

**MAY 13, 2010**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 13, 2010, at 7:30 p.m. in the Council Chambers located in the City Annex Building at 680 Park Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman  
Councilmember Ken Taylor  
Councilmember Thomas Hally  
Councilmember Michael Lehto  
Councilmember Sharon D. Parry  
Councilmember Karen Cornwell  
Councilmember Ida Hardcastle

Also present:

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

Mayor Fuhriman requested Clark Corbin from the Post Register to come forward to lead those present in the Pledge of Allegiance.

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to place the "Endorsement of School District No. 91 Bond" on the City Council Agenda this evening, due to the election being next week and there not being another Council Meeting prior to that time. Councilmember Cornwell, further, explained that this was not placed on the Council Agenda earlier in the week, due to the fact that she was approached this morning with this request. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Parry  
Councilmember Lehto  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, for the City Council to declare its support of the School District No. 91 Bond and to encourage patrons in School District No. 91 to vote "Yes" on Tuesday, May 18, 2010. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Parry  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

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Mayor Fuhriman requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda. No one appeared.

**CONSENT AGENDA ITEMS**

Mayor Fuhriman requested Council confirmation for the Appointment of Bill Skinner to serve on the Traffic Safety Committee (Term to Expire on December 31, 2010).

The City Clerk requested approval of the Minutes for the April 20, 2010 Council Work Session and the April 22, 2010 Regular Council Meeting.

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 the following Expenditure Summary dated April 1, 2010 through April 30, 2010, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 660,677.30
Street Fund	27,575.19
Recreation Fund	24,470.29
Library Fund	71,010.41
Municipal Equipment Replacement Fund	264,723.63
Electric Light Public Purpose Fund	89,484.75
Golf Fund	20,961.84
Municipal Capital Improvement Fund	65,816.93
Bridge and Arterial Street Fund	76,151.36
Water Capital Improvement Fund	12,077.05
Airport Fund	184,341.26
Water and Sewer Fund	401,143.42
Sanitation Fund	2,209.98
Ambulance Fund	32,049.62
Electric Light Fund	3,942,444.44
Payroll Liability Fund	2,367,027.21
<b>TOTALS</b>	<b>\$ 8,242,164.68</b>

The City Clerk presented several license applications, including BEER LICENSES to El Toro Bar, Famous Dave's BBQ, and Garden View Bistro, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on May 13, 2010.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
May 13, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: CONSENT AGENDA - REQUEST AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR SOLAR PANEL INSTALLATION AT IDAHO FALLS POWER

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Idaho Falls Power respectfully requests approval of the design and authorization to advertise to receive bids to install solar panels on the roof of the administrative building at 140 South Capital Avenue. This project is funded by the Energy Efficiency and Conservation Block Grant the City was awarded in 2009.

Attached is a copy of the project detail sheets for this project from the Capital Improvement Plan.

s/ Jackie Flowers

**Idaho Falls Power  
Capital Improvement Program  
Project Detail Sheet**

Operation: Administration and General

Project Title: Renewable Energy Demonstration

Anticipated Budget Year: 2010

Anticipated Construction Year: 2010

Project Budget: \$150,000.00

Internal Forces Used to Complete Project: None

Description and Justification: Public display area with various demonstrations and models. Solar panels and other renewable options exhibited.

Project Location: Idaho Falls Power Building – Energy Center

Project Delay Consequences:

Internal Forces Used to Complete Project: Yes and No

Relationship to Comprehensive Plan or Other Divisional Capital Plans: This project is independent any other plans.

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

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Airport Director submitted the following memo:

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City of Idaho Falls  
April 26, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: AMENDMENT TO AIRPORT LEASE AGREEMENT

Attached for City Council approval is the Amendment to Lease Agreement by and between the City of Idaho Falls and Brian F. McColl.

Property is located at 1690 International Way, in the Airport Industrial Park.

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

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Taylor, to approve the Amendment to the Lease Agreement between the City of Idaho Falls and Brian F. McColl for property located at 1690 International Way and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry

Nay: None

Motion Carried.

The Human Resources Director submitted the following memo:

City of Idaho Falls  
May 10, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Brian J. Sagendorf, Director of Human Resources  
SUBJECT: COLLECTIVE BARGAINING AGREEMENT – IBEW LOCAL 57

It is respectfully requested the Council authorize the Mayor to sign the 2010-2011 Collective Bargaining Agreement between the City of Idaho Falls and the International Brotherhood of Electrical Workers Local 57. The agreement has been negotiated in good faith with Union leadership. Attached for your consideration is the complete Collective Bargaining Agreement and summary of negotiations as agreed upon with the Union.

s/ Brian J. Sagendorf

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It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the 2010-2011 Collective Bargaining Agreement between the City of Idaho Falls and the International Brotherhood of Electrical Workers Local 57 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
May 10, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT: BONNEVILLE POWER ADMINISTRATION NETWORK  
TRANSMISSION SERVICE

Attached for your consideration are two documents relative to network transmission service from the Bonneville Power Administration (BPA).

1) Amendment No. 2 to the BPA Network Transmission Service Agreement between Idaho Energy Authority (IDEA) and BPA. The Amendment terminates the Transmission Service Agreement between IDEA and BPA, under which Idaho Falls Power currently receives transmission service.

2) Exhibit A to the BPA Network Transmission Service Agreement between Idaho Falls Power and BPA. Idaho Falls Power has requested service under its own Transmission Service Agreement with BPA. Exhibit A defines the physical specifications for delivery of federal power to Idaho Falls Power under the new Agreement.

The documents have been reviewed by the City Attorney.

Idaho Falls Power respectfully requests approval of the documents and authorization for the Mayor to sign.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve Amendment No. 2 to the BPA Network Transmission Service Agreement between Idaho Energy Authority (IDEA) and BPA and Exhibit A to the BPA Network Transmission Service

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Agreement between Idaho Falls Power and BPA and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Parry  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
May 3, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-10-16, ONE (1) NEW 2010 OR NEWER SIDE LOAD REFUSE CONTAINER BODY – MINIMUM 29 CUBIC YARD MOUNTED ON ONE (1) NEW 2010 OR NEWER CAB AND CHASSIS; AND TWO (2) NEW 2010 OR NEWER REAR HAND LOAD REFUSE BODIES – 20 CUBIC YARD MOUNTED ON TWO (2) NEW 2010 OR NEWER CAB AND CHASSIS

Attached for your consideration is the tabulation for the refuse trucks listed above.

In regard to Section I – Side Load Refuse Container Body mounted on Cab and Chassis, it is the recommendation of Municipal Services to reject all bids and request authorization to rebid.

In regard to Section II – Rear Hand Load Refuse Bodies mounted on Cab and Chassis, the apparent low bid submitted by Southern Idaho Freightliner (3D) with the Heil Body did not meet the required specifications. Item No. 17 of the specification required a hydraulic pump with 42 GPM; the unit bid only has 24 GPM and on Item No. 18 the specification required a hydraulic oil reservoir to be 40 gallon minimum; unit bid only has 24 gallon. It is, therefore, recommended to accept the second low bid meeting specifications of Southern Idaho Freightliner (3B) to furnish two (2) new 2010 Labrie Equipment Rear Hand Load Refuse Bodies mounted on 2011 Freightliner Cab and Chassis for a total amount of \$251,636.00 with Trade-In Units No. 7000 and 7002.

s/ S. Craig Lords

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It was moved by Councilmember Taylor, seconded by Councilmember Parry, to reject all bids for the One (1) New 2010 or Newer Side Load Refuse Container Body – Minimum 29 Cubic Yard Mounted on One (1) New 2010 or Newer Cab and Chassis and give authorization for Municipal Services to rebid said Refuse Body and Cab and Chassis; to reject the apparent low bid submitted by Southern Idaho Freightliner (3D) with the Heil Body as it did not meet the required specifications; and, to accept the second low bid from Southern Idaho Freightliner (3B) to furnish two (2) new 2010 Labrie Equipment Rear Hand Load Refuse Bodies mounted on 2011 Freightliner Cab and Chassis for a total amount of \$251,636.00 with Trade-In Units No. 7000 and 7002. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Parry  
Councilmember Lehto  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-10-14, ONE (1) NEW 2010 OR NEWER AERIAL DEVICE -  
55' SINGLE BUCKET, KNUCKLE BOOM DESIGN MOUNTED ON  
A NEW 2010 OR NEWER CAB AND CHASSIS

On the April 22<sup>nd</sup> Council Meeting, this bid was awarded to Lake City Trucks; per their letter of April 30<sup>th</sup>, addressed to the Purchasing Department, they can no longer furnish the truck as bid. Therefore, it is the recommendation of Municipal Services to accept the bid of Southern Idaho Freightliner to furnish a new 2011 Freightliner Cab and Chassis to be mounted with a New 2010 Versalift Aerial Device for an amount of \$152,180.00 with Trade-In Unit No. 378.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to accept the bid from Southern Idaho Freightliner to furnish a New 2011 Freightliner Cab and Chassis to be mounted with a New 2010 Versalift Aerial Device for an amount of \$152,180.00 with Trade-In Unit No. 378. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

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Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – SUNNYSIDE  
CROSSROADS REGIONAL CENTER NORTH, DIVISION NO. 3

Attached are the Development Agreement and the Final Plat for the Sunnyside Crossroads Regional Center North, Division No. 3. This is a one-lot plat of 6.2 acres west of Interstate 15, south of Bellin Road, and north of 33<sup>rd</sup> South (Pioneer Road). The plat was found to be in compliance with the Subdivision Ordinance and was recommended for approval by the Planning Commission on April 6, 2010. The Department also recommends approval. This plat is now being submitted to the Mayor and Council for consideration.

s/ Renee 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 request:

Exhibit 1 Copy of Final Plat  
Exhibit 2 Vicinity Map  
Exhibit 3 Aerial Photo  
Exhibit 4 Planning Commission Minutes dated April 6, 2010  
Exhibit 5 Staff Report dated April 6, 2010

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Development Agreement for Sunnyside Crossroads Regional Center North, Division No. 3 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry

Nay: None

Motion Carried.

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It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute said Final Plat. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Parry  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: AGREEMENT WITH IDAHO FALLS REDEVELOPMENT AGENCY  
FOR DESIGN, ENGINEERING, AND COST ESTIMATING  
SERVICES

Attached is the Design, Engineering, and Cost Estimating Services Agreement between the City of Idaho Falls and the Idaho Falls Redevelopment Agency regarding the Memorial Drive Reconstruction Project. This contract provides for Agency reimbursement of the engineering costs incurred by the City in the design for reconstruction of Memorial Drive. The design is to be in accordance with the concept considered in the Spring and Summer of 2009.

s/ Renee R. Magee

Councilmember Parry stated that she has a conflict of interest with this subject and would not participate in any discussion or decision with regard to this Agreement.

Councilmember Hally stated that he hopes this project is like a snowball going downhill and will pick up momentum, so that this project can be completed sooner rather than later.

It was moved by Councilmember Taylor, seconded by Councilmember Cornwell, to approve the Design, Engineering, and Cost Estimating Services Agreement between the City of Idaho Falls and the Idaho Falls Redevelopment Agency regarding the Memorial Drive Reconstruction Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

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Nay: None

Abstain: Councilmember Parry

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
May 11, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Steve Roos, Chief of Police  
SUBJECT: CITY COUNCIL AGENDA ITEM

Please review the attached draft of an Ordinance amending Section 5-17-1 of the City Code of the City of Idaho Falls. The purpose of the change was to fix a small issue with the penalty provision relating to placing debris on streets.

I respectfully request approval of this change at the May 13, 2010 City Council Meeting.

Thank you.

s/ Steve Roos

The City Attorney explained that this is a housekeeping item. The purpose of this amendment is to have the flexibility of allowing the judge to impose both a fine and a penalty. As the Ordinance is currently drafted, it is either fine or penalty.

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

**ORDINANCE NO. 2837**

AN ORDINANCE AMENDING SECTION 5-17-1 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; RELATING TO PLACING DEBRIS ON STREETS; PROVIDING FOR METHODOLOGY; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

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

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Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Parry  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
April 22, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – SEAL COAT, 2010

On April 22, 2010, bids were received and opened for the Seal Coat, 2010 Project. A tabulation of bid results is attached.

Public Works recommends approval of plans and specifications, award to the firm providing the low bid, HK Contractors, Inc., in an amount of \$151,658.00; and, authorization for the Mayor and City Clerk to sign contract documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the plans and specifications for the Seal Coat, 2010 Project; to accept the low bid from HK Contractors, Inc. in the amount of \$151,658.00 to complete the Seal Coat, 2010 Project; and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Parry  
Councilmember Lehto  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

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City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: CONTRACT OF SALE – LOTS 5 THROUGH 12, BLOCK 1,  
SPENCER ADDITION

Attached is a proposed Contract of Sale with John S. and Margaret Ann Spencer, et al, for City purchase of Lots 5 through 12, Block 1, Spencer Addition. These lots adjoin property already owned by the City Water Department and are needed for future expansion. The purchase price is \$137,500.00.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Contract of Sale with John S. and Margaret Ann Spencer, et al, for City purchase of Lots 5 through 12, Block 1, Spencer Addition and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Parry  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
May 5, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: STATE/LOCAL AGREEMENT – OLD BUTTE/WEST BROADWAY  
INTERSECTION PROJECT

Attached is a proposed Agreement between the City and Idaho Transportation Department for construction of improvements at the intersection of Old Butte and West Broadway. This is a Federal Highway funded project through the

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Idaho Transportation Department and sponsored by the City. If approved, the City is required to provide \$60,591.00 as an estimated share of the project costs.

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

s/ Chad Stanger

**RESOLUTION NO. 2010-12**

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 construction of Intersection Old Butte Road and US 20; 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 A009(616) 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.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a Regular Meeting of the City Council, City of Idaho Falls, held on May 13, 2010.

s/ Rosemarie Anderson  
City Clerk

(SEAL)

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the State/Local Agreement between the City of Idaho Falls and the Idaho Transportation Department for construction of improvements at the intersection of Old Butte Road and West Broadway and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing, as legally advertised, to consider an Amendment to Zoning Ordinance No. 1941, Section 9-8 regarding the penalty for violations of the Zoning Ordinance. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: AMENDMENT TO ZONING ORDINANCE – CHANGE IN PENALTY PROVISION

Attached is an Ordinance prepared by Shan Perry, Assistant City Attorney. This Ordinance amends the Zoning Ordinance to provide penalty provisions consistent with the municipal code. Presently, the Code provides for a \$1,000.00 fine, and the Zoning Ordinance provides for a \$300.00 fine. This amendment will assist the court system in their review of violations. The Planning Commission held a public hearing on this Amendment on April 6, 2010, and recommended approval. The Department respectfully requests approval of the Amendment.

s/ Renee 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 Zoning Amendment request:

Exhibit 1 Copy of Ordinance  
Exhibit 2 Planning Commission Minutes dated April 6, 2010  
Exhibit 3 Staff Report dated April 6, 2010

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The Planning and Building Director explained, further, that the Ordinance Amendment refers back to the text in the City Code. This will allow the Zoning Ordinance to change as changes are made to the general text in the City Code.

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

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

**ORDINANCE NO. 2838**

AN ORDINANCE AMENDING ORDINANCE NO. 1941 OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE ZONING ORDINANCE OF THE CITY; AMENDING SECTION 9-8 REGARDING PENALTY FOR VIOLATIONS OF THE ZONING ORDINANCE; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE.

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

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Parry

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing, as legally advertised, for consideration of a Conditional Use Permit for the Placement of a Modular Classroom at Falls Valley Elementary School, located generally south of Eastview Drive, north of First Street, east of Woodruff Avenue, and west and adjacent to 25<sup>th</sup> East (Hitt Road) and legally described as a portion of Lot 2 and Lot 3, Block 16, East View Addition, Division No. 2 (Falls Valley Elementary School). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
May 6, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: APPROVAL OF TEMPORARY TWO CLASSROOM MODULAR UNIT – FALLS VALLEY ELEMENTARY SCHOOL

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Attached is the site plan for the placement of two classroom modular units north of Falls Valley Elementary School. The Department has reviewed this site plan and recommends approval with the conditions the Fire Marshall approve fire access and Idaho Falls Power approve the electrical plan for service to the modular. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Site Plan under consideration
Slide 4	Aerial Photo Close-up
Exhibit 1	Copy of Site Plan
Exhibit 2	Staff Report dated April 6, 2010

The Planning and Building Director explained, further, that this complies with the Zoning Ordinance. The site for the modular unit has been moved 15 feet to the south and 15 feet to the west, where it aligns with the existing asphalt pad. This will also assist with distancing the modular unit from the underground electrical power on the site. The Fire Marshall needs to approve the fire access and Idaho Falls Power is working with the School District to approve the electrical plan for service to the modular.

Roger Hill, Bonneville School District No. 93, 3497 North Ammon Road, works with the School District as the Director of Planned Facilities. The modular unit has two classrooms. The school is overcrowded. They would like to start a kindergarten program this fall. The 5<sup>th</sup> and 6<sup>th</sup> graders will be moved to the modular unit, while the kindergarten would use classrooms in the school itself.

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

It was moved by Councilmember Parry, seconded by Councilmember Taylor, to approve the Site Plan for the placement of two classroom modular unit north of Falls Valley Elementary School, located generally south of Eastview Drive, north of First Street, east of Woodruff Avenue, and west and adjacent to 25<sup>th</sup> East (Hitt Road) and legally described as a portion of Lot 2 and Lot 3, Block 16, East View Addition, Division No. 2, with the conditions the Fire Marshall approve fire access and Idaho Falls Power approve the electrical plan for service to the modular. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

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There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Lehto, that the meeting adjourn at 8:00 p.m.

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CITY CLERK

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MAYOR

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