

AUGUST 13, 2009

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 13, 2009, in the Council Chambers at the City Hall Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

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

Also present:

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

Mayor Fuhriman requested Boy Scout Dalon Pinnock to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested representatives from the Mayor's Youth Advisory Committee to come forward to report to the City Council on their recent activities.

Celicia Howard, Krista Creighton, and Tanner Woolstenhulme appeared to give a report about the Mayor's Youth Advisory Committee's Summer Camps. The Committee members taught leadership to the youth at the camps, as well as had fun with them. The Summer Camps are making a difference within the community as they influence the youth. The youth are the future of our community. They gave a brief overview of the schedule for the Summer Camps.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the Appointment of Mary Lund to serve on the Library Board (Term to Expire in April, 2014); the Appointment of Michelle Mallard to serve on the Planning Commission (Term to Expire in December, 2014); the Appointment of George Swaney to serve on the Planning Commission (Term to Expire in December, 2014); and, the Appointment of Cheryl Cox to serve on the Historic Preservation Committee (Term to Expire in December, 2011).

The City Clerk requested approval of the Minutes for the July 21, 2009 Council Work Session and the July 23, 2009 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 July 1, 2009 through July 31, 2009, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 693,027.26
Street Fund	449,213.40
Recreation Fund	34,715.44

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FUND	TOTAL EXPENDITURE
Library Fund	75,158.98
Municipal Equipment Replacement Fund	128,257.96
Electric Light Public Purpose Fund	50,193.89
Business Improvement District	11,400.00
Golf Fund	54,643.89
Municipal Capital Improvement Fund	84,842.55
Street Capital Improvement Fund	274,551.45
Bridge and Arterial Street Fund	59,000.00
Water Capital Improvement Fund	121,742.77
Traffic Light Capital Improvement Fund	52,591.56
Airport Fund	447,259.73
Water and Sewer Fund	499,142.20
Sanitation Fund	4,273.29
Ambulance Fund	11,102.91
Electric Light Fund	2,999,881.38
Payroll Liability Fund	2,914,246.83
TOTALS	\$ 8,965,245.49

The City Clerk presented several license applications, including a BEER LICENSE to Tacos Mi Pueblo, 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 August 13, 2009.

The Airport Director submitted the following memos:

City of Idaho Falls
July 31, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONSENT TO ASSIGNMENT – BUDGET RENT-A-CAR

Enclosed is the Consent to Assignment of Auto Lease Concession Agreement to Budget Rent-A-Car.

Please submit the same to the Mayor and City Council for consideration at the next City Council Meeting.

Shan Perry, Assistant City Attorney, has reviewed and approved said Lease.

s/ Len Nelson

City of Idaho Falls
July 23, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: GRANT OFFER FOR THE IDAHO FALLS' REGIONAL AIRPORT, SNOW REMOVAL EQUIPMENT BUILDING, AIP PROJECT NO. 3-16-0018-033

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Council may wish to authorize the Mayor to sign the appropriate documents to receive a Grant from the Federal Aviation Administration in the amount of \$793,300.00 for Phase 3 in the construction of the Snow Removal Equipment Building. Phase 4 will include the completion and acceptance of the building.

s/ Len Nelson

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
August 4, 2009

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: TABULATION AND AWARD OF BID FOR WESTSIDE
SUBSTATION GRADING AND DRAINAGE IMPROVEMENTS

Attached for your consideration is the bid tabulation for the Westside Substation Grading and Drainage Improvements Project. Idaho Falls Power has reviewed the apparent low bid submitted by Rhodehouse Construction and has determined that it complies with the bid specifications.

Staff recommends awarding the project to Rhodehouse Construction for an amount not to exceed \$263,732.00.

s/ Jackie Flowers

City of Idaho Falls
August 7, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg, Assistant General Manager
SUBJECT: BULB TURBINE POWER PURCHASE AGREEMENT

Attached for your consideration is a Power Purchase Agreement to continue the sale of the output of the Bulb Turbine Project to the Bonneville Power Administration. The term of the Agreement is 10 years. The Agreement has been reviewed by the City Attorney.

Idaho Falls Power respectfully recommends approval of the Power Purchase Agreement and authorization for the Mayor to sign the document.

s/ Jackie Flowers

AUGUST 13, 2009

City of Idaho Falls
August 7, 2009

MEMORANDUM

TO: Mayor Fuhriman and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZE ADVERTISING AND APPROVE A SOLE SOURCE PURCHASE FOR STREET LIGHTING IN SNAKE RIVER LANDING DEVELOPMENT

Attached is the Sole Source Agreement between the City of Idaho Falls and SRL Development LLC for the City's portion of the street lighting installed in the Snake River Landing Development LLC. These lighting improvements were approved during the platting of the project along with a calculation of the City's share of the lights to be purchased. The City's cost share in the street lighting is \$55,728.00. SRL Development LLC purchased and installed all lights, both the developer share and the City share, as part of their development costs to ensure consistency in lighting type. With the final construction complete and final acceptance of this infrastructure by the city, the contribution for the city's share of the street lighting is due.

Staff requests an immediate declaration of a "sole-source" procurement pursuant to the provisions of Idaho Code Section 67-2808 in order to facilitate payment of the City share of the street lighting.

In recognition of the unique circumstances surrounding this coordinated effort, staff requests SRL Development LLC be recognized as the sole source vendor for purchase of the street lights and associated bidding requirements be waived.

s/ Jackie Flowers

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
August 13, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – ALDERSON, KARST AND MITRO ARCHITECTS – HOCKEY SHELTER ADDITION

Attached for your consideration is a Professional Services Agreement between the City of Idaho Falls and Alderson, Karst, and Mitro Architects, P. A., Idaho Falls for providing services to construct a two-story 12,350 square foot addition to the existing hockey shelter located in Tautphaus Park. Total compensation for specified services is \$128,000.00. The City Attorney has reviewed and approved said Agreement.

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The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said agreement.

s/ David J. Christiansen

The Planning and Building Director submitted the following memo:

City of Idaho Falls
August 11, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: CONTRACT WITH IDAHO HOUSING AND FINANCE
ASSOCIATION FOR NEIGHBORHOOD STABILIZATION
PROGRAM GRANT

Attached is a contract with the Idaho Housing and Finance Association for a grant of \$1,044,041.00. This contract has been reviewed and approved by the City Attorney's Office. The grant monies will be used by Eastern Idaho Community Action Program (EICAP) and CLUB, Inc., to purchase foreclosed homes and rent them to special needs families. This Department respectfully requests approval of this Contract.

s/ Renee R. Magee

The Public Works Director submitted the following memos:

City of Idaho Falls
August 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD - UNIVERSITY BOULEVARD SIDEWALK AND
LANDSCAPING

On August 4, 2009, bids were received and opened for University Boulevard Sidewalk and Landscaping Project. A tabulation of the bid results is attached.

The low bidder is BECO Construction, Inc., in the amount of \$121,009.20. This matter is being submitted for your consideration.

s/ Chad Stanger

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City of Idaho Falls
August 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: AMENDMENT NO. 1 – BLACK AND VEATCH ENGINEERING SERVICES AGREEMENT, 65TH SOUTH WATER STORAGE TANK AND BOOSTER PUMP STATION

Attached is a proposed Amendment to an Engineering Services Agreement with Black and Veatch for the 65th South Water Storage Tank and Booster Pump Station Projects. This Amendment includes construction administrative services during the construction phase of these projects, the cost of which is not to exceed \$148,750.00.

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

s/ Chad Stanger

City of Idaho Falls
August 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: TASK ORDER NO 18, NPDES PERMIT REVIEW AND ASSISTANCE – CH2M HILL ENGINEERING SERVICES AGREEMENT

Attached is proposed Task Order No. 18, NPDES Permit Review and Assistance for the CH2M Hill Engineering Services Agreement. This task order is necessary to engage the services of CH2M Hill in reviewing for the City's NPDES Permit, and providing technical assistance, in an amount not to exceed \$37,572.00.

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

s/ Chad Stanger

Mayor Fuhriman introduced Mary Lund who will be serving on the Library Board. Mrs. Lund appeared to state that she will do her best to continue to make the Library the best that it can be. She stated, further, that her family has benefited from the Library and she would like to see that continue.

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 7, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR
IMPOSITION OF FEE INCREASES GREATER THAN 105% FOR
FISCAL YEAR 2009-2010

Municipal Services respectfully requests the Mayor and Council to authorize the publication of the attached "Notice of Public Hearing" regarding the imposition of fee increases greater than 105% for Fiscal Year 2009-2010, with publication dates set for August 16, 2009 and August 23, 2009.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 27, 2009, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to increase existing fees beginning October 1, 2009, by amounts that exceed one hundred five percent (105%) of respective fees from the current fiscal year. The fee increases are necessary to cover increased costs associated with these programs.

<u>SOURCE OF FEES</u>	<u>CURRENT FEES</u>	<u>PROPOSED NEW FEES</u>
Tautphaus Park Zoo		
Admissions		
Adult	\$ 5.00	\$ 5.50
Child	\$ 2.25	\$ 2.50
Senior	\$ 3.50	\$ 4.00

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SOURCE OF FEES	CURRENT FEES	PROPOSED NEW FEES
Group – Adult	\$ 4.00	\$ 4.50
Group – Child	\$ 2.00	\$ 2.25
Group – Senior	\$ 2.50	\$ 3.00
City Rate – Adult	\$ 3.50	\$ 4.00
City Rate – Child	\$ 1.75	\$ 2.00
City Rate – Senior	\$ 3.00	\$ 3.50
Education Programs		
45 Minute Class	\$ 12.50	\$ 15.00
90 Minute Class	\$ 15.00	\$ 17.50
3 Hour Class	\$ 20.00	\$ 22.50
3 Hour Class, Week Long	\$ 75.00	\$ 80.00
3 Hour Class, Week Long, Members	\$ 60.00	\$ 65.00
7 Hour Class	\$125.00	\$135.00
7 Hour Class, Week Long	\$100.00	\$110.00
7 Hour Class, Week Long, Members	\$ 20.00	\$ 25.00
Behind the Scenes Tour	\$ 15.00	\$ 20.00
Overnight Safari	\$ 45.00	\$ 50.00
Overnight Safari, Members	\$ 35.00	\$ 40.00
Group Overnight Safari	\$ 40.00	\$ 45.00
Group Overnight Safari, Members	\$ 30.00	\$ 35.00
Junior Zoo Crew	\$ 85.00	\$ 90.00
Junior Zoo Crew, Members	\$ 75.00	\$ 80.00
Rentals		
Tent Rental, First Hour	\$ 35.00	\$ 45.00
Tent Rental, Additional Hours	\$ 15.00	\$ 20.00
Zoo Rental After Hours	\$100.00	\$125.00
Animal Encounters After Hours	\$ 15.00	\$ 25.00
West Diest Aquatic Center		
General Rates		
Swim Team Lane Rental Fees Per Hour	\$ 8.25	\$ 9.00
High School Dual Meets	\$ 45.00	\$ 50.00
High School Regional Meets/Swimmer	\$ 2.50	\$ 2.75
USS/YMCA Meets OR	\$170.00	\$185.00
USS/YMCA Meets/Swimmer	\$ 2.00	\$ 2.75
Group Rates		
10 to 19	\$ 2.75	\$ 3.00
20 to 40	\$ 2.50	\$ 2.75
40+	\$ 2.25	\$ 2.50
Rental Rates		
60 or Less	\$105.00	\$115.00
Second Hour	\$ 90.00	\$100.00
61 to 119	\$120.00	\$130.00
Second Hour	\$105.00	\$115.00
Recreation Center		
Basketball Rates		
24 Punch Pass – Adult	\$ 21.25	\$ 40.00
Noon Basketball Pass	\$ 37.10	\$ 45.00
Law Enforcement		
Records		
Fingerprint Cards	\$ 5.00	\$ 6.00
Accident Reports Online	\$.00	\$ 4.00
Animal Shelter		
Microchip	\$ 10.00	\$ 18.00
Euthanasia	\$ 15.00	\$ 18.00
Planning and Building		
Zoning Fees		
PT Land Use Change	\$175.00	\$360.00

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<u>SOURCE OF FEES</u>	<u>CURRENT FEES</u>	<u>PROPOSED NEW FEES</u>
Site Plan Review for Travel Trailer Court	\$.00	\$360.00
Building Fees		
Re-Inspection Fees	\$ 35.00	\$ 60.00
Flat Fee for Electrical, Plumbing	\$ 16.25	\$ 20.25
Re-Roofing Permit (Base Bid of Roof Replacement)	\$ 16.25	As Follows
Residential: 1% of Valuation, Minimum Fee \$20.25, Maximum Fee \$100.00		
Commercial: 1% of Valuation up to \$20,000.00 of Value, .7875% over \$20,000.00, Maximum Fee \$3,000.00		

Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, August 27, 2009, at the City of Idaho Falls Council Chambers, City Hall Annex, 680 Park Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 16 and August 23, 2009

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to authorize the publication of the "Notice of Public Hearing" regarding the imposition of new fees and fee increases greater than 105% for Fiscal Year 2009-2010 with publication dates set for August 16, 2009 and August 23, 2009. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 7, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR 2009-2010 FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2009-2010 Fiscal Year Budget in the amount of \$158,710,810.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 2009-2010 Fiscal Year Budget with publication dates set for August 16, 2009 and August 23, 2009.

AUGUST 13, 2009

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 27, 2009, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2009-2010
CITY OF IDAHO FALLS, IDAHO

A public hearing pursuant to Idaho Code 50-1002, will be held for consideration of the proposed budget for the fiscal year from October 1, 2009 to September 30, 2010. The hearing will be held at the City of Idaho Falls Council Chambers, in the City Annex Building, located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m., Thursday, August 27, 2009. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities in order to allow access to the budget documents or to the hearing should contact the City Controller's Office at 612-8230 at least 48 hours prior to the public hearing. The proposed FY 2010 budget is shown below as FY 2010 proposed expenditures and revenues.

PROPOSED EXPENDITURES			
Fund Name	FY 2008 Actual Expenditures	FY 2009 Budget Expenditures	FY 2010 Proposed Expenditures
General Fund			
Mayor and Council	\$ 178,861	\$ 190,000	\$ 201,710
Legal	164,589	216,651	212,252
Municipal Services	4,099,320	9,902,216	8,899,620
Planning and Building	1,860,449	2,347,878	2,481,495
Human Resources	107,312	111,769	124,672
Police	11,459,151	11,460,527	11,280,555
Fire	9,028,028	9,002,408	9,109,855
Parks	5,473,886	5,410,867	6,695,061
Public Works	2,169,311	2,041,232	2,022,583
General Fund Total	\$ 34,540,907	\$ 40,684,548	\$ 41,027,803
Special Revenue Funds			
Street Fund	\$ 3,287,223	\$ 4,116,594	\$ 4,041,947
Recreation Fund	1,112,115	1,237,747	1,214,212
Library Fund	2,180,811	2,958,571	2,755,983
Airport Passenger Facility Charge Fund	627,515	625,000	500,000
Municipal Equipment Replacement Fund	1,430,709	2,046,000	1,548,000
Electric Light Public Purpose Fund	569,696	550,000	750,000
Business Improvement District	46,011	57,400	58,000
Golf Fund	1,662,655	1,867,134	1,815,578
Special Revenue Funds Total	\$ 10,916,735	\$ 12,125,766	\$ 12,683,720

AUGUST 13, 2009

PROPOSED EXPENDITURES			
Fund Name	FY 2008 Actual Expenditures	FY 2009 Budget Expenditures	FY 2010 Proposed Expenditures
Capital Projects Funds			
Sanitary Sewer Capital Improvement Fund	3,663	0	300,000
Municipal Capital Improvement Fund	16,227	3,900,000	2,000,000
Street Capital Improvement Fund	296,488	-0-	250,000
Bridge and Arterial Street Fund	-0-	1,500,000	2,000,000
Water Capital Improvement Fund	155,221	500,000	500,000
Surface Drainage Fund	202,370	50,000	100,000
Traffic Light Capital Improvement Fund	792,070	1,100,000	680,000
Capital Projects Funds Total	\$ 1,466,039	\$ 7,050,000	\$ 5,830,000
Enterprise Funds			
Airport Fund	\$ 11,890,903	\$ 9,011,344	\$ 4,719,507
Water and Sewer Fund	10,725,937	22,243,799	17,937,916
Sanitation Fund	4,297,528	4,418,828	4,389,129
Ambulance Fund	2,813,128	3,030,082	3,325,949
Electric Fund	58,921,402	71,850,655	68,796,786
Enterprise Funds Total	\$ 88,648,898	\$110,554,708	\$ 99,169,287
Total Expenditures - All Funds	\$135,572,579	\$171,747,702	\$158,710,810
PROJECTED REVENUES			
Fund Name	FY 2008 Actual Revenues	FY 2009 Budget Revenues	FY 2010 Projected Revenues
Property Tax Levy			
General Fund	\$ 19,067,312	\$ 21,189,662	\$ 21,703,491
Recreation Fund	404,337	463,931	487,126
Library Fund	1,497,367	1,663,466	1,746,583
Municipal Capital Improvement Fund	694,867	1,166,599	1,199,906
Fire Retirement	843,287	1,044,000	1,105,000
Liability Insurance	580,001	602,000	526,130
Property Tax Levy Total	\$ 23,087,171	\$ 26,129,658	\$ 26,768,236
Revenue Sources Other Than Property Tax			
General Fund	\$ 13,859,263	\$ 14,848,886	\$ 13,263,182
Street Fund	3,223,040	3,068,609	2,857,635
Recreation Fund	754,677	785,650	755,600
Library Fund	790,233	928,565	878,600
Passenger Facility Fund	627,515	625,000	500,000
Municipal Equipment Replacement Fund	317,543	200,000	175,000
Electric Light Public Purpose Fund	589,264	550,000	615,000
Business Improvement District Fund	60,431	58,700	58,000
Electric Rate Stabilization Fund	1,123,733	400,000	300,000
Golf Fund	1,605,053	1,850,600	1,858,600
Sanitary Sewer Capital Improvement Fund	456,953	243,750	218,750
Municipal Capital Improvement Fund	113,766	25,000	25,000
Street Capital Improvement Fund	-0-	1,000	-0-
Bridge and Arterial Street Fund	375,135	260,000	210,000
Water Capital Improvement Fund	359,728	288,750	243,750
Surface Drainage Fund	73,607	52,000	50,000
Traffic Light Capital Improvement Fund	310,144	369,768	335,237

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PROPOSED REVENUES			
Fund Name	FY 2008 Actual Revenues	FY 2009 Budget Revenues	FY 2010 Projected Revenues
Revenue Sources Other Than Property Tax, Continued			
Airport Fund	11,322,885	8,554,000	3,979,000
Water and Sewer Fund	13,824,727	16,075,400	15,232,800
Sanitation Fund	3,552,730	4,533,000	3,931,000
Ambulance Fund	2,820,557	2,916,194	3,073,399
Electric Fund	58,810,062	51,994,170	55,564,900
Fund Transfers	2,237,850	2,095,100	1,995,250
Fund Balance Carryover	19,548,611	34,893,902	25,821,871
Other Revenue Sources Total	<u>\$136,757,507</u>	<u>\$145,618,044</u>	<u>\$131,942,574</u>
Total Revenues - All Funds	<u>\$159,844,678</u>	<u>\$171,747,702</u>	<u>\$158,710,810</u>

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of the City of Idaho Falls, Idaho for the Fiscal Year 2009-2010; all of which have been tentatively approved by the City Council on August 13, 2009 and entered at length in the Journal of Proceedings.

Dated this 13th day of August, 2009.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 16 and August 23, 2009

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to tentatively approve the 2009-2010 Fiscal Year Budget in the amount of \$158,710,810.00; and, further, give authorization for publication of the "Notice of Public Hearing" for the 2009-2010 Fiscal Year Budget with publication dates set for August 16, 2009 and August 23, 2009. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

AUGUST 13, 2009

City of Idaho Falls
July 21, 2009

MEMORANDUM

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

Attached is a report from Detective Moulton concerning the operation of Second Time Around, a second hand dealership. This dealership is not in compliance with Idaho Falls City Code 4-13-11 and 4-13-14 on records keeping and report of merchandise.

I respectfully recommend the City Council to revoke the license to this dealership at the City Council Meeting of August 13, 2009.

Thank you.

s/ Steve Roos

The Police Chief appeared to explain that certified letters have been sent to all known places of ownership and residences, to allow for proper notification of this action, as well as posting the notice on the door of the business. The business has been closed. There is now a notice on the door to make arrangements for property inside the store for those persons who have property still inside the store.

It was moved by Councilmember Hardcastle, seconded by Councilmember Taylor, to revoke the Second Hand Store License to Second Time Around as it is not in compliance with Idaho Falls City code Sections 4-13-11 and 4-13-14 regarding recordkeeping and report of merchandise. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
August 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: 65TH SOUTH BOOSTER PUMP STATION BID

AUGUST 13, 2009

On July 8, 2009, bids were received and opened for the 65th South Booster Pump Station. A tabulation of the bid results is attached. On July 23, 2009, at the regularly scheduled City Council Meeting, the City Council authorized Public Works to notify Ovard Construction of its intent to execute the contract. This authorization was based upon the Public Works Director's recommendation, despite a formal protest by another bidder, Agricultural Services, Inc., complaining that Ovard Construction had not named a licensed plumbing subcontractor. The Public Works Director represented to the City Council that a licensed plumber was not needed for this project. Subsequently, it has been determined that a licensed plumbing subcontractor is necessary for a small portion of the specified work.

In addition to Ovard Construction not naming a plumbing subcontractor, the next two (2) low bidders did not name plumbing contractors. The final bidder, Agricultural Services, did name a plumbing subcontractor, Action Mechanical Company. Staff research indicates that Action Mechanical Company does not carry a plumbing license, although there is a plumbing license listed under a firm named Action Plumbing and Heating, showing the same address as Action Mechanical Company.

Given the described situation, Public Works recommends the City Council rescind the previous authorization, reject all bids; and, authorize re-advertising to receive bids on this project.

s/ Chad Stanger

The Public Works Director appeared to apologize for telling the Mayor and City Council at the last meeting that a plumbing subcontractor was not necessary.

Mike Wall, Ovard Construction Company, 3901 Otter Trail, appeared to explain that they feel that they have been totally compliant with the bidding law. The mechanical contractor that was listed is fully compliant with mechanical licenses, as well as plumbing licenses. He stated, further, that he has shown proof of prior communication showing that he has a proposal from plumbing as well as HVAC. It was not fair to penalize Ovard Construction Company, when the mistake was the City's.

Councilmember Lehto requested the Public Works Director to come forward to address concerns from Mr. Wall.

The Public Works Director re-appeared to state that the Engineering Department tried to interpret this problem the same as the contractor has, feeling that because the contractor had listed the HVAC subcontractor, that same subcontractor also carries a license for plumbing. The subcontractor was not been listed as the plumbing subcontractor in the bid documents. The plumbing subcontractor supplied their proposal to Ovard Construction Company which showed that they intended on doing the plumbing work. That was not included in the bid documents that were received.

The City Attorney stated that there was no fault on the part of the contractor in this bidding process. The bid documents did not provide a line for the plumbing subcontractor to be listed. From the face of the bid, it could not be determined that the contractor was going to use the HVAC subcontractor as the plumbing subcontractor. That did not comply with the bidding statute requirements. A protest has been received from the 4th bidder on this project, Agricultural Services, Inc. The City Attorney stated that he did not see any way to be able to award this bid as presented.

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It was moved by Councilmember Lehto, seconded by Councilmember Parry, to rescind the previous authorization to award the bid for the 65th South Booster Pump Station Project to Ovard Construction; to reject all bids; and, further, give authorization for the re-advertisement of bids on this project. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct Annexation Proceedings for 4.88 Acres of Sunnyside Road Right-of-Way along the Snake River. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
August 11, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING, 4.88 ACRES, SUNNYSIDE ROAD RIGHT-OF-WAY

Attached is the Ordinance to annex 4.88 acres of the Sunnyside Road right-of-way at the Snake River. This parcel is located west of Yellowstone Highway and east of Snake River Parkway and the requested zoning is R-1. The Planning Commission considered this request at its July 7, 2009 Meeting and recommended approval of the annexation and initial zoning. This request is now being submitted to the Mayor and Council.

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 Aerial Photo showing ground under consideration
Slide 3 Comprehensive Plan showing this area as part of the Greenbelt
Slide 4 Site Photo showing Sunnyside Storm Pond
Slide 5 Site Photo looking west from Sunnyside Road
Slide 6 Site Photo looking east across property from south side of Sunnyside Road
Slide 7 Site Photo looking east along Sunnyside Road

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Slide 8	Site Photo looking south across property toward single family homes
Exhibit 1	Planning Commission Minutes dated July 7, 2009
Exhibit 2	Staff Report dated July 7, 2009
Exhibit 3	Vicinity Map
Exhibit4	Aerial Photo

The Planning and Building Director explained that this annexation would allow law enforcement to be uniform on Sunnyside Road from Porter Canal east.

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

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

ORDINANCE NO. 2819

SUNNYSIDE ROAD RIGHT-OF-WAY AT SNAKE RIVER

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; 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 Parry moved, and Councilmember Hally 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 Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

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 Parry, seconded by Councilmember Hally, to establish the initial zoning for 4.88 Acres of Sunnyside Road Right-of-Way along the Snake River (Northeast Quarter of Section 35, Township 2 North, Range 37, East of the Boise Meridian) as R-1 (Single-Family Residential) 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:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Parry, seconded by Councilmember Cornwell, that the meeting adjourn at 8:05 p.m.

CITY CLERK

MAYOR
