building Director as to whether access for emergency vehicles would be a concern. The Planning and Building Director stated that it is not a concern at this time, due to the way it is being developed.

Councilmember Groberg stated that in the Comprehensive Plan, the City Council has adopted the Bonneville Metropolitan Planning Organization's Bike and Pedestrian Access Plan. He questioned the Planning and Building Director whether that Plan has been used in consideration of this Final Plat. The Planning and Building Director stated that a pathway is shown on Bellin Road. The right-of-way that the City has for Bellin Road takes into consideration the additional width necessary for that pathway. Councilmember Eldredge stated that a pathway is also planned for Pancheri Drive.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the Blue Ridge development is in compliance with all City of Idaho Falls' regulations. He is proud of the storm pond that has been provided. Included were new concepts for storm ponds. Mr. Kofoed stated that the Canal Company has requested to fence the right-of-way around their shop. They have that right. This is one of the few areas that there is a potential to build homes with daylight basements.

Councilmember Eldredge stated that he had received a call from one of the residents of Battle Creek Subdivision complaining about construction beginning before 6:00 a.m. and working until after 10:00 p.m. Mr. Kofoed stated that he did not have an answer for that, other than the faster they work, the sooner they will be done. The City Attorney

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stated that there is a "Disturbing the Peace" Ordinance. If this becomes a serious problem, the City has the authority to resolve those types of issues.

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

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for Blue Ridge Estates, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for Blue Ridge Estates, Division No. 4 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2380

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:

JULY 13, 2000

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of Blue Ridge Estates, Division No. 4 as R-1 (Single-Family Residential) 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 Groberg
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a rezoning from C-1 (Limited Retail) to HC-1 (Highway Commercial) of property located generally west of Woodruff Avenue, east of Sherry Avenue, and south of Lincoln Road (1540 Lincoln Road), and legally described as Lot 2, Block 1, Dunkley Addition, Division No. 1. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST – LOT 2, BLOCK 1, DUNKLEY ADDITION,
DIVISION NO. 1

Attached is the application for rezoning the above-described property from C-1 to HC-1. The property under consideration is located immediately south and adjacent to Lincoln Road and is west of Woodruff Avenue. On June 13, 2000, the Planning Commission considered this rezoning request and recommended

to the Mayor and Council approval of the rezoning. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map with zoning
Slide 2	Aerial Photo
Slide 3	Site Picture looking west from site
Slide 4	Site Picture looking northeast from site across Lincoln Road
Slide 5	Site Picture looking northwest from site across Lincoln Road
Slide 6	Site Picture looking south across Lincoln Road
Exhibit 1	Planning Commission Minutes dated June 13, 2000
Exhibit 2	Staff Report

The Planning and Building Director explained that car sales are located in that area in both the City and in Bonneville County.

Councilmember Rose requested the Planning and Building Director to explain what other uses can be found in the HC-1 Zone. The Planning and Building Director stated that the primary differences between the C-1 Zone and the HC-1 Zone are vehicle sales and vehicle repair.

Councilmember Groberg requested the Planning and Building Director to locate again where the other HC-1 Zones are located in the area. The Planning and Building Director did so. Councilmember Groberg questioned whether there was any difference in the C-1 and HC-1 Zones with regard to allowing bars. The Planning and Building Director stated that in the C-1 Zone, bars are permitted only as an accessory use to motels or to restaurants. In the HC-1 Zone, taverns are allowed. Councilmember Groberg questioned whether there was any other way to allow for the vehicle sales and vehicle repairs, other than granting the HC-1 Zone. The Planning and Building Director stated that vehicle sales and vehicles repairs are not listed as a Conditional Use in the C-1 Zone. The only way to allow for sales and repairs is to grant the HC-1 Zoning request.

Councilmember Lehto requested the Planning and Building Director to explain the HC-1 Zone with regard to open storage and the required buffering. The Planning and Building Director gave the example of the Bureau of Land Management Office and the open storage that is located to the rear of that building. With open storage, it must be screened from the public street.

Councilmember Groberg requested to know what the vote from the Planning Commission was on this issue. Councilmember Lehto referred to the Planning Commission Minutes, which indicated an 8-1 vote in favor of the rezoning request. The Planning and Building Director stated that the one objection had to do with access points to Lincoln Road.

Bill Buckley, 960 South Highline Drive in Ammon, appeared to state that he is the President and owner of Outfitters Truck and RV Center. They are presently leasing a lot on Holmes Avenue. He wanted to move into an area where there is good traffic and an area that has been developed for car sales. The area along Lincoln Road and Woodruff Avenue has been developed for retail sales and is a good place for what they plan to develop. Mr. Buckley stated that they would be building a two-story facility with approximately 1,500 square feet of office space provided. Approximately 1 block from the office space will be a two-bay garage for a car wash and small repairs.

Daryl Kofoed, 1020 Lincoln Road, appeared to state that this would be a good development. He is in favor of the rezoning request.

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

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the rezoning request from C-1 (Limited Retail) to HC-1 (Highway Commercial) on property legally described as Lot 2, Block 1, Dunkley Addition, Division No. 1 and that the

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City Planner be instructed to reflect said zoning change on the official Zoning Map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Conditional Use Permit for a City Substation on property located generally south of Garfield Avenue, east of the Idaho Canal, and north of First Street, legally described as a parcel of land in the Southeast Corner of Section 17, Township 2 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – CITY PROPERTY SOUTH OF GARFIELD AVENUE AND WEST OF WOODRUFF AVENUE AND EASY STREET

Attached is the application for a Conditional Use Permit for a Substation on City-owned property south of Garfield Avenue and west of the private drive named Easy Street. The property is zoned R-3 (Apartments) and is presently vacant. Under Section 4-26.J. of the Zoning Ordinance, a power substation is permitted in any zone, provided a Conditional Use Permit is approved by the Council after a public hearing. The Planning Commission considered this request at its June 13, 2000 Meeting and recommended to the Mayor and Council approval of the Conditional Use Permit with the condition a sound barrier around the substation be provided, where appropriate. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map with zoning
Slide 2	Aerial Photo
Slide 3	Existing substation locations in City of Idaho Falls

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Slide 4	Site Picture looking north at back of homes along Garfield Avenue
Slide 5	Site Plan – Substation would be located approximately 300 feet south of the homes on Garfield Avenue
Slide 6	Site Picture looking south from Garfield and Northeast Bonneville Drive at site access
Slide 7	Site Picture looking southeast from access at Winco
Slide 8	Site Model for Idaho Falls Power Hatch Substation
Slide 9	Conception of access road to parallel North Bonneville Drive along the canal

Councilmember Rose questioned the Planning and Building Director as to what was planned for the ½ block to the north of the City Substation. The Planning and Building Director stated that the long-range plans for the area are to develop a green space or park area. Councilmember Rose questioned the Planning and Building Director as to what type of sound barrier would be provided for the Substation. The Planning and Building Director stated that the Planning Commission was not sure whether the homes that are 300 feet to the north would require a sound barrier. The noise coming from the Substation was described as approximately the same as an automobile running.

Van Ashton, Representative from Idaho Falls Power, appeared to explain that, fully loaded, this particular substation transformer would generate a maximum of 72 decibels. The substation transformer would not be fully loaded for several years. The current load would be approximately 65 decibels. The 72 decibels would be experienced directly adjacent to the transformer. The homes located 300 feet away would notice approximately 40 decibels. As a point of reference, a face-to-face conversation is approximately 40-45 decibels. The sound level of a typical telephone ringer is about 80-85 decibels. Normal daytime background noise in a residential neighborhood with roads nearby is 45-55 decibels. Normal nighttime background noise levels in a residential neighborhood are 35-45 decibels. This transformer should not be detectable to residents in their homes. They will notice the noise if they are outside, typically in the evening.

Councilmember Eldredge stated that the multi-family homes on Easy Street are closer than 300 feet from the substation. There will be more noise impact on those homes than on Garfield Avenue. Van Ashton agreed.

Councilmember Lehto requested to know how much closer the multi-family homes are located to the substation. Councilmember Eldredge stated that are within 150-200 feet from the transformer.

Councilmember Eldredge spoke with the Electric Engineer who stated that the final design for the substation has not been completed. If necessary, Idaho Falls Power could include a cinder block wall as a sound barrier as part of the final design.

Van Ashton stated that the recommendation from the Design Consultant would be to mitigate the sound barrier with trees as a preferred option to the wall.

Councilmember Rose questioned where the trees would be located. Mr. Ashton stated that the tree location would be determined depending upon how the site is developed as a park. There are clearance restrictions close to the substation itself. Councilmember Rose questioned whether there were other alternatives besides the trees to be used as a sound barrier. Mr. Ashton stated that the fence is another alternative that could be considered. The height of the fence would be a factor. It would be a 16-foot fence that would be necessary.

DeVearl Nish, 1430 Garfield, appeared to state that if the City is going to install a substation, the 8-foot wall that ends in the middle of the 1400 block of Garfield Avenue should be extended to the west. He was concerned with the sound that will come from the

Substation. The Substation will not increase the surrounding property values, nor will it reduce property taxes. Property owners from Garfield Avenue signed a petition requesting that the wall be extended from the middle of Garfield Avenue to the Idaho Canal.

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Dale Fox, 1509 Garfield, appeared to express his concern for increased traffic to the proposed park in conjunction with the Substation. He requested that the cinder block wall be extended to stop the traffic flow from Garfield Avenue.

Angela Klingler, 5710 West Broadway, appeared to state that she owns property across the street from the proposed Substation. She expressed her concern over the view from the home. She requested to know whether there was a consideration for a cinder block fence to be installed parallel to the canal.

Mayor Milam stated that the final design has not been completed for the Substation. Idaho Falls Power can consider any fencing requests.

Ms. Klingler stated that she is opposed to the Substation being located in a residential neighborhood. Mayor Milam stated that there are other substations located in residential neighborhoods.

The Planning and Building Director showed the design conception for the substation and the access road.

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

Councilmember Eldredge stated that the design consultant had taken a preliminary look at the cinder block wall around the substation. The cost for that installation would be approximately \$15,000.00 for the fence alone. The City Council does recognize that this substation will be in a residential area and does require some visual buffering. A sound barrier will be necessary as dwellings are closer than 300 feet. He stated that the sound barrier should be provided all around the Substation. Councilmember Eldredge explained, further, that the City does not own the area where the cinder block fence is installed behind the homes from Woodruff Avenue to the middle of the 1400 block of Garfield Avenue. The City could not extend that wall.

Councilmember Rose questioned the City Attorney as to whether the City Council had to designate where the sound barrier would be located and what materials would be used to construct the sound barrier. The City Attorney stated that it would be difficult for the Council to engineer this issue. The Council can specifically direct location of the fence around the substation. The Idaho Falls Power Division could use good discretion and judgment as well.

Councilmember Lehto questioned whether the Council could request that the final design be presented to City Council prior to final approval. The City Attorney stated that this could be made as a condition of the motion.

The City Attorney stated that the Council needed to remember that the other entity that is involved is the Idaho Falls Power Division and the City has control over the Idaho Falls Power Division. That is unlike the normal situation, where the Council reviews a situation that is not related to the City.

Councilmember Rose related his concern over wanting those individuals present to leave with the comfort of knowing that the City will address the sound barrier issue.

Councilmember Groberg agreed with Councilmember Rose and wanted the public to be able to comment on the final design.

Councilmember Eldredge suggested that a condition be placed on the Conditional Use Permit that the sound barrier around the Substation shall reduce sound to a level of 35 decibels for the closest residence and require the design group and consultant to produce that with the final design.

Councilmember Lehto expressed his concern for doing that, in that it would not allow for the residents to comment on the final design. He also had a reservation in setting that number without consulting the design team.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Conditional Use Permit for an Idaho Falls Power Substation located generally south of Garfield Avenue, east of the Idaho Canal, and north of First Street, subject to

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allowing the public to have comment following the design phase before construction. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Conditional Use Permit for single-family attached dwellings in an R-1 Zone on property located generally south of 65th North (Tower Road), east of 5th West (East River Road), on Gleneagles Drive extended, legally described as the northern portion of Fairway Estates Addition, Division No. 9. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – FAIRWAY ESTATES ADDITION,
DIVISION NO. 9

Attached is the application for a Conditional Use Permit for fourteen single-family attached dwellings on fourteen lots on the northern portion of Fairway Estates, Division No. 9. The property under consideration is Zoned R-1, Single-Family Residential. Under Section 7-3-2, attached single-family homes are permitted as a conditional use, either as a Planned Unit Development or single-family attached dwellings. The Planning Commission considered this request at its June 13, 2000 Meeting and recommended to the Mayor and Council approval of the Conditional Use Permit with the condition a homeowner's association be created to maintain lands held in common. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map with zoning

Slide 2
Slide 3

Aerial Photo
Preliminary Plat for Fairway Estates Addition, showing
specifically Division No. 9

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- Slide 4 Site Plan, showing footprints of proposed homes. Setbacks comply with R-1 Zone - Rear yards are at least 25 feet in depth, front yards that are 30 feet deep and side yards that range from 14 to 18 feet. Under the R-1 Zone, the minimum side yard requirement is 7-1/2 feet. Separate utilities are being provided for the single-family attached homes. In addition, each home has a direct access to a dedicated street.
- Slide 5 Site Plan for Type A Unit
- Slide 6 Site Plan for Type B Unit
- Slide 7 Front elevation
- Slide 8 Rear elevation
- Slide 9 Provisions from the R-1 Zone, Single-Family Attached Homes
- Slide 10 Continuation of provisions from the R-1 Zone, Single-Family Attached Homes

The Planning and Building Director explained that the density for the single-family attached homes are 4.9 units per net acre, which meets the Zoning Ordinance requirements of 7 or less units per net acre. City Staff has reviewed this application and has found it to be in compliance with the provisions outlined under the R-1 Zone for Single-Family Attached Homes.

Kevin Alcott, P. O. Box 3082, Idaho Falls, Idaho, appeared as the developer of the area. He explained that the single-family attached homes are being located around golf courses around the Country. He is proposing two types of the single-family attached dwellings. The Type A Unit has approximately 1500 square feet on the main level. He explained where the units with the daylight basements would be located. The Type B Unit has approximately 1850 square feet on the main level. The units are designed such that either unit can be built in conjunction with any other unit type. The exteriors will be a combination of stucco, stone, siding or brick. Mr. Alcott explained that the town homes would be located approximately 700 feet from the existing homes in Fairway Estates at this time. They will provide more than 7 acres of green space when the town homes are complete. He explained that in the Fairway Estates development covenants (what is existing at this time), the minimum size home would be no less than 1400 square feet in some divisions and 1600 square feet in other divisions. The town homes are comparable to the other homes located in Fairway Estates.

Councilmember Rose requested those in favor of this Conditional Use Permit request to come forward at this time. No one appeared.

Councilmember Rose requested those in opposition of this Conditional Use Permit request to come forward at this time.

Chuck McConnel, 339 Spyglass Circle, appeared to submit the following list of questions for the Mayor and City Council's consideration:

**Clarifying Questions for the City Council
July 13, 2000**

1. The Idaho Falls City Council have determined, in their best judgment as civic leaders, that twin homes at Fairway Estates is the "right thing to do" and that these twin homes will enhance the quality of life for the existing home owners in the Fairway Estates.

YES/NO

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2. The Idaho Falls City Council will not allow future subdivisions to become an economic ghetto of only twin homes on small 1/6-acre lots. The City Council will only approve subdivision with at least a 50/50 ratio between single-family homes on 1/3-acre lots and twin homes on 1/6-acre lots.

YES/NO

3. The Idaho Falls City Council is satisfied that the City Staff presentation was complete and unbiased. Slide 6, a 3,000 SF single-family home not built by the developer will be entered into the public record as representative of the varied land and architectural features committed to by this developer for Fairway Estates Division 9 and other divisions associated with the north end.

YES/NO

Mr. McConnel commented that during the annexation proceedings last week, the City Council was restricted to evaluate if the Final Plat presented for Division 9 was in compliance with the City Ordinance. The Mayor and Council went to great lengths to prove that they were good managers by insuring things were done correctly. The Council was satisfied with the notification given for the Preliminary Plat approved on March 21, 2000 resulted in one person attending from Fairway Estates. The Council was satisfied that one person out of a 120 household area was sufficient public input for that Preliminary Plat evaluation. The Council was satisfied that the Final Plat meets the spirit of the City's Comprehensive Plan. The Mayor and Council spent no time in debating whether this was right. While he would not be surprised with such actions from the Planning Commission, he expected leadership from the City Council.

Lynn Rockhold, 5905 Gleneagles Drive, appeared to state that Fairway Estates, as it is developed at this time, is approximately 2-3 homes per acre. With the proposal to build 4.9 homes per acre, it does not fit in with what has been developed to this time. She submitted the following statement:

July 13, 2000

TO: The Honorable Mayor Milam and
Members of the Idaho Falls City Council

SUBJECT: **Conditional Use Permit for Division 9 at Fairway Estates**

My name is Lynn Rockhold. I own a home at 5905 Gleneagles Drive, the furthest most lot to the north (next to the Division 9). I want to address two things tonight:

1. The public notice, public hearing process and WIN/WIN outcome
2. The affects of changes to R-1 zoning (with regard to the CUPs)
1. THE PUBLIC HEARING NOTICE, PROCESS AND WIN/WIN OUTCOME

I am very concerned, as are the residents of Fairway Estates, as to the lack of specific details on the public hearing notices (as mentioned in the last Council Meeting). I am not going to expound on that tonight. You acknowledged last week that the process needs to be reviewed and modified. However, I would like

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to read an excerpt from a letter from the attorney, Lance Nalder, representing the residents of Fairway Estates to the Director of the Planning and Building Division, Renée R. Magee, on April 11th, shortly after the Planning Commission meeting that was to solely address the Preliminary Plat.

“Our firm represents various and multiple affected homeowners adjacent to the proposed Fairway Estates Division No. 9. We are advised that the developer filed a preliminary plat, which was the subject of a hearing held before the Planning Commission on March 21, 2000. Although the written notice addresses only the proposed preliminary plat, I am informed that annexation of the subject property was also a topic of discussion and comment at that hearing. Unfortunately, the notice given to affected homeowners was defective and lacked any indication that the proposed annexation would be discussed. Thus, numerous homeowners who would have otherwise attended the public hearing were misled by the inaccurate/incomplete notice and, consequently, did not attend.”

As I mentioned in the last Council Meeting, I was the only Fairway Estates resident at the March 21st Meeting. And not only did they discuss the annexation; the R-2 Zoning that was to be requested was also discussed. With due respect to the citizens of Idaho Falls and particularly the existing residents of Fairway Estates, I find this lack of specific notification totally unacceptable. I had never been involved in a public hearing before (let alone know anything about the future impacts that the preliminary plat approval would have) and here I was representing the entire Fairway Estates by myself. I spoke, but my voice was not loud enough at that hearing to be heard. I pleaded with the Commission to delay their vote until others at Fairway Estates could be notified of the direction of the Developer. **(Especially, because he spoke of doubling the population with 230 twin homes and many very small patio homes on 1/3 of the land acreage as the existing 120 or so single-family detached homes). His initial zoning request for R-2 was also discussed.** Since that Commission Meeting on March 21st, I have been witness to or have spoken at three other Planning Commission Meetings and the last Council Meeting. I find it very disturbing that 200+ petitions, signed by Fairway Residents against R-2 Zoning and building extensive quantities of single-family attached or multi-family homes on small lots has not had more bearing on the Commission and the Council’s decisions.

As a side-note that holds relevance, I began a small neighborhood watch four years ago (which initially covered one small block on Tenth Street). It now covers an area of approximately 350 homes, 1500 residents and 19 blocks. We have an organization of 19 Block Captains and a Watch Captain. Recently, we were honored and received a special recognition award from the City of Idaho Falls at this year’s National Law Enforcement Week activities. I bring this up because there have been many lessons learned that have contributed to the success of this program. We have created synergy with this neighborhood watch by involving the citizens in the development and rewarding successes, as well as the local law enforcement. It has been a time of accomplishment and result that has been a WIN/WIN situation because of teamwork, learning,

listening, and implementing processes that help the citizens and the City together to reduce crime and improve safety.

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The reason I bring this up, is to paint a picture in your mind. Is it truly a synergistic WIN/WIN situation to continually vote down the citizens' concerns about this Fairway Estates issue that has been before the Commission and Council over the last several months?

I have grown increasingly concerned and dismayed that the citizens of Idaho Falls are not being heard or given a fair shake by the Commission or the Council. It is an apparent perception that the Commission and Council are not advocates for citizen input. I have tried putting myself in your shoes – I can only imagine what an enormous and difficult job it must be to direct the City through the new millennium. However, I would also ask you to put yourselves in our shoes – the residents of Fairway Estates. Yes, we can get up and speak, but is there truly consideration given? This City is growing at exponential rates now and it is clear that input from the citizens on the direction it should take is imperative to make it a success and a WIN/WIN situation.

Now, many people from Fairway Estates and the surrounding area have spoken and/or recorded their concerns over the last several months. **200+ people have signed two separate petitions that indicate they do not feel comfortable with the increased density, the number of attached homes, the comparatively very small lots, nor the lack of substantiated quality and maintenance agreements.** Therefore, I plead with you for your denial of this Conditional Use Permit, due to inadequate notification to the residents prior to the approval of the preliminary plat and problems with the public hearing process. This CUP is not a WIN/WIN situation.

2. THE AFFECTS OF R-1 ZONING CHANGES (WITH REGARDS TO THE CUP)

I am going to make this brief. Many citizens are concerned about the recent changes to the R-1 Zoning to include Conditional Use Permits (CUPs) for single-family attached homes or multi-family units. Specifically, this change has allowed the Developer at Fairway Estates to request a CUP for twin-homes to do exactly what he had intended to do before with his initial R-2 request. What's the difference, except the Developer must go before the Commission and the Council to get approval on the CUP and he cannot build four-plexes. What we have been told by the Commission and the Council before is that if the request meets the letter of the law, it will be approved. **Per our attorney, there is NOTHING in the law that compels the Commission or the Council to have to approve the CUP, even if the Developer does supply everything necessary.**

Understand, that as soon as Division 9 is complete, most likely the Developer will be back to ask for zoning for other new Divisions in the north end. And, he will probably request R-2 (to avoid the hassle of CUPs). But if it is denied, he will ask for R-1, with requested CUPs. In essence, he has created an R-2 Zone, with options for two- and three-plexes. If the voices of the neighborhood are not heard on this, we might as well have had the R-2 Zone that was originally requested by the Developer.

CUPs have to be requested because they are a deviation from the norm, otherwise what would necessitate a required CUP? **We have proven that the size of lots, density and uncertainty of quality of the proposed twin-homes**

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or the preliminary plat and Division 9 is NOT CONSISTENT with the character and harmony of the existing neighborhood.

Now, let's look at how this change in R-1, with CUP, may affect other areas of the City. I recently looked at the proposed Comprehensive Plan and I have seen the current Comprehensive Plan several times. It is evident that the majority of the City is zoned R-1. Now, that the R-1 allows CUPs for single-family attached units (up to three-plexes), any area of the City that is zoned R-1 is now vulnerable. There are many well-established areas that have empty lots. Based on what we have been told by the Planning Commission and the Council, if a Developer submits the required information and meets the letter of the law, they could request a CUP and build a multi-family unit in a predominantly single-family detached neighborhood. In my opinion, there is something wrong with this zoning allowance and/or the acceptance of CUPs, without consideration for the character and harmony of the existing neighborhood. Pretty soon, we could have a town of many more multi-family residences, than the traditional single-family detached homes. Although there is nothing wrong with multi-family homes, is that where you are heading...massive quantities and high density? Is that what we want? **I can tell you, that kind of diversity and density is definitely NOT WHAT THE RESIDENTS AT FAIRWAY ESTATES WANT OR EXPECTED!** We don't want to live in likes of San Francisco, Chicago or New York City. **You have probably heard the saying, "Idaho is, what America was!" Will it be that way for long?**

I would like to read another short excerpt from the same letter from our attorney to Renée R. Magee, dated April 11th.

"The purpose of this correspondence is to place the City of Idaho Falls on notice through you, that the vast majority (if not all) of the current Fairway Estates residents are opposed to any zoning classification other than R-1."

(Let me stop here for a moment and make a statement that at the time of this letter, we did not know that most of Fairway Estates had been zoned RP-A, previous to the current changes to R-1 and the subsequent impacts of the CUPs.) *To continue with the lawyer's letter...*

"Any lesser zoning designation or provision for conditional use permits to allow multi-family dwellings will be vigorously opposed as being inconsistent with the character of the surrounding residential area and of an objectionable density. If necessary, the residents may take legal action."

Again, it our understanding the CUPs are requested because of a deviation from the norm...which is interpreted by the residents of Fairway Estates as single-family detached homes on larger than standard RP-A lot sizes. (This describes the character and harmony of the existing community at Fairway Estates; **nothing to do with personalities, ethnic groups or economic status.**) I represent Fairway Estates residents and request that you deny the CUPs for single-family attached homes (multi-family or twin-homes) in Division 9 and

future Divisions at Fairway Estates, until a WIN/WIN situation can be accomplished.

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I challenge you to do what is right for this community and this City. Set precedence by making judgments case by case and looking at the entire level of impact for the neighborhood and City. **We have a future to protect! It is not just at Fairway Estates!** And I will remind you that our lawyer says there is nothing in the law that compels the Commission or the Council to have to approve a Conditional Use Permit, which this one (in essence) creates much the same impact of an R-2 Zone. We feel the Developer has been end-running the Planning Commission to get the massive quantities of typically R-2 homes in an R-1 area. We feel that the recent zoning changes have been for the betterment of the Developers in this City, not the residents.

We want to have a WIN/WIN situation with the Developer, the Commission and the Council, because we know we will be faced with future expansion. However, so far with the previous public hearings it has been a WIN/LOSE situation! We hope it doesn't come to a lawsuit against the City. **We encourage you to do what is right, listen to the many voices of the residents. We do not have enough assurance right now that what the developer is planning to do with the CUPs, is in the best interest of the Community. We request you deny the CUP for Division 9 and any future divisions at Fairway Estates.**

Thank you.

Sincerely,
s/ Lynn E. Rockhold
Lynn E. Rockhold

cc: File
Lance Nalder

Rebecca McConnel, 339 Spyglass Circle, appeared and read the following statement:

Last week, this Council did considerable damage, in my mind, in reference to what a waste of time it is for me to stand up here and voice my opinion and concerns. It seems very obvious that here in Idaho Falls, at least, the citizens view is not worth anything. Even though I think that, I still want to stand here and tell you about two specific issues related to this Conditional Use Permit that concern me and my family. One is the type of units that are being proposed. And two, the City Council's view of our neighborhood and Fairway Estates.

First, the level of homes that Kevin Alcott, the Developer at Fairway Estates, presented to the residents core group. He submitted written descriptions of three distinct levels, which I have and I will give them to you when I am done here.

I am bringing this to your attention because it is important to have these levels identified for public record. The lowest level in size and quality is Level A, with approximately 1,495 square feet and standard features. Level B is a middle grade, at approximately 1,750 square feet to 1,800 square feet and some nicer

exterior features. Level C is the highest grade with the largest plan option of approximately 1,800-3,000 square feet and custom features. The differences in square feet here is considerable. I am concerned because the Developer told

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our residents core group that he would build the Level C for marketing reasons, which he has described as Level C; however, he has never submitted the required elevations or plans for Level C, which is the nicest version, to the Planning Department. We, also, know that the Planning Department knew that he had planned a Level C because they have the written description and they have discussed it with one of our core team members. We were surprised that the Planning Department did not point this out at the last Planning Commission Meeting. Understand that the residents are very concerned about the quality of construction, the size of the homes, and the size of the lots. If there are to be single-family attached homes, we would prefer a Level C; however, understand that we believe that single-family detached homes on lots consistent or larger than the size of RP-A Zoning requirements would be much better. Because there has been an emphasis on meeting the letter of the law, if you approve this Conditional Use Permit, it is our understanding that he cannot build Level C unless it has been reviewed and approved by the Planning Commission and the City Council. Therefore, I ask that you deny approval of this Conditional Use Permit because, to our understanding, it refers only to Levels A and B.

My second issue has to do with comments about diversity and our economic ghetto, which have already been very well covered by Lynn. But, I am going to read this anyway. As I sat here last week and listened to your discussion about my neighborhood, it became clear to me that none of you are familiar with our subdivision. If you were, I don't believe you would have so recklessly called us an "economic ghetto". We are mostly people who have worked hard all of our lives. We are caring individuals who have watched out for the interests of those around us. We are very giving. We seldom, if ever, ask for anything from anyone, preferring to be self-sufficient and to live at peace with our families, neighbors, and community. We are not troublemakers. We are not wealthy brats as some of you have hinted. We are struggling to make ends meet, like most people today. We do prefer to live in an attractive, pleasant environment. In order to do that, we have sacrificed some of the things that other people consider a higher priority. We are not willing to. This is a very expensive town to live in, but we are trying hard to do what is right for our neighborhood. That is why it offends me so deeply that leaders in my community have so little regard for the little people. We just want to be treated as honestly and courteously as we try to treat others. I am very tired of hearing that the things we were told and expected are not enforceable, not possible – that people just don't care about doing what's right anymore, and that where you live, Mrs. Hardcastle, is good enough for me. I have made sacrifices to have the home I have and I will continue to make those so I can live in that secure, safe, pleasant neighborhood. You and I do not have the same interests or motives in life and I resent being lumped in with what you think is good. I am sure that we disagree on many issues. I didn't choose to live among apartment dwellers because I have been there and done that. I am at a place in my life where I want to live in a quiet, peaceful, secure attractive neighborhood where I can walk, bike, and enjoy the view of the mountains in the near distance. That is diversity. If you want to live in a row of ticky-tacky houses, that is the diversity that you have chosen, so don't try to cram that into my neighborhood just

because you think all diversity is good. It isn't good for all of us and I resent being penalized by you simply because we are diverse but different. I also was appalled by Mr. Eldredge's comments that Fairway Estates is an economic

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ghetto and that by the addition of Kevin's higher density twin homes on small lots we will have more diversity in our subdivision. What I heard was that we are a collection of single-minded individuals (that doesn't sound so bad) and that the City Council is only attempting to save us from the fate of an economic ghetto. I do not believe that is why the City Council or the Planning Commission exists. As a unique individual from a very diverse background, I chose my home in Fairway Estates because of its distinct character, quality, and the security of the neighborhood. I have worked hard for most of my life and this is the home in which I plan to retire and enjoy the remainder of my life. I am personally offended by the very suggestion that our desire to be in this economic ghetto is improper on our part. If I choose to live among people who feel as I do, why would you mess up that area where people are choosing to build their homes, by changing the character of the neighborhood to accommodate people that do not have the same desires? It strikes me extremely odd that as a City you cannot appreciate the feelings of over 200 residents. The Developer could just as easily begin a whole new subdivision for his town homes. We even suggested that he could build them on the same property, just make it a different subdivision, separate from Fairway Estates.

I ask you to please deny the Conditional Use Permit and rethink your view of our neighborhood.

Thank you, Madame Chair.

Following are the attachments mentioned above regarding the 3 levels of town homes being proposed by Kevin Alcott:

Cambridge Development, Inc.
Town Homes at Fairway Estates

Unit Profile
Type A Unit

Description: The Type-A unit is the entry-level member of our portfolio. The base price provides a compact home with a relatively small footprint, which maintains the quality appearance of the project. Anticipated volume for these units is modest, although this pricing will expose many potential buyers to the project. The price point dictates that these units will be on the flat lots, generally on the perimeter of the project.

Base Unit Size: Approximately 1,495 square feet on main and basement levels, with a 22' X 24' garage.

Interior/Layout:

2 Bedroom 2 Bath or 1 Bedroom plus a Den and 1-1/2 baths (Main Level)

Large Kitchen, Maple Cabinets, Flat End Panels, Laminate Tops

Painted millwork throughout

3-color paint

Master Suite with jetted tub, a shower and two lavatories

9-Foot Flat or 8' Vaulted Ceilings
Main Floor Laundry
Dining Nook

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Flooring Package

- Tile Entry
- Vinyl Kitchen, Baths, and Laundry
- Carpet Balance

Covered Patio

Smaller 2 Car Garage

Exterior: The base exterior is low maintenance, consisting of Stucco columns and trim with siding. The siding will be either Fiber-Cement, which offers infinite color possibilities, or vinyl. The chimney will be stone or brick, and the roof will be 25-year architectural grade shingles. Upgrade options include brick or stone columns, a full height wall of brick or stone on one of the front faces, or a full width masonry wainscot. The plan can be sited to have a front or side-loading garage.

Cambridge Development, Inc.
Town Homes at Fairway Estates

Unit Profile
Type B Unit

Description: The Type-B unit is the mid-level member of our portfolio. The base price provides a very nice home with an open floor plan, with an exterior that provides an excellent transition between the Type-A unit and the more expensive Type-C unit. This unit is positioned to appeal to a wide range of potential owners, and thus is expected to provide the majority of unit sales. This unit may be positioned on any approved lot, with a commensurate price adjustment. The lowest base price level will be for a flat lot on the perimeter of the project, while the highest base price will be for a unit located on the golf course or pond.

Base Unit Size: Approximately 1,750-1,800 square feet main floor, with a 2-car front-loading garage.

Interior/Layout:

2 Bedroom 2 Bath or 1 Bedroom plus a Den and 2 Baths

Large Kitchen, Maple Cabinets, Raised End Panels, Laminate Tops with inlaid edge

Painted millwork throughout

3-color paint

Master Suite with jetted tub, a shower and two lavatories

Vaulted Ceilings

Main Floor Laundry

Dining Room (Open to Living Room)

Flooring Package

- Tile Entry
- Vinyl Kitchen, Baths, and Laundry
- Carpet Balance

Covered Patio

2 Car Garage

Exterior: The base exterior is low maintenance, consisting of Stucco columns and trim with siding. The siding will be either Fiber-Cement, which offers

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infinite color possibilities, or vinyl. The chimney will be stone or brick, and the roof will be a 25-year architectural grade shingles. Upgrade options include brick or stone columns, a full height wall of brick or stone on one of the front faces, or a full width masonry wainscot. Alternatively, the front elevation may be full stucco and masonry extending around the sides to the ends of the corner columns. The entire exterior may include any combination of siding, stucco, stone, or brick.

Trademark Construction, LLC
Town Homes at Fairway Estates

Unit Profile
Type C Unit

Description: The Type C unit is the high-end member of our portfolio. This unit is intended to be a custom designed townhouse, that is, one, which is designed to fit within the footprints, allowed by lot size. While the units are custom designed, the exterior architecture will tie in with the exterior of the Type A & B units. This unit will appeal to the most discriminating townhouse buyers, and, it is anticipated that it will be placed on the premium 10% to 20% of the lots in the project. The base price will locate a unit on the golf course or overlooking the pond.

Base Unit Size: Approximately 1,800-3,000 square feet with a large 2-car garage

Interior/Layout:

Bedroom and Bathroom Configuration Per Buyer

Maple Cabinets, Raised End Panels, Tile Tops

Painted millwork throughout

3-color paint

Bathroom Layouts and Fixtures Per Buyer Specifications

Vaulted Ceilings as Specified

Main Floor Laundry

Flooring Package

-Tile Entry

-Vinyl Kitchen, Baths, and Laundry

-Carpet Balance

Covered Patio

Minimum 2 Car Garage

Exterior: The base exterior is low maintenance, consisting of Stucco columns and trim with siding. The siding will be either Fiber-Cement, which offers infinite color possibilities, or vinyl. The chimney will be stone or brick, and the roof will be 25-year architectural grade shingles. Upgrade options include brick or stone columns, a full height wall of brick or stone on one of the front faces, or a full width masonry wainscot. Alternatively, the front elevation may be full Stucco and masonry extending around the sides to the ends of the corner

columns. The entire exterior may include any combination of siding, stucco, stone, or brick.

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Lisa Alexander, 185 Pevero, appeared to request a denial of the Conditional Use Permit. The town homes are not in the character or harmony with the existing neighborhood. At the south end of Fairway Estates development, the lots are larger. Continuing to the northern edge of the development, the lots become progressively smaller, also changing to the town homes. They purchased their home in this neighborhood because the lot sizes were larger, they wanted to have elbowroom, and they were detached homes. She requested the City Council to protect her interests as a taxpayer, to listen to her concerns, and to keep the character of her neighborhood the same. She purchased her property in good faith that her neighborhood maintains its character.

Kevin Alcott, re-appeared to explain that his original zoning request was for R-2 Zoning. With that request, he had the ability and flexibility to offer custom town homes. Mr. Alcott questioned the City Attorney regarding whether he would still have that flexibility under the R-1 Zone with a Conditional Use Permit.

The City Attorney stated that, as long as Mr. Alcott meets the conditions of the R-1 Zone, that is the extent that he could build.

Mr. Alcott questioned whether he could build a unit that is not in strict compliance with those footprints shown at this public hearing.

The City Attorney stated that what has been submitted for this public hearing is an example of the type of units being proposed. Mr. Alcott is not bound by the example presented, the Zoning Ordinance binds him.

Mr. Alcott stated that he would not make any units smaller than the 1,400 base unit that he has submitted. Mr. Alcott apologized to the Planning and Building Director for taking some criticism over a slide that he wanted to show as an example of the types of buildings that would be built in Fairway Estates Addition, Division No. 9. It was his understanding that anyone could submit slides for presentation upon request. Mr. Alcott requested that this slide be submitted for the public hearing.

Chuck McConnel, 339 Spyglass Circle, appeared to state that the slide presented by Mr. Alcott represented more than just the concept of daylight basements, this was his representation of what the product was going to be.

Mayor Milam stated that it was called to the Council's attention last week, that that slide was not a specific example.

Lynn Rockhold re-appeared to request a clarification from the City Attorney regarding Conditional Use Permits. If Mr. Alcott meets the conditions of the Zone, could he change the plans? The City Attorney stated that as long as Mr. Alcott meets the conditions of the zone and the permit that is issued, he is not bound by what is shown in the slide presentation. Councilmember Eldredge stated, further, that Mr. Alcott would not be able to build more than 14 units because that is what the permit would be for. The lot size is set.

Ms. Rockhold stated that the most important concern for residents is the quality of the units being considered. They have talked a lot about the size of the lots and that is an important issue as well. If the Conditional Use Permit is approved, it will leave the developer with flexibility beyond what he has already talked with the residents about to do some things that are not the quality that the surrounding neighborhood would like to see. She is concerned for her property value. She, again, requested the Council to deny the Conditional Use Permit.

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

Councilmember Rose thanked Mr. McConnel for preparing the three questions. He appreciated the time, effort, and thought that he went through to develop the questions. The only question that is before the City Council at this time is whether to approve or deny the Conditional Use Permit. Through the course of the Council's discussion, those questions

may or may not be answered. He questioned the Planning and Building Director regarding whether the minimum standards were met in notifying the area of the public hearing. The Planning and Building Director stated that, to the best of her knowledge, they have complied

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with those requirements. At one point, the public hearing for the Conditional Use Permit for Fairway Estates Addition, Division No. 9 was not posted. That resulted in the recess of that issue from the Planning Commission Meeting. That allowed for this issue to be posted as required. The Planning and Building Division has met the public hearing notice requirements for the Preliminary Plat, Annexation, Final Plat and Initial Zoning at the Planning Commission level and at the City Council level, and the Conditional Use Permit application at the Planning Commission and City Council level. Mayor Milam commented that the Preliminary Plat hearing is not required in the Idaho State Local Planning Act and City Ordinance does not require it.

Councilmember Groberg stated that the principle issue appears to be the combining of detached and attached single-family houses in the same zone. He commented that Lynn Rockhold did an excellent job of arguing one side of that issue. When the decision was made to allow for a Conditional Use Permit for single-family attached housing in an R-1 zone, all of these issues were reviewed. The question was whether single-family attached housing fit better in the R-1 Zone or in the R-2 Zone. Up to that time, if a person were to build a single-family attached dwelling, it would have to be constructed in an R-2 or R-3 Zone. If he did not build that type of housing, he had the zoning to build multi-family housing. As this was discussed, single-family attached homes fit better in the R-1 Zone. If the single-family attached homes did not materialize, the requirement was still to build single-family. The Zoning Ordinance does not look at requiring large lots or large houses, although there are Building Codes requirements with respect to quality, and setback requirements with respect to the location of the building on the lot.

Councilmember Lehto commented on the testimony of the past two weeks. Mr. McConnel, under his first question, wants the City Council to qualify their judgment as civic leaders. Councilmember Lehto stated that his vote would be reflected based upon his visions and values. He has talked to many people regarding the growth of this City. Fairway Estates development, as it has been developed to date, has been developed exclusively. This has been pointed out in the testimony given. That does not match his vision of what he would want communicated, being adjacent to a publicly owned golf course or publicly owned lands. Councilmember Lehto's vision in that area is an integrated mix of neighbors and homes. His obligation as a Councilmember is to see that the laws and ordinances of the City are met and upheld when a developer comes in and wants to develop land that he has legally purchased and expects to profit and develop. He views the 700-foot buffer zone in Division No. 9 as an adequate buffer between the existing residential development, as Mr. McConnel sees it and likes it, co-located to a publicly owned golf course. That is Councilmember Lehto's vision, the growth of the City should be good for the entire City and the citizens of the community. He wondered what type of buffer would be sufficient. There is guidance in the Comprehensive Plan that allows for transition to the next developments and different zones. This is being met tonight if the City Council approves this Conditional Use Permit. It is not easy to have to listen to the testimony and have to make a decision. He has talked with many citizens throughout the City as to what the City should look like, and this is how he has arrived at his decision.

Councilmember Rose stated that many references have been made regarding character and harmony. Those two words are open to interpretation. He is more comfortable with the word "compliance".

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Conditional Use Permit for single-family attached dwellings in an R-1 Zone on property located generally south of 65th North (Tower Road), east of 5th West (East River Road), on Gleneagles Drive extended, legally described as the northern portion of Fairway

Estates Addition, Division No. 9, with the condition that a homeowner's association be created to maintain lands held in common. Further, the Planning Staff is directed to prepare

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the appropriate Findings of Fact and Conclusions of Law for this Conditional Use Permit to be submitted to the Mayor and City Council for consideration. Roll call as follows:

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

Nay: None

Abstain: Councilmember Klingler (as she was involved at the Planning Commission level)

Motion Carried.

Following a brief recess, the Airport Director submitted the following memos:

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: WORK ASSIGNMENT NO. 4 – TO ENGINEERING AGREEMENT FOR REHABILITATION OF TAXIWAY “C”

Attached for City Council approval is Work Assignment No. 4 to Delta Airport Consultants, Inc. Agreement for the Administration and Construction Management of the Taxiway “C” project.

The estimated cost of this phase is \$98,952.00. The FAA and the independent fee review both feel this cost is reasonable.

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

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve Work Assignment No. 4 to Delta Airport Consultants, Inc. for the administration and construction management of the Taxiway “C” Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Eldredge
Councilmember Lehto

Councilmember Groberg
Councilmember Rose

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Nay: None

Motion Carried.

City of Idaho Falls
June 22, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT – PAUL THURMOND AND PARTNERS
LLC OF IDAHO FALLS

Attached for City Council approval is the Consent to Assignment for an aircraft hangar between Paul Thurmond and Partners LLC of Idaho Falls. The terms and conditions of the existing lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Consent to Assignment of Lease Agreement with Paul Thurmond and Partners LLC of Idaho Falls and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 11, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: AMENDMENT TO THE WESTWOOD TREE FARM AND NURSERY
LEASE AGREEMENT

Attached for City Council approval is the Amendment to the Westwood Tree Farm and Nursery Lease for a 5-year renewal. The terms and conditions of the existing lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Amendment to the Lease Agreement with Westwood Tree Farm and Nursery and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-00-26, NEW MIDRANGE COMPUTER AND REQUIRED SOFTWARE

Attached for your consideration is the tabulation for Bid IF-00-26, New Midrange Computer and required software.

It is the recommendation of Municipal Services to accept the low bid of Miicor Consulting, Inc. to furnish an IBM AS/400 Computer with the required software and technical service for a Lump Sum Total Amount of \$50,357.30.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low bid of Miicor Consulting, Inc. to furnish an IBM AS/400 Computer with the required software and technical service as presented. Roll call as follows:

Aye: Councilmember Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Klingler

Councilmember Hardcastle
Councilmember Groberg

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Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – SHORT STREET WATER LINE

On June 27, 2000, bids were received and opened for the Short Street Water Line Project. A tabulation of the bid results is attached.

Public Works recommends award of this contract to the low bidder, Edstrom Construction, Inc., in the amount of \$35,316.00; 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 accept the low bid from Edstrom Construction, Inc. to complete the Short Street Water Line Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ALLEY IMPROVEMENTS, ALLEY BETWEEN
MEMORIAL AND CAPITAL, SOUTH OF "A" STREET

On July 5, 2000, bids were received and opened for Alley Improvements, Alley between Memorial and Capital, south of "A" Street. A tabulation of the bid results is attached.

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Public Works recommends award of this contract to the low bidder, TMC Contractors, Inc., in the amount of \$69,651.00; and, authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bid of TMC Contractors, Inc. to complete the Alley Improvements, Alley between Memorial and Capital, south of "A" Street and, further, give authorization for the Mayor and City Clerk 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.

City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - LOTS 10 AND 11, BLOCK 2,
WATERFORD ADDITION, DIVISION NO. 3

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate an easement located between Lots 10 and 11, Block 2, Waterford Addition, Division No. 3. The storm line intended to be placed in this easement was placed in another location, for which an easement will be dedicated.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to give the City Attorney authorization to prepare the documents necessary to vacate an easement located between Lots 10 and 11, Block 2, Waterford Addition, Division No. 3. Roll call as follows:

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

Councilmember Rose

JULY 13, 2000

Nay: None

Motion Carried.

City of Idaho Falls
July 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: PIPELINE CROSSING AGREEMENT (AIRPORT WATER LINE) -
EASTERN IDAHO RAILROAD

Attached is the Pipeline Crossing Agreement between the City and Eastern Idaho Railroad for installation of a new 12-inch water line, crossing railroad property to service the Airport. The license fee for this crossing is \$1,500.00.

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 Pipeline Crossing Agreement between the City and Eastern Idaho Railroad and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Rose, that the meeting adjourn at 11:00 p.m.

CITY CLERK

MAYOR
