

NOVEMBER 9, 1999

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, November 9, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Gary Mills
Councilmember Brad Eldredge
Councilmember Larry Carlson
Councilmember Beverly Branson
Councilmember Ida Hardcastle
Councilmember Joe Groberg

Also present:

Rosemarie Anderson, City Clerk
All available Division Directors

The City Clerk read a summary of the minutes for the October 28, 1999 Regular Council Meeting and the November 8, 1999 Special Council Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as printed. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

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

The City Clerk presented several license applications, including BARTENDER PERMITS to Karl J. Hanosky, Jill T. Muir, Hassen A. Rockssi, and Andrea Smith, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on November 9, 1999.

The Public Works Director submitted the following memo:

City of Idaho Falls
November 4, 1999

MEMORANDUM

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

SUBJECT: BID AUTHORIZATION – PANCHERI AND SKYLINE STORM DRAIN
PROJECT

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Public Works requests authorization to advertise to receive bids for the Pancheri and Skyline Storm Drain Project.

s/ Chad Stanger

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

Aye: Councilmember Eldredge
 Councilmember Carlson
 Councilmember Mills
 Councilmember Groberg
 Councilmember Branson
 Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated October 1, 1999 through October 31, 1999, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$561,458.45	\$1,628,961.23	\$2,190,419.68
Street Fund	246,248.56	85,460.20	331,708.76
Airport Fund	91,155.09	43,328.64	134,483.73
Water and Sewer Fund	257,310.48	202,915.95	460,226.43
Electric Light Fund	2,602,856.35	356,248.54	2,959,104.89
Sanitation Fund	10,100.86	95,492.43	105,593.29
Recreation Fund	23,225.77	38,747.84	61,973.61
Library Fund	50,307.22	80,110.49	130,417.71
Street Capital Improvement Fund	184,049.67	.00	184,049.67
Ambulance Fund	29,434.14	102,067.62	131,501.76
Municipal Equipment Replacement Fund	170,640.50	.00	170,640.50
Electric Light Public Purpose Fund	28,005.65	.00	28,005.65
Surface Drainage Fund	16,915.90	.00	16,915.90
Business Improvement District	990.71	.00	990.71
TOTALS	\$4,272,699.35	\$2,633,332.94	\$6,906,032.29

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to ratify the payment of the expenditures for the month of October, 1999. Roll call as follows:

Aye: Councilmember Eldredge

Councilmember Carlson
Councilmember Mills

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Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing, as legally advertised, for consideration of a rezoning from I & M-1 (Industrial and Manufacturing) to GC-1 (General Commercial) located generally south of Short Street, west of Chamberlain Avenue, and east of South Capital Avenue. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 1, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST, SOUTH OF SHORT STREET, WEST OF CHAMBERLAIN, AND EAST OF SOUTH CAPITAL AVENUE

Attached is the request to rezone the northern portion of the block bounded by Capital, Chamberlain, Short, and Trask Streets from I & M-1, Industrial and Manufacturing, to GC-1, General Commercial. The Comprehensive Plan map shows this area to be commercial. The Planning Commission reviewed this rezoning request and recommended approval. This Department concurs. This request is being submitted to the Mayor and City 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 rezoning request:

Slide 1 Vicinity Map
Slide 2 Aerial Photo
Slide 3 Looking southwest from corner of Short Street and Chamberlain Avenue
Slide 4 Looking at Short Street entrance
Slide 5 Looking at east side of property
Slide 6 Looking at north side of property
Slide 7 Looking northeast from corner of Short Street and Chamberlain Avenue
Exhibit 1 Staff Report
Exhibit 2 Planning Commission Minutes, October, 1999

Councilmember Mills requested that the applicant come forward at this time.

G. W. Bean, 2585 Fieldstream Lane, appeared to explain that he is requesting the zoning change to better accommodate a warehouse that he is contemplating building at this location. He stated that it is difficult with the current zoning and a 30-foot setback on Chamberlain Avenue to allow for diesel traffic to service the warehouse.

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Councilmember Groberg questioned Mr. Bean as to whether he had a problem with the 30-foot setback on Capital Avenue. Mr. Bean stated that he does not have a problem with the setback on Capital Avenue, and felt that it was appropriate.

Councilmember Mills stated that the Council Committee for the Planning and Building Division had a discussion regarding the 30-foot setback along Capital Avenue, and would address this with his motion for the rezoning.

Mr. Bean stated that the landscaping along this area was in bad condition when he purchased this property. He has added a sprinkler system and replanted the lawn along Capital Avenue and has added plantings along Short Street and Chamberlain Avenue. He said that he would continue to upgrade the landscaping at this location with the construction of the new warehouse.

Councilmember Hardcastle stated that she commended Mr. Bean for the work that he has done on the landscaping. She questioned where Mr. Bean would be placing the accesses to this property. Mr. Bean stated that he would request dual access to his property. He would have traffic come in off of Chamberlain Avenue, with some using Short Street. He stated that approximately 75 feet along Short Street would be excavated and made useable for traffic for dock doors. The prospective supplier manufactures steel, vinyl, and aluminum siding in Akron, Ohio, and this warehouse would serve as a factory distribution point for them.

Councilmember Carlson explained the accesses to Council, in that nothing will be changing on Capital Avenue. Mr. Bean explained that there would be some renovation of the property, in that his property used to be the old Eagle Rock School. This school was torn down in the 1950's, but the steps still exist.

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

Councilmember Eldredge commended Mr. Bean for the work that has been done at this location.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, that the zone be changed from I & M-1 to GC-1, with the Overlay Zone of OL-3 adjacent to Capital Avenue, and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Since this rezoning is in accordance with the Comprehensive Plan, the Plan shall not be amended. Mayor Milam stated that the recommendation from the Planning Commission stated that there not be any additional accesses on Short Street. The Planning and Building Director stated that while this was the recommendation from the Planning Commission, they also noted that prior to making this recommendation that a condition cannot be attached to a rezoning request. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Mills
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge
 Councilmember Carlson

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing, as legally advertised, for consideration of an appeal from a decision of the Board of Adjustment

for a variance to increase the height of a free-standing pole sign from the maximum of 60 feet to 100 feet; also, to increase the size of sign copy area from the maximum of 100 square feet to 702 square feet on two free-standing pole signs on property located generally at 1485 West

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Broadway and legally described as Lot 1, Block 1, Savefast Addition. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 4, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: SIGN VARIANCE REQUEST, SAVEFAST ADDITION

Attached is an appeal from Idaho Electric Sign. The appellant is requesting a variance to place two sign poles, one at a height of 100 feet, with a total of 702 square feet of signs at 1485 West Broadway. Until recently, two signs existed at this location, one 65 feet in height, with a total of 394 square feet in signs. At its meeting in October, the Board of Adjustment granted a variance to construct one of two poles at the height of 65 feet and permit 394 square feet in signs. Today's Ordinance would limit the poles to 60 feet in height with a total of 100 square feet in signs. The Board determined 394 square feet of signs and two pole signs, one 65 feet in height, were adequate to identify the premises and will not harm the neighborhood. The Department concurs. The appeal is now being submitted to the Mayor and City 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 the sign variance request:

Slide 1	Vicinity Map
Slide 2	Aerial Photo
Slide 3	Illustration of requested pole sign, 100 feet in height, 395 square feet in size
Slide 4	Illustration of requested pole sign, 34 feet in height, 307 square feet in size
Slide 5	Former pole sign
Slide 6	Former pole sign 65 feet in height
Slide 7	Site, proposed freeway sign to be located at southern edge of site
Slide 8	Highway sign identifying eating establishments
Slide 9	Signs at approximately 0.3 mile
Exhibit 1	Appeal request
Exhibit 2	Findings of Fact and Conclusions of Law from Board of Adjustment
Exhibit 3	Minutes, Board of Adjustment, October 5, 1999
Exhibit 4	Staff Report, October 5, 1999

The Planning and Building Director explained that the Sign Ordinance provides for variances, but the criteria is slightly different than what is normally dealt with. In order to grant a

variance for signs regulated by the Sign Code, the Board of Adjustment or at the appeal level with the City Council, is to find that the sign 1) does not negatively impact the neighborhood environment or aesthetics and is absolutely necessary to adequately identify the premises;

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or, 2) that the frontage of the building upon which the maximum permitted sign is based is disproportionately small in comparison to the floor area or size of the building associated with such sign; or, 3) the sign is historically significant to the community. These criteria are found in Section 7-9-19 of the Sign Code. The Board of Adjustment granted a variance to permit the total existing signage on the site and the height of the poles on the site. The Board of Adjustment found that such signage did not negatively impact the neighborhood environment since it had been in existence and it was necessary to adequately identify the premises.

Councilmember Mills requested the Planning and Building Director to address what the Sign Code requires for wall signage and, also, what the request for wall signage is on the site plan for this development. The Planning and Building Director stated that the Sign Code calculates wall signage as 20% of the building front. Councilmember Mills clarified that this building will be identified from other sources other than just the poles signs. The Planning and Building Director agreed.

Councilmember Groberg questioned one of the items on the Findings of Fact and Conclusions of Law, regarding the one freestanding 65-foot on-premises pole sign being easily seen from .2 miles beyond the 1 mile to exit sign along the freeway. The Planning and Building Director clarified that the staff drove from the south towards the north on the freeway. From the York Road freeway entrance towards the Broadway entrance, this sign can be seen from .8 miles from the exit.

Councilmember Mills commented that the maximum size sign for any type of development under the Sign Code is 600 square feet. The Planning and Building Director stated that this was correct. Councilmember Mills questioned what would be allowed in total square footage for signage under the Sign Code, if this request were being made for a new development. The Planning and Building Director stated that the square footage of the sign is determined by the lineal footage of the building. If the building has 69 feet of lineal frontage of West Broadway, with the revision that was enacted by this Council a couple of years ago, the square footage of the sign would be 100 square feet. It was further explained that with the same revision, if a building is less than 100 lineal feet, then they could have at least 100 square feet of signage. Councilmember Mills questioned whether much difference would be made by using the long side of the building at 125 lineal feet, and adding the frontage of the building on West Broadway. The Planning and Building Director stated that the square footage would be approximately 200 lineal feet.

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

Kenlon Johnson, 2695 South Boulevard, appeared as a representative of the owner of the property and developer for Johnson Oil Company. The Board of Adjustment allowed them to maintain the historical square footage of the signs at the site, which was 394 square feet. The Board told them that they could use that square footage in two signs, one being a 65-foot pole located on the northeast corner of the property on Broadway, and the sign pole on the street on the northwest corner of the property on Broadway. Neither sign was to exceed 220 square feet. They are currently installing the street sign, which has 180 square feet. According to the Board of Adjustment's allowance, they could then install another sign on the 65-foot pole that would be the difference between the 180 square foot sign and 394 square foot total signage. Mr. Johnson explained that they would like to eliminate the 65-foot pole on Broadway and install a new pole at the rear of the property on the southwest portion, being 100 feet in height with 394 square foot of signage. This would improve the aesthetics of the area by removing the pole from the Broadway thoroughfare, locating the pole at the back of the property for visibility to the freeway. Mr. Johnson stated that they have conducted sign flagging experiments to determine what height of sign would

be readily apparent from the freeway. They determined that the 65-foot pole was not tall enough and did not allow enough time for people to make the decision to get off of the freeway in Idaho Falls to come to their facility. He stated that the larger sign could be seen

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for approximately 2-1/2 to 3 miles from the Broadway exit, allowing more time to make a decision as to whether to exit in Idaho Falls.

Councilmember Groberg questioned Mr. Johnson as to whether this proposal for signage as presented on this night was considered by the Board of Adjustment. Mr. Johnson stated that when it became obvious that the Board of Adjustment was not going to accept the original proposal of 702 square feet of signage, they suggested a compromise. They would install a smaller sign on Broadway as shown, with the larger sign of 394 square feet placed on the rear of the property. The Board of Adjustment granted the developers the right to maintain the historic size of signs at 65 feet in height.

Mr. Johnson stated that mention was made, that by granting the larger signage, a sign war would be created with everyone trying to install the larger signs. He stated that with the costs involved in this type of signage, there would be no sign war. The only purpose for installing the larger sign at the back of the premise would be for freeway traffic to see their advertisement.

Councilmember Hardcastle stated that the staff maintains that the sign at 65 feet in height can be seen by the freeway traffic. Mr. Johnson stated that this is true, but that the sign cannot be seen soon enough to make a decision to stop in Idaho Falls for their services.

Councilmember Mills requested those present who were in favor of the variance from the Sign Code to come forward at this time.

Ron Barnes, 1586 Irving Street, Area Supervisor and Director of Operations for the Runnings operation in Idaho Falls, appeared to state that they have been in business for 27 years. He stated that McDonald's has provided statistics in the use of the large freeway signs for their operations. He stated that 70% of McDonald's customers typically make a decision to visit their restaurants within 3 minutes of actually turning into their lot. They are not a destination restaurant. People visit McDonald's restaurants because they are accessible and quick. A high-rise sign, such as the one being proposed, denotes that other services are available at this exit. Mr. Barnes stated that through the summer months, 35% to 40% of their business comes in from the interstate, and 35 seconds is a very short time to see a sign, make a buying decision, and get off of the exit safely.

Councilmember Hardcastle questioned Mr. Barnes as to how much more notice the 100-foot sign would provide. Mr. Barnes stated that the 100-foot sign would provide approximately two additional minutes.

Councilmember Groberg requested to know if there was anything unique about their business to require such signage, or would the same signage be applicable to other businesses in the area. Mr. Barnes stated that he assumed that their businesses would benefit from the same signage.

Councilmember Mills requested to know whether McDonald's uses the State Department of Transportation informational signs for services. Mr. Barnes stated that they do use those signs, but the visibility on those signs is minimal.

Craig Jamison, Idaho Electric Signs, 6528 Supply Way in Boise, Idaho, appeared to state that he was present for any questions that the Mayor and Council had with regard to the signage and the visibility of the sign. He stated that the requested 100-foot sign would have less impact on the community than the existing sign does. This sign is strictly for freeway visibility. Mr. Jamison explained that he watched for the previous sign when he was entering Idaho Falls to go to the Board of Adjustment Meeting. He stated that he could see the sign, but it was not clearly discernable. As he got closer to Idaho Falls, the sign disappeared behind trees, and then became visible again too late to consider taking the

Broadway exit safety. The new sign might be seen from approximately 3 miles away, but it will only be legible as a McDonald's/Chevron sign from approximately 1-1/2 miles away.

Councilmember Carlson questioned Mr. Jamison as to how many cities allow signs that are 100 feet in height. Mr. Jamison stated that in the Boise area, there are not

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many signs of this height as they are hard to obtain. There are quite a few in Meridian, Nampa, and Caldwell.

Councilmember Eldredge questioned whether this business is really buying any more time for an exit to Idaho Falls by making the sign taller. Mr. Barnes stated that this would still give approximately 2 minutes lead-time to the exit.

Councilmember Branson stated that the State Department of Transportation information signs give information about services, and then a person can start to look for what is available.

Councilmember Mills requested those present who wished to speak in opposition to the variance from the Sign Code to come forward at this time.

Cheryl Just, 620 Adell, appeared to read a statement regarding her concerns with granting this variance:

I would like to thank the Idaho Falls City Council for the opportunity to comment at this public hearing. I urge you to deny this appeal for the variance to increase the height for a freestanding pole sign from the maximum of 60 feet to 100 feet, and to deny the size increase of a sign copy area from a maximum of 100 square feet to 702 square feet. The variance for this sign are two free-standing poles located generally at 1485 West Broadway, legally described as Savefast Addition, Block 1, Lot 1 – HC (Highway Commercial) Zoning, should be denied. Because the sign would be on property in close proximity on Interstate 15, this variance is not needed. Bigger and more is not better. In this instance, it is excessive. Interstate information signs tell operators of vehicles the availability of hospitals, airports, rest stops, services, fuel, food, lodging, parks, and many other facts to make travel safe and convenient. These signs are now including inserts for some private commercial services. The signs are adequate and provide necessary information before off-ramps. I respectfully request you to deny this variance appeal.

Mrs. Just explained that there has been a McDonald's located in her neighborhood for over ten years. This has been a neighborhood McDonald's with a sign approximately the size of what has been installed recently at the new facility. This facility has landscaping and is an oasis in the middle of asphalt. With the construction of the larger franchises, responsibility needs to be taken to keep the neighborhoods beautified. Mrs. Just stated that there is too much advertising in the City of Idaho Falls. She again respectfully requested that the City Council deny the variance appeal.

James Ellis, with the Burger King franchise directly to the east of the McDonald's/Chevron facility, appeared to state that they opened the Burger King in July, 1994 with the 60-foot, 10' X 10' sign. This sign is not exactly visible from the freeway. Since their opening, they have done a good job bringing in people from the freeway and also from the local area. They purchase additional billboards along the freeway to let people know where they are located in Idaho Falls. Other businesses in this area have used the Sign Code requirements for their signage. On behalf of Burger King, he requested that the City Council not grant the variance request.

Councilmember Mills asked Mr. Ellis whether Burger King utilizes the State Department of Transportation information signs for advertising. Mr. Ellis stated that they use those signs, but at the Broadway exit, there is no space available at this time.

Jerry Jayne, 1568 Lola Street, appeared to request the City Council to deny the variance request. He commented that the flowerbeds are very nice at the exit, but are

overshadowed by all of the signs in the area. Mr. Jayne stated that, recently, he and his wife took a trip and noted that signs are going up all along interstates. Unfortunately, they are becoming higher and becoming more numerous. If the City allows larger signs than the Sign

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Code requires, then a sign war will result. Mr. Jayne urged the City Council to enforce the Sign Code requirements of 60 feet in height with only 100 square feet of sign copy. He noticed the new signs coming to town recently and wondered where they were going to be set. Earlier on this date, he found out. He thought that the developers were presumptive in setting the sign on the southwest corner before the City Council had approved or denied their request.

Kenlon Johnson re-appeared to state that the existing McDonald's located on West Broadway is not going to be operational after this new facility opens. The landscaping that has been enjoyed at the old facility will be nicer will be nicer at the new facility. The signage at the old facility is on a 60-foot pole with 220 square foot of sign copy. If the two premises are combined, two high rise signs will be removed from West Broadway, and replacing those with one sign at the rear of the new facility, the height of which will make it a good neighbor as it will not be obtrusive to those living in the neighborhood and will have little impact. If the neighboring businesses to the McDonald's/Chevron facility have not chosen to apply for a variance for their signage, that is their problem. As was mentioned by the representative from Burger King, space will not be available on the State Department of Transportation informational signs for some time. Billboards on the freeway are not easy to find. Mr. Johnson urged the City Council to approve the variance from the Sign Code. The signs will be completed in a positive and beneficial way to the City of Idaho Falls in the overall effect.

Councilmember Carlson stated that the new Sunnyside interchange that is to be constructed in the near future would change the landscape enough that this new larger sign will not be visible from as far as the developers think it will be.

Councilmember Mills requested the Planning and Building Director to show the slide that was taken, showing the previous sign from just north of the Pancheri Bridge. The Planning and Building Director showed that slide and gave further explanation of all of the signs shown on the slide. A brief discussion followed regarding the height and size of copy of signs in the area of this development.

Councilmember Groberg questioned whether there was a provision in the Sign Code that gives special application for freeway properties. The Planning and Building Director stated that there is no such provision. Councilmember Groberg questioned whether others applying for this type of signage, if they were trying to attract traffic from the freeway, would be restricted also. The Planning and Building Director stated that they would be held to the same provisions of the Sign Code.

Councilmember Eldredge questioned as to how the Council should proceed. He understood that the Board of Adjustment has approved two signs, one up to 65 feet in height, with a total of sign copy between the two signs of 394 square feet. He requested to know whether the Council would have to approve larger signs or is the Council authorized to approve smaller signs. The Planning and Building Director explained that this type of hearing is for the Council to hear testimony and start at ground zero. This is not considered an appeal on the record.

Councilmember Groberg stated that he believed it would be unfair for the Council to approve smaller signs at this time. The Board of Adjustment has approved the request as stated.

Mayor Milam stated that the applicant has appealed what the Board of Adjustment has approved. At this time, the Council is free to make a decision. Whether or not the applicant has installed a sign before the City Council made a decision is not a consideration.

Councilmember Groberg stated that he believed that these signs would be built and installed to high standards. The question before Council is whether the businesses are adequately advertised or is the Council being prejudicial. He sensed that the Council would

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be prejudicial against other businesses in the area if the variance for the large signs was granted.

Councilmember Mills commented that the building structure is aesthetically and architecturally pleasing. The site plan showed other options for more square footage of landscaping, but the applicant was reluctant to comply.

Councilmember Branson commented that other signs have been installed that are over 100 feet tall and are in close proximity to the interstate.

Councilmember Eldredge stated that the reason those businesses have the taller and larger signs is because the size of the sign is based upon frontage of their building.

It was moved by Councilmember Mills, to deny the variance and uphold the requirements of the Sign Code and Ordinance. The motion failed due to the lack of a second.

It was moved by Councilmember Mills, to grant a variance from the Sign Code to allow for two pole signs, one pole sign to be 65 feet in height, and as this site is unique in accommodating two businesses, to allow for 225 square feet in signage. The motion failed due to the lack of a second.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to grant the variance from the Sign Code to allow for two pole signs, one pole sign to be 65 feet in height and, further, allow for 394 square feet in signage. Such signage will adequately identify the premises and will not substantially harm the neighborhood. This will uphold the decision of the Board of Adjustment. Roll call as follows:

Aye: Councilmember Eldredge
 Councilmember Carlson
 Councilmember Mills
 Councilmember Groberg
 Councilmember Branson
 Councilmember Hardcastle

Nay: None

Motion Carried.

Following a brief recess, Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Blue Ridge Estates, Division No. 1. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 1, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: BLUE RIDGE ESTATES, DIVISION NO. 1

Attached is the Annexation Agreement, Annexation Ordinance, and Final Plat for Blue Ridge Estates, Division No. 1. The Final Plat consists of 8.52 acres and 23 single-family lots. The requested initial zoning is R-1. The Plat is located

east and adjacent to Bellin Road, north of Patriot Circle, and east of Newman Drive. The Planning Commission reviewed this annexation request and

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recommended approval. This Department concurs. This request is being submitted to the Mayor and City 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
Exhibit 1	Staff Report, August, 1999
Exhibit 2	Planning Commission Minutes, August, 1999

The Planning and Building Director stated that the Final Plat for Blue Ridge Estates, Division No. 1 is in conformance with the Subdivision Ordinance, Zoning Ordinance provisions that relate back to the Subdivision Ordinance, and the Comprehensive Plan. This Final Plat is in compliance with the Preliminary Plat that was approved by the Planning Commission.

Garth Cunningham, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he had nothing to add to the information that was presented by the Planning and Building Director. He was available to answer any questions that the Mayor and Council may have.

Robert Steele, Jr., 2325 Brandon Drive, appeared to state that he is opposed to the annexation of Blue Ridge Estates, Division No. 1. He stated that the City Council is being fed this annexation in pieces, and the last piece of the proposed annexation is where all of the problems lie. The Planning Commission directed the developers to do certain things. All of the storm drainage in this area was to be drained through a gravity-fed system. Mr. Steele stated that a lift station is proposed for the last area being developed. He stated that if lift stations were built, they would be draining the whole west side of Idaho Falls through this property. Troy Pond has two injection wells that are contaminating the local wells. The injection wells are going to have to be shut down. A pipe will have to be installed to the freeway ponds. If homes are allowed to be built in the early divisions of this development, a gravity-fed system will not be able to be installed. Mr. Steele stated that lift stations fail when you need them the most. He stated that there is a big problem with drainage in this area. This is the City's problem. He expressed his concern over Brandon Avenue being extended into the new subdivision. Troy Avenue is not a completed street at this time. He stated that the traffic study that was completed was not adequate. Mr. Steele stated that traffic would use Dickson Avenue, Brandon Avenue, and Troy Avenue, rather than Pancheri Drive to avoid the traffic on Pancheri. If Brandon Avenue is extended, all of the storm water will run directly down that street with nowhere to go. Mr. Steele stated that no one has addressed the traffic from Dickson Avenue onto Pancheri Drive, no one has addressed the drainage problems, and no one has addressed the fill that will have to be hauled in to bring this area up to grade. Mr. Steele stated that he does not have a problem with the Rounds developing their land, but they should not be bringing the City a problem.

Councilmember Mills requested the Planning and Building Director to come forward and address the traffic study issue. The Planning and Building Director stated that the City required a traffic study for Blue Ridge Estates, which was completed by the Developer. At peak hour, approximately 250 trips could be anticipated when this development is finished. At the time the traffic study was completed, it was reviewed by the

Bonneville Metropolitan Planning Organization, City Engineer, and Traffic Technician. Any questions or comments were then referred back to the person who conducted the Traffic Study. Those issues were addressed. This Traffic Study was then used to design access

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points to this development. The Planning and Building Director stated that this Study was completed in the summer; however, the person who prepared the traffic study had access to data gathered in the past by City staff when school was in session. The Preliminary Plat goes through review by City Planning Staff to determine if there is compliance with the Zoning Ordinance and that part of the Subdivision Ordinance which the Planning Department reviews, Public Works Division (including Engineering Department, Water Department, Sewer Department, Street Department, and Sanitation Department), Electric Division, Fire Department, and Police Department. On this Preliminary Plat, storm drainage has always been a major issue. This is not something that the City of Idaho Falls has taken lightly. She stated that the Engineering Department has been looking at the storm water aspects of this plat as an opportunity to resolve some of the issues that have existed in the terms of storm drainage on the west side of Idaho Falls. The Planning and Building Director, further, stated that this is the reason for beginning on the southern portion of the development, so that the necessary facilities can be constructed to handle storm water drainage on the west side.

The Public Works Director appeared to state that Troy Pond has only filled one time, when it was in the reduced size. Since that time, Troy Pond has been expanded and has not filled completely. Drainage in this area has always been a concern of the City. He requested the Rounds family to start on the southern portion of this development, to allow for construction of the needed infrastructure. This would allow for an outlet when the Troy Pond is reached with the development. Blue Ridge Estates' drainage does not go to the Troy Avenue Pond, other than the last subdivision next to Pancheri Drive. This subdivision will have to provide their own drainage. The Public Works Director stated that Mr. Steele was correct in stating that it would be optimal for the City to drain by gravity, however, there is a large lava ridge that goes through the development. The line that is being constructed in the early subdivisions will ultimately require a lift station. The City requires two pumps to be installed at each lift station, to make sure that there is a stand-by pump in case one fails. If the power is out, portable generators can be delivered to the lift station to be kept in working order. This development will provide for an outlet from Troy Pond to the I-15 ponds.

Councilmember Eldredge questioned the Public Works Director as to how many ponds have lift stations. The Public Works Director stated that almost all of the storm drainage ponds have lift stations. He explained that the developers are required to store 1.3 inches of water over frozen ground and have a positive outlet, so almost all ponds require lift stations to meet those requirements. Councilmember Eldredge asked the Public Works Director to comment on the injection wells at Troy Pond. The Public Works Director stated that the west side of Idaho Falls is a series of basins. When this area was farmed and irrigated, the excess water went to the low areas. The low parts of the basins all had injection wells in them. The City of Idaho Falls did not construct these wells, but the City does use them. The City has abandoned several injection wells and is committed to abandoning all of them as can be done.

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

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for Blue Ridge Estates, 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 Mills
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge

Councilmember Carlson

Nay: None

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Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for Blue Ridge Estates, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Groberg
 Councilmember Hardcastle
 Councilmember Eldredge
 Councilmember Mills
 Councilmember Branson

Nay: None

Motion Carried.

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

ORDINANCE NO. 2352

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 Mills 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 Branson
 Councilmember Hardcastle
 Councilmember Mills
 Councilmember Eldredge
 Councilmember Carlson
 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 Mills, seconded by Councilmember Groberg, to establish the initial zoning of Blue Ridge Estates, Division No.

1 as R-1 (Single-Family Residential) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to

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reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

Councilmember Groberg commented that the Planning Commission has the opportunity to review the Preliminary Plats for all new subdivisions. The Mayor and City Council does not have the opportunity to approve or deny those. He stated that it might be good for the City Council to review the Preliminary Plats to be able to consider the larger picture of a development. Mayor Milam stated that the Preliminary Plats could be viewed by the City Council when they receive the minutes of the Planning Commission, as copies of those maps are attached to those minutes.

Mayor Milam stated that the Annexation Proceedings for Old Faithful Beverage Company was withdrawn by the Division Director.

Mayor Milam stated that the Annexation Proceedings for Melaleuca Addition, Division No. 1 was withdrawn by the Division Director.

The memo from the Electric Director regarding the tabulation of bids for Channing Way/25th Street Intersection Improvements was withdrawn by the Division Director.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
November 1, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT, GRAND TETON MALL, DIVISION NO. 1

Attached is the Amendment to the Annexation Agreement and the Final Plat for Grand Teton Mall, Division No. 1. This Plat encompasses 9.49 acres and is located east of Channing Way and north of 25th Street. A variance for the length of Teton Plaza is required. Teton Plaza originally looped to 25th Street. With this Plat, a parking area will connect Teton Plaza and 25th Street and provide a second emergency access to Teton Plaza. The Planning Commission reviewed this Plat and the request for a variance and recommended approval with the condition the minor access to Grand Teton Mall existing on Channing Way be reconstructed to incorporate curb returns. This Department concurs.

The Agreement and Final Plat are being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Layout of proposed development
Slide 5	View from 25 th Street north to Teton Plaza
Slide 6	Looking southwest from eastern edge of site
Slide 7	Looking north
Exhibit 1	Staff Report, July, 1999
Exhibit 2	Planning Commission Minutes, July, 1999
Exhibit 3	Executive Summary, Traffic Impact Study

The Planning and Building Director stated that the cul-de-sac meets the City's requirements, however, the length of Teton Plaza is 530 feet, which exceeds the Subdivision requirements by 130 feet. This is being proposed by the Developer because they were not able to move the cul-de-sac toward the west due to existing development.

Councilmember Eldredge questioned the Planning and Building Director as to why a parking lot is being used instead of having a dedicated street in this location. The Planning and Building Director stated that this would require a 60-foot right-of-way for a dedicated street, eliminating a large portion of the parking area. The setback requirements are such that other buildings could not be developed either.

The Planning and Building Director stated that this is a one large lot development that will be developed into multiple building sites. The ownership is different than the ownership that developed the rest of this area. If the variance is approved, there will be a cul-de-sac of 530 feet. There are multiple access points to this area to provide for emergency vehicle access. The Planning and Building Director stated that the Planning Staff had a long discussion with the applicant about trying to get the cul-de-sac to fit the Subdivision Ordinance, but the issue facing the applicant was the existing development that was not created by the applicant. This precluded the property owner from developing a cul-de-sac 400 feet from Channing Way Addition. A traffic study was conducted on this area. This study showed that this development would create approximately 70 additional trips on 25th Street during the year 2000. Sixty of those seventy trips are created by the Spectrum Theater in Ammon. Ten of those trips will be created by the Mall and any related development.

Councilmember Eldredge questioned whether a problem would be created for the City if the land does not developed as proposed. The Planning and Building Director stated that if the access does not develop onto 25th Street, existing driveways could be used.

Councilmember Mills requested to know which entrance on Channing Way was requested to be reconstructed with curb returns. The Planning and Building Director stated that it is the one located by The Bon store, which looks more like a driveway. She stated that the Amendment to the Annexation Agreement addresses this request for change.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for Grand Teton Mall, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Plat. Roll call as follows:

Aye:	Councilmember Branson
	Councilmember Hardcastle
	Councilmember Mills

Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg

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Nay: None

Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Amendment to the Annexation Agreement for Grand Teton Mall, Division No. 1, to include the completion of the sidewalk on the east side of Channing Way on the southwest portion of the Mall property as provided in the original Development Agreement and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
November 2, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – 25TH STREET AND SOUTH HOLMES AVENUE,
IDAHO CANAL PEDESTRIAN CROSSING

On October 26, 1999, bids were received and opened for the Idaho Canal Pedestrian Crossing located at 25th Street and South Holmes Avenue. A tabulation of the bid results is attached.

Public Works recommends award of this contract to Vern Clark and Sons Construction Company in the amount of \$29,010.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to accept the low bid from Vern Clark and Sons Construction Company to complete the 25th Street and South Holmes Avenue, Idaho Canal Pedestrian Crossing Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills

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Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
November 4, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: HEMMERT DRIVE TO WELL NO. 12 WATER LINE – CHANGE
ORDER NO. 1

Attached is proposed Change Order No. 1 to Hemmert Drive to Well No. 12 Water Line Project. This Change Order adds a sampling access structure near the Willow Creek Crossing as required by the Department of Environmental Quality; and, adds \$1,200.00 to the contract amount and three (3) calendar days to the contract completion date.

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

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve Change Order No. 1 to Silver Creek Construction Company, Inc. for the Hemmert Drive to Well No. 12 Water Line Connection Project and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Eldredge, that the meeting adjourn at 9:50 p.m.

CITY CLERK

MAYOR
