

JULY 6, 2000

The City Council of the City of Idaho Falls met in Recessed Council Meeting, Thursday, July 6, 2000, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam requested Council confirmation for the appointment of Mary Klingler to serve on the City Council to complete the term of Beverly Branson. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the appointment of Mary Klingler to serve as City Councilmember on the Idaho Falls City Council. Roll call as follows:

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

Nay: None

Motion Carried.

Upon Council approval of the appointment, Mayor Milam administered the Oath of Office to Mary Klingler to serve as Councilmember for the City of Idaho Falls.

Mayor Milam recognized Dale Storer, City Attorney, for having earned an award from the Association of Idaho Cities for serving as counsel to that organization. Mayor Milam also recognized Dave Christiansen, Parks and Recreation Director, for having earned an award for recognition as a "Tree City USA" for the eighth year, as well as being a "Growth City". This represents the continuing work that the Parks Department is doing in planting, as well as planning for and maintaining the City's extensive inventory of trees. The other recognition was also given to Dave Christiansen, Parks and Recreation Director, for earning the City Achievement Award for the Street Banner Program. Mayor Milam, further, announced that Councilmember Hardcastle was re-elected as one of the two representatives from District 6 to the Association of Idaho Cities' Board of Directors.

The City Clerk read a summary of the minutes for the June 8, 2000 Regular Meeting and the June 22, 2000 Regular Meeting. It was moved by Councilmember Groberg,

seconded by Councilmember Rose, that the minutes be approved subject to further revision.
Roll call as follows:

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

Nay: None

Abstain: Councilmember Klingler (as she was not in attendance at the June 8, 2000 City Council Meeting)

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the re-appointments of Tony Passino, Bruce Bradley, and Jay Van Orden to serve on the Electric Board of Appeals (Terms to expire in May, 2003).

The City Clerk presented several license applications, including BARTENDER PERMITS to Scott R. Duff, Ena M. Harris, Becky Jo Jewkes, Melody L. Messenger, Lori A. Paraskeva, Linda L. Phelps, Mario Sato, Tammy K. Stevens, Robin K. Sutton, Kay Wiemer, and Tawna L. Wilson, 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 June 22, 2000 (Recessed to July 6, 2000).

The Airport Director submitted the following memo:

City of Idaho Falls
June 29, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE TAXIWAY
"C" REHABILITATION PROJECT

The Airport Division is requesting authorization to advertise for bids for this fiscal year's federally funded Taxiway "C" Rehabilitation Project.

The construction of the Taxiway "C" Project is scheduled to begin in August and be completed by October 1, 2000.

s/ Mike Humberd

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

Aye: Councilmember Lehto

Councilmember Eldredge
Councilmember Hardcastle

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Councilmember Groberg
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam stated that Councilmember Klingler would keep the Council Committee Assignments that Councilmember Branson held, which are Chair for the Municipal Services Division Council Committee and Co-Chair for the Idaho Falls Power Division Council Committee.

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 the June 8, 2000 City 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

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John Murdock, 280 Marjacq, Assistant Superintendent for Curriculum and Instruction with School District No. 91, appeared to state that the District has a number of modular classrooms throughout the District. Every year, they are moved in response to demographic needs of various schools. Historically, two have been located at Taylorview Junior High School. When school starts this fall, an additional 50 students will go to school at Taylorview, resulting in the need for two additional classrooms. The School District tries to locate the modular units where it is least disruptive to the community, balancing that with the need of the students. The School District has chosen this location for the modular unit as they are using a teaming model. The north four classrooms, plus this modular unit, will serve approximately 150 students and 6 teachers. The School District wants the teachers to be physically close together. They often have to meet with parents together and they plan together. Student traffic patterns is such that the students need to remain in that location for traffic management purposes and, also, for the sense of community. It was suggested that the classroom facility be located with the others at Taylorview Junior High School, and that does not meet the objectives that have been discussed. Mr. Murdock stated that a mistake was made, in that the power poles were run prior to permission being given for the location of the modular classroom unit.

Michael Marshall, Principal of Taylorview Junior High School, 3734 North 5 West, appeared to state that the decision to locate this modular unit was not necessarily popular with the School District's Maintenance people either. He stated that teachers and students are using exits, in connection with the other two buildings that are located at the school, that were not designed to exit that many people. They wish to locate the modular unit where restrooms are closer and larger hallways are accessible.

Rock Buraglio, 270 Woodhaven Lane, appeared to state that he lives directly across from Taylorview Junior High School. He stated that he is not totally opposed to the project. He is concerned that the School District did not have any consultation with surrounding homeowners. When he talked to the School District, he was told that the Principal committed to go door-to-door to talk to the homeowners because this project was thought to be troublesome. Mr. Buraglio stated that he did not hear from anyone from the School District. At that point in time, he wrote a letter to the Mayor and City Council and outlined the problems. As a result of that letter, he received a call from the Mayor's Office that said that the School District would be getting in touch with him. He waited until July 3, with still no contact from the School District. Mr. Buraglio became worried that it would wait until the last minute, and an emergency would have to be declared, placing this modular unit immediately. The School District has already started this project without approval from the Mayor and Council. There are 30'-50' power poles in the back of his property that were not there when he left town 3 weeks ago. Mr. Buraglio made a couple of suggestions as to how to remedy this situation:

1. To locate the modular classroom in the same area as the others are located. The power poles are already installed in that location and it would not be an eyesore, as the other modular units back up to an alfalfa field.
2. If the modular unit does need to be installed at the proposed location, run the utilities underground.

Mr. Buraglio stated that the School District contacted people across the development. They did not contact those that live immediately adjacent to the proposed modular unit. On July 3, 2000, Mr. Buraglio sent the School District another letter, of which he shared the following, "We have concern that the School's going to wait until the last minute and then declare an emergency, not enough time to get the project done any other way." Mr. Buraglio

stated that he is not opposed to the modular structure being located at the school. He is opposed to where it has been proposed to be located and the methods they have used to have it sited in this location.

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Mayor Milam commented that there was not a City Council hearing on this issue, until this night. The School District requested that this issue be recessed until this time. She stated, further, that if the City Council does not approve this Conditional Use Permit, and the building will have to be located in some other area and the power poles moved, then the School District will have to bear the expense.

Councilmember Eldredge requested to know where the power poles are located. Mr. Buraglio located the placement of the power poles on a slide from the Planning and Building Division, which are on the south side of Castlerock on the School grounds. He also located for the Council, where his home is.

Councilmember Klingler stated that she would have a hard time with the power poles, where the area has been set up with underground power. It would be visually more acceptable for the school, if the modular units were located in the same area, so as not to add more poles and transformers.

John Murdock, from the School District, submitted the following memo:

MEMO

TO: Ken Schow
FROM: Bobbi Crosser
DATE: June 7, 2000
SUBJECT: New Trailer

Mr. Rock Buraglio called the district office to express concern over the new trailer that will be moved to Taylorview Junior High School. Mr. Manning contacted me to request that I schedule a neighborhood meeting for interested patrons. After calling the following individuals, I found no interest in a neighborhood meeting and the patrons have not heard from any neighbors:

Mr. Rock Buraglio – out of town until Monday, June 12
Mrs. Munk
Mrs. Moose
Mrs. Coffman
Mrs. MacDonald – President of Canterbury subdivision
Mr. LaGue – President of the Stonebrook subdivision
Mrs. Walker
Mrs. Laughlin

Messages left on answering machines to let patrons know to please call if interested in a neighborhood meeting and no calls were returned:

Dr. and Mrs. Groberg
Mr. and Mrs. Wilhemsen
Mr. and Mrs. Whitney

Mr. LaGue is the President of the Stonebrook subdivision neighborhood association. Mr. Buraglio lives in the Stonebrook subdivision. Mr. LaGue has not heard any comments from neighbors or members of the neighborhood association. He will let me know if anyone is interested in a neighborhood meeting should questions come to his attention.

Mr. Murdock explained that Ms. Crosser, Assistant Principal for Taylorview Junior High School, acknowledged that Mr. Buraglio was opposed to the placement of the modular unit at the location requested at Taylorview Junior High School as indicated in his letter to the

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School District. Superintendent Manning asked Ms. Crosser to contact people in the neighborhood to see if there was an interest in a meeting with patrons regarding this project. She, then, called a number of individuals and found none of them interested in a neighborhood meeting. Ms. Crosser indicated that she has not heard from any of the other neighbors. Mr. Murdock noted that since that time, they have not had any other callback from any of the people that she contacted, or from any other individuals. He stated, further, that it has been standard procedure on school property throughout the City to erect vertical poles to provide power for these modular units. It costs more to run power underground. Due to the fact that the City Council has previously authorized the erection of power poles for these modular units, the School District is requesting Council approval of this Conditional Use Permit.

Councilmember Hardcastle questioned whether the people that Ms. Crosser contacted were directly adjacent to the school property. Mr. Murdock stated that he did not know specifics. Councilmember Hardcastle stated that she knew a couple of names on the list and that they did not live directly adjacent to the school property. Mr. Murdock explained that it was Ms. Crosser's intent to check the neighborhood and called in that general area. He explained, further, that there are not many houses directly across the street from the school.

Mr. Murdock located for the Mayor and Council where homes were located in relation to Taylorview Junior High School, along with the location of the power poles.

Councilmember Klingler questioned as to how many power poles were being or are already installed. Mr. Murdock stated that two power poles are installed.

Councilmember Eldredge questioned whether the City installed the power poles or did the School District install them. Mr. Murdock stated that Idaho Falls Power installed the power poles and lines and charged the School District for that installation.

Councilmember Groberg requested to know where 270 Woodhaven Lane was located. The Planning and Building Director located that address. Mr. Buraglio appeared again, to indicate where occupied homes were located in the vicinity of Taylorview Junior High School.

Councilmember Lehto questioned whether Mr. Buraglio was familiar with any of the individuals that Ms. Crosser contacted regarding the placement of this modular unit. Mr. Buraglio stated that there is no one on the list of those contacted by the School District who lives in close proximity to the location of this modular unit.

Councilmember Hardcastle questioned Mike Marshall, Principal of Taylorview Junior High School, whether moving the requested modular classroom unit to the location of the other units on the school property would be a completely unworkable situation. Mr. Marshall stated that Taylorview Junior High School would do with what they had to. He is not in favor of placing the power poles on the school property either. In his conversation with Mr. Buraglio, he stated that he wanted to locate the modular classroom unit where it is more successful for the children, where it is safer for them, and to allow for better supervision. The existing units function for the school, and they could make the third one work in that location. Mr. Marshall stated that the issue of contention is the location of the power poles.

Councilmember Lehto stated that a meeting with patrons should have been scheduled by the School District regarding the placement of this modular classroom unit. There was a ten-day interim between the time that Mr. Buraglio returned home and the time that the memorandum to Ken Schow was faxed to the City Offices, in which a meeting could have been scheduled and conducted. Furthermore, the addresses of the contacted patrons were not listed on the memorandum. Councilmember Lehto stated, further, that there were no copies sent to School District Members who could have organized and conducted said

meeting. Mr. Marshall explained that he was out of the school for a few days as his wife had a baby. His Assistant Principal tried to contact the association presidents of the area. He stated that they could have gone door-to-door, but did not do that. Mr. Marshall was not

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given a directive to have a meeting. The question was presented to him, "Would you be willing to meet?" and he stated that he would be willing to meet. He understood that when a Conditional Use Permit was applied for and it went before the Planning Commission, that that was where concerns were voiced. Councilmember Lehto questioned how many students went to Taylorview Junior High School. Mr. Marshall stated that there were 846 students last year and will increase to 896 students with the coming year.

Councilmember Hardcastle questioned Mr. Buraglio as to whether he had contacted the surrounding neighbors. Mr. Buraglio stated that he did contact those neighbors. He, also, stated that he is sympathetic to Mr. Marshall as the notice process has not been good. He did not know about the meeting on this night until Mr. Murdock called him to let him know that it would be considered. As soon as he knew of the meeting, he went to adjacent neighbors and visited with them regarding his concerns. He was unable to contact all of them and could not speak for all of them, but he does know that they have concerns. Mr. Buraglio commented that these modular units are explained as being temporary in nature. He questioned the School District as to how temporary they were. The two that are located at Taylorview Junior High School at this time have been there since the year following the opening of the school. He believed that underground power would work well, even though the units may be temporary in nature.

Councilmember Hardcastle stated that she was concerned that no other patrons are in attendance at this meeting to voice their concerns. Mr. Buraglio stated that he was only able to make contact with some of his neighbors after 7:00 p.m. this evening.

Councilmember Rose requested the Planning and Building Director to come forward and locate where homes are located adjacent to the school on Canterbury Way. It was clarified that Mr. Buraglio's home faced Woodhaven Lane, away from Taylorview Junior High School. The Planning and Building Director stated that 18 or 19 property owners were notified about this public hearing. This notification was mailed on May 19, 2000.

Councilmember Groberg questioned whether the City Council would have a public hearing if Taylorview Junior High School were to remodel it's building for more classrooms. The Planning and Building Director stated that the Planning Commission would conduct a public hearing for that reconstruction. As schools are built under a Conditional Use Permit, and if an expansion were requested, the Planning Commission would have to consider the Conditional Use Permit for the expansion at a public hearing. If an appeal were requested, then the City Council would have to address the Conditional Use Permit issue for an expansion.

Councilmember Hardcastle requested the Idaho Falls Power Director to come forward to address the expense of taking the existing power poles down and replacing them with underground power.

The Idaho Falls Power Director stated that the School District pays for the temporary service to the modular classroom facilities. Historically, these temporary services have been overhead services. He stated that they could be run underground. The Idaho Falls Power Director stated that he could not say that the cost of underground services is more expensive than overhead services. Power has been provided in this fashion because it is most convenient.

Councilmember Rose questioned whether this public hearing should be recessed for further review. Councilmember Lehto questioned what the motivation would be to recess this public hearing to another time. Councilmember Rose explained that more time needed to be allowed to voice concerns that needed to be expressed from surrounding neighbors regarding the issuance of this Conditional Use Permit.

Councilmember Groberg stated that the only people that he knows who like power poles are at the Electric Division. Notwithstanding that, power poles are all over the City. If the City were to require the School District to bury power lines, a new standard would be set that would have to be applied to all subsequent modular units.

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Councilmember Eldredge stated that if this hearing were recessed, it would allow Mr. Buraglio and surrounding neighbors to discuss this issue with the School District. Further, it would provide an opportunity for the School District to talk with the Idaho Falls Power people about costs of standing power poles versus underground power.

Following a brief discussion regarding procedure, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to recess consideration of the Conditional Use Permit to locate a modular two-classroom facility on property located generally at 350 Castlerock Lane (Taylorview Junior High School) to the July 13, 2000 Regular Council Meeting. Roll call as follows:

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

Nay: Councilmember Lehto

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for Taylor Crossing on the River, 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 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: TAYLOR CROSSING ON THE RIVER, DIVISION NO. 1

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Taylor Crossing On The River, Division No. 1. Division No. 1 is one lot of 4.5 acres immediately north of Pancheri Drive, east of Utah Avenue, and west of Milligan Road. The requested initial zoning is C-1, Limited Business Zone. The Planning Commission reviewed this request at its January 18th Meeting and recommended to the Mayor and Council approval of the Annexation, Final Plat, and Initial Zoning of C-1 with the conditions that access comply with the Access Management Plan guidelines and Utah Avenue be shown on the Final Plat. This Department has since requested a new alignment for Utah Avenue not be shown on this Plat. This annexation 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

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Slide 3 Final Plat under consideration
Exhibit 1 Planning Commission Minutes dated January 18, 2000
Exhibit 2 Staff Report

The Planning and Building Director explained that the Final Plat showed a notation about Utah Avenue extended. There has been discussion on a Preliminary Plat that showed Utah Avenue being realigned to the east; however, that realignment is not firm and it was requested that it not be shown on this Final Plat as it is being negotiated at this time. The Annexation Agreement limits access points to be in alignment with the Access Management Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative of the Developer. This represents the first division of a development on the west side of the river, similar to the greenbelt along Capital Avenue. The City of Idaho Falls will be very proud of this development. This Final Plat is in compliance with the Preliminary Plat, and all City Ordinances.

There being no one to appear 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 Taylor On The River, 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 Taylor Crossing On The River, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

JULY 6, 2000

ORDINANCE NO. 2372

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 Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle
Councilmember Groberg

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 Taylor Crossing On The River, Division No. 1 as C-1 (Limited Commercial) 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 Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for The Village, Division No. 5. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls
July 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: THE VILLAGE, DIVISION NO. 5

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for The Village, Division No. 5. This Division consists of fifteen lots located on 3.24 acres. The requested initial zoning is R-3 (Single Family Residences and Apartments). The Planning Commission reviewed this request at its April 11th Meeting and recommended to the Mayor and Council approval of the Annexation, Final Plat, and Initial Zoning of R-3. The Commission recommended a variance be granted for the cul-de-sac length of 450 feet since the homes to be built on Hudson Street will be single-family detached homes, which reflects the intent of the Subdivision Ordinance. This annexation 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 Preliminary Plat
Slide 3	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated April 11, 2000
Exhibit 2	Staff Report

The Planning and Building Director stated that Hudson Street would be 450 feet in length. This would be the second variance, if it were granted, for The Village. Jackie Court also extended beyond 400 feet in length, which is the maximum length in an R-3 zone. However, this area is used for single-family detached homes. The maximum length under the Ordinance provision for single-family detached homes would be 600 feet. In addition, the Subdivision Ordinance also provides that no Conditional Use or Building Permit shall be issued for the construction of a school, a church, a day care center, or a multi-family dwelling with more than two units on a street that is greater than 400 feet in length. A lot of the uses that might be anticipated in an R-3 zone would not be permitted on Hudson Street because of its length, if the variance is granted and the Final Plat is approved.

Larry Reinhart, 1740 Bramble Lane, appeared to explain why an R-3 Zone is being requested. The intent of the R-3 zone was to facilitate affordable housing. They have tried to compete with housing outside the City, both in Bonneville County and in the City of Ammon, and by using R-3 setbacks, it makes it more affordable for the builders to stay within the City of Idaho Falls to build the housing. Mr. Reinhart stated that he is in compliance with the Preliminary Plat.

Councilmember Rose requested to know what the approximate price range would be in this development. Mr. Reinhart stated that on the low end, it would be approximately \$107,000.00.

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

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Councilmember Eldredge questioned the Planning and Building Director whether the owners of property in this area could come back to request R-1 zoning, considering the type of homes being built in this subdivision. The Planning and Building Director stated that after the homes are built, the homeowners could come back to request an R-1 zone. She stated, further, that there is a provision in the Zoning Ordinance that would allow them to maintain the setbacks that are presently available. They could not encroach more into the setbacks.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for The Village, Division No. 5 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 The Village, Division No. 5 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2373

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

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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 Eldredge
Councilmember Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

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 The Village, Division No. 5 as R-3 (Single Family Residences and Apartments) 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 Annexation Proceedings for The Village, Division No. 6. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: THE VILLAGE, DIVISION NO. 6

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for The Village, Division No. 6. This Division consists of twenty lots located on 4.6 acres. The requested initial zoning is R-3 (Single Family Residences and

Apartments). The Planning Commission reviewed this request at its April 11th Meeting and recommended to the Mayor and Council approval of the Annexation, Final Plat, and Initial Zoning of R-3 with the condition a temporary

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turn-around be provided at the end of Simon Street. This annexation 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 Preliminary Plat
Slide 3	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated April 11, 2000
Exhibit 2	Staff Report

The Planning and Building Director stated that this Final Plat meets the Subdivision Ordinance requirements, the Zoning Ordinance requirements, and it is in compliance with the Preliminary Plat.

Councilmember Lehto questioned the Planning and Building Director regarding the need to provide a secondary temporary access for emergency vehicles. The Planning and Building Director stated that, depending on how The Village develops, there might be a need for a temporary emergency access. If all of the streets continue to be built parallel to Simon Street, without connecting them in the near future, then there might be a need to provide that access in the future.

Larry Reinhart, 1740 Bramble Lane, appeared to state that Division No. 5 and Division No. 6 are being developed in two divisions strictly as a marketing consideration. With interest rates rising, the market may slow down. He wanted to have the flexibility of having two divisions approved, depending on the market.

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 The Village, Division No. 6 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for The Village, Division No. 6 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Lehto

Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg

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Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

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

ORDINANCE NO. 2374

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 The Village, Division No. 6 as R-3 (Single Family Residences and Apartments) 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

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Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for 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 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FAIRWAY ESTATES SUBDIVISION, DIVISION NO. 9

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Fairway Estates Subdivision, Division No. 9. This Division consists of twenty-nine lots located on 10 acres. The requested initial zoning is R-1 (Single-Family Residences). The Planning Commission reviewed this request at its April 18th Meeting and recommended to the Mayor and Council approval of the Annexation, Final Plat, and Initial Zoning of R-1. This annexation 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
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Slide 4	Preliminary Plat approved March 21, 2000 by the Planning Commission
Slide 5	Omitted
Slide 6	1990 Preliminary Plat
Slide 7	Omitted
Slide 8	King's Island with center common area
Slide 9	Omitted
Slide 10	Omitted
Exhibit 1	Planning Commission Minutes dated April 18, 2000
Exhibit 2	Staff Report

The Planning and Building Director stated that this Final Plat is in compliance with the approved Comprehensive Plan and the Subdivision Ordinance.

Kevin Allcott, P. O. Box 3082, Idaho Falls, Idaho, appeared to state that at the end of Gleneagles Drive beyond the turn, he would appear again for a Conditional Use Permit for attached single-family dwellings. He stated, further, that they have created 7-3/4 acres of green space as this area develops to the north. The lots are smaller and they have tried to create a neighborhood-feel, walking paths, parks, and landscaped areas. They have developed a lake area that will serve as overflow for storm water detention and walking paths

that are depressed through the backs of the attached dwellings. There will be daylight basements on the attached single-family dwellings. Mr. Allcott stated that Gleneagles Drive has been extended approximately 700 feet from where it now ends to where the smaller lots

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will begin. This will create a buffer from the existing housing, to make the transition to the attached single-family dwellings.

Lynn Rockhold, 5905 Gleneagles Drive, appeared and submitted the following statement to the Mayor and City Council:

**OPEN LETTER TO THE IDAHO FALLS CITY COUNCIL
ON JULY 6, 2000
OPPOSING ANNEXATION OF DIVISION 9 IN FAIRWAY ESTATES**

Thank you, Madam Chair, and good evening members of the City Council. My name is Lynn Rockhold. I own a home at 5905 Gleneagles Drive, Idaho Falls. I am speaking on behalf of the residents of Fairway Estates, who have collectively spent extensive time (approximately 650 hours) on this effort before the Planning Commission and who have signed petitions opposed to multi-family structures in the area of the proposed Preliminary Plat and Division 9.

Understand, we are here tonight out of necessity to make our views crystal clear...**we ask that you deny the proposed annexation and zoning of Division 9. And also, that you provide instructions to the Planning Commission to revisit the Fairway Estates Developer's proposal, to determine that it is truly in the best interests and consistent with the existing community at Fairway Estates and the Comprehensive Plan, before recommending it for approval by the City Council.**

To explain our reasoning, I would like to discuss the following six concerns:

1. OUR DREAM TURNED TO OUR NIGHTMARE

In August 1990, the previous Fairway Estates Developers (Mr. Mickelson and Mr. Jenkins) presented a Preliminary Plat to the City that represented a dream they called "Fairway Estates". This was a dream (or vision) of a special residential area north of Idaho Falls, which would be truly distinctive – giving the feel of spacious country living, yet be an extension to the City. The varied architecture and expansive lots blended into a City Golf Course. It began with 63 lots for single-family detached homes, averaging .42 acres, with some lots were as large as .81 acres. It was zoned RP-A – which meant the residents could be assured of larger lots, no multi-family units or high-density. Over the last couple of years, that dream has been eroded time and time again by introducing smaller lots for single-family detached homes (many now with R-1 zoning). Recently, the dream took a nosedive toward a nightmare, due initially to the following two things:

- A. As you are aware, R-1 Zoning was changed recently to include Conditional Use Permits for single-family attached homes...AND
- B. The Fairway Estates Subdivision was sold to new Developers, who had plans, unbeknownst to the residents, of comparatively very small lots and multi-family units.

The nightmare became apparent on March 21, 2000, at the City Planning Commission Meeting. At that meeting, the revised Preliminary Plat (with very

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small lots for twin homes or as technically called “zero lot line homes”) was approved for the entire north end of Fairway Estates.

2. CONCERNS ABOUT PLANNING MEETING NOTIFICATION PROCESS

There were concerns about the notice of the first meeting. First of all, the legal notice mailed to residents within 300 feet of the proposed plat, read literally as follows:

“Consideration of a revised Preliminary Plat of the following lands, particularly described as follows: Fairway Estates, a portion of Section 31,...and Section 6...Located generally south of Tower Road, east of East River road, and west of the Lewisville Highway.”

(See Attachment A – Hearing Notice Sent by the City of Idaho Falls.)

Although the legal notification of adjacent homeowners was made (except for one home), this information was insufficient to alert those receiving it as to the intended action. How is the average person (or lay man) supposed to know what the above statement means? It said nothing about the proposed future zoning of R-2 and nothing about twin homes or zero lot line homes. It did not include a copy of the proposed Preliminary Plat, and it only provided an outline of the area bounded by the legal description. Thus, although the Planning Commission met the legal notice requirements, it **did not communicate the intent** of the proposed action to the Fairway Estates homeowners. Therefore, no one was alarmed, because everyone expected that the subdivision would grow to the north, as originally planned, with single-family detached homes (based on marketing brochures and previous Preliminary Plat designs).

I was the only resident from Fairway Estates that was present at the time of the revised Preliminary Plat Application, at the Planning Commission Meeting on March 21st. I had no idea until I got there that the Developer was requesting twin homes (zero lot line homes), let alone R-2 Zoning. I only went to the meeting out of curiosity to see how the property was going to be divided and the size of the lots.

I did stand and voice my concern about the lack of notice and requested that the Commission hold their vote until more residents could be notified. Three of the Commissioners (Baumer, Yurman, and Anderson) were recorded in the minutes of March 21st Meeting, as being concerned that the Planning Commission was not hearing from an informed population of the residents. In response to the other members concern over lack of Fairway Estates residents, Commissioner Karst made the remark that “residents in town have to take it upon themselves to be self-informed.” In other words...**TOUGH LUCK!**

And to make matters worse, since I had minimal experience with zoning and no prior experience with the Planning Commission process, Fairway Estates residents missed a crucial opportunity to speak out against the revised

Preliminary Plat that was presented. Subsequently, we have spoken up at the past Planning Commission Meetings and we are doing that again here tonight. The Preliminary Plat for the entire north end is **INCONSISTENT** with the

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integrity and use of the existing land and interests of the homeowners of Fairway Estates. We have invested (sometimes our life savings) in our intention for single-family detached homes on mid-sized to large lots. And we are concerned about maintaining the value, like any interested homeowner should. Now, a new developer comes along, with plans to significantly increase the population density and significantly decrease the size of the lots.

3. PLANNING COMMISSION CONCERNS

From the minutes of the March 21st Meeting, it is clear the Planning Commission itself was very concerned about the proposed Preliminary Plat for twin homes (zero lot line homes) being in conflict with the existing Divisions at Fairway Estates. ***(See Attachment B – Meeting Minutes from the March 21, 2000 Planning Commission Meeting.)***

Several of the Commissioners were concerned about various aspects of the proposal:

- the increase in density to 150 homes compared to the previous plat of 118 homes
- incompleteness of the Preliminary Plat
- ambiguity regarding building design information and the stated reluctance of the developer to provide the same
- uncertainty as to the ownership and maintenance of common green areas, and
- the minimal representation by Fairway Estates homeowners.

4. NEIGHBORHOOD DENSITY CONCERN

The revised Preliminary Plat increased the density from 118 to 150 homes, as I mentioned. Commissioner Savidis said, *“he was leery of the increased density.”* Commissioner Bates stated during the discussion of the Plat *“her concern is if we approve the Preliminary Plat with the smaller lots on it and it changes to a different developer, we would not see it again. The homeowners to the south (Fairway Estates) will not get a chance to look at that. We don’t have a choice to say whether they are twin homes of single-family homes.”* Madam Chair Klingler responded by saying, *“she assumed that would come up during the zoning procedure, rather than the Preliminary Plat.”*

When this density concern did come up during the Planning Commission’s discussion at the zoning hearing on April 18, 2000, it was dismissed by Commissioner Karst. He responded by saying, *“Once the Preliminary Plat was approved, then the Commission had to approve any Plat consistent with the Preliminary Plat and meeting the minimum requirements of the R-1 zoning. There could be no further discussion of lot size.”*

I want to restate that the Preliminary Plat that was approved on March 21st by the Planning Commission (by a vote of 5 Marge of 4) is designed for 150 new homes (130 of them to be twin homes with zero lot lines). This compares to the

existing 120 single-family detached homes in current Divisions of Fairway Estates. **The new Plat more than doubles the population on less than 1/3 of the space of the existing previous 8 Divisions. And, although the new**

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Developer relinquished R-2 Zoning request for Division 9 at the April 18th Planning Commission Meeting, we have no assurance that he will not pursue it for future Divisions in the north end, which could mean even higher density than the already high density that is now proposed.

Understand, we believe in free enterprise – we want the Developer to be successful. All we want is a win-win situation. Think about the significantly increased traffic, potential for decreased home values, but also peripheral concerns of increased crime (with ‘snowbirds’ vacated twin homes half of the year), increased County road use, school expansions, existing population and land density use at Fairway Estates.

5. CONCERN OF COMPARATIVELY SMALL LOT SIZES

The existing average lot size in all previous Divisions combined (Division 1-8) of Fairway Estates is 15,204 sq. ft. (or 0.35 acre), with some lots as large as 35,550 sq. ft. (or 0.81 acre). The average lot size of Division 9 (including 15 single-family detached homes) is 11,855 sq. ft. (or 0.27 acre). However, the average lot size of the twin homes (with zero clearance) is only 8,867 sq. ft. (or 0.20 acre), with the majority of the lots as small as 7,405 sq. ft. (or 0.17 acre). There is a wide disparity between existing lot sizes and those of the twin homes (with zero clearance). **(See Attachment C – Fairway Estates Lot Size Comparison.)**

6. DEVIATION FROM THE CITY OF IDAHO FALLS COMPREHENSIVE PLAN

We contend that the proposed development with twin homes (zero lot line homes) on small lots *“disrupts the character and harmony of the existing community”*. As stated in Zoning Ordinance 5-10, Section A: *“...which conditions will ensure that the use will not substantially disrupt the character and harmony of the zone or area and will ensure that the proposed use does not materially contravene the objectives of the particular zone...”* **(See Attachment D – Zoning Ordinance 5-10 Conditional Use Permits, Section A.)**

Furthermore, it is our belief that the Developer’s actions do not comply with the 1994 Comprehensive Plan, which was the basis for many homeowner’s purchase decision.

IN CONCLUSION

Collectively, the current residents of Fairway Estates have over 120 homes that represent a combined market value of more than \$24 Million Dollars (not to mention the sizable property tax revenue generated for the City). Because of our investment, we have an intense interest in the future of Fairway Estates and want to assure that the proposed development supports the current quality of life and economic value of our neighborhood. Collectively, as the majority investors in Fairway Estates, we are gravely concerned about the impact that

this proposed addition will have on the character and harmony of the existing community.

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As Commissioner Parry has stated during the April 18th Planning Commission Meeting Minutes, *"It is to be understood in the City that we are supposed to protect some of the rights of the property owners. The original owners did not anticipate day care centers or zero lot line homes."* The notes continue to state that Parry addressed the issue of school overcrowding. She also said, *"It is not only a State legislative matter, but also a City matter that we should consider."* It was also noted that Parry does not think R-1 with conditional use was the idea for Fairway. In conclusion, she does not think it fits with conditional use.

Finally, we do not believe that the annexation of the lots for twin homes (with zero lot lines) as part of the Preliminary Plat and Division 9 Conditional Use Permit represents a good City growth decision. We ask the City Council tonight to reject the annexation and zoning actions on behalf of the residents of Fairway Estates and send a message to the Developers who come in mid-course and change the character of the community. ***Wouldn't you say that everything I have voiced tonight is quite a stretch from the vision that the first Developers had...one with moderate to large lots for single-family detached homes, in a country setting? That was also the dream (or vision) of the homeowners who made their decisions based on the Developer's concepts.***

Thank you for your time and your detailed review of this serious matter to the residents of Fairway Estates and the City of Idaho Falls.

William Quapp, 860 Riverview Drive, appeared to state that he lives in River Acres Estates, a Bonneville County subdivision adjacent to Fairway Estates Addition and immediately to the west. He is speaking as the President of the River Acres Estates Homeowners Association and also as a participant who has spent many hours working with Fairway Estates concerned citizens over this activity. Although they are County residents, they are still friends, neighbors and taxpayers, and they feel the same issues. He stated that the March 21st Planning Commission Meeting was an inadvertent exercise in poor government. Due to the bureaucratic nature of simple notices, which are not understood by the layperson, the impact of the activity that evening was totally missed by the residents of Fairway Estates Addition. He requested that the City Council instruct the Planning Commission in the future to simply put in black and white what is going to go on and what the implications are. If those implications cannot be given clearly, then the government is failing the citizenry. He requested that the Mayor and Council reject this request for annexation. The whole process needs to go back to ground zero, to be discussed openly, and to be in consideration of the existing infrastructure at Fairway Estates and the surrounding area. Mr. Quapp stated that if the Developer wished to build twin homes, he needed to purchase a new piece of land and start over.

Mayor Milam instructed the Planning and Building Division's Council Committee to discuss possible changes in notice letters.

Mr. Quapp re-appeared to state that every one in attendance could stand and take the Council's time. They have chosen not to. They have chosen to give the Council representative speakers. He requested the Council to consider that the reason the room is not bulging at the seams is because the people from both subdivisions have been worn out by attending Planning Commission Meetings. They could keep the meeting in motion all night long. They have tried to organize and avoid duplicity. He requested the City Council to

recognize that as, not ambivalence on the part of the residents, but an organizational effort to give representative input.

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Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as the representative of the applicant. He stated that they are in compliance with the approved Preliminary Plat. They plan to build some twin homes and are away from any of the current residents. He described the approximate size of 3,000-4,000 square foot buildings, to be split living spaces for two families. He explained that the person with the largest financial stake would be the Developer.

Kevin Allcott re-appeared to state that a great deal has been said about maintaining property values and character of the surrounding neighborhood. That is foremost in their minds. They have invested a lot of time and money in this development. He explained that the smallest lots in this development are approximately 60 feet wide, 120 feet deep. On the Preliminary Plat, there is walking space provided behind that. Within this development, there are approximately 8 acres of green space provided in and around the homes. If the green space is allocated to the small lots, there are approximately 2,800 square feet of additional green space for each and every one of the small lots. The average size of the small lot is approximately 7,200 square feet, giving a total of 10,000 square feet for each building. He explained the requirements for lot sizes according to the Zoning Ordinance. The density of this development is no more than would be allowed in an RP Zone. Originally, he requested an R-2 Zone, but the residents of the surrounding area expressed their concerns. He told the residents to meet with him, and then requested R-1 Zoning with the proposal to return for a Conditional Use Permit to build the twin homes.

Councilmember Rose requested Mr. Allcott to locate where the green space would be located on the Final Plat. Mr. Allcott located the green space and walking paths throughout the development for the Mayor and City Council. Mr. Allcott showed a slide of a home located on King's Island and the type of building that would be constructed with a daylight basement. He also showed a slide taken from where the twin homes would begin, looking back to the existing development of Fairway Estates. He indicated, also, that there would be 30-foot side yards with a large building.

Chuck McConnel, 339 Spyglass Circle, appeared to request Mr. Allcott to explain how the green space will be maintained.

Kevin Allcott re-appeared to state that the green space would be maintained by a Homeowner's Association. This Homeowner's Association will be developed for Division No. 9. To date, aside from King's Island, Fairway Estates does not have a Homeowner's Association.

Lynn Rockhold re-appeared to state that the building shown from King's Island would be the type of building that they would like to see built in Fairway Estates, Division No. 9. She stated, further, that there would be three levels of twin homes proposed. Two of those levels were brought to the attention of the Planning Commission at the last meeting. The third level was not mentioned. She expressed her concern over the quality of the twin homes that are going to be constructed.

Councilmember Hardcastle commented to Ms. Rockhold that she has used the terms "character, harmony, impact" throughout her discussion with the Council. That is very subjective. The issue of overcrowding of schools was addressed. Councilmember Hardcastle stated that she lives by twin homes that were developed by Gary Voigt. In anticipation of this meeting, she called some of the residents of these twin homes, only to find out that no children are living in them. She indicated that this may or may not happen with the twin homes located in Division No. 9. A great deal of the residents are single people (usually single women) and older couples. The character of these people is exemplary. Councilmember Hardcastle did not understand where the overcrowding of schools would come from.

Lynn Rockhold stated that the overcrowding issue is a peripheral issue. The students from Fairway Estates are being bussed to schools at this time. As far as the criterion that was used to establish “character, harmony and impact”, a lot of this information is very subjective. At this time, there are only single-family detached homes in

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the Fairway Estates development. The character of the people who would live in the twin homes would be wonderful. The density issues of the twin homes are a concern, along with the increased traffic, increased need for schools and utilities. Ms. Rockhold stated that one of the major concerns of the existing residents would be the possible zoning of additional property for multi-family dwellings. She expressed her concern about the crime rate increasing, due to the fact that these homes would remain vacant for half of the year.

Councilmember Hardcastle stated that in living by the twin homes located close to her, that is not the case. She stated, further, that twin homes cannot be built fast enough.

Councilmember Rose commented that the only thing before Council tonight is the annexation and zoning of Fairway Estates Addition, Division No. 9, not the Preliminary Plat for Fairway Estates.

Lynn Rockhold stated that in one of the meetings with the Developer, he agreed to install a buffer between the single-family detached dwellings and the twin homes proposed in Division No. 9. Mayor Milam indicated that this issue would be addressed with the Conditional Use Permit hearing.

William Quapp re-appeared to state he understood that there must be some logic behind the issue of separating the various assets of the planning process. He stated that there is a parallel in federal law, which is called NEPA, which prohibits segmentation of environmental actions such that the individual action has minimal impact, but when these are looked at collectively they can have a very large impact. The issue for the residents is not just what is going to happen in Division No. 9, but what will happen to the 40 acres to the north of the proposed development. When the Council considers these issues piecemeal, the judgment will be piecemeal. The Mayor and City Council should be addressing a master plan, which is intended by the Preliminary Plat. That would eliminate the citizenry from having to attend meetings every two to three weeks in order to stay abreast of the issues in their neighborhood.

Mayor Milam stated that the City of Idaho Falls is governed by the Local Planning Act of the State of Idaho, which has certain procedures that are outlined, and the City has to follow those procedures. If a decision is made based on issues that are outside of what the requirements are, then the City will have a difficult time writing the findings of fact and conclusions of law.

Councilmember Lehto requested the Planning and Building Director to come forward to outline the hearing process through the Planning Commission and how it has reached the City Council.

The Planning and Building Director appeared to state that the Preliminary Plat appeared before the Planning Commission in 1990. A public hearing was not required for a Preliminary Plat under the City of Idaho Falls Subdivision Ordinance. The Planning Commission would not have held a public hearing on a Preliminary Plat. In approximately 1994-1995, City policy was changed to hold public hearings on Preliminary Plats. The Planning Commission has the approval authority for a Preliminary Plat. The revised Preliminary Plat that is under consideration covers approximately 40 acres. The density was increased by 32 homes on the 40 acres. After the Planning Commission approves a Preliminary Plat, then the Developer is free to submit a Final Plat that goes through a second public hearing. From the first public hearing, the Planning Commission makes a recommendation to the City Council. The second public hearing is before the City Council, which will result in the final decision.

Councilmember Lehto clarified for those present that the Preliminary Plat was reviewed by the Planning Commission on March 21, 2000. The first public hearing for the

Final Plat was considered by the Planning Commission on April 18, 2000, and the City Council is now holding the second public hearing for the Fairway Estates Addition, Division No. 9 Final Plat.

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The Planning and Building Director stated that the City of Idaho Falls Subdivision Ordinance allows for subdivisions to be phased, to be brought in pieces.

Councilmember Lehto questioned whether Lots 37 and 38, under the R-1 Zone, could be combined to build one single-family attached home (twin home). The Planning and Building Director stated that this could happen in one of two ways. This could be accomplished under a Conditional Use Permit under a single-family attached house or it could be accomplished as a Planned Unit Development. At one point, the Developer was considering the Planned Unit Development option. Councilmember Lehto commented that this is not before the Council at this time. The Planning and Building Director concurred.

Councilmember Lehto presented the following article from the Post Register, which was in the newspaper one day following the approval of the Final Plat from the Planning Commission:

Wednesday
April 19, 2000

DEVELOPER RESIDENTS REACH AN AGREEMENT ON ZONING

By Corey Taule
Post Register

The 60 or so people in attendance got what they wanted before the meeting even began.

The Idaho Falls Planning Commission voted 7-1 Tuesday night to recommend the Final Plat for Division 9 of Fairway Estates, a subdivision located just north of Idaho Falls.

But the Planning Commission approved an R-1 Zone, not R-2, and that makes all the difference.

An R-2 Zone would have allowed for 2, 3, and 4-plexes, and even day care centers which homeowners in the area felt would affect property values, traffic and density.

An R-1 Zone allows the developer, Kevin Allcott, to build single-family homes on the land. If he decides to deviate from that, Allcott must go before the Planning Commission to attain a Conditional Use Permit, which would allow residents a chance to voice their approval.

Originally, Allcott asked the Planning Commission to approve both R-1 and R-2 Zones for the Division, which is made up of 15 lots on 4.94 acres.

But after meeting with concerned neighbors Monday night, Allcott changed his request to just R-1 Zoning.

Also, 200 people signed a petition protesting the R-2 Zone request.

"The main objective was to not have R-2 passed," said Marcus Hamilton, who lives in Fairway Estates.

“When it became evident there was opposition in the neighborhood, we got rid of it,” Allcott said of the R-2 request.

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Several people in the neighborhood testified that while they were pleased Allcott pulled the R-2 request, they still had concerns about the future of the subdivision.

Division 9 makes up around 20 percent of land yet to be developed on the northern end of the subdivision.

Lisa Alexander, who lives in Fairway Estates, said the subdivision currently has 123 homes and 42 unoccupied developed lots. She said another 158 lots would still be developed – potentially increasing traffic, crime and causing overcrowding in schools.

“The density is greater, there’s no doubt about it,” said Planning Commission Member Andy Baumer. “But it does fall within R-1.”

Only Sharon Parry, on her first night as a member of the Planning Commission, voted against recommending approval of the Final Plat.

“R-1 with Conditional Use, I don’t think that was part of the idea of what Fairway Estates was supposed to be,” she said.

Councilmember Lehto stated that within this article, there seemed to be a concurrence between Mr. Alcott and the people of the subdivision that the R-1 Zone was an appropriate use.

Lynn Rockhold re-appeared stating that the article was based upon an interpretation by the reporter of the Planning Commission Meeting of April 18, 2000. It was not factual. The residents of Fairway Estates have been in negotiations with the Developer; however, they were not able to reach final agreement. She stated that the Developer, at one point, agreed to submit a new Preliminary Plat to address some of the issues of density, population, buffer zones, and traffic patterns. Unfortunately, they were not able to reach final agreement with the Developer. The newspaper article was misleading and does not reflect what the residents of Fairway Estates believe.

Councilmember Lehto commented that Marcus Hamilton quoted from the Post Register article, “The main objective was not to have R-2 passed.” The City Council is considering an R-1 Zone for this annexation. Ms. Rockhold concurred.

Councilmember Lehto questioned Ms. Rockhold as to how she would like the Developer to zone this development. Ms. Rockhold stated that, under preferential treatment, she would like to see RP-A Zoning established. She understood that the Developer would not request the RP-A Zone. The R-1 Zone was preferable to the R-2 Zone that was originally suggested. Ms. Rockhold’s concern was that the R-1 Zone has recently been changed to incorporate Conditional Use Permits for multi-family units. Councilmember Lehto suggested that other communities with golf courses, such as the surroundings of Sage Lakes Golf Course, had developed the surrounding land with homes that are the same as is already developed in Fairway Estates. The areas are followed up with a flow into condominiums.

Lynn Rockhold stated that the City Council is only addressing the annexation and initial zoning of Fairway Estates Addition, Division No. 9. The remainder of the revised Preliminary Plat is of grave concern to the residents of this area because they are more than 300 feet from the area to any proposed new development to the north, which means they will not receive notification of the new development. The Developer could, at that time, make a request for R-2 Zoning on any new development to the north and they would not receive

notification of that annexation and request. She agreed with Councilmember Lehto in that there is a tendency to develop town homes around golf courses. The residents of Fairway Estates have held two large meetings concerning the issue of twin homes. Most of the people

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in attendance have stated that they do not want the twin homes to be located in this area. She stated that one fellow made the comment that, as a golfer, he would not want to look up to see dense town homes.

Marcus Hamilton, 5884 Gleneagles Drive, appeared to state that he is at the end of the current development, before Division No. 9 begins. He stated that most of the residents in Fairway Estates are concerned over what will become of the rest of the area under the Fairway Estates development. He stated that the twin homes are an experiment. They have discussed other options with the Developer as to how to develop the remainder of the project. Mr. Hamilton stated that he did not believe that any of the residents of Fairway Estates would have an objection to a development such as King's Island. Under the worst-case scenario, he did not want to see apartments built in this development.

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

Councilmember Groberg complimented Lynn Rockhold for the excellent presentation that she made. He understood that the principle focus is the attached homes. The Zoning Ordinance does not dictate the size of homes or quality of homes, except for certain minimum standards. The City Council spent a considerable amount of time weighing the pros and cons of allowing attached homes in the R-1 Zone, whether attached homes and detached homes could co-exist. Following this consideration, the City Council developed the existing Ordinance that allows, through the Conditional Use Permit process, attached homes in the R-1 Zone. This development is carrying out that considered decision. The Planning and Building Director testified that this existing use complies with the Comprehensive Plan. This development is what the Council envisioned when the Ordinance change was made.

Councilmember Rose questioned the Planning and Building Director as to whether the City was in compliance with all notification procedures for public hearings. The Planning and Building Director stated that along with the notice of public hearing is attached a copy of the Preliminary Plat to the property owners. She explained, further, that if everyone in the subdivision was notified of the public hearing (which would have resulted in more than 200 notification letters being sent), the Planning and Building Division could have gone to an alternative system of notification, whereby a legal ad would have been placed in the newspaper and a couple of ads would have been placed with other media. Notices were mailed to everyone within 300 feet of the proposed development, thinking that it would be more effective than just relying on a legal notice and media coverage.

Councilmember Groberg questioned the Planning and Building Director about whether there was a notice posted on the property to be developed. The Planning and Building Director stated that a notice is not posted for a Preliminary Plat or for an annexation and initial zoning.

Councilmember Eldredge stated that the presentation that has been conducted has given the City Council a lot of information. Unfortunately, very little of that information is evidentiary information. One of the items that is objective is the size of the lots. The lot size in this development, on average is .27 acres, with the average on the attached homes being .2 acres. The requirement in the Ordinance for the R-1 Zone is 6,000 square feet, which is .14 acres. Councilmember Eldredge made a comparison with Mill Run Addition on the west side of Idaho Falls. The lot sizes for Fairway Estates Addition, Division No. 9 meet the size requirements for single-family homes in an R-1 Zone. The City is getting a typical subdivision, which has at one point been referred to as an upscale subdivision. Under Concern No. 6 – Deviation from the City of Idaho Falls Comprehensive Plan, describes Division No. 9 as disrupting the character and harmony of the existing community or the zone. Having a diversity of housing types and sizes, lot types and sizes, does not materially

disrupt the character or harmony of the zone or community. Councilmember Eldredge stated that it was his opinion that what the City Council was being asked to develop was an economic ghetto where all development in a particular area must conform to the idea of the

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neighbors that live there, as opposed to a diverse development that would allow for many different types of development and lot sizes, and many different types of people. He stated, further, that allowing attached homes would affect the quality of life or economic value of the neighborhood. A diversity of home sizes and types enhances quality of life and adds to the economic value of a neighborhood. It is not incumbent upon the City Council to insure that everyone in a neighborhood lives in exactly the same type of home, has exactly the same type and size of lot, and has exactly the same cost of home built on that lot. As long as the Developer meets the minimum requirements that are in conformance with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, then that Developer should be allowed the latitude to develop a diverse development. Councilmember Eldredge stated that the people in attendance have requested the City Council to instruct the Planning Commission to not allow Developers to bring this sort of development forward. That is counterproductive. The Planning Commission is a buffer for the City Council. Limiting the types of developments that the Planning Commission can review and approve or deny would be detrimental to the character and harmony of the citizens of Idaho Falls, and disrupt the character and harmony of our community. This would be against the whole purpose of having a Planning Commission and instructing them to not allow certain types of development to go forward. Councilmember Eldredge stated that we should celebrate the diversity among us as opposed to trying to limit that diversity and ghettoize our lives.

Councilmember Rose stated that the Developer is in compliance with the Zoning Ordinance, Comprehensive Plan and Subdivision Ordinance. He commended those that testified for their presentations.

Councilmember Klingler stated that since she was Chairman of the Planning Commission at the time that this was considered, she did not cast a vote either in favor of or in opposition to this proposal. Having said that, she stated, further, that she would abstain from voting on this annexation request as her name has been mentioned many times during testimony for this annexation.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for Fairway Estates Addition, Division No. 9 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

Nay: None

Abstain: Councilmember Klingler

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for Fairway Estates Addition, Division No. 9 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

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Councilmember Groberg
Councilmember Hardcastle

Nay: None

Abstain: Councilmember Klingler

Motion Carried.

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

ORDINANCE NO. 2375

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 Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Abstain: Councilmember Klingler

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of Fairway Estates Addition, Division No. 9 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 Hardcastle
Councilmember Eldredge
Councilmember Lehto

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Nay: None

Abstain: Councilmember Klingler

Motion Carried.

Following a brief recess, Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of an appeal from a decision of the Board of Adjustment for a request to grant a variance from the requirements of Section 4-23.X.1.a of the City of Idaho Falls Zoning Ordinance which requires a 7-foot wide landscape buffer and a masonry or opaque fence at least 4 feet high between parking stalls and land used for residential purposes on property located generally at 1462 West Broadway (future site of Subway Sandwich Shop), legally described as Lot 1, Block 1, R. R. Johnson 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 3, 2000

MEMORANDUM

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

Attached is an appeal to the City Council from the Board of Adjustment. On March 7, 2000, the Board of Adjustment granted the applicant's request to reduce the required parking from 21 to 16 spaces and to eliminate the required seven-foot landscape buffer adjacent to residential properties. In granting a variance to eliminate the landscape buffer, the Board required a retaining wall on the north boundary of the property extending at least 4 feet above the height of elevation of the rear property. On June 6, 2000, the applicant returned to the Board of Adjustment to appeal a determination of the staff that a chain link fence with slats was not a sight-obscuring fence. On June 6, 2000, the Board moved to permit the applicant to either build a retaining wall equivalent to the wall of Flying J, a neighbor, or to build a retaining wall to the height of the rear property and construct a wood or vinyl fence on such wall to a height of four feet above the elevation of the rear property. This appeal from the Board 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 appeal:

Slide 1 Vicinity Map with Zoning
Slide 2 Section 4-23-X.1.a of the Zoning Ordinance
Slide 3 omitted
Slide 4 Aerial Photo

Slide 5 Site Picture looking at property before prior home was removed
Slide 6 Site Picture looking across subject property
Slide 7 Site Picture of lilacs on property prior to demolition

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Slide 8	Site Picture of retaining wall and fence on neighboring north property
Slide 9	Site Picture looking south through fence on neighboring property
Slide 10	Site Picture looking west along existing fence
Slide 11	Site Picture looking through existing fence adjacent to Jack In The Box
Slide 12	Site Picture of Jack In The Box property
Slide 13	Site Picture of Jack In The Box property
Slide 14	Site Picture of landscaping and fence at rear of Flying J
Slide 15	Site Picture of northwest corner of site
Slide 16	Site Picture looking along rear of site
Slide 17	Alternatives
Slide 18	Approved Site Plan
Exhibit 1	Board of Adjustment Minutes dated June 6, 2000
Exhibit 2	Board of Adjustment Minutes dated March 7, 2000
Exhibit 3	Staff Report for the Board of Adjustment dated June 6, 2000
Exhibit 4	Letter from Tomlinson and Associates

The Planning and Building Director stated that the retaining wall and chain link fence covered with vines are the property of the apartment complex. The intent of the provision in the Zoning Ordinance is to provide some type of buffer to the residential properties from the parking lot. She explained the alternatives for Council consideration as follows:

1. Leave as is. Existing wall and fence on rear residential property meets the intent of Ordinance.
2. Uphold ruling of Board of Adjustment.
3. Build 3-foot retaining wall with railroad ties, backfill area, and plant shrubs, which reach a height of six feet.
4. Use existing ties to create retaining wall on property line, backfill area, and move fence to be adjacent to the wall.

Councilmember Groberg questioned the Planning and Building Director regarding the result of the Board of Adjustment Decision, that there would be two retaining walls at this location should Mr. Johnson be required to continue the retaining wall from the Flying J property. The Planning and Building Director stated that this could be a result of that decision. Furthermore, there could be a gap between the retaining wall and the retaining wall from the apartment complex. The Planning and Building Director explained that Mr. Tomlinson, owner of the apartment complex, suggested that one alternative would be to construct a retaining wall that was at least three feet in height (possibly using the existing railroad ties), backfill the area to slope into the existing property, and landscape the 2-1/2 foot piece of land between the two properties.

Councilmember Eldredge requested a clarification from the Planning and Building Director as to why Jack in the Box was allowed to have the chain link fence with slats and why the Subway Sandwich Shop was not allowed to have that type of fencing. The Planning and Building Director stated that the Zoning Ordinance does not require a buffer between a commercial use and a residential use. The Zoning Ordinance requires a buffer between a parking area and a residential use. Jack In The Box has a voluntarily placed buffer.

Robert Johnson, 5638 South 55 West, appeared to state that on March 7, 2000, the Board of Adjustment granted a variance from the requirement to have a 7-foot buffer and

to reduce the amount of parking required. As a condition of that variance, he was required to build a 4-foot high retaining wall, an opaque fence on top of that wall, and if the adjacent property wished, to plant a hedge, shrubs, or vine on the existing fence. He stated that those

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conditions already exist at this time. At the time the variance was granted, he made two assumptions. He assumed that he would have to reduce the elevation on the north end of the property to be similar to the Jack In The Box property. He, further, assumed that the existing retaining wall was on his property. The existing retaining wall is on the apartment complex property, and he did not have to reduce the elevation on the north side of his property. At that time, he returned to the Board of Adjustment to determine whether the existing retaining wall and fence would suffice for the requirements of the Ordinance. The Board of Adjustment did not determine whether the existing fence would meet the requirements. They determined that another fence would have to be built next to the retaining wall that already exists. Mr. Johnson did not believe that this was a reasonable solution. He stated that having a retaining wall next to a diagonal retaining wall would create a trap for garbage. Further, he has had mothers of employees express their concern for the creation of a potential stalking situation, whereby someone could hide between the two retaining walls and watch employees at the restaurant. Mr. Johnson requested the City Council to allow the existing retaining wall with the chain link fence and vine that is present to remain. The vine has filled in along the chain link fence and provides a good buffer. The fact still remains that the vine is not an evergreen vine and would not provide a buffer during the winter months.

Councilmember Lehto questioned Mr. Johnson as to the linear distance along the north property line. Mr. Johnson stated that it was 100 feet in length.

Mr. Johnson stated that if any of the solutions discussed would better the situation for his neighbor to the north, Mr. Tomlinson, he would do that at the drop of a hat. He does not see that it betters Mr. Tomlinson's situation at all, and it causes Mr. Johnson some significant problems. Having to install the new retaining wall will make him lose approximately 1 foot of his property. As he is building the Subway Sandwich Shop on a small lot anyway, 1 foot is a lot of land to lose.

Councilmember Eldredge commented that the letter from Tomlinson and Associates suggested taking the existing wall, squaring it up (so that it is vertical and not sloped), using the existing materials, and backfilling. He questioned Mr. Johnson as to whether he would be willing to follow that alternative. Councilmember Eldredge stated that the reason that the Board of Adjustment required the new retaining wall was that they could not require the apartments to provide a buffer and they could require Mr. Johnson to provide the landscaping and buffer. This might be a good compromise. Mr. Johnson stated that he would end up with something that is not as good as what exists already.

Councilmember Lehto questioned the Planning and Building Director if the solution to this would be to remove the chain link fence and install a cedar or vinyl fence. The Planning and Building Director stated that the chain link fence is on the neighbor's property.

Jay Brown, 740 Saturn Avenue, appeared as a representative of the Saturn Apartments and Tomlinson Associates. He stated that it would be his position that the masonry fence and landscape buffer would be adequate across their property line. Further, it would be consistent with what is already there. The two concerns that are heard in the apartment complex are regarding security and noise. As the apartment complex manager, the biggest complaint voiced is regarding noise. He believes the solution to that issue is to provide a landscaping buffer. If Mr. Johnson is required to build the masonry fence, the empty space between the two properties could be backfilled. Then, Mr. Johnson could provide the additional fence above the masonry fence or he could move the chain link fence that is already existing to the masonry fence. Mr. Brown explained that the vines on the chain link fence are poisonous and will have to be removed to protect children in the area.

Councilmember Lehto questioned Mr. Brown as to whether there would be any consideration from Tomlinson Associates to allow Mr. Johnson to remove the chain link on the apartment complex and replace it with a vinyl fence to satisfy the Board of Adjustment

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requirements and to take care of the height buffer. Mr. Brown stated that Tomlinson Associates would consider that option.

Mayor Milam stated that if the City Council makes a decision about the fence, how the two property owners decide to accomplish that is not an issue for the Council.

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

A brief discussion was held among Council regarding further options to the fencing and landscaping possibilities along the north property line of R. R. Johnson Addition, Division No. 1. Councilmember Eldredge commented that if damage resulted to the chain link fence and the railroad tie retaining wall, there would be nothing that would require that a landscape buffer and fence be replaced between the parking area for the Subway Sandwich Shop and the residential area. The Board of Adjustment was correct in its assessment in that whatever the solution is, the solution should be incumbent upon the property belonging to Mr. Johnson. The options that were enumerated previously were again discussed.

Mr. Johnson re-appeared to question the City Council as to why the new retaining wall would be better than what already exists.

Councilmember Eldredge explained to Mr. Johnson that the City would not be able to enforce the intent of the Ordinance, which would be to provide the buffer between the parking lot and the residential area.

Councilmember Groberg stated that he is impressed that the Board of Adjustment heard all of the evidence presented at this meeting and has made a recommendation based upon that evidence. He supports upholding the Board of Adjustment's decision recognizing that it does leave the possibility of a wedge on the Tomlinson property. Then it will be up to the apartment complex if they wanted to correct that problem.

Councilmember Rose discussed procedural issues.

Councilmember Klingler stated that fences have always been a problem in the past.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to reaffirm the decision of the Board of Adjustment allowing Mr. Johnson to either build a masonry wall the height of the Flying J wall or build a retaining wall on the north property line which extends at least 4 feet above the elevation of the rear residential property. The variance granted by the Board of Adjustment was based on the size of the lot, the removal of the property frontage for widening Broadway in the late 1980's (which created the odd-shaped lot), and the walls of the residential units having no windows on the south side of those units. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

JULY 6, 2000

City of Idaho Falls
June 19, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: BONNEVILLE POWER ADMINISTRATION, AMENDMENT NO. 1
TO POWER SALES AGREEMENT 99PB-10611
SALE OF ENVIRONMENTALLY PREFERRED POWER

Attached for your consideration is an Amendment to Power Sales Agreement, Contract No. 99PB-10611, providing for the sale of Environmentally Preferred Power. This Amendment between BPA and Idaho Falls extends the term of the Agreement.

Idaho Falls Power recommends approval of this Agreement and requests authorization for the Mayor to execute this document.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, to approve Amendment No. 1 to the Power Sales Agreement (Sale of Environmentally Preferred Power) with Bonneville Power Administration and, further, give authorization for the Mayor 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
June 30, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: GOOD FAITH ESTIMATE OF SLICE POWER

Attached is a letter to the Bonneville Power Administration making a good faith estimate of the desired amount of Slice Idaho Falls Power wishes to purchase beginning October 1, 2001. The City Attorney has reviewed the letter.

Idaho Falls Power respectfully requests City Council authorization for the Mayor to sign the letter.

s/ Mark Gendron

JULY 6, 2000

Councilmember Eldredge requested the Idaho Falls Power Director to come forward to explain this document. The Idaho Falls Power Director stated that Power Contracts with Bonneville Power Administration will expire on September 30, 2000. Bonneville Power Administration is offering a variety of products. Slice Power is one of those products. Bonneville Power Administration intends limiting the quantity of this particular power product and they are asking at this time for interested parties to provide a good faith estimate on how much of the Slice product they are interested in asking for. There is a maximum level and a minimum level. Mr. Gendron stated that this is not binding on the City in any way, however, if the City fails to execute this Letter Agreement, then the City may not qualify for the purchase of this product.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, to approve the Letter Agreement for the good faith estimate of Slice Power and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
June 13, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF AIRPORT LIABILITY INSURANCE

Municipal Services respectfully requests that the Mayor and Council ratify the City's Airport Liability Insurance with Associated Aviation Underwriters and Talbot-Tandy and Wood Agency. The premium is \$41,597.00. This coverage will begin on July 1, 2000.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Rose, to ratify the placement of the City's Airport Liability Insurance with Associated Aviation Underwriters and Talbot-Tandy and Wood Agency. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Eldredge

Councilmember Lehto
Councilmember Groberg
Councilmember Rose

JULY 6, 2000

Nay: None

Motion Carried.

City of Idaho Falls
June 16, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-00-23, SCADA SYSTEM

Attached for your consideration is the tabulation for Bid IF-00-23, a Complete New Supervisory Control and Data Acquisition System for Idaho Falls Power.

It is the recommendation of Municipal Services to accept the low evaluated bid of The Foxboro Company for a Lump Sum Total of \$1,208,445.00. The detailed bid evaluation procedure, prescribed in the bid specification, was used to make this determination.

s/ S. Craig Lords

Councilmember Lehto turned consideration of this issue to the Idaho Falls Power Council Committee Chair, Councilmember Eldredge. Councilmember Eldredge explained that a detailed bid evaluation procedure was used and requested the Idaho Falls Power Director to explain this procedure more fully. The Idaho Falls Power Director stated that this was an unusual procurement. Scott McBride and Mark Reed from Idaho Falls Power Division spent countless hours evaluating this bid evaluation and purchase. The SCADA System is the computer system that controls the City's distribution, transmission, and generation system. It is critical to the operation of the utility. The last system purchased was 12 years ago. This is different than most procurements because it is too complex to write a specification, open bids, and award to the lowest bidder. That does not work with this type of system. The intent was to establish criteria that would allow the evaluation of all proposals and award the contract to the provider of the system that met all present and future needs of the City at the best price. An objective criteria was designed that would fairly and equally rate all of the bidders on the issue of price and technical features. The criterion that was established, considered price, technical features, best value features, and quality of proposal. Each of the four general categories contained numerous specific items. All of the bidders did receive these criteria as a part of the bid documents. The evaluation criteria were specifically outlined for all of the bidders. None of the bidders expressed any concerns or opposition to the criteria that was going to be used to evaluate and ultimately award this contract, nor did any of those potential bidders express concerns or complaints at any time, until bids were finally opened. The process took 2 weeks. A team of four people reviewed, independently, the bids. At that time, the group met together and completed an evaluation on a line-by-line basis. An average was made for each specific item. The conclusion was that a specific bidder ended up with the most points. The Idaho Falls Power Director recommended award of the Complete New Supervisory Control and Data Acquisition System for Idaho Falls Power to The Foxboro Company. Mr. Gendron also submitted the following items as exhibits for this bid award:

Attachment No. 1

Bid Award Recommendation (which includes our recommendation, final bidder cost evaluation, final

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evaluation summary for each bidder, and the bid evaluation criteria procedure (Addendum No. 1 to IF-00-23))

- Attachment No. 2 QPL Objection Letter dated June 20, 2000, and the City's reply letter
- Attachment No. 3 QEI Protest Letter dated June 27, 2000, and the City's reply letter
- Attachment No. 4 OSI Protest Letter dated June 28, 2000, and the City's reply letter
- Attachment No. 5 Copy of Bid Specifications IF-00-23

It was moved by Councilmember Lehto, seconded by Councilmember Rose, to accept the low evaluated bid from The Foxboro Company to provide the Complete New Supervisory Control and Data Acquisition System for Idaho Falls Power as presented. 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
June 15, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-00-24, ONE (1) NEW 2000, PUMPER FIRE TRUCK

Attached for your consideration is the tabulation for Bid IF-00-24, One (1) New 2000, Pumper Fire Truck.

It is the recommendation of Municipal Services to accept the low bid of Emergency One to furnish One (1) New 2000 Triple Combination Pumper mounted on a 2000 Navistar Cab and Chassis for an amount of \$185,540.00 without trade-in. This amount includes the following options offered by the Vendor.

Original Bid Amount	\$185,990.00
Deduct/Delete Electronic Siren/Speaker Package	- 520.00
Add Stretch Cab	1,440.00

Add Hinged Cross-lay Cover 380.00
Deduct/Discount for a Partial Prepayment - 1,750.00

s/ S. Craig Lords

JULY 6, 2000

It was moved by Councilmember Lehto, seconded by Councilmember Rose, to accept the low bid from Emergency One to provide the required 2000 Pumper Fire Truck. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
July 2, 2000

MEMORANDUM

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

Attached for your review is a Lease Agreement between PacifiCorp and the City of Idaho Falls for the purpose of leasing certain property for the purpose of installing a roller hockey rink and seasonal ice rink. It is our intention to install the old dasher board system that was in place at the Tautphaus Park Rink at this location. The term of this Agreement is for three (3) years with a lease payment of \$250.00 per year. The Assistant City Attorney has worked on this Agreement and has reviewed and approved all changes. It is, therefore, submitted for your approval.

s/ David J. Christiansen

Councilmember Hardcastle expressed her appreciation for the Recreation Department for the work that was done in accomplishing this. It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to approve the Lease Agreement with PacifiCorp and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

JULY 6, 2000

The Planning Director submitted the following memos:

City of Idaho Falls
July 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE ADOPTING THE UNIFORM CODE FOR BUILDING CONSERVATION

Attached is the Ordinance adopting the Uniform Code for Building Conservation (UCBC). The purpose of the UCBC is to encourage the continued use or reuse of legally existing buildings or structures while achieving appropriate levels of safety. It is compatible with other Uniform Codes. In the past, we have used the Code as a guideline. This Ordinance will codify those guidelines. The Division respectfully requests adoption of this Ordinance.

s/ Renée R. Magee

The Planning and Building Director appeared to state that the Uniform Code for Building Conservation is primarily for historic buildings. The intent of the Ordinance is to allow the reuse of buildings, such as those buildings in the downtown area, without having to necessarily bring them totally up to modern Codes if life and safety are not endangered.

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

ORDINANCE NO. 2376

AN ORDINANCE ENACTING SECTIONS 7-12-1 OF THE CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING THE 1997 EDITION OF THE UNIFORM CODE FOR BUILDING CONSERVATION; PROVIDING FOR PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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 Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle

Councilmember Groberg

Nay: None

JULY 6, 2000

Motion Carried.

City of Idaho Falls
July 3, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE ADOPTING APPENDIX CHAPTER 11,
ACCESSIBILITY, OF THE UNIFORM BUILDING CODE

Attached is the Ordinance adopting Appendix Chapter 11 of the 1997 Uniform Building Code. This adoption is in response to legislation enacted by the Idaho Legislature this past winter. The Division respectfully requests adoption of this Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2377

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 7-1-1 OF THE CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING APPENDIX CHAPTER 11 OF THE 1997 UNIFORM BUILDING CODE; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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 Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

The memo from the Police Chief regarding the Beer, Wine, and Liquor Ordinance Amendment was withdrawn by the Division Director.

The Public Works Director submitted the following memos:

JULY 6, 2000

City of Idaho Falls
June 19, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION - DIVISION AVENUE AND 12TH STREET

As previously authorized, the City Attorney has prepared the documents needed to vacate a portion of unused right-of-way formerly intended to extend Division Avenue south of 12th Street.

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

s/ Chad Stanger

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

ORDINANCE NO. 2378

AN ORDINANCE VACATING A PORTION OF DIVISION AVENUE WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE PORTION OF SAID STREET; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED STREET TO THE OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR EFFECTIVE DATE OF THE ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Groberg 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.

JULY 6, 2000

City of Idaho Falls
July 3, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: IDAHO DEPARTMENT OF TRANSPORTATION STATE/LOCAL AGREEMENT – FREEMAN AVENUE AND FIRST STREET INTERSECTION IMPROVEMENTS

Attached are copies of a State/Local Preliminary Engineering Agreement between the City and Idaho Transportation Department for street improvements to the intersection of Freeman Avenue and First Street. This project is estimated to cost \$150,000.00 and will require City participation in the amount of \$22,500.00.

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

s/ Chad Stanger

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF IDAHO FALLS**, hereafter called the **CITY**, for design of Intersection of Freeman Avenue and First Street, Idaho Falls; and,

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; and,

WHEREAS, certain functions to be performed by the **STATE** involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the **STATE** can only pay for work associated with the State Highway System; and,

WHEREAS, the **CITY** is fully responsible for its share of project costs; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project STP-7166(100) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

JULY 6, 2000

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a duly called special meeting of the City Council, City of Idaho Falls, held on July 6, 2000.

(SEAL)

s/ Rosemarie Anderson
City Clerk

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the State/Local Preliminary Engineering Agreement between the City of Idaho Falls and the Idaho Transportation Department for street improvements to the intersection of Freeman Avenue and First Street and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Rose, that the meeting adjourn at 11:40 p.m.

CITY CLERK

MAYOR
