

MAY 28, 2009

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 28, 2009, 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 Thomas Hally
Councilmember Ida Hardcastle
Councilmember Sharon D. Parry (Took her seat at 7:40 p.m.)
Councilmember Michael Lehto
Councilmember Ken Taylor
Councilmember Karen Cornwell

Also present:

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

Mayor Fuhriman requested Alexa Knutson to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes for the May 12, 2009 Council Work Session and the May 14, 2009 Regular Council Meeting.

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council confirmation for the publication of legal notices calling for public hearings on May 28, 2009.

The Public Works Director submitted the following memo:

City of Idaho Falls
May 18, 2009

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for the University Boulevard Sidewalk and Landscaping Project.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

REGULAR AGENDA

Mayor Fuhriman requested the representatives from the Mayor's Youth Advisory Council to come forward and report to the Mayor and City Council.

Ericka Gianotto, Whitney Wood, and Alexa Knutson (all Sophomores from Idaho Falls High School) appeared to report to the City Council regarding the Mayor's Youth Advisory Council's activities for the summer months. MYAC will be conducting two summer camps (one for Idaho Falls School District No. 91 and one for Idaho Falls School District No. 93). One camp will be held at Edgemont Elementary School and one will be held at Falls Valley Elementary School. They have recently taken applications for new members to the Mayor's Youth Advisory Council. A new presidency has been put in place for the next school year. A Legislative Committee has been formed and is now preparing a statement for the Nuclear Regulatory Commission on June 4, 2009 for their Environmental Impact Statement. During the past month, the Mayor's Youth Advisory Council has conducted local presentations regarding their trip to France with AREVA. MYAC participated in Earth Day, the Bike Rodeo, and assisted the Salvation Army in the past month. Five students will be attending the Association of Idaho Cities Conference in Boise, Idaho. They have recently rewritten their By-Laws. The Mayors Youth Advisory Council is looking for dedication and have new expectations for its members.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
May 26, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg, Assistant Idaho Falls Power Director
SUBJECT: LANDS ENERGY CONSULTING AGREEMENT

Attached for your consideration is a Consulting Agreement with Lands Energy Consulting, Inc. and associated Exhibit A, relative to software development required for the 2012 BPA Slice Power Sales Agreement. The Scope of Work identified in Exhibit A is in near final form and consists of Phase I – development of the specifications for the Slice Customer Interface and Phase II – Actual software development, testing, and deployment. The Agreement and Exhibit have been reviewed by the City Attorney.

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

s/ Jo Elg

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It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Consulting Agreement with Lands Energy Consulting, Inc. and associated Exhibit A, relative to software development required for the 2012 BPA Slice Power Sales Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-20, ONE (1) NEW FUEL TANK/DELIVERY SYSTEM
MOUNTED ON A NEW 2009 OR NEWER CAB AND CHASSIS

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

The apparent low bid submitted by Lake City Trucks with the Seneca Tank did not meet the required specifications. In regards to tank mounting Seneca could not provide a 2-1/2" slope or the bolster mount that was specified with no exception. Therefore, it is the recommendation of Municipal Services to accept the next low bid of Idaho Falls Peterbilt to furnish a new 2010 Peterbilt 340 Cab and Chassis to be mounted with a New 2009 Beall Corporation fuel tank system for an amount of \$169,113.00 with trade-in Unit No. 16.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to reject the low bid submitted to Lake City Trucks due to the item not meeting the required specifications and accept the next low bid from Idaho Falls Peterbilt to furnish a new 2010 Peterbilt 340 Cab and Chassis to be mounted with a New 2009 Beall Corporation fuel tank system for an amount of \$169,113.00 with trade-in of Unit No. 16. Roll call as follows:

Aye: Councilmember Hally
Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto

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Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CITY WEBSITE REDESIGN, IMPLEMENTATION, AND HOSTING
INCLUDING INTRANET AND APPLICATION TRACKING
SOFTWARE

Please find attached for your consideration:

1. Sales Agreement and Statement of Work for new website design and implementation in the amount of \$21,925.00.
2. Hosting Agreement and Statement of Work for a hosting service for the City website in the amount of \$40.00 per month, month to month.
3. Service Agreement for an on-line application Tracking Software Package in the amount of \$11,360.00.

It is the recommendation of Municipal Services to use Web Impakt, an Idaho Falls Company, to redesign, implement, and host the City's website. It is also recommended to use GovernmentJobs.com, Inc. for the Application Tracking Software Package including implementation and hosting.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Sales Agreement and Statement of Work for new website design and implementation in the amount of \$21,925.00; to approve the Hosting Agreement and Statement of Work for a hosting service for the City website in the amount of \$40.00 per month, month to month; to approve the Service Agreement for an on-line application Tracking Software Package in the amount of \$11,360.00; to use GovernmentJobs.com, Inc. for the Application Tracking Software Package including implementation and hosting; and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

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Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
May 28, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: DINGELL-JOHNSON SPORT FISHING GRANT – NOTICE OF FUNDING RESTRICTIONS

Attached for your consideration is a letter of intent to secure federal grant funds through the Dingell-Johnson Sport Fishing Act to help in the construction of an urban fishing pond to be located at Ryder Park. The acceptance of this grant, if awarded, would restrict the City of Idaho Falls from disposing of the property and would restrict the City from altering the project site that would preclude public fishing. By acceptance and signature of this letter, the City of Idaho Falls further agrees to maintain said property in perpetuity as a sport fishing area in accordance with terms and purposes of the grant.

It is the recommendation of the Division of Parks and Recreation to have the Mayor sign and execute said Notice of Obligation.

s/ David J. Christiansen

NOTICE OF OBLIGATION

NOTICE OF FUNDING RESTRICTIONS

The City of Idaho Falls has acquired real property, described in Exhibit A (the "Property"), on which it desires to construct and maintain a community fishing pond and associated natural area for the benefit of local citizens and visitors.

In cooperation with the City of Idaho Falls, the Idaho Department of Fish and Game (IDFG) seeks to secure a Federal Grant for pond excavation and for shoreline stabilization to enhance access and reduce erosion. The objective of this expenditure is to provide new urban fishing opportunity in the City of Idaho Falls. Federal funding would come under the authority of the Dingell-Johnson Sport Fish Restoration Act (16 U. S. C. 777) with the United States of America, acting by and through the United States Fish and Wildlife Service.

Notice is hereby given that pond construction and shoreline stabilization on the property will be funded through the Grant. Federal regulations require the property to be used for the purpose for which funds were acquired, and restrict the property owner from substantially altering the pond and associated shoreline in any way that would preclude public fishing, and would further restrict the City of Idaho Falls from disposing of the property.

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By the acceptance of this agreement, the City of Idaho Falls, agrees to maintain the property in perpetuity as a public fishing area in accordance with the terms and purposes of the Grant. This restriction has the effect of a covenant running with the land and is binding upon the City of Idaho Falls, its designee or successor.

Dated this 29th day of May, 2009.

City of Idaho Falls

s/ Jared D. Fuhriman

Jared D. Fuhriman

Mayor

EXHIBIT 'A'

RYDER PARK POND

Beginning at a point that bears S. 37° 52' 09" E. 581.44 feet from the North One-Quarter Corner of Section 35, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho and said point being on the point of a 197.72 foot radius curve to the left having a back tangent of N. 52° 34' 09" W.; running thence 72.74 feet along said curve through a central angle of 21° 04' 41" having a long chord bearing S. 63° 06' 30" E. 72.33 feet to a point of a 58.59 foot radius compound curve to the left; thence 79.28 feet along said curve through a central angle of 77° 31' 48" having a long chord bearing N. 67° 35' 16" E. 73.37 feet to a point of a 39.75 foot radius curve to the right; thence 38.44 feet along said curve through a central angle of 55° 24' 10" having a long chord bearing N. 56° 31' 27" E. 36.96 feet to a point of a 103.90 foot radius compound curve to the right; thence 92.08 feet along said curve through a central angle of 50° 46' 49" having a long chord bearing S. 70° 23' 04" E. 89.10 feet to a point of a 39.38 foot radius compound curve to the right; thence 100.45 feet along said curve through a central angle of 146° 09' 12" having a long chord bearing S. 31° 54' 04" W. 75.34 feet to a point of a 41.94 foot radius curve to the left; thence 33.99 feet along said curve through a central angle of 46° 26' 30" having a long chord bearing S. 81° 45' 25" W. 33.07 feet to a point of a 28.97 foot radius compound curve to the left; thence 31.91 feet along said curve through a central angle of 63° 07' 20" having a long chord bearing S. 26° 58' 30" W. 30.32 feet to a point of a 24.26 foot radius curve to the right; thence 31.34 feet along said curve through a central angle of 73° 59' 36" having a long chord bearing S. 32° 24' 37" W. 29.20 feet to a point of a 35.52 foot radius curve to the left; thence 35.80 feet along said curve through a central angle of 57° 45' 38" having a long chord bearing S. 40° 31' 36" W. 34.31 feet to a point of a 49.65 foot radius curve to the right; thence 39.58 feet along said curve through a central angle of 45° 40' 22" having a long chord bearing S. 34° 28' 58" W. 38.54 feet to a point of a 107.18 foot radius curve to the left; thence 28.01 feet along said curve through a central angle of 14° 58' 26" having a long chord bearing S. 49° 49' 56" W. 27.93 feet to a point of a 53.17 foot radius curve to the right; thence 115.52 feet along said curve through a central angle of 124° 29' 30" having a long chord bearing N. 75° 24' 32" W. 94.10 feet to a point of a 173.18 foot radius curve to the left; thence 81.98 feet along said curve through a central angle of

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27° 07' 17" having a long chord bearing N. 26° 43' 26" W. 81.21 feet to a point of a 90.90 foot radius curve to the right; thence 108.35 feet along said curve through a central angle of 68° 17' 43" having a long chord bearing N. 06° 08' 13" W. 102.05 feet to a point of a 39.25 foot radius compound curve to the right; thence 68.46 feet along said curve through a central angle of 99° 25' 12" having a long chord bearing N. 77° 43' 15" E. 60.19 feet to the Point of Beginning. Containing 1.05 Acres.
Basis of bearing is 2004 City Control (NAD83)

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Letter of Intent to secure federal grant funds through the Dingell-Johnson Sport Fishing Act to help in the construction of an urban fishing pond to be located at Ryder Park and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: RESOLUTION AMENDING FISCAL YEAR 2008 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN

Attached is an explanatory memorandum from Jan Blickenstaff, Grant Administrator, and the Resolution amending the Fiscal Year 2008 Community Development Block Grant Annual Action Plan. The Department respectfully requests adoption of the Resolution.

s/ Renee R. Magee

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: J. P. Blickenstaff, Grant Administrator
SUBJECT: AMENDMENT OF THE FY2008 CDBG ANNUAL ACTION PLAN

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Attached is the draft Resolution adopting the amendment to the FY08 Annual Action Plan incorporating the additional funding made available from the American Recovery and Revitalization Act.

A public hearing with abbreviated notice was held on May 14, 2009 before City Council. No comments were made at the hearing, but subsequent to the article in the Post Register seven comments were received suggesting additional projects:

Two were supporting paving the dirt streets in Highland Park neighborhood;

Another supported fixing the streets, curbs and sidewalks in the Bel Aire neighborhood;

One suggested a skate park on the west side for kids;

Sidewalks were suggested for three sides of Pinecrest Golf Course to provide safer walking to the Fred Meyers shopping center and a redesign of the traffic signal at Holmes and Northgate Mile;

The dirt street, Latah Avenue, on the east side of Freeman Park should be paved; and,

The sidewalks across Holmes Avenue from the Civic Center need replacing.

No comments were made supporting or objecting to the projects selected for funding.

Action Recommended: Passage of the Resolution in order for the City to receive and spend the additional CDBG funding.

s/ Jan Blickenstaff

RESOLUTION NO. 2009-11

**RESOLUTION OF THE CITY OF IDAHO FALLS
APPROVING THE AMENDMENT FOR ADDING RECOVERY FUNDING TO
THE FISCAL YEAR 2008 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 2008 as part of the requirements of entitlement status;

WHEREAS, the City of Idaho Falls held a public hearing on the Action Plan Amendment on May 14, 2009;

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WHEREAS, the City of Idaho Falls has a seven day comment period until and through May 21, 2009;

WHEREAS, the City of Idaho Falls has received seven comments to be considered during the seven day comment period;

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

1. The Amendment to the Year Action Plan for Fiscal Year 2008 as prepared by the Planning and Building Division, a copy of which is attached hereto and by this reference made a part hereof, is hereby approved.

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

s/ Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
City Clerk

(SEAL)

FY09 CDBG updated May 11, 2009				FY09 Allocation	FY07 Amended	FY09 Stimulus	Project Total
Applicant	Description	Original Request	Council Approved	\$407,088 Official	\$125,000 Existing	\$34,852 Official	\$641,322
Community Council of Idaho	Roof, Re-flooring, and Paving at Head Start	\$ 34,852	\$ 34,852	\$ 0	\$ 0	\$ 34,852	\$ 34,852
EICAP	New Building at Haven	100,000	100,000	100,000	0	0	100,000
YMCA and Crows Neighborhood Association	Replace Sidewalks	50,000	50,000	0	2,926	47,074	50,000
Development Workshop	Purchase State Building	100,000	100,000	86,610	13,390	0	100,000
LIFE, Inc.	Homeowner Handicapped Access	35,000	48,000	0	48,000	0	48,000
IFDDC	Façade Improvements	100,000	78,000	78,000	0	0	78,000
Senior Center	Kitchen Improvements	6,550	6,550	0	6,550	0	6,550
Habitat for Humanity	Purchase Two Lots for Homes	30,000	0	0	0	0	0
Domestic Violence	Teen Dating Violence Pilot Program	49,432	0	0	0	0	0
Housing First Pilot Project	Program to House High Cost Homeless	20,900	20,000	20,000	0	0	20,000
Crisis Intervention Housing	For Mentally Ill Chronic Homeless	100,500	Maximum Allowed	41,063	36,588	16,385	94,036
Crisis Intervention Training	CIT POST Training for 10 Police Officers	11,300	0	0	0	0	0
Administration	20% of Allocation (Estimate \$425,000)		81,415	81,415	0	10,923	92,338
TOTAL			550,000	407,088	107,454	109,234	
					17,546		

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It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Resolution approving the Amendment for Adding Recovery Funding to the Fiscal Year 2008 Action Plan and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: AMENDMENT TO SIGN ORDINANCE TO ALLOW BILLBOARD
TO BE RELOCATED TO WITHIN 75 FEET OF EXISTING
LOCATION ONSITE

Attached is an Ordinance amending the Sign Ordinance to allow an existing billboard to be relocated onsite within seventy-five feet of the existing location. The Planning Commission considered this amendment at its May 5, 2009 meeting and recommended approval with the condition relocation be limited to once. Staff did not include this limitation due to difficulties with administration. This Ordinance has been reviewed by the City Attorney. The Department respectfully requests adoption of this Ordinance.

s/ Renee R. Magee

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

ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADDING SECTION 7-9-49 PROVIDING FOR RELOCATION OF BILLBOARDS; DECLARING ORDINANCE METHODOLOGY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

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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 Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PANCHERI DRIVE PATHWAY PROJECT, BELLIN ROAD TO EAST LATERAL CANAL

On May 12, 2009, bids were received and opened for Pancheri Drive Pathway Project, Bellin Road to East Lateral Canal. A tabulation of the bid results is attached.

Public Works recommends award to the low responsive bidder, Knife River, in the amount of \$50,379.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the low responsive bid from Knife River to complete the Pancheri Drive Pathway Project, Bellin Road to East LaterAL Canal in the amount of \$50,379.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

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Motion Carried.

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – HOLMES AVENUE PATHWAY PROJECT,
SUNNYSIDE ROAD TO CRANBROOK LANE

On May 12, 2009, bids were received and opened for Holmes Avenue Pathway Project, Sunnyside Road to Cranbrook Lane. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, 3H Construction, in the amount of \$37,547.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

John McGimpsey, 2122 Calkins Drive, appeared to request that when this project is completed that it is signed and advertised correctly. When the pathway is off of the street, the driving public needs to be aware that it is there and to watch for pedestrians or bicycle riders.

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to accept the low bid from 3H Construction LLC in the amount of \$37,547.00 to complete the Holmes Avenue Pathway Project, Sunnyside Road to Cranbrook Lane and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 22, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – HITT ROAD, MEPPEN CANAL TO MESA STREET
PROJECT

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On May 19, 2009, bids were received and opened for the Hitt Road Project, Meppen Canal to Mesa Street. A tabulation of bid results is attached.

Public Works recommends award to the low bidder, Landon Excavating, Inc. in the amount of \$2,586,125.87; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

Councilmember Hally stated that this is the beginning to handling a great amount of traffic in an orderly manner in that area of the City. This project will not only benefit the City of Idaho Falls, but will benefit the whole community.

Councilmember Parry stated that she drove Hitt Road from north to south at 5:40 p.m. this evening. The traffic was horrendous. This is great work on the part of the Public Works Division.

Councilmember Cornwell requested to know whether the intersection will be signed or signaled. Mayor Fuhriman stated that there will be signals at the intersection of Hitt Road and First Street.

Councilmember Parry indicated that there might be some interest in installing a concrete wall along this area, similar to the one provided along Sunnyside Road.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the low bid from Landon Excavating, Inc. in the amount of \$2,586,125.87 to complete the Hitt Road, Meppen Canal to Mesa Street Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing for consideration of a Land Use Change from Residential to Professional Office in a Planned Transition Zone located generally south of 11th Street, north and adjacent to 12th Street, east and adjacent to South Boulevard, west of Lee Avenue and legally described as Lots 25 through 28 and the West 9 Feet of Lot 29, Block 44, Crows Addition (1195 South Boulevard). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 19, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: LAND USE CHANGE, PT-2 ZONE – LOTS 25, 26, 27, 28, AND WEST 9 FEET OF LOT 29, BLOCK 44, CROW'S ADDITION

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Attached is the application for a land use change from single-family residential to office at 1195 South Boulevard (Lots 25 – 28 and West 9 feet of Lot 29, Block 44, Crow's Addition). This site is located on the northeast corner of South Boulevard and 12th Street. The Planning Commission, at its April 21, 2009 Meeting recommended approval with the conditions two parking spaces, including the handicapped space, be provided and landscape be increased on the west side of these proposed spaces. The Commission also recommended the Board of Adjustment grant a variance on the lot size and parking requirements. On April 23, the Board of Adjustment granted variances for lot size and parking. This land use change 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 land use change request:

- | | |
|-----------|---|
| Slide 1 | Vicinity Map showing surrounding zoning |
| Slide 2 | Aerial Photo |
| Slide 3 | Aerial Photo – close up |
| Slide 4 | Site Plan |
| Slide 5 | Site Photo of front elevation of home |
| Slide 6 | Site Photo of north area of home where wheel chair ramp will be installed |
| Slide 7 | Site Photo of back yard |
| Exhibit 1 | Planning Commission Minutes dated April 21, 2009 |
| Exhibit 2 | Planning Commission Minutes dated April 7, 2009 |
| Exhibit 3 | Staff Report dated April 21, 2009 |
| Exhibit 4 | Vicinity Map |
| Exhibit 5 | Aerial Photo |
| Exhibit 6 | Site Plan dated May 4, 2009 (With Commission Conditions) |

The Planning and Building Director explained further, that this home has been a single-family home since 1920. It is listed on the National Register of Historic Places as is a large portion of this neighborhood. Two parking spaces will be provided in a small parking lot that can be serviced from the driveway and from the alley. The Board of Adjustment granted a variance on the size of the lot, instead of the 30,000 square foot requirement the lot size is 13,600 square feet. Further, the Board of Adjustment recommended that the parking be reduced, based on the fact that the property is listed on the National Register. This particular office use is limited to two employees to service elderly clients, with essentially one client at a time. Other than those two provisions, this proposal does meet the PT-2 provisions on the zone.

Patrick Trimp, 6805 South Summer Drive, appeared to state that he has been working on this for three months. When he purchased this home, he did not realize the process that he would have to go through, but it has been worth it. He stated that he was trying to bring the home back to its historical significance. Mr. Trimp stated that the neighborhood will not notice much from his business, as he will be open from 8:00 a.m. to 5:00 p.m., after which time the office will be closed.

Bonnie Montierthe, 121 12th Street, appeared to state that she lives adjacent to this property and that she, along with other families, are in support of what Mr. Trimp is doing with the home. She stated that it was important to her to have the trees and the character of the land be preserved.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Land Use Change from Residential to Professional Office in a Planned Transition Zone located generally south of 11th Street, north and adjacent to 12th Street, east and adjacent to South Boulevard, west of Lee Avenue and legally described as Lots 25 through 28 and the West 9 Feet of Lot 29, Block 44, Crows Addition (1195 South Boulevard) with the conditions two parking spaces, including the handicapped space, be provided and landscaped be increased on the west side of these proposed spaces. Roll call as follows:

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

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
