

**FEBRUARY 11, 2010**

---

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 11, 2010, 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 Karen Cornwell  
Councilmember Thomas Hally  
Councilmember Sharon D. Parry  
Councilmember Ken Taylor  
Councilmember Michael Lehto

Absent was:

Councilmember Ida Hardcastle

Also present:

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

Mayor Fuhriman requested Nancy Stewart's Girl Scout Cadette-Senior Troop No. 60 to lead those present in the Pledge of Allegiance. Following is a list of Girl Scouts participating the Pledge of Allegiance: Kayla Rhoades (Clair E. Gale Junior High School), Kyla Lively (Idaho Falls High School), Katie Yasing (Idaho Falls High School), Rebecca Park (Sand Creek Middle School), Maggie Tucker (Eagle Rock Junior High School), Jessica Spano (Eagle Rock Junior High School), Kayla Stanley (Snake River Montessori School), Hailey Lamb (White Pine Charter School), Joanne Malmo (Leader), and Nancy Stewart (Troop 60).

It was moved by Councilmember Lehto, seconded by Councilmember Hally to add a Memorandum to the Council Agenda from the Public Works Director entitled "State/Local Agreement – City Wide Seal Coat Project, Phase Two" as the information for this item was received this morning and, further, the final date for Council action is Friday, February 12, 2010. This involves further Idaho Transportation Department stimulus funding. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested the representatives from the Mayor's Youth Advisory Council to come forward to report recent and future activities. Hannah Uebelhack (Junior at Idaho Falls High School) and Quinton Tapp (Senior at Hillcrest High School) appeared to state that one of the recent activities was going to the ARTcade Council Meeting

**FEBRUARY 11, 2010**

---

to provide input as to what students would like to see in an Art Museum in Eastern Idaho. Further, they worked with the Museum of Idaho during their Japanese Art Exhibit. Children and parents learned how to create pottery and make tile, along with Origami – the art of folding paper into a design. On March 8, 2010, the Mayor’s Youth Advisory Council will provide a concession stand for the Mayor’s Business Day to be held at Idaho Falls High School.

Councilmember Cornwell requested to know how the New Year’s Eve Dance turned out.

The representatives explained that there were approximately 700 students in attendance at the dance. Everyone in attendance had a good time. The Mayor’s Youth Advisory Council made a little money on the dance for future events.

Mayor Fuhriman requested the Chief of Police to come forward to recognize Todd Sorensen and his daughter, Sierra, for their bravery in a difficult situation.

The Chief of Police came forward. He shared the following letter of commendation:

City of Idaho Falls  
January 28, 2010

Todd Sorensen  
2526 Harold  
Idaho Falls, Idaho 83402

Dear Mr. Sorensen:

I would like to take this opportunity to pass along the heartfelt thanks and gratitude of the entire Idaho Falls Police Department to you and your daughter, Sierra, for your actions that began in the Wal-Mart parking lot on the night of Friday, December 18, 2009. After witnessing a despicable crime, your decision to follow the suspect and stay in contact with the E-911 Center proved to be invaluable help to the police in apprehending the suspect.

In this day of “don’t get involved” attitude adopted by many, your selfless act of courage is to be greatly commended. Sierra is also to be commended for her willingness to help you help the police. I am personally very thankful and appreciative of you and Sierra.

Mayor Fuhriman and I would like to publicly acknowledge you and Sierra for your service to your Community. This recognition will take place at the City Council Meeting of Thursday, February 11, 2010. The City Council Meeting begins at 7:30 p.m. and is held in the Council Chambers, located at 680 Park Avenue. Please let me know whether or not you will be able to attend.

Sincerely,

s/ Steve Roos

Chief Roos stated that it was through the actions of these two individuals, much time was saved in apprehending the suspect.

Mayor Fuhriman and City Councilmembers honored Todd Sorensen and his daughter, Sierra, by presenting them with an “Outstanding Community Service” award.

**FEBRUARY 11, 2010**

---

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 approval for the following Resolution:

**RESOLUTION NO. 2010-05**

**By the City Council of Idaho Falls, Idaho**

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF FAMILY ASSISTANCE IN TRANSITIONAL HOUSING (FAITH) AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY FAMILY ASSISTANCE IN TRANSITIONAL HOUSING (FAITH) TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the Family Assistance in Transitional Housing (FAITH) provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the Family Assistance in Transitional Housing (FAITH) are in good standing with the City of Idaho Falls and are in compliance with all applicable City Codes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the Family Assistance in Transitional Housing (FAITH).

ADOPTED by the Council of the City of Idaho Falls, Idaho this 11<sup>th</sup> day of February, 2010.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 12<sup>th</sup> day of February, 2010.

APPROVED:

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor  
City of Idaho Falls

**FEBRUARY 11, 2010**

---

ATTESTED:

s/ Rosemarie Anderson

Rosemarie Anderson

City Clerk

City of Idaho Falls

(SEAL)

The City Clerk requested approval of the Minutes for the January 26, 2010 Council Work Session and the January 28, 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 January 1, 2010 through January 31, 2010, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 1,071,286.73
Street Fund	30,880.03
Recreation Fund	43,887.57
Library Fund	45,006.11
Municipal Equipment Replacement Fund	238,630.65
Electric Light Public Purpose Fund	17,344.01
Golf Fund	10,379.33
Municipal Capital Improvement Fund	17,257.10
Street Capital Improvement Fund	9,048.00
Bridge and Arterial Street Fund	24,996.07
Water Capital Improvement Fund	7,754.25
Traffic Light Capital Improvement Fund	4,390.00
Airport Fund	196,905.21
Water and Sewer Fund	200,407.62
Sanitation Fund	12,656.92
Ambulance Fund	17,527.28
Electric Light Fund	4,154,268.68
Payroll Liability Fund	2,199,326.29
<b>TOTALS</b>	<b>\$ 8,301,951.85</b>

The City Clerk presented several license applications, including BEER Licenses to Lucy's New York Pizzeria, Ole Toro Mexican Grill, and Taco El Loco Cocina Mexicana, 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 February 11, 2010.

The Idaho Falls Power Director submitted the following memo:

**FEBRUARY 11, 2010**

---

City of Idaho Falls  
February 11, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, General Manager  
SUBJECT: CONSENT AGENDA – REQUEST AUTHORIZATION TO  
ADVERTISE FOR BIDS FOR RIVER CROSSING POLE  
REPLACEMENT

Idaho Falls Power respectfully requests authorization to advertise and receive bids for pole replacement at the River Crossing near Rack Substation. Attached is the project detail sheet from the Capital Improvement Plan.

s/ Jackie Flowers

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

Operation: Transmission  
Project Title: Steel Poles  
Estimated Project Cost: \$450,000.00  
Anticipated Budget Year: 2009  
Anticipated Construction Year: 2009  
Description and Justification: Replace existing wood poles at key locations in our transmission system. This will increase safety for workers and traffic. It will also increase reliability. Increase transmission flexibility due to added switches at these locations.  
Project Location: 17<sup>th</sup> Street and Holmes Avenue, Rack River Crossing  
Project Delay Consequences: Increased risk of lost revenue if the transmission was struck by a vehicle. Increased risk to employees of switch failures at these locations due to age.  
Internal Forces Used to Complete Project: Yes and No  
Relationship to Comprehensive Plan or Other Divisional Capital Plans: Project independent of other plans.

The Public Works Director submitted the following memo:

City of Idaho Falls  
February 3, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – 17<sup>TH</sup> STREET AND HOLMES AVENUE  
INTERSECTION RECONSTRUCTION

Public Works requests authorization to advertise to receive bids for 17<sup>th</sup> Street and Holmes Avenue Reconstruction Project.

s/ Chad Stanger

**FEBRUARY 11, 2010**

---

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 Taylor  
Councilmember Hally  
Councilmember Parry  
Councilmember Lehto  
Councilmember Cornwell

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
February 11, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: AUTHORIZATION TO ENTER INTO A CONTRACT WITH NOVINIUM TO COMPLETE THE FISCAL YEAR 2010 CABLE REJUVENATION

Idaho Falls Power recently solicited proposals for the 2010 Cable Rejuvenation effort. Attached is a copy of the project detail sheet from our Capital Improvement Plan. Two firms responded to our solicitation. Based upon staff review, Idaho Falls Power proposes that we enter into a contract with Novinium for this service. The City Attorney has reviewed and approved the contract.

Staff recommends awarding the project to Novinium for an amount not to exceed \$100,000.00.

s/ Jackie Flowers

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

Operation: Distribution  
Project Title: Cable Rejuvenation  
Anticipated Budget Year: 2011  
Anticipated Construction Year: 2011  
Project Budget: \$200,000.00  
    Engineering: \$0  
    Construction: \$100,000.00  
    Materials: \$100,000.00

**FEBRUARY 11, 2010**

---

Forces Used to Complete Project: Internal line crews with external resources.  
IFP Overtime Required (Hrs.): 0  
Description and Justification: Injecting Cable Rejuvenation Fluid into URD cables. Restores cable to near new condition and extends life up to 40 years.  
Project Location: City-wide  
Project Delay Consequences: Increased cable failure and outages.  
Relationship to Comprehensive Plan or Other Divisional Capital Plans: This project is independent of other plans.

It was moved by Councilmember Lehto, seconded by Councilmember Taylor, to approve the contract with Novinium to provide the 2010 Cable Rejuvenation in an amount not to exceed \$100,000.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
January 29, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-10-09, EQUIPMENT FOR ELECTRICAL UPGRADE OF WATER WELLS NO. 11 AND NO. 14

Attached for your consideration in the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the evaluated low bid as follows:

<b>Section - Description - Product Bid</b>	<b>Bidder</b>	<b>Amount</b>
Section I: Automatic Transfer Switches Caterpillar Model ATC8C3X41200XS	Western States Equipment	\$ 9,565.00
Section II: Motor Control Center Square D Model MCC Special	Graybar Electric	\$66,100.00
Section III: Service Disconnect Square D Model QED Special	Graybar Electric	\$ 4,422.00
Total for Sections II and III		\$70,522.00

Bid Evaluation Summary: Per the bid specifications, Sections II and III were evaluated together. The apparent low bid submitted by D & S Electric did not

**FEBRUARY 11, 2010**

---

meet the bid specifications – see memo from Electrical Engineer and the second low bid was invalid because they did not submit the required addendum with their bid.

s/ S. Craig Lords

BEC (Bradley Engineering/Chartered  
Electrical Consulting and Design  
P. O. Box 2556  
Idaho Falls, Idaho 83403

January 25, 2010

Ms. Willa Swim  
City of Idaho Falls  
P. O. Box 50220  
Idaho Falls, ID 83405-0220

SUBJECT: Well No. 11 and No. 14 Building Upgrade – Motor Control Center  
and Service Disconnect Bids for Well

Willa,

I have evaluated the valid bids for the motor control center and service disconnect as submitted and have the following observations.

Bids by D & S Electric

The one line diagram issued with the bid documents showed reduced voltage auto transformer (RVAT) starters for two 200 hp motors and two 250 motors. GE's bid is for four 200 hp RVAT starters.

Also, we show four power factor capacitors that need to be wired to the RVAT motor starters. GE has not provided connection to the power factor capacitors.

GE's bid does not meet the requirements of the specifications. It does appear that the GE service disconnect is acceptable; however, it is not the low bid.

Bid by Graybar Electric and Electrical Wholesale Supply

Both companies have bid Square D equipment. The Bill of Material is similar for both bids and the Bill of Material lists the proper equipment which includes two 200 hp RVAT starters, two 250 hp RVAT starters and control contactors for the power factor capacitors.

The service disconnect quoted meets the specifications.

Either bid on Square D equipment is acceptable. Graybar from Boise is low.

Please contact me if you have any questions.

s/ Bruce N. Bradley, P. E.

**FEBRUARY 11, 2010**

---

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to reject the apparent low bid from D & S Electric as it did not meet the bid specifications and, further, accept the bids as recommended by the Municipal Services Director. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 4, 2010

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise and then make a sole source purchase in the amount of \$55,900.00. This procurement will be to remanufacture Idaho Falls Power's Sherman and Reilly Underground Line Puller to new condition. Sherman and Reilly only does this work at their factory and they can quote a firm price of \$32,500.00 for the puller, however, the cost to do the air compressor at \$17,400.00 and the freight cost round trip at \$6,000.00 can only be quoted as estimates.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to approve authorization to advertise and then make a sole source purchase in the amount of \$55,900.00 to remanufacture Idaho Falls Power's Sherman and Reilly Underground Line Puller to new condition from Sherman and Reilly as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memos:

**FEBRUARY 11, 2010**

---

City of Idaho Falls  
February 5, 2010

MEMORANDUM

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

Please review the attached Ordinance amending Section 4-1-2 of the City Code of Idaho Falls, Idaho relating to the issuance of business licenses. This section will be amended by establishing a procedure for issuance of licenses.

I respectfully request approval of this Ordinance Amendment at the City Council Meeting of February 11, 2010.

s/ Steve Roos

The Police Chief appeared to explain that the Ordinance Amendment conforms to the method that the Police Department uses at this time to approve or deny a business license. The Ordinance Amendment, further, provides for an appeal process should a business license be denied.

Councilmember Parry stated that she approved of the additional language provided in the Ordinance Amendment.

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

**ORDINANCE NO. 2830**

AN ORDINANCE AMENDING SECTION 4-1-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; RELATING TO THE ISSUANCE OF BUSINESS LICENSES; AMENDING SUCH SECTION BY ESTABLISHING A PROCEDURE FOR ISSUANCE OF LICENSES; PRESERVATION OF PRIOR ORDINANCE; PROVIDING FOR METHODOLOGY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Cornwell 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 Parry  
Councilmember Cornwell  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Hally

**FEBRUARY 11, 2010**

---

Nay: None

Motion Carried.

City of Idaho Falls  
February 9, 2010

MEMORANDUM

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

Please review the attached License Agreement between the City of Idaho Falls and Coplogic, Inc.

I respectfully request approval of this agreement at the City Council Meeting of February 11, 2010.

s/ Steve Roos

The Chief of Police explained that Coplogic links an on-line presence with the records management system, so that people can report minor crimes on-line. He, further, gave statistics from other cities who use Coplogic.

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the License Agreement with Coplogic, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 9, 2010

MEMORANDUM

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

Please review the attached Coplogic, Inc. Software Support and Maintenance Agreement between the City of Idaho Falls and Coplogic, Inc.

I respectfully request approval of this Support and Maintenance Agreement at the City Council Meeting of February 11, 2010.

s/ Steve Roos

**FEBRUARY 11, 2010**

---

It was moved by Councilmember Cornwell, seconded by Councilmember Taylor, to approve the Support and Maintenance Agreement with Coplogic, Inc. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
January 29, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: IONA BONNEVILLE SEWER DISTRICT/CITY OF AMMON SEWER SERVICE AREA BOUNDARY CHANGE REQUESTS

Iona Bonneville Sewer District and City of Ammon have requested amendments to their respective Sewer Service Areas as previously approved by City of Idaho Falls agreements. IBSD has requested River Bend Manor, Division No. 1 be removed from their approved Sewer Service Area and City of Ammon has requested the same subdivision be added to the City of Ammon's Sewer Service Area. The subject subdivision consists of six (6) residential lots which are better served by City of Ammon.

Public Works recommends approval of the requested amendments.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the request from Iona Bonneville Sewer District to remove River Bend Manor, Division No. 1 from their approved Sewer Service Area and add River Bend Manor, Division No. 1 to the City of Ammon's Sewer Service Area as requested. Roll call as follows:

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

Nay: None

Motion Carried.

**FEBRUARY 11, 2010**

---

City of Idaho Falls  
February 3, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: LHTAC/LOCAL AGREEMENT – STREET ASPHALT OVERLAYS,  
LOMAX STREET AND 12<sup>TH</sup> STREET

Attached is a proposed local agreement and resolution between the City and the Local Highway Technical Assistance Council for two (2) projects consisting of design and construction of street asphalt overlay – Lomax Street from 1<sup>st</sup> Street to Holmes Avenue and 12<sup>th</sup> Street from Pend Oreille Circle to Woodruff Avenue. These projects, estimated to cost \$755,000.00, are to be constructed with federal funds made available by Governor's Discretionary Funding through the U. S. Department of Education and administered by Local Highway Technical Assistance Council. The City is required to advance fund these projects with reimbursement to follow from the above-referenced funding sources.

Public Works recommends approval of this agreement and adoption of the accompanying resolution; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

**RESOLUTION NO. 2010-06**

WHEREAS, the Local Highway Technical Assistance Council, hereafter called the LHTAC, has submitted an Agreement stating obligations of the LHTAC and the CITY OF IDAHO FALLS, hereafter called the CITY, for design and construction management and inspection of Lomax Street – 1<sup>st</sup> Street to Holmes Avenue; and 12<sup>th</sup> Street – Pend Orielle Circle to Woodruff Avenue Overlays.

WHEREAS, the LHTAC is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction, and maintenance of improvements made to the said project when there is federal participation under the American Reinvestment Recovery Act of 2009 – Title XIV State Fiscal Stabilization Fund in the costs; and,

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

WHEREAS, the LHTAC can only pay for work associated with the said project; and,

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

**FEBRUARY 11, 2010**

---

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Governors Discretionary Project Lomax Street – 1<sup>st</sup> Street to Holmes Avenue; and 12<sup>th</sup> Street – Pend Oreille Circle to Woodruff Avenue Overlays. Improvement 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 Local Highway Technical Assistance Council.

**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 February 11, 2010.

(SEAL)

s/ Rosemarie Anderson  
City Clerk

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the LHTAC/Local Agreement and Resolution between the City and the Local Highway Technical Assistance Council for two (2) projects consisting of design and construction of street asphalt overlay – Lomax Street from 1<sup>st</sup> Street to Holmes Avenue and 12<sup>th</sup> Street from Pend Oreille Circle to Woodruff and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 11, 2010

**MEMORANDUM**

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: STATE/LOCAL AGREEMENT – CITY WIDE SEAL COAT PROJECT, PHASE TWO

Attached are copies of a State/Local Agreement with Idaho Transportation Department, providing federal participation in the cost of constructing a City Wide Seal Coat Project, Phase Two. This funding, \$580,000.00, is in addition to the amount previously authorized through the stimulus funding. Public Works received notice on this date that project funds need to be obligated by February 12, 2010 and the attached agreement completed prior to obligation.

**FEBRUARY 11, 2010**

---

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

s/ Chad Stanger

**RESOLUTION NO. 2010-07**

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 Idaho Falls City Wide Seal Coats; 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 Project A011(920) 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 February 11, 2010.

s/ Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the State/Local Agreement and Resolution with the Idaho Transportation Department providing federal participation in the cost of constructing a City Wide Seal Coat Project, Phase Two and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

**FEBRUARY 11, 2010**

---

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing, as legally advertised, for consideration of a Vacation of the Final Plat, including rights-of-way within the Plat, entitled The Best ½ Acres Subdivision, Division No. 1, located generally south of the Porter Canal, north and adjacent to Sunnyside Road, east of Pioneer Road, and west of Snake River Parkway. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
February 4, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: VACATION OF THE FINAL PLAT, INCLUDING RIGHTS-OF-WAY WITHIN PLAT, ENTITLED THE BEST ½ ACRES SUBDIVISION, DIVISION NO. 1

Attached is the request to vacate the final plat entitled The Best ½ Acres Subdivision, Division No. 1. This plat was filed in Bonneville County in 1958. The property was annexed in 2008 and zoned C-1. It is a plat approximately 2.6 acres in size located immediately north of and adjacent to West Sunnyside Road, west of Snake River Parkway, and east of Pioneer Road. A twenty-five foot utility easement will be provided by the applicant in the area designated on the subject plat as Sunnyside Road. This Department respectfully requests authorization for the City Attorney to prepare an Ordinance vacating the plat.

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 final plat vacation request:

Slide 1 Aerial Photo  
Slide 2 Aerial Photo – Close Up  
Slide 3 Final Plat under consideration  
Exhibit 1 Letter from Mountain River Engineering dated January 12, 2010:

**FEBRUARY 11, 2010**

---

Mountain River Engineering  
Consulting Engineers and Land  
Surveyors  
January 12, 2010

Robert Cox  
Right-of-Way Agent  
City of Idaho Falls  
P. O. Box 50220  
Idaho Falls, Idaho 83405

RE: Vacation of The Best ½ Acres Subdivision, Division  
No. 1 and Rights-of-Way within Said Subdivision

Dear Robert:

Our client, Ball Ventures, will be developing the area within the surrounding The Best ½ Acres Subdivision, Division No. 1. This letter is a request for vacation of the rights-of-way and plat that are noted on the attached sketch of the subject area. Please start the vacation process as soon as possible if you would.

If you have any questions or require further information, please give me a call.

s/ Diyana McCarroll  
Diyana McCarroll

Exhibit 2 Copy of Final Plat  
Exhibit 3 Aerial Photo

The Planning and Building Director submitted the following memo from the Right-of-Way Agent with the City of Idaho Falls:

City of Idaho Falls  
February 4, 2010

MEMORANDUM

TO: Renee R. Magee, Director  
FROM: Robert Cox, Right-of-Way Agent  
SUBJECT: REQUEST TO VACATE RIGHT-OF-WAY, THE BEST ½ ACRES

Ball Ventures is requesting the City of Idaho Falls vacate the rights-of-way in The Best ½ Acres Subdivision. They would like to reconfigure the development in that area.

The utilities have agreed to the vacation with one stipulation. There is a 25-foot wide public utility easement on each side of the right-of-way to be vacated next to Sunnyside Road. The utilities have already installed their lines in that easement and in the said right-of-way to be vacated so they would need a new 25-foot utility easement through that right-of-way. John says he has the legal description for that easement and would prepare the documents and get the proper signatures after the right-of-way is vacated.

**FEBRUARY 11, 2010**

---

Public Works has no objection to the rights-of-way and plat being vacated.

Please submit Ball Ventures request to the Mayor and City Council for their consideration and if approved, authorization for the City Attorney to prepare the necessary documents required to vacate as proposed.

s/ Robert Cox

Del Casper, appeared to state that he is the General Counsel for Ball Ventures and SRL Development (Developer for Snake River Landing Project), 901 Pier View Drive, Suite 201. Ball Ventures purchased this land for a portion of the Snake River Landing Project. Ultimately, this property will be developed for commercial use. The final plat for The Best ½ Acres Subdivision was dated in 1958. No improvements were ever constructed on this plat since that time.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to authorize the City Attorney to prepare an Ordinance vacating the final plat entitled The Best ½ Acres Subdivision, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing, as legally advertised, for consideration of a rezone from R-1 (Single Family Residential) to R-3A (Apartments and Professional Offices) and Conditional Use Permit for an RSC-1 (Residential Shopping Center) use in an R-3A (Apartments and Professional Offices) Zone for a reading room for the Museum of Idaho, on property located generally south of Cedar Street, north and adjacent to Ash Street, east of Eastern Avenue, and adjacent to Water Avenue, and legally described as Lot 7, Block 24, Original Townsite (313 North Water Avenue). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
February 4, 2010

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM R-1 TO R-3A AND CONDITIONAL USE PERMIT FOR MUSEUM READING ROOM – LOT 7, BLOCK 24, ORIGINAL TOWNSITE (313 NORTH WATER AVENUE)

**FEBRUARY 11, 2010**

---

Attached is the application to rezone Lot 7, Block 24, Original Townsite, from R-1 to R-3A. Accompanying the application for rezoning is an application for a Conditional Use Permit for an RSC-1 Use in an R-3A Zone. This property is located on the northwest corner of Ash Street, a collector, and Water Avenue.

The Planning Commission heard this request at its January 19, 2010 Meeting and recommended unanimously to approve the rezoning and a Conditional Use Permit for a reading room associated with the Museum of Idaho. 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 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 showing surrounding zoning   |
| Slide 2   | Aerial Photo  |
| Slide 3   | Aerial Photo – Close Up   |
| Slide 4   | Comprehensive Plan  |
| Slide 5   | Site Photo looking north on Water Avenue  |
| Slide 6   | Site Photo of 313 North Water Avenue which is the property being considered for rezoning and a Conditional Use Permit |
| Slide 7   | Site Photo of office on the southeast corner of Ash Street and Water Avenue   |
| Slide 8   | Site Photo of Museum of Idaho located southwest of site   |
| Slide 9   | Site Photo of commercial properties to the immediate west of site   |
| Slide 10  | Site Photo for the Conditional Use Permit   |
| Slide 11  | Site Photo of Museum Parking Lot from the end of proposed ramp to the rear door                                       |
| Slide 12  | Site Photo showing view of rear yard of 313 North Water Avenue from alley   |
| Exhibit 1 | Planning Commission Minutes dated January 19, 2010  |
| Exhibit 2 | Staff Report dated January 19, 2010   |
| Exhibit 3 | Vicinity Map  |
| Exhibit 4 | Aerial Photo  |
| Exhibit 5 | Site Plan   |

The Planning and Building Director stated that property was constructed as a single-family home in 1896 and is listed on the National Register of Historic Places. Additionally, there is a very small home located on the northwest corner of this lot. The applicant, which is the Carr Foundation, is proposing that the first floor of this building might be used as a reading room for the Museum of Idaho, with the second floor being used for private offices. This site plan is in accordance with City regulations except that the handicapped access will have to be moved slightly to the north (as it is encroaching into the clear sight triangle). Should the rezoning to R-3A be approved, a conditional use permit for a commercial use is allowed. The reading room is an assembly area and does not fit closely within the Zoning Ordinance. It is best described as a commercial use, as is the Museum of Idaho. The Planning and Building Director explained that there is only one parking space behind this home. Any additional parking should be located at the Museum of Idaho parking lot, which is within 400 feet of the entrance of this building. This is also in accordance with the City's Zoning Ordinance.

**FEBRUARY 11, 2010**

---

Councilmember Taylor requested to know what will happen to the small residence to the rear of this property.

The Planning and Building Director explained that the owner is proposing to retain this building.

Councilmember Taylor requested to know why the zone was not being requested to change to RSC-1, rather than R-3A.

The Planning and Building Director explained that it would be unusual to place one lot of RSC-1 in the middle of R-1 (Single-Family Residential) and R-3A (Apartments and Professional Offices). Also, under the RSC-1 Zone, the minimum requirement for land would be 2 acres. This lot is approximately 7,000 square feet.

Darren Gardner, 4949 South Holmes Avenue, appeared as the representative for the Carr Foundation. The house will be turned into an area where the Museum of Idaho can compile all of their written materials. The proposal is to restore the home to its original condition. The Reading Reference Room will be operated by the Museum of Idaho by appointment. The expected use would be approximately 3-4 people per week with approximately 1-2 hours for each appointment. This will be a great addition to the history of Idaho Falls when it is complete.

Mayor Fuhriman requested to know what the time line would be for rehabilitation of this building.

Mr. Gardner stated that the building should be ready for use by the fall of this year.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the rezoning from R-1 (Single Family Residential) to R-3A (Apartments and Professional Offices) on property located generally south of Cedar Street, north and adjacent to Ash Street, east of Eastern Avenue, and adjacent to Water Avenue, and legally described as Lot 7, Block 24, Original Townsite (313 North Water Avenue). Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Taylor, to approve the Conditional Use Permit for an RSC-1 (Residential Shopping Center) use in an R-3A (Apartments and Professional Offices) Zone for a reading room for the Museum of Idaho on Lot 7, Block 24, Original Townsite. Roll call as follows:

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

Nay: None

Motion Carried.

**FEBRUARY 11, 2010**

---

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Cornwell, that the meeting adjourn at 8:15 p.m.

---

CITY CLERK

---

MAYOR

\*\*\*\*\*