

**JANUARY 28, 2010**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 28, 2010, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

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

Absent was:

Councilmember Sharon D. Parry

Also present:

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

Mayor Fuhriman requested Human Resources Director Brian Sagendorf to lead those present in the Pledge of Allegiance.

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to add the "Resolution of the City of Idaho Falls to Urge the United States Air Force to Select Idaho for its F-35 Missions" to the City Council Agenda this evening due to time constraints and short notice of this request. Roll call as follows:

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

Nay: None

Motion Carried.

The following Resolution was presented for consideration by the Mayor and City Council:

**RESOLUTION NO. 2010-04**

A RESOLUTION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, TO THE SECRETARY OF THE AIR FORCE, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

WHEREAS, the U. S. Air Force has had a presence in Idaho for more than 56 years, with numerous facilities, including Mountain Home Air Force Base and Boise's Gowen Field; and,

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WHEREAS, the Secretary of the Air Force approved Joint Strike Fighter Basing Criteria for both training and for operational bases for the new F-35 Mission; and,

WHEREAS, Mountain Home Air Force Base was selected as a finalist as an operational base and Boise's Gowen Field was selected as a finalist as a training base; and,

WHEREAS, Southern Idaho's climate is well-suited to these missions, with more than 321 flyable days per year, a key selection criteria; and,

WHEREAS, Idaho's facilities provide ample and unhindered training airspace close to installations, which enables more training time and less fuel consumed; and,

WHEREAS, Idaho's facilities are unencumbered by the encroachment of civilian land use, which lowers the environmental impact on surrounding communities; and,

WHEREAS, Idaho facilities have the capacity to support at least three squadrons each, including runway space, ramp space, personnel housing, and maintenance and hangar bays necessary to accommodate these new missions; and,

WHEREAS, Idaho Falls is a patriotic community, and supports members of community in the military, and would welcome the new F-35 Mission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Idaho Falls, Idaho, that we urge the U. S. Air Force to select Idaho for its F-35 Missions.

PASSED BY THE COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, ON THIS 28<sup>TH</sup> DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR OF THE CITY OF IDAHO FALLS, IDAHO ON THIS 28<sup>TH</sup> DAY OF JANUARY, 2010.

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

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk  
City of Idaho Falls

(SEAL)

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It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the Resolution of the City of Idaho Falls to urge the United States Air Force to select Idaho for its F-35 Missions and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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. 2010-02**

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

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF CLUB INC. AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY CLUB INC. 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, CLUB INC. 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, CLUB INC. 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 CLUB INC.

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ADOPTED by the Council of the City of Idaho Falls, Idaho this 28<sup>th</sup> day of January, 2010.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 29<sup>th</sup> day of January, 2010.

APPROVED:

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

ATTESTED:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk  
City of Idaho Falls

(SEAL)

The City Clerk requested approval of the Minutes for the January 14, 2010 Regular Council Meeting and the January 20, 2010 Council Work Session.

The City Clerk presented several license applications, including BEER Licenses to Sleep Inn and Suites and The Winery, 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 January 28, 2010.

The Public Works Director submitted the following memos:

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – EASTSIDE GREENBELT AT SUNNYSIDE

Public Works requests authorization to advertise to receive bids for the Eastside Greenbelt at Sunnyside.

s/ Chad Stanger

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – WATER LINE REPLACEMENTS, 2010

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Public Works requests authorization to advertise to receive bids for Water Main Replacements, 2010.

s/ Chad Stanger

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – CAPITAL AVENUE WATER LINE REPLACEMENT AND OVERLAY PROJECT

Public Works requests authorization to advertise to receive bids for the Capital Avenue Water Line Replacement and Overlay Project.

s/ Chad Stanger

Councilmember Taylor requested the memo from the Public Works Director regarding the request for authorization to advertise to receive bids for the Eastside Greenbelt at Sunnyside be moved to the Regular Agenda. It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the remainder of the Consent Agenda in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

**REGULAR AGENDA**

The memo from the Airport Director regarding the Resolution for the 2010 Air Show in Idaho Falls was withdrawn by the Division Director.

The Airport Director submitted the following memos:

City of Idaho Falls  
January 25, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: CONSENT TO ASSIGNMENT AND ASSIGNMENT OF LEASE

**JANUARY 28, 2010**

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Attached for City Council approval is the Consent to Assignment and Assignment of Lease for the transfer of an Aircraft Hangar between Sky One LLC, Sky Two LLC, and Sky Three LLC and N7 LLC. The Hangar is located at 1749 Borah, Idaho Falls, Idaho. All other terms and conditions of the lease remain the same.

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 Consent to Assignment and Assignment of Lease for an Aircraft Hangar at 1749 Borah from Sky One LLC, Sky Two LLC, and Sky Three LLC to N7 LLC 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 Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
January 26, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: CONSENT TO ASSIGNMENT AND ASSIGNMENT OF LEASE  
MTB INVESTMENTS LLC/ELECTRICAL WHOLESALE COMPANY,  
INC.

Attached for City Council approval is the Consent to Assignment and Assignment of Lease for the transfer of an Aircraft Hangar between MTB Investments LLC and Electrical Wholesale Company, Inc. The Hangar is located at 2825 Foote Drive, Idaho Falls, Idaho. All other terms and conditions of the lease remain the same.

Dale Storer, City Attorney, has approved said lease.

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

s/ Len Nelson

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It was moved by Councilmember Cornwell, seconded by Councilmember Taylor, to approve the Consent to Assignment and Assignment of Lease for an Aircraft Hangar located at 2825 Foote Drive from MTB Investments LLC to Electrical Wholesale Company, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Human Resources Director submitted the following memo:

City of Idaho Falls  
January 27, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Brian J. Sagendorf, Human Resources Director  
SUBJECT: ADOPTION OF UPDATED PERSONNEL POLICY

It is respectfully requested that the City Council adopt the attached Personnel Policy. The updated Policy is compliant with recent changes in Federal Legislation and incorporates approved changes that were requested by employees and management. The attached document has been reviewed by legal counsel.

s/ Brian J. Sagendorf

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to adopt the Personnel Policy as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

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City of Idaho Falls  
January 26, 2010

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: RESOLUTION APPROVING THE FISCAL YEAR 2010 ACTION PLAN – COMMUNITY DEVELOPMENT BLOCK GRANT

Attached is a Resolution approving the Fiscal Year 2010 Action Plan for Community Development Block Grant monies. This plan was the subject of a public hearing on December 10, 2009, and a Work Session on December 15, 2009. In addition, this proposed action plan was reviewed on January 26, 2010. No comments were received during the thirty-day comment period. The Division respectfully requests approval of this Resolution.

s/ Renee R. Magee

**RESOLUTION NO. 2010-03**

**RESOLUTION OF THE CITY OF IDAHO FALLS  
APPROVING THE FISCAL YEAR 2010 ACTION PLAN**

WHEREAS, the City of Idaho Falls has been designated as an entitlement city by the U. S. Department of Housing and Urban Development;

WHEREAS, the City of Idaho Falls has prepared a One-Year Action Plan for Fiscal Year 2010 as part of the requirements of entitlement status;

WHEREAS, the City of Idaho Falls held a public hearing on the Action Plan on December 10, 2009;

WHEREAS, the City of Idaho Falls has a thirty-day comment period until and through January 11, 2010;

WHEREAS, the City of Idaho Falls has received no comments to be considered during the thirty-day comment period;

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

1. The One Year Action Plan for Fiscal Year 2010 as prepared by the Planning and Building Division, a copy of which is attached hereto and by this reference made a part of hereof, is hereby approved.

2. The Mayor is hereby authorized to sign the documents for federal assistance.

s/ Jared D. Fuhriman  
Jared D. Fuhriman, Mayor

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ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson City Clerk

**ESTIMATE FOR FISCAL YEAR 2010**

Fiscal Year	CDBG Appropriation	City Allocation	City % of Appropriation	
FY09	\$3,643,000,000.00	\$407,064.00	0.00011739	
FY10	3,990,000,000.00	445,837.32	Estimate	
HUD Budget figure passed HUD estimates a 7% increase over Fiscal Year 2009				\$435,558.00
Formula for Project Categories:				
	FY10 Estimate	\$445,000.00		
Formula Allocated	Category	Requested	Over/Under Formula	City Council Discussion
\$182,450.00	LMI	\$394,131.00	\$(211,681.00)	\$205,250
106,800.00	S&B 30% Maximum	100,000.00	6,800.00	80,000
66,750.00	Public Service 15%	81,000.00	(14,250.00)	65,000
89,000.00	Administration 20%	89,000.00	0	89,000
\$445,000.00	Total	664,131.00	\$ (219,131.00)	\$529,250
				-\$5,750 Uncommitted

Federal Law sets the percentages for the different categories. The LMI category is the remainder once others are deducted.

***Requested FY10 Projects National Objectives and Eligible Activities***

FY10 CDBG		\$445,000.00	Estimate	
Applicant	Description	Amount	Code of Federal Regulation	National Objective
TRPTA	Bus Purchase Match	\$ -0-	570.201(e) Public Service	LMI Clientele
EICAP	Grandparents Legal Aid	10,000.00	570.201(e) Public Service	LMI Clientele
CLUB, Inc.	Crisis Intervention Housing	50,000.00	570.201(e) Public Service	LMI Clientele
CLUB, Inc.	Crisis Intervention Training	5,000.00	570.201(e) Public Service	LMI Clientele
IFDDC	Façade Improvements	80,000.00	570.202(a)(3) Commercial Rehabilitation	Slum and Blight
Senior Center	Kitchen Improvement	40,250.00	570.201(c) Public Facility	LMI Clientele
Planning Department	Code Enforcement Full Time Program	60,000.00	570.202(c) Code Enforcement	LMI Area
Municipal Services	Senior Center Security Lighting	-0-	570.201(c) Public Facility	LMI Clientele
LIFE, Inc.	Homeowner Handicapped Access	35,000.00	570.202(a)(1) Housing Rehabilitation	LMI Clientele
Family Care Center	New Roofing for Ruth House	-0-	570.201(c) Public Facility	LMI Clientele
Idaho Falls Community Pathways	Numbered Streets Sidewalk Replacement	40,000.00	570.201(c) Public Facility	LMI Clientele
Salvation Army Administration	Wheelchair Lift 20% of Allocation (Estimate \$445,000.00)	30,000.00 89,000.00	570.201(c) Public Facility 570.206 Administration	LMI Clientele
	TOTAL	\$439,250.00		
		(-\$5,750.00 Uncommitted)		

Code Enforcement is 18 Month Budget.  
Could be modified to shift to General Funds in October 2010.  
Proposal is to provide City Council max flexibility in General Fund Budget discussions.  
CDBG Funding starts April.  
General Fund starts October.

The Grants Administrator appeared to further explain the process for receiving the Community Development Block Grant. It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Resolution for the Fiscal Year 2010 Community Development Block Grant Funding 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 Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
January 26, 2010

MEMORANDUM

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

Please see the attached two (2) letters recommending denial of public conveyance licenses for Eddie Ibarra and Michael Smith. Also attached is a copy of the applicable code for your convenience.

I respectfully request denial of these licenses at the City Council Meeting of January 28, 2010.

Thank you.

s/ Steve Roos

Eddie Ibarra, 280 First Street, Apartment No. 2, Idaho Falls, appeared to state that when he applied for a job at Summit Transportation, he was shown a document that explained what could and could not be in your background in order to receive a Public Conveyance License. He applied for the Public Conveyance License, and has now been informed that something in his background would not allow him to receive the license. He stated that he was confused as to what the issue on his record was that would require a denial of that license.

Captain Ken Brown from the Police Department appeared to state that there were two issues on his record that would prevent him from receiving a Public Conveyance Operator License. Mr. Ibarra was convicted of a felony within a jurisdiction and his license was suspended within one year of his application for this license. Both issues are addressed in the City Code that would prevent Mr. Ibarra from being approved for this license.

Councilmember Hardcastle requested Mr. Ibarra to re-appear to explain. Mr. Ibarra re-appeared to explain that he transports handicapped children to and from different facilities in town. He stated that his felony is not related to children at all. He stated that he did have a felony approximately six years ago. Further, his driver's license was suspended due to a delinquency on his child support. He has caught up on those payments.

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It was moved by Councilmember Hardcastle, seconded by Councilmember Taylor, to deny the Public Conveyance Operator's License to Eddie Ibarra, due to the felony on his record and the suspension of his driver's license within the previous year, per the recommendation by the Chief of Police. Roll call as follows:

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

Nay: None

Motion Carried.

Michael Smith, 138 North Higbee Avenue, appeared to state that he wanted to open a Public Conveyance Company to be able to get the drunks off of the road. He stated that in the past year he has had a felony conviction. Since that time, he has received a Class A CDL License, Hazmat endorsements, and the federal government has cleared him to drive. He stated that he did not understand why one felony has stopped him from receiving a Public Conveyance Operator's License in Idaho Falls. Mr. Smith explained that his felony was due to passing bad checks.

Captain Ken Brown from the Police Department appeared to state that Michael Smith's application is a unique situation. He was convicted of a felony for bad checks out-of-state. If Mr. Smith complies with everything as set forth by the Court for a period of three years, the charge could be made a withheld judgment (which means that the conviction is no longer on his record). At this time, he does have a felony conviction for bad checks.

It was moved by Councilmember Hardcastle, seconded by Councilmember Taylor, to deny the Public Conveyance Operator License to Michael Smith per recommendation by the Chief of Police, due to the felony conviction on his record. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – EASTSIDE GREENBELT AT SUNNYSIDE

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Public Works requests authorization to advertise to receive bids for the Eastside Greenbelt at Sunnyside.

s/ Chad Stanger

Councilmember Lehto requested the Public Works Director to come forward and give a further explanation of the Eastside Greenbelt at Sunnyside Project.

The Public Works Director appeared to state that this project connects the east side greenbelt on the north side of Sunnyside Road going under the bridge with the greenbelt pathway on Sunnyside, allowing for east and west traversing. This is a part of the Department of Energy stimulus money.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for the Public Works Director to advertise to receive bids for the Eastside Greenbelt at Sunnyside Project. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Taylor to conduct a public hearing, as legally advertised, for consideration of a Zoning Amendment for an R & D-1 Zone for Research, Development, and Education Uses. At the request of Councilmember Taylor, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: ZONING ORDINANCE AMENDMENT TO CREATE R & D-1 ZONE

Attached is an Amendment to the Zoning Ordinance of Idaho Falls creating a zone entitled R & D-1, Research and Development. This Amendment was considered by the Planning Commission at its December 1, 2009 and January 5, 2010 Meetings. The Commission recommended adoption of the zone with provisions which have been incorporated into the attached draft. This Amendment has been reviewed by the City Attorney. This Amendment is now being submitted for consideration by the Mayor and Council.

s/ Renee R. Magee

The Assistant Planning and Building Director further explained this request. Following is a list of exhibits used in connection with this Zoning Ordinance Amendment:

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Slide 1	Future Land Use Map of Comprehensive Plan
Slide 2	2 Sections of the Comprehensive Plan describing what higher education and research zone would entail
Slide 3	R & D-1 Zone – General Objectives and Characteristics
Slide 4	R & D-1 Zone - Allowed uses including external storage
Slide 5	Exterior storage requirements
Slide 6	Site Photo of berming and screening at Lowe’s
Slide 7	Landscaping requirements for zone
Slide 8	Site Photo of CAES Building
Slide 9	Site Photo of Community Park showing minimum tree ratio
Slide 10	Maximum Lot Coverage within the R & D-1 Zone is 70%, with 30% landscaped area
Slide 11	Aerial Photo showing development along University Boulevard
Slide 12	Site Photo of Walgreens on 17 <sup>th</sup> Street and Holmes Avenue
Slide 13	R & D-1 Zone – Provision for Use of Explosive and Radioactive Materials
Slide 14	Conceptual Plan provided by Batelle Energy Alliance
Exhibit 1	Planning Commission Minutes dated December 1, 2009 and January 5, 2010
Exhibit 2	Staff Reports dated December 1, 2009 and January 5, 2010
Exhibit 3	Draft of Ordinance

The Assistant Planning and Building Director stated that there is no minimum height requirement for the berm or the masonry wall. The landscaping screening has to reach a height of ten feet within five years and the items in storage cannot exceed the height of the screen. It was further, explained, that the Planning Commission was split on the maximum lot coverage requirement. The majority of the Planning Commission believed that the 80% lot coverage was adequate. When this issue was brought to the Council Work Session, staff's view, along with the City Council indicated that they would rather see 70% lot coverage, with 30% landscaping. The proposed Ordinance under consideration shows the 70% lot coverage with 30% landscaping requirement.

Councilmember Lehto questioned whether the attached Ordinance provided for the 70% or 80% maximum lot coverage.

The Planning and Building Director indicated that in a 6-4 vote, the Planning Commission recommended 80% lot coverage. Due to the discussion held at the Council Work Session, staff understood that the City Council was requesting that the maximum lot coverage should be 70%.

Carl Cook, Boyer Company, 1150 South Depot Drive, Ogden, Utah, appeared to state that the Boyer Company has been involved in Idaho Falls for a number of years. The Boyer Company responded to an invitation from INL for a testing and demonstration facility, which is primarily a research and development facility. This would be a large investment in the community in the approximate amount of \$30,000,000.00. INL indicated that they would like to have this facility built in the vicinity of their campus on University Boulevard so that they might share information back and forth. As research was conducted into the type of need required for this facility, there was one clear element that would not allow it to be developed in the area of their existing headquarters. That element is outdoor storage. Particular materials would be studied and researched that would be stored outside temporarily and then brought indoors to research alternative types of energy use. As outdoor storage is not allowed in the current zone, the M-1 Zone was the alternative. As the M-1 Zone is not compatible with the use in the area, it was determined that a new zone should be implemented called the R & D-1 Zone. The Boyer Company petitioned the

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Planning Commission to develop that zone. Mr. Cook explained that the Boyer Company is a development company. In their development plan, should a high rise building be constructed, 70% maximum lot coverage is planned for. For a low rise building, similar to this use, they have found that 80% maximum lot coverage is more typical. For this particular site plan, Boyer Company is proposing 13 Acres at 20% in landscaping. That is still 2-1/2 Acres of landscaping that would be involved.

Councilmember Hally requested to know whether the Boyer Company would rather have 20% landscaping with indoor storage requirements, or 30% landscaping with outdoor storage requirements. Mr. Boyer stated that he would rather have 30% landscaping with an outdoor storage requirement. Otherwise this building could not be built, unless more land was acquired.

Councilmember Hardcastle stated that the area where the development is to take place is very green. Members of the community have requested that the City remain a green community. That was the reason it was her recommendation to change the Ordinance to provide for 70% maximum lot coverage with 30% landscaping. Councilmember Hardcastle questioned Mr. Cook as to whether the 70%/30% requirement would be a deal breaker.

Mr. Boyer stated that this was not a deal breaker that would not allow the project to go forward along University Boulevard.

Councilmember Lehto stated that this discussion is regarding the implementation of a new zone in the City of Idaho Falls, not on a particular project that may or may not be considered for a particular area. Councilmember Lehto questioned Mr. Cook as to whether this was a viable zone.

Mr. Cook stated that the R & D-1 Zone is patterned after the M-1 Zone. The difference between the R & D-1 Zone and the M-1 Zone is outside storage. The M-1 Zone requires 80% maximum lot coverage with 20% landscaping. He suggested that the 80% maximum lot coverage with 20% landscaping was sufficient, unless by virtue of the outside storage that additional landscaping for that particular use would be required. Mr. Cook stated, further, that this is a narrow zone and would rarely be used, unless there is a specialty use that would fit this requirement.

Councilmember Taylor commented that if the City were to adopt the 70%/30% lot coverage, whether that would mean more dirt if the Leeds Landscaping Program is implemented.

Mr. Cook indicated that Planning Staff has reinforced the desirability of this particular zone by requiring screen walls that allow visibility. The nature of the landscape plan that is required gives more protection and more direction than what was available for the CAES building.

Galen Williams, 3754 East 97 North, appeared to state that he is the owner and operator of the feed lot at the corner of East River Road and Iona Road, along with some land along the river. The land where the proposed R & D-1 Zone is to be implemented is a sandy soil. Vegetation is hard to grow in the sandy soil along this area. Mr. Williams expressed his concern that he would like to continue his cattle feeding operation at this location. He stated, further, that there is a ditch running along this area and wondered whether the City could use water from the ditch to provide for a few green plants to be watered. Mr. Williams stated that he saw this zone as a special niche in seeing this area developed. He supported this development as an agricultural support and would like to see more green in the area, rather than landscaping such as the CAES building has.

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Councilmember Taylor requested the Assistant Planning and Building Director to come forward and clarify whether it was good planning to have 30% landscaping versus 20% landscaping, if it was only going to produce 50% more dirt (as in the case of the CAES building and surrounding landscaping). Under the 30% landscaping requirement, would more green be involved in the landscaping.

The Assistant Planning and Building Director appeared to state that the Leed Program changes regularly. The newest version of the Leed Program says that there will be no grass. Under the R & D-1 Zone, if the developer is using the Leed Program on a green field site and you want Leed credit, the ground cannot be disturbed within 40 feet of the buildings, 25 feet of walkways, and 30 feet of public streets. The tree ratio is 1 tree per 5,000 square feet, which would only provide 8 or 9 trees per acre of open space (along with 16-18 shrubs). The Urban Forester and a Leed Architect stated that the Leed Program can be accomplished with these requirements by being creative. Drip systems can be implemented, along with bark and mulch which will retain water. There will not be a lot of grass if the Leed Program is implemented. There is a limited selection of evergreen trees that would make a screen for the outdoor storage. He explained, further, that the outdoor storage requires 20 feet of screening. Depending on how much outdoor storage there is, the screening would use up a large percentage of the green space requirement with the 20% landscaping requirement versus the 30% landscaping requirement.

Councilmember Cornwell stated that she is more interested in the facility that would be built at this location than whether 20% or 30% landscaping is required.

Councilmember Taylor requested to know whether the outdoor storage would be seen from the street.

The Assistant Planning and Building Director stated that it is the goal to have the outdoor storage screened from public view, whether that be trees, berms, shrubs, etc.

A brief discussion was held regarding how a specific project could be developed.

Councilmember Lehto stated that this public hearing is not project-specific. It is about a new zone within the City and whether it is a zone that would be viable and used.

Mr. Cook re-appeared to explain that there is more movement toward water and energy conservation.

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

Councilmember Lehto stated that he was in favor of this zone. He stated, further, that he was troubled that the recommendation from the Planning Commission could be set aside and changes be made to the Ordinance prior to the public hearing before the City Council. It is important to strike a balance between what the community wants and the viability of the zone. He hoped that developers would find this zone useful in the future.

Councilmember Hardcastle reminded Councilmember Lehto that the Planning Commission is a recommending board. Their decision to recommend an 80% maximum lot coverage and 20% landscaping requirement was a split vote.

Councilmember Lehto stated that he would have been more comfortable bringing forward the recommendation from the Planning Commission for City Council deliberation, rather than making a change to the Ordinance prior to the this public hearing.

Following a discussion regarding procedural issues, Councilmember Lehto requested the City Clerk read the following Ordinance by title only:

**JANUARY 28, 2010**

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**ORDINANCE NO. 2828**

AN ORDINANCE AMENDING ORDINANCE NO. 1941 OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE ZONING ORDINANCE OF THE CITY; ESTABLISHING A NEW ZONE WITHIN THE CITY KNOWN AS R & D-1 RESEARCH AND DEVELOPMENT ZONE; SETTING FORTH THE GENERAL OBJECTIVES AND CHARACTERISTICS OF THE ZONE; STATING PERMITTED USES WITHIN THE ZONE; ESTABLISHING AREA, WIDTH, LOCATION, AND HEIGHT REQUIREMENTS FOR LOTS; SETTING FORTH SPECIAL PROVISIONS; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Lehto 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 with the following change:

“7-21-8 Special Provisions (E) Coverage. All buildings on any lot shall not occupy more than fifty (50) percent of the total area of any lot. All buildings, parking areas, loading areas, outside storage, and sidewalks shall not occupy more than ~~seventy (70)~~ eighty (80) percent of any lot. The remaining lot shall be landscaped.”

And, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhrman requested Councilmember Taylor to conduct a public hearing, as legally advertised, for consideration of a rezone of 17.8 Acres from R-3A (Apartments and Professional Offices) to R & D-1 (Research, Development, and Education Uses) on property located generally south of 33<sup>rd</sup> North (Iona Road), north and adjacent to University Boulevard, east of the Snake River, west of 5<sup>th</sup> West (East River Road), and legally described as Lot 3, Block 1, University North. At the request of Councilmember Taylor, the City Clerk read the following memo from the Planning and Building Director:

**JANUARY 28, 2010**

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City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE LOT 3, BLOCK 1, UNIVERSITY NORTH  
ADDITION, DIVISION NO. 1, FROM R-3A TO R & D-1

Attached for the application to rezone Lot 3, Block 1, University North Addition, Division No. 1, from R-3A (Apartments and Offices) to R & D-1 (Research and Development). This 17.8 acre parcel is located north and adjacent to University Boulevard, east of the Snake River, and west of 5<sup>th</sup> West (East River Road). The Planning Commission considered this request at its January 5, 2010 Meeting and recommended approval. This recommendation 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	Comprehensive Plan – Land Use Map
Slide 3	Aerial Photo
Slide 4	Aerial Photo – Close Up
Slide 5	Site Photo showing view of site from the south
Slide 6	Site Photo of CAES Building
Exhibit 1	Planning Commission Minutes dated January 5, 2010
Exhibit 2	Staff Report dated January 5, 2010
Exhibit 3	Vicinity Map
Exhibit 4	Aerial Photo

Carl Cook, Boyer Company, 1150 South Depot Drive, Ogden, Utah, appeared to state that he appreciated City Council consideration for this rezoning that would allow a building to be constructed with outside storage that would be compatible with this zone.

Galen Williams, 3754 East 97 North, appeared to state that he believed that he would be a compatible neighbor to this proposed facility. He questioned what type of buffer was planned for the west side of the new development. Mr. Williams stated that he supported the new development and requested to know whether there was anything that he could do, so that he would be able to maintain his feed lot in its present location.

The Assistant Planning and Building Director stated that there is no specific site plan under consideration. Unless there are residential uses in the area, there are no setback requirements for the new development.

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

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to rezone 17.8 Acres from R-3A (Apartments and Professional Offices) to R & D-1 (Research, Development, and Education Uses) on property located generally south of 33<sup>rd</sup> North (Iona Road), north and adjacent to University Boulevard, east of the Snake River, west of 5<sup>th</sup> West

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(East River Road), and legally described as Lot 3, Block 1, University North and, further, that the City Planner be instructed to reflect said zoning change on the official Zoning Map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Taylor to conduct Annexation Proceedings for Utah Avenue Overlook, Division No. 1. At the request of Councilmember Taylor, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
January 20, 2010

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF CC-1 (CENTRAL COMMERCIAL), AND FINAL PLAT FOR UTAH AVENUE OVERLOOK, DIVISION NO. 1

Attached is the Annexation Agreement, Annexation Ordinance, and Final Plat entitled Utah Avenue Overlook, Division No. 1. This annexation request for 6.3 acres includes a portion of Crane Drive and approximately five acres south of Crane Drive, including Porter Canal. The request for initial zoning is CC-1 (Central Commercial). The Planning Commission considered this request at its January 5, 2010 Meeting and recommended approval with two conditions which have been incorporated into the Annexation Agreement. This annexation 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 annexation request:

Slide 1 Vicinity Map showing surrounding zoning  
Slide 2 Comprehensive Plan  
Slide 3 Aerial Photo  
Slide 4 Aerial Photo – Close Up  
Slide 5 Final Plat under consideration  
Exhibit 1 Planning Commission Minutes dated January 5, 2010

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- Exhibit 2     Staff Report dated January 5, 2010
- Exhibit 3     Vicinity Map
- Exhibit 4     Aerial Photo
- Exhibit 5     Copy of Final Plat

The Planning and Building Director stated that the Comprehensive Plan shows this area to be mixed use. The two conditions that the Planning Commission requested have been included in the Annexation Agreement. The first condition was that the accesses to Crane Drive will be in accordance with the Access Management Plan that was prepared by the Bonneville Metropolitan Planning Organization and the City of Idaho Falls uses as a guideline. The second condition is that a strip of land 15 feet in width immediately adjacent to Crane Drive will be landscaped. The proposal for the CC-1 Zone fits the Comprehensive Plan.

Loren Walker, 1070 Riverwalk Drive, appeared to express his appreciation for the Mayor's and Council's consideration of this annexation. They are trying to move away from the heavy industrial use that is currently in existence in this area.

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

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to approve the Annexation Agreement for Utah Avenue Overlook, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay:            None

Motion Carried.

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

**ORDINANCE NO. 2829**

**UTAH AVENUE OVERLOOK, DIVISION NO. 1**

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 Taylor moved, and Councilmember Lehto 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

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with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

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 Taylor, seconded by Councilmember Lehto, to establish the initial zoning for Utah Avenue Overlook, Division No. 1 as CC-1 (Central Commercial) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Taylor, seconded by Councilmember Lehto, to accept the Final Plat for Utah Avenue Overlook, 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 Hally  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Taylor to conduct a public hearing to hear testimony on the draft Community Development Block Grant Fifth Annual Report which describes the activities to implement and the status of the Community Development Block Grant Projects included in the Fiscal Year 2008 Annual Action Plan (This Annual

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Report is formally known as the Comprehensive Annual Performance and Evaluation Report (CAPER)). At the request of Councilmember Taylor, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
January 26, 2010

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT FIFTH ANNUAL REPORT

Attached is the draft Community Development Block Grant Fifth Annual Report, formally known as the Comprehensive Annual Performance and Evaluation Report. This draft is the subject of the public hearing being held this evening. A fifteen-day comment period will extend to February 12, 2010, and all comments received will be considered in finalizing the submission to the U. S. Department of Housing and Urban Development.

s/ Renee R. Magee

Jan Blickenstaff, Grants Administrator, appeared to further explain this request. Following is a list of exhibits used in connection with this report:

- Slide 1 City of Idaho Falls Fiscal Year 2008 Annual Report  
Community Development Block Grant Program
- Slide 2 7 Neighborhood Cleanups completed in LMI Neighborhoods  
9 Graffiti Cleanups completed by Citizens Watch Patrol for LMI Homeowners  
18 LMI families assisted with new sidewalks  
Library Railroad Pedestrian Crossing for Handicapped Accessibility ready for construction  
Downtown Façade Program completed 4 projects  
5 Housing Rehab Projects completed by EICAP for LMI Homeowners  
6 Homes made ADA Accessible by LIFE, Inc.  
33 families assisted to prevent homelessness  
3 fully accessible buses purchased by TRPTA
- Slide 3 Addiction Rehab Center electrical system brought up to code  
Every CDBG Project must meet HUD National Objectives for Low And Moderate Income  
Household Income (Idaho Falls 4 person family less than \$45,500.00)  
Disability  
Eliminate conditions of Slum and Blight  
Property conditions  
Leading to general area deterioration

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- Slide 4 Projects must also meet the goals of City's Five Year Strategic Plan and be selected for the Annual Action Plan.
- Slide 5 Community Development Priority  
Support neighborhood revitalization activities that promote public health, safety, and welfare.
- Economic Development Priority  
Improve economic conditions throughout the community, principally for Low to Moderate Income (LMI) persons.
- Housing Development Priority  
Encourage the development of new, affordable single-, multi-family, and special needs housing in the community through private developers and non-profits.
- Public Service Priority  
Encourage social service providers, faith-based groups, private businesses, school districts, non-profit agencies and community leaders to work together to comprehensively meet the needs of families in poverty.

Slide 6 Summary of CDBG Spending

<b>Year</b>	<b>Awarded</b>	<b>April 09 Balance</b>	<b>Percent Unspent</b>
FY04	\$ 419,000.00	\$ 0.00	0%
FY05	465,543.00	7,729.51	2%
FY06	418,940.00	20,921.00	5%
FY07	417,259.00	110,000.00	26%
FY08	402,199.00	\$109,991.00	27%
Total	\$2,122,941.00	\$248,641.51	12%
FY 09	\$ 407,064.00	Not yet received in April 09	

Slide 7 Current Balances as of January 14, 2010

<b>Year</b>	<b>Award</b>	<b>Balance</b>	<b>Percent Remaining</b>
FY04	\$ 419,000.00	\$ 0.00	0%
FY05	465,543.00	0.00	0%
FY06	418,940.00	2,389.00	.6%
FY07	417,259.00	31,011.00	7.4%
FY08	402,199.00	70,269.00	17.5%
FY09	407,064.00	333,742.00	84%
CDBG-R	109,234.00	8,631.00	8%
Totals	\$2,711,237.00	\$446,042.00	16.5%

- Slide 8 Rogers Hotel original stained glass transoms rebuilt and installed
- Slide 9 Code Enforcement – 8 Neighborhood Cleanups
- Slide 10 Seven homes improved with ADA Access
- Slide 11 ARA kitchen electrical service brought up to code
- Slide 12 3 New TRPTA Buses purchased with CDBG as the local match. All with ADA Lifts.
- Slide 13 New ADA Crossing at the City Library designed and built.
- Slide 14 Eight Homes were rehabilitated by EICAP.
- Slide 15 Eight Homes were rehabilitated by EICAP – After Photo.
- Slide 16 YMCA Sidewalks Reconstructed

Councilmember Lehto requested to know what percentage of the money goes to each priority as listed on Slide 5. The Grants Administrator stated that the United States

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Department of Housing and Urban sets the allocation formula of 15% for public service. The priorities as listed on Slide 5 are set by the City, with slum and blight being 30% of the allocation, public service 15% of the allocation, administration 20% of the allocation, and of the remainder of allocations some are the balance. Whatever is remaining can be used for low to moderate income.

There being no further discussion either in favor of or in opposition to this request, Mayor Fuhriman closed the public hearing. There will be a fifteen-day comment period at this time.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Cornwell, that the meeting adjourn at 9:32 p.m.

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CITY CLERK

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MAYOR

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