

APRIL 9, 2009

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 9, 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:

Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Boy Scout Tanner Couch to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council approval of the following Resolutions:

RESOLUTION NO. 2009-05

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. is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

APRIL 9, 2009

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for CLUB, Inc.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 9th day of April, 2009.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 10th day of April, 2009.

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)

RESOLUTION NO. 2009-06

By the City Council of Idaho Falls, Idaho

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

WHEREAS, the Haven Homeless Shelter Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the Haven Homeless Shelter Program is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the Haven Homeless Shelter Program.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 9th day of April, 2009.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 10th day of April, 2009.

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)

RESOLUTION NO. 2009-07

By the City Council of Idaho Falls, Idaho

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

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

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

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

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

ADOPTED by the Council of the City of Idaho Falls, Idaho this 9th day of April, 2009.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 10th day of April, 2009.

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)

RESOLUTION NO. 2009-08

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE CITY OF REFUGE HOMELESS SHELTER AND THE EVERGREEN WOMEN'S EMERGENCY SHELTER AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE CITY OF REFUGE HOMELESS SHELTER AND THE EVERGREEN WOMEN'S EMERGENCY SHELTER 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.

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WHEREAS, the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Shelter provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Homeless Shelter are in good standing with the City of Idaho Falls and are in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the City of Refuge Men's Homeless Shelter and the Evergreen Women's Emergency Shelter.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 9th day of April, 2009.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 10th day of April, 2009.

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)

RESOLUTION NO. 2009-09

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO

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SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, the Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program are in good standing with the City of Idaho Falls and are in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for the Haven Homeless Shelter and Homeless to Homeowners (H2H) Program.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 9th day of April, 2009.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 10th day of April, 2009.

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 March 10, 2009 Council Work Session and the March 12, 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.

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The City Clerk presented the following Expenditure Summary dated March 1, 2009 through March 31, 2009, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 813,534.86
Street Fund	29,428.51
Recreation Fund	21,170.24
Library Fund	108,792.16
Municipal Equipment Replacement Fund	191,766.00
Electric Light Public Purpose Fund	25,062.32
Golf Fund	15,182.83
Municipal Capital Improvement Fund	46,146.60
Street Capital Improvement Fund	70.00
Airport Fund	126,203.21
Water and Sewer Fund	559,533.72
Sanitation Fund	60,680.30
Ambulance Fund	7,127.67
Electric Light Fund	4,950,924.33
Payroll Liability Fund	2,197,175.62
TOTALS	\$ 9,152,798.37

The City Clerk presented several license applications, 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 April 9, 2009.

The Public Works Director submitted the following memos:

City of Idaho Falls
March 17, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – 65TH SOUTH WATER STORAGE TANK

Public Works respectfully requests authorization to advertise to receive bids for the 65th South Water Storage Tank Project.

s/ Chad Stanger

City of Idaho Falls
March 30, 2009

MEMORANDUM

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

APRIL 9, 2009

Public Works requests authorization to advertise to receive bids for the 65th South Booster Pump Station.

s/ Chad Stanger

City of Idaho Falls
March 17, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – SEWER LINE REHABILITATION, 2009

Public Works requests authorization to advertise to receive bids for the Sewer Line Rehabilitation, 2009 Project.

s/ Chad Stanger

City of Idaho Falls
March 17, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – SEWER LINE BURSTING, 2009 PROJECT

Public Works requests authorization to advertise to receive bids for Sewer Line Bursting, 2009 Project.

s/ Chad Stanger

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:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

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

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Jessica Barrott, Ericka Gianotto, and Trevor Casper appeared to share a PowerPoint Presentation of their trip to Areva in France last month. They stated that it was an amazing trip and that they had learned so much about the Areva Facility that will come to Bonneville County in years to come.

The Airport Director submitted the following memo:

City of Idaho Falls
March 25, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT - ARMSTRONG CONSULTANTS, INC.

Enclosed is the Professional Services Agreement with Armstrong Consultants, Inc. for the Airport Master Plan in the amount of \$335,000.00.

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

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Professional Services Agreement with Armstrong Consultants, Inc. for the Airport Master Plan in the amount of \$335,000.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg, Assistant Idaho Falls Power Director
SUBJECT: SLICE CUSTOMERS GROUP COOPERATION AND COST SHARING AGREEMENT

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Attached for your consideration is the Slice Customers Group Cooperation and Cost Sharing Agreement which provides for Slice customers to coordinate and share costs on Slice issues. This Agreement is in near final form and has been reviewed by the City Attorney.

Idaho Falls Power respectfully requests approval of the Agreement in near final form and authorization for the Mayor to sign the final Agreement.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the near final form of the Slice Customers Group Cooperation and Cost Sharing Agreement which provides for Slice customers to coordinate and share costs on Slice Issues and, further, give authorization for the Mayor to sign the final form of the Agreement when approved by the City Attorney. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 6, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg, Assistant Idaho Falls Power Director
SUBJECT: UAMPS SIMMONS WIND PROJECT

As you recall, the City Council authorized participation in the Simmons Wind Project at a 2 megawatt level in December 2008. At that time, it was anticipated there would be at least 50 megawatts of interest in the Project, however, total subscription was only 39.275 megawatts. It is the recommendation of UAMPS staff that the Project size be adjusted to a total of 40 megawatts. The adjustment would increase Idaho Falls share to 2.037 megawatts or 5.09% of the total Project.

Idaho Falls Power respectfully recommends participation in the Simmons Wind Project at the 2.037 megawatt level and authorization for the Mayor to sign the form.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization to participate in the Simmons Wind Project at 2.037 megawatts or 5.09% of

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the total project 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.

City of Idaho Falls
April 6, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: APPROVE CONTRACT WITH POWER ENGINEERS FOR THE
STEEL POLE AND BATTERY BANK PROJECTS

On March 5, 2009, City Council authorized Idaho Falls Power to enter into contract negotiations with Power Engineers for the Steel Pole and Battery Bank Projects. The project involves engineering services to complete design and construction of battery bank upgrades at three substations and design of three self-supporting steel poles.

Staff has worked with Power Engineers to refine the scope of work. The City Attorney has reviewed the contract.

Staff recommends City Council authorize the Mayor to sign a contract with Power Engineers for \$112,430.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the contract with Power Engineers in the amount of \$112,430.00 to complete the design and construction of battery bank upgrades at three substations and design of three self-supporting steel poles and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

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Nay: None

Motion Carried.

City of Idaho Falls
April 6, 2009

MEMORANDUM

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

Idaho Falls Power recently solicited proposals for the 2009 Cable Rejuvenation Project. Two firms responded to our request for proposals. Attached is a staff memo summarizing review of the two proposals and a copy of the project detail sheet from our Capital Improvement Plan. Based upon staff review, Idaho Falls Power proposes that we enter into a contract with UtilX for this service. The City Attorney has reviewed and approved the contract.

Staff recommends awarding the project to UtilX for an amount not to exceed \$89,049.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the contract with UtilX for the 2009 Cable Rejuvenation Project in the amount of \$89,049.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 6, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: APPROVE CONTRACT WITH HDR FOR THE NORTH LOOP
PROJECT

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On February 19, 2009, City Council authorized Idaho Falls Power to enter into contract negotiations with HDR for the North Loop Project. The first phase of the project involves public outreach, route evaluation and selection, environmental and land use permits, right-of-way analysis, and preliminary engineering necessary for the project.

Staff has worked with HDR to refine the scope of work. The City Attorney has reviewed the contract.

Staff recommends City Council authorize the Mayor to sign a contract with HDR for \$328,525.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the contract with HDR Engineering, Inc. to provide public outreach, route evaluation and selection, environmental and land use permits, right-of-way analysis, and preliminary engineering necessary for the North Loop Project and, further, give authorization for the Mayor 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.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PLACEMENT OF BOILER AND MACHINERY AND PROPERTY
COVERAGE FOR ALL HYDRO PROJECTS

It is respectfully requested that Mayor and Council ratify binding the City's insurance coverage for all of the hydro projects. The premium for the year beginning April 29, 2009 is \$205,417.00 with Star Tech-Ace American Insurance Company. Fred A. Moreton and Company is the Broker.

s/ S. Craig Lords

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It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to ratify binding the City's insurance coverage for all hydro projects with Star Tech-Ace American Insurance Company, Fred A. Moreton and Company as the Broker. 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
April 1, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-14, NEW VEHICLES

Attached for your consideration is the tabulation for Bid IF-08-14, New Vehicles. It is the recommendation of Municipal Services that we ratify the award of the low bid meeting specifications as per Attachment "A".

The trade-in units will all go to the dealer for amounts as listed.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to ratify the award of the low bid meeting specifications as per Attachment "A" with the trade-in units going to the dealer for the amounts as listed. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-15, WATER LINE MATERIALS

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

It is the recommendation of Municipal Services to accept the low evaluated proposal meeting specifications as per Attachment "A". Total purchase amount will be \$116,784.87. As per the bid specifications, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low evaluated proposals meeting specifications as listed on Attachment "A" for Water Line Materials. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
April 9, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: WESTSIDE SOCCER COMPLEX – ERNST DRIVE AND PARKING LOT LANDSCAPING

On Tuesday, March 17, 2009, bids were opened for the Westside Soccer Complex – Ernst Drive and Parking Lot Landscaping Project. The lowest qualified bidder for the project was DePatco, Inc. of St. Anthony, Idaho in the amount of \$89,413.00. The Engineer's Estimate for the project was \$135,560.75.

The Parks and Recreation Division respectfully requests approval of the plans and specifications as presented and recommends authorization for the Mayor and City Clerk to execute said contract.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to accept the lowest qualified bid from DePatco, Inc. in the amount of \$89,413.00 to complete the Westside Soccer Complex – Ernst Drive and Parking Lot Paving Project 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 Hally
Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto
Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FISCAL YEAR 2007 COMMUNITY BLOCK GRANT FUNDING
(CDBG) ANNUAL ACTION PLAN AMENDMENT

Attached is a memorandum from the Grant Administrator and accompanying Resolution to reallocate \$125,000.00 awarded to the Family Justice Center in Fiscal Year 2007. A public hearing was held on this request February 12, 2009, and no comments were received during the 30-day comment period. This Division respectfully requests approval of the Resolution to amend the 2007 Annual Action Plan.

s/ Renee R. Magee

City of Idaho Falls
March 30, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Jan Blickenstaff, Grant Administrator
SUBJECT: FISCAL YEAR 2007 ANNUAL ACTION PLAN AMENDMENT

The Council has held a public hearing to reconsider the funding award to the Family Justice Center Project. In 2007, the Council awarded \$125,000.00 CDBG funds to help fund a building for the proposed Family Justice Center. After two years, no property has been found to acquire for the project. Also, the U. S. Department of Housing and Urban Development (HUD) is concerned with the delay in spending the grant funds.

The purpose of the February 12, 2009 public hearing was to provide an opportunity for funding applicants and citizens to express their comments and support or opposition for the amendment of Fiscal Year 2007 Community Development Block Grant (CDBG) funding. No comments were made and no comments were received during the 30 day comment period.

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If the City Council approves the attached Resolution the proposed uses of the \$125,000.00 FY07 Funds would be used to fund the YMCA sidewalk reconstruction, the Senior Citizen kitchen improvement, the LIFE Inc. home accessibility improvements, and the Crisis Intervention housing project.

s/ Jan Blickenstaff

RESOLUTION NO. 2009-10

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 U. S. Department of Housing and Urban Development has approved the 2004-2009 Strategic Plan and Impediments to Fair Housing prepared by the City of Idaho Falls;

WHEREAS, the City of Idaho Falls has prepared a One-Year Action Plan for Fiscal Year 2007 as part of the requirements of entitlement status;

WHEREAS, the City of Idaho Falls held a public hearing on Amending the FY08 Action Plan on February 12, 2009;

WHEREAS, the City of Idaho Falls has a thirty-day comment period until and through March 14, 2009;

WHEREAS, the City of Idaho Falls has not received any 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, IDAHO, as follows:

1. The One Year Action Plan 2007 shall be amended to rescind the grant funding for the Family Justice Center; and,
2. The \$125,000.00 funding be made available for the FY09 Projects selected by the City Council; and,
3. Those projects are the YMCA sidewalk reconstruction; the Senior Citizen kitchen improvements; the LIFE, Inc. housing accessibility improvements; and, the Crisis Intervention Housing Project.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor
April 11, 2009

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

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It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Resolution amending the Fiscal Year 2007 Action Plan for the Community Development Block Grant Funding and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FISCAL YEAR 2009 COMMUNITY BLOCK GRANT FUNDING
(CDBG) ALLOCATIONS

Attached is a memorandum from the Grant Administrator with recommendations for the allocation of the CDBG stimulus package. These recommendations also consider a new estimate for the regular annual CDBG allocation. This Division requests approval of the allocation of funding and authorization to modify the draft annual action plan.

s/ Renee R. Magee

City of Idaho Falls
March 31, 2009

MEMORANDUM

TO: Mayor and Council
FROM: J. P. Blickenstaff, Grants Administration
SUBJECT: FY09 CDBG FUNDING ALLOCATIONS

Attached is a table of the Council Approved CDBG Projects for the year with the three funding sources allocated to each project.

There is the regular annual allocation for which we do not have an official figure since the budget was only passed recently. However, with the CDBG budget figure now fixed, I can estimate better. I have adjusted the figure on the table to a new estimate of \$402,500.00. That is approximately the same figure as last year. I have adjusted the project awards to reflect the lesser amount. Those that were reduced below the Council's approved figure are listed in red.

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With Council's approval next week, the \$125,000.00 of FY07 funding will be available for FY09 projects. I have allocated the funds according to the FY07 set-aside formula for Public Services and allocated to those projects that could move quickly and fit within the funding.

The CDBG Stimulus allocations have been officially announced to the City as \$109,234.00. Using the set-aside formula, I have listed a recommendation allocation to the projects. Based on the Council's response to my e-mail question of how to allocate the Stimulus Funding, I have allocated the funding to those project requests that were reduced. In the total column, those shown in red are now above the Council's approved amount.

ACTION NEEDED: Council Approval of this allocation of funding and authorize the modification of the draft Annual Plan for FY09. (Public Hearing may be required to allocate the Stimulus Funding.

s/ Jan Blickenstaff

Allocation Recommendations

For FY09 CDBG Funding: Official amount unknown, using new estimate of \$402,500.00 including the FY07 \$125,000.00 existing funds and the FY09 CDBG Stimulus \$109,234.00 official figure.

FY09 CDBG				FY09	FY07	FY09	Project
Applicant	Description	Original Request	Council Approved	Amount \$402,500.00 New Estimate	\$125,000.00 Existing	\$109,234.00 Official	Total \$636,734.00
Community Council of Idaho	Roof, Re-flooring and paving at Head Start	34,852.00	34,852.00	34,852.00	.00	.00	34,852.00
EICAP	New building at Haven	100,000.00	91,000.00	91,000.00	.00	9,000.00	100,000.00
YMCA and Crows Neighborhood Association	Replace Sidewalks	50,000.00	50,000.00	.00	46,862.00	3,318.00	50,000.00
Development Workshop	Purchase State Building	100,000.00	82,598.00	<u>70,773.00</u>	.00	32,649.00	<u>103,422.00</u>
LIFE, Inc.	Homeowner handicapped access	35,000.00	35,000.00	.00	35,000.00	13,216.00	48,216.00
IFDDC	Façade Improvements	100,000.00	65,000.00	65,000.00	.00	13,000.00	<u>78,000.00</u>
Senior Citizen Center	Kitchen Improvements	6,550.00	6,500.00	.00	6,550.00	.00	6,550.00
Habitat for Humanity	Purchase two lots for homes	30,000.00	.00	.00	.00	.00	.00
Domestic Violence	Teen dating violence pilot program	49,432.00	.00	.00	.00	.00	.00
Housing First Pilot Project	Program to house high cost homeless	20,900.00	20,000.00	20,000.00	.00	.00	20,000.00
Crisis Intervention Housing	For mentally ill chronic homeless	100,400.00	80,000.00	<u>40,357.00</u>	36,588.00	16,385.00	<u>93,330.00</u>
Crisis Intervention Training	CIT POST training for 10 police officers	11,300.00	.00	.00	.00	.00	.00
Administration	20% of Allocation (Estimate \$425,000.00)		85,000.00	<u>80,500.00</u>	.00	21,846.00	<u>102,347.00</u>
	TOTAL		\$550,000.00	\$402,500.00	\$125,000.00	\$109,234.00	

Red (underlined) number is change from approved amount.

Public service limited to 15% of total allocation but part of LMI allocation.

Administration limited to 20% of total allocation.

Slum and Blight is 30% max of balance after Administration subtracted.

LMI is 70% of balance after Administration subtracted and includes Public Service.

APRIL 9, 2009

Councilmember Lehto stated that he had an interest in re-opening the process for a public hearing and retaking applications for these funds. He, also, understood that the rest of the City Council would like to place the money towards projects that were already applied for last fall. He requested to know whether a public hearing was required in order to allocate this money.

The Grants Administrator stated that in order to re-open the process to hold a public hearing, notices would have to be sent and the whole process would have to begin again. He e-mailed the Mayor and City Council to determine how they wanted to handle these funds, and the majority of the e-mails he received in return were to allocate the projects that had been reduced in the fall.

Councilmember Lehto stated that paving projects in the underdeveloped areas of the City were funded with CDBG funds when this grant was begun. He requested to know whether the additional money could be allocated for street repair.

The Grants Administrator stated that the City could have taken on a major public works project. The cost of paving one block in the Highland Park area was approximately \$125,000.00. The additional moneys could have provided approximately 300 feet of paving completed with the stimulus funds.

Councilmember Lehto stated that, for future reference, a public hearing does not need to be conducted should any additional stimulus dollars be received by the City of Idaho Falls, as long as the project fits the criteria for the Community Development Block Grant.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the recommendations for the allocation of the Community Development Block Grant stimulus package as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: LICENSE AGREEMENTS WITH SENTRY DYNAMICS FOR DIGITAL DATA

Attached are two License Agreements with Sentry Dynamics of Post Falls for digital data. The first agreement is for digital zoning data in an ESRI shape file or geodatabase format. The second agreement is for digital high resolution ortho imagery in tag image file format. These agreements have been prepared by the City Attorney. This Division respectfully requests approval of these agreements.

s/ Renee R. Magee

APRIL 9, 2009

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the two License Agreements with Sentry Dynamics of Post Falls for digital data and, further, give authorization for the Mayor 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
April 7, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – SNAKE RIVER
LANDING ADDITION, DIVISION NO. 5

Attached are the Development Agreement and Final Plat entitled Snake River Landing, Division No. 5. The zoning is C-1 (Limited Retail). The Planning Commission considered this final plat at its February 3, 2009 Meeting and recommended approval with the condition any additional access to Snake River Parkway be approved by the Commission. The Development Agreement provides any additional access be across from Lochsa Drive or as approved by the City Engineer. Staff has found this plat is in compliance with the Subdivision Ordinance and respectfully requests approval of the agreement and plat.

s/ Renee R. Magee

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Development Agreement for Snake River Landing Addition, Division No. 5 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.

APRIL 9, 2009

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat entitled Snake River Landing Addition, Division No. 5 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls
March 11, 2009

MEMORANDUM

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

Attached is an Ordinance amending Title 5 Chapter 10 of the City Code of Idaho Falls, Idaho regarding Dog Control; establishing methodology, providing for severability; providing for preservation of prior ordinance and establishing effective date.

I respectfully request approval of this Ordinance at the City Council Meeting of April 9, 2009.

s/ Steve Roos

Chaz Houpt, 1954 North Yellowstone Highway, appeared to state that there was a lot of redundancy in the licensing procedures. The definitions and order of the Ordinance could be clarified to make it easier to understand. He stated, further, that more could be done now about the Small Breeder's License. He expressed his concern that the fees being requested did not cover the actual cost of doing business. Mr. Houpt stated that it is important to require the rabies vaccination. He expressed his concern for the word "harbor" being used in the Ordinance. He felt that to "harbor" meant if an animal was on your property, then you were responsible for it. Maybe there should be a different word used. Mr. Houpt stated that he appreciated the effort that this community takes with its animals. It is important to continually review and understand the ordinances.

Irene Brown, Animal Control Supervisor, appeared to clarify that residents of Idaho Falls can breed any type of dogs or combination of dogs that you want, as long as you do not have more than two dogs. When you have more than two dogs, then the requirements for a kennel license comes into play.

APRIL 9, 2009

The City Attorney stated that he did not agree with Mr. Houpt's definition of "harboring". To harbor would have a connotation of providing some type of food or care to the animal, rather than the mere presence of the animal on one's property. He stated, further, that there is a possibility of consolidating the requirements for kennel licenses to make them less confusing.

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

ORDINANCE NO. 2805

AN ORDINANCE AMENDING TITLE 5, CHAPTER 10 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING DOG CONTROL; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle 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 the second and third readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 8, 2009

MEMORANDUM

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

Attached is an Ordinance amending Title 5, Chapter 9 of the City Code of Idaho Falls, Idaho; regarding animal control; establishing methodology; providing for severability; providing for preservation of prior ordinance and establishing effective date.

I respectfully request approval of this Ordinance at the City Council Meeting of April 9, 2009.

s/ Steve Roos

APRIL 9, 2009

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

ORDINANCE NO. 2806

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING ANIMAL CONTROL; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

City of Idaho Falls
April 8, 2009

MEMORANDUM

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

Attached is an Ordinance amending Sections 4-3-16 and 4-4-11 of the City Code of Idaho Falls, Idaho; regarding beer and wine sold or donated for benevolent, charitable or public purposes; preserving prior ordinance; providing for methodology; providing for severability; and, establishing effective date.

Section 4-3-16 addresses beer and Section 4-4-11 addresses wine.

s/ Steve Roos

Councilmember Hardcastle explained that this request is coming before the Mayor and City Council at the request of the Idaho Falls Downtown Development Corporation. This would eliminate the word "Saturday" from the dispensing times set forth in this Ordinance.

APRIL 9, 2009

Councilmember Lehto requested that this Ordinance be passed on the first reading only due to the short notice given for this change.

The Police Chief appeared to explain that in 2002 there was a riot in the downtown area following an entertainment event whereby officers were injured. He stated that the Ordinance has solved many of those problems. He talked with several officers regarding the requested change. Many did not feel that there would be much difference from a Friday event to a Saturday event; however, there may be more in attendance should the event take place on a Saturday. Chief Roos explained that the way the Ordinance is written will solve many of the problems that were experienced in 2002. He expressed his concern that should any further changes be made to the Ordinance, then a bad situation could result.

Councilmember Lehto gave a brief history that resulted in the development of the present Ordinance. To alleviate another riot situation, leading stakeholders in the community came together to develop the current Ordinance. Two issues were addressed during those meetings, one was the development of beer gardens or limited space for beer consumption; and the other was that there should not be Saturday events. He, again, expressed his concern for the short notice on this requested change.

Councilmember Hally explained that one of the reasons for this request was that the Idaho Falls Downtown Development Corporation had lost an event to raise money. They have obtained another event, but it can only be held on Saturday. They agreed to comply with all of the rules and regulations already set for a beer garden to provide for the new event.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 4-3-16
AND 4-4-11 OF THE CITY CODE OF IDAHO FALLS,
IDAHO; REGARDING BEER AND WINE SOLD OR
DONATED FOR BENEVOLENT, CHARITABLE OR
PUBLIC PURPOSES; PRESERVING PRIOR
ORDINANCE; PROVIDING FOR METHODOLOGY;
AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, to pass this Ordinance on the first reading only. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

APRIL 9, 2009

City of Idaho Falls
March 30, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – CURB, GUTTER AND SIDEWALK REPLACEMENT
PROJECT – BLOCK 50, EAGLE ROCK ADDITION

On March 24, 2009, bids were received and opened for the Curb, Gutter and Sidewalk Replacement Project, Block 50, Eagle Rock Addition. A tabulation of the bid results is attached. The low bidder, 3H Construction made an obvious calculation error in preparing their bid and requested they be allowed to withdraw the bid.

Public Works recommends the apparent low bid of 3H Construction be allowed to be withdrawn without penalty; the low bid of DePatco in the amount of \$41,869.00 be accepted; and, the Mayor and City Clerk be authorized to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to allow the apparent low bid from 3H Construction to be withdrawn without penalty; to accept the low bid from DePatco, Inc. in the amount of \$41,869.00 to complete the Curb, Gutter and Sidewalk Replacement Project in Block 50, Eagle Rock Addition ; 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.

City of Idaho Falls
March 17, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PAVING EQUIPMENT RENTAL, 2009

On March 10, 2009, bids were received and opened for the Paving Equipment Rental, 2009 Project. A tabulation of the bid results is attached.

APRIL 9, 2009

Public Works recommends award of this project to the low bidder, TMC Contractors, Inc., in the amount of \$55,380.00; 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 bid from TMC Contractors, Inc. to complete the Paving Equipment Rental, 2009 Project in the amount of \$55,380.00 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
March 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ADJUSTMENT OF MANHOLES, WATER VALVE BOXES AND STREET MONUMENTS, 2009 PROJECT

On March 10, 2009, bids were received and opened for Adjustment of Manholes, Water Valve Boxes and Street Monuments, 2009 Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, Landon Excavating, Inc., in the amount of \$42,608.00; 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 bid from Landon Excavating, Inc. in the amount of \$42,608.00 to complete the Adjustment of Manholes, Water Valve Boxes and Street Monuments, 2009 Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally

APRIL 9, 2009

Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls
March 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ASPHALT OVERLAY, 2009

On March 10, 2009, bids were received and opened for the Asphalt Overlay, 2009 Project. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder, Knife River in the amount of \$362,552.40; 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 bid from Knife River in the amount of \$362,552.40 to complete the Asphalt Overlay, 2009 Project 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 Parry
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
March 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENGINEERING SERVICES – “D” STREET RAILROAD UNDERPASS

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As previously authorized, the Engineering Department solicited proposals from firms to provide engineering design services with respect to reconstructing the "D" Street Underpass. The staff has received and evaluated proposals and recommends HDR Engineering be selected to perform these services.

Public Works requests approval of HDR Engineering to perform this work; and, authorization for the Engineering Department to negotiate a fee for these services.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to give authorization for the Engineering Department to negotiate a fee with HDR Engineering, Inc. for engineering design services with respect to reconstructing the "D" Street Underpass. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 27, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: AERIAL PHOTOGRAPHY SERVICES AGREEMENT

Attached is a proposed Agreement with Aero-Graphics, Inc., to provide updates to the City's aerial photographs at a cost of \$13,400.00.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to approve the Agreement with Aero-Graphics, Inc. to provide updates to the City's aerial photographs at a cost of \$13,400.00 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

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Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
March 20, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 15, BLOCK 106, ROSE NIELSEN
ADDITION, DIVISION NO. 107 AND LOT 16, BLOCK 101,
GRAND TETON ADDITION, DIVISION NO. 1

Attached are documents to vacate a utility easement located in Lot 15, Block 106, Rose Nielsen Addition, Division No. 107 and Lot 16, Block 101, Grand Teton Addition, Division No. 1. Earlier action by the City Council approved vacation of this easement, but the title company requested a change to the manner in which deeds were prepared, more accurately depicting chain of title in the vacation process.

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

s/ Chad Stanger

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

ORDINANCE NO. 2807

AN ORDINANCE VACATING A TEN FOOT (10') UTILITY EASEMENT WITHIN THE ROSE NIELSEN AND GRAND TETON ADDITIONS OF THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID UTILITY EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE TEN FOOT (10') UTILITY EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Parry 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 execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct Annexation Proceedings Prior to Platting for Ashpark Estates Addition, Division No. 1. At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING, INITIAL ZONING OF RSC-1 AND R-1 AND PLANNED UNIT DEVELOPMENT AND FINAL PLAT – ASHPARK ESTATES ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement and Annexation Ordinance for 61.5 acres northeast of the intersection of Township and St. Clair Roads. Also, attached is the Final Plat for 39.3 acres entitled Ashpark Estates Addition, Division No. 1, and the site plan for the planned unit development in this division. The requested initial zoning is RSC-1 for 10 acres immediately adjacent to the intersection of Township and St. Clair Roads and R-1 for the remaining 51.4 acres in the annexation request. The Planning Commission recommended approval of the annexation, initial zoning, final plat and planned unit development with conditions which have been placed in 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 prior to platting request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Vicinity Map showing final plat under consideration
Slide 3 Aerial Photo showing proposed zoning on 61 acres

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Slide 4	Aerial Photo showing Preliminary Plat
Slide 5	Comprehensive Plan
Slide 6	Final Plat under consideration
Slide 7	Preliminary Plat for area
Slide 8	Planned Unit Development Site Plan for the first phase outlined
Slide 9	Detail of Site Plan
Slide 10	Landscaping Plan
Slide 11	Community Center Elevations of Front and Rear of Buildings
Slide 12	Site Photo looking east across St. Clair Road
Slide 13	Site Photo looking northeast from Township Road
Slide 14	Site Photo looking west from Auburn Lane
Exhibit 1	Planning Commission Minutes dated January 6, 2009
Exhibit 2	Staff Report dated January 6, 2009
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat
Exhibit 5	Copy of Site Plan

The Planning and Building Director stated, further, that the Final Plat is in compliance with the Subdivision Ordinance. The Planned Unit Development meets the Zoning Ordinance requirements.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this is a development for those that are 55 and older. The Planned Unit Development portion (or gated community) provides for the option to leave your home unattended for a period of time, knowing that the lawn will be mowed and the snow will be plowed.

Daniel Harwood, 350 Sheffield Circle, appeared to state that there are no developments in southeast Idaho that addresses the need for 55+ homeowners. These developments have been very successful in other parts of the country.

Daryl Kofoed re-appeared to state that even though this is a Planned Unit Development, it will be developed to City standards.

Jim Foster, 1680 East 49 South, appeared to express his concern as to whether funding is already in place to complete this development.

Councilmember Parry explained that as long as developments are compliant with the Comprehensive Plan and City Ordinances, those are the measures upon which decisions are made. The securing of financing is not germane to the City Council's decision.

Terry Hodson, 1598 East 49 South, appeared to express her concern for increased traffic on 49th South and St. Clair Road. She requested to know when the City would be widening 49th South.

Councilmember Parry stated that 49th South is a County road at this time. As property becomes annexed to the City of Idaho Falls, development agreements are signed, and funds are collected to allow for the widening of streets within the City of Idaho Falls.

Ty Cook, 971 12th Street, appeared to express his concern for the way that the intersection is laid out on the south side of Sunnyside Road and St. Clair Road. When there is snow on the road, the left turn lane disappears and is used as a regular travel lane. He stated that this is an unsafe condition and hopes that when the road becomes further developed that this situation will take care of itself.

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

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Annexation Agreement for Ashpark Estates Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2808

ASHPARK ESTATES ADDITION, 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 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 sign the necessary documents. Roll call as follows:

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

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 Ashpark Estates Addition, Division No. 1 as RSC-1 (Residential Shopping Center) and 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:

APRIL 9, 2009

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

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for Ashpark Estates Addition, 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 Lehto
Councilmember Taylor
Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Parry

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Planned Unit Development for Ashpark Estates Addition, Division No. 1 as presented. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Parry to conduct a public hearing to consider an appeal from the decision of the Board of Adjustment for a variance to reduce the required front yard from 25 feet to 6 feet and to allow dwellings without frontage on a public street on property located generally south of West Broadway, north of Janessa Lane, east of Old Butte Road, and west of Donna Road, and legally described as the east 300 feet of Lot 2, Block 1, Westridge Addition, Division No. 1 (165 Constellation Drive). At the request of Councilmember Parry, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls
April 1, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: APPEAL FROM BOARD OF ADJUSTMENT, EAST 300 FEET OF LOT 2, BLOCK 1, WESTRIDGE ADDITION, DIVISION NO. 1

Attached is the appeal from the denial of the Board of Adjustment to allow a six foot encroachment into the required 25 foot rear yard and, second, to allow dwellings to be served by a private road. This property is located southeast of the intersection of Old Butte Road and West Broadway. At its February 12, 2009 Meeting, in a 5 to 3 vote, the Board of Adjustment denied the request since it was created by the owner and the hardship was economic in nature rather than related to the physical features of the property. This appeal 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 appeal request:

Slide 1	Vicinity map showing site under consideration
Slide 2	Aerial Photo with site outlined
Slide 3	Aerial Photo close up
Slide 4	Private Drive – Site Plan approved by City Staff containing 13 Assisted Living Units serviced by private drive
Slide 5	Continuation of Private Drive/Emergency Access
Slide 6	Site Plan
Slide 7	Site Plan Building Envelope
Slide 8	Definitions – Front Setback, Rear Yard
Slide 9	Site Photo of landscaping south of West Broadway
Slide 10	Site Photo showing entrance to the development beginning with private drive
Slide 11	Site Photo of yards between Units 1 and 4
Slide 12	Site Photo showing parking lot and access to triplex site
Slide 13	Site Photo showing location of proposed triplex
Slide 14	Site Photo showing units 5 and 4
Slide 15	Site Photo showing south end of private drive and emergency emergency access
Slide 16	Definition of variance
Slide 17	Powers of Board of Adjustment – Grant Variance, Conditional Use Permit and Alleged Error
Slide 18	Definitions of Dwelling and Dwelling Unit
Slide 19	Dwelling Site upon a public street
Exhibit 1	Board of Adjustment Minutes dated February 12, 2009
Exhibit 2	Board of Adjustment Findings of Fact, Conclusions of Law and Decision dated March 12, 2009
Exhibit 3	Staff Report dated February 12, 2009

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Exhibit 4 Section 5-8-1.A. and B., Section 5-8-6, Zoning Ordinance
Exhibit 5 Vicinity Map

The Planning and Building Director explained, further, that there are certain requirements for a variance. For a variance, undue hardship must be proved as related to the physical limitations that are unique to the property; the hardship is not economic in nature; and, was not created by an action of the lot's owner or occupant. Further, granting the variance is not in conflict with the public interest nor creates a nuisance or potential harm to the neighborhood in which the lot is located. The Board of Adjustment recommended denial of this variance request as the owner created the hardship, the property has no unique physical characteristics, the hardship appears to be economic in nature, and there is harm to the neighborhood by not providing a public road. The Planning and Building Director explained further that the Board of Adjustment has the power to grant a variance, the power to grant a conditional use permit, and the power to determine whether there was an alleged error. There was an argument that there was an alleged error by the staff. There was a discussion at the Board of Adjustment Meeting about how this triplex is not dwelling units and not subject to Section 4-9 of the Zoning Ordinance. The definition of a dwelling under the Zoning Ordinance does not include a rest home, but it does include one or more rooms occupied by a family and a set of cooking facilities. Section 4-9 states that if there is a dwelling site, at least one side of it needs to be on a public street unless a planned unit development is provided for or a conditional use permit is issued by the Board of Adjustment. The Planning and Building Director stated that she was not sure that the Board of Adjustment resolved the issue of whether these were dwelling units or an assisted living center in a slightly different form. Since the beginning of this development, staff discussed whether there should be a replat involved or whether this should be condominiumized. With that knowledge, staff determined that this was not much different than Fenway Park Addition or Daggett Heights. The Planning and Building Director stated that while the Board of Adjustment did not formally look at "alleged error", they did discuss it for a length of time. The City Council has two options, to make a decision on this appeal or remand it back to the Board of Adjustment. She restated for the Mayor and City Council, between Pages 4 and 7 of the Board of Adjustment Minutes, there was a discussion about dwellings and whether the staff was using the term incorrectly.

Councilmember Parry requested the Planning and Building Director to explain that if these buildings are considered dwellings, what impact that would have on the Board of Adjustment's final decision.

The Planning and Building Director stated that the question would be whether a Conditional Use Permit was needed for a dwelling that is not on a public street. She explained, further, that there were two issues that the Board of Adjustment had to consider. One issue was the setback requirements should it be determined that this was a dwelling. The other issue was whether to allow dwellings without frontage on a public street.

Todd Meyers, 645 Hickory Lane, appeared as the representative for the developers. He stated that the developer donated an 80 foot strip of land along West Broadway for landscaping and beautification. That donation made this property unique. The Subdivision Ordinance and Zoning Ordinance require that the properties have street frontage. When the developer donated the 80 feet of landscaping, they gave away their street frontage. The development is still able to function through the private streets, but it plays with the definitions for setback requirements. Until last year, this property was zoned C-1. That zone does not require any setbacks and takes away some of the frontage issue. When the applicant approached the Planning Department about building assisted living centers in the C-1 Zone, staff told them that use was not permitted within that zone. The applicant argued that dwellings can be placed in the C-1 Zone. Staff stated that these are not considered dwellings. They are an assisted living center. Mr. Meyers gave the definition

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of dwellings in the Zoning Ordinance, as well as the definition found in Webster's Dictionary. The Board of Adjustment kept with the philosophy that assisted living centers are not the same as an apartment. The alleged error occurred when staff reviewed the site plan under the R-3A Zone, there were two rear yard setback requirements (residential – 25 feet; non-residential – 10 feet). He gave a brief description of how the units would be laid out. The second error comes from the triplex. The Board of Adjustment viewed the triplex as an apartment building. The developer does not. This is an important component to the assisted living facility. It is another option in providing care to senior citizens. Mr. Meyer provided several examples of services that could be provided with this type of a facility. The developer has recorded the Restrictive Covenants, which addresses common areas (parking, how to get the traffic from the parking to the public street, who provides maintenance, who provides snow removal, who provides lawn care, etc.) and land uses. Mr. Meyer agreed with the Planning Department, in that if any of these buildings changes to become a dwelling, it would need to be addressed by the Board of Adjustment and City Council at that time. There are no plans in the future to make that change. He explained, further, that under the Zoning Ordinance, a dwelling is required to have frontage onto a public street, or be approved as a conditional use permit, or be approved as a planned unit development. That is not the requirement for non-residential uses. He felt that he has demonstrated that this development is not a residential use. The restrictive covenants have also addressed that everything outside of the walls of the buildings is considered common ground.

Councilmember Parry requested Mr. Meyer to address the Findings of Fact, Conclusions of Law, and Decision by the Board of Adjustment regarding the owner creating the hardship.

Mr. Meyer stated that he did not believe that a variance was required. There were two errors. The first error was the 25 foot rear yard requirement for non-residential units and the second error was calling the triplex a dwelling when it is part of a senior care facility. The requirements for a variance do not apply.

The City Attorney requested to know whether the argument that the developer is making at this time was considered by the Board of Adjustment.

Larry Reinhart, 1740 Bramble Lane, appeared to state that they kept making the argument to the Planning and Building Director, up to the time of the Board of Adjustment Meeting, that they did not require a variance as they met the criteria when the zone was changed from C-1 to R-3A. He felt that he did not do a good job in explaining the variance request to the Board of Adjustment when he did not feel that he needed a variance anyway. Even if it was determined that they needed to get a variance, he felt that he should get some special consideration for donating the 80 feet of landscaping. Had they kept that land, the development would have been on the public street and there would not be a question. Mr. Reinhart explained, further, that this has been developed under a condominium plat, which does not require a public hearing or approvals to begin development.

Bob Utterbeck, 3351 Charleston Lane, appeared to state that the Planning staff insisted that this was an apartment complex. The developers explained over and over again that this was an assisted living facility. This is an assisted living facility for those that are low income. The developers are trying to assist the owner by providing an inexpensive facility with small units.

Councilmember Lehto requested to know whether the private drive would connect with Janessa Lane.

Todd Meyers re-appeared to state that the private drive already connects to Janessa Lane.

Robert Marshall, 180 Donna Drive, appeared to state that he was opposed to the variance request. He expressed his concern for the lack of a reason on the appeal form

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that should have been provided by the developer. He stated, further, that he did not believe that the Developer qualified for a variance as the property was an open field before this project was started. It was a rectangular piece of land used for farming. There were no unique features that would prevent the normal development of this property. The owner of the property in developing the property is the one who caused the request for the variance. The owner could have sited buildings differently. He stated that the northern portion of the site has been developed and not much can be done about that, but the developer could redesign the southern portion of this site to meet all required regulations. Mr. Marshall stated that the Board of Adjustment considered the argument as to whether these were dwellings or not. They set aside that argument as invalid. Mr. Marshall stated that a variance should not be granted as the developer did not meet the requirements for a variance. He recommended that the City Council deny the variance request.

Councilmember Hally requested to know why Mr. Marshall was against the development.

Mr. Marshall stated that there are many buildings crowded onto this piece of land. Other buildings should not be crowded into this area.

Councilmember Hally requested the Planning and Building Director to come forward and address the issue of the developer feeling that he did not require a variance; and, further, the Planning and Building Director stating that he did require a variance.

The Planning and Building Director stated that the first question was whether this development required a 25 foot setback or a 15 foot setback. At that time, she determined that it should be the 15 foot setback. That brought the side yard and rear yard requirements into play. Under 4-9 of the Zoning Ordinance, it requires a dwelling unit to go before the Board of Adjustment for a variance. At that time, the Planning and Building Director talked with Lane Archibald, Attorney for Mr. Reinhart, regarding whether a condominium plat should comply with the City Subdivision Ordinance. She was told that they would plat this property, but it was too early in the process to design the final plat. Sometime later, she understood that during the condominiumizing process, the developer would create real property under each unit which could be conveyed to a third party. The Planning and Building Director explained again, that an assisted living center is not a dwelling unit under the definitions of Section 4-9 of the Zoning Ordinance. Two or three months after that, the developer appeared to state that they were going to build dwelling units. The Planning and Building Director stated that, at this time, she realized that there are dwelling units proposed, with a condominium plat, and no planned unit development. She felt it was too late to propose a planned unit development as much of the development has been completed. She determined that the developers should go to the Board of Adjustment for a variance for both issues. She explained that was her logic at the time.

Ben Louderback, 260 Donna Drive, appeared to express his concern about the closeness of the buildings being constructed to his property line.

Todd Meyers re-appeared to clarify that the proximity of the building to the property line of Mr. Louderback is 18 feet. He explained that the Zoning Ordinance has established that under the R-3A Zone, at 10 feet a building of unlimited height could be constructed (only limited by the Airport). The developer has provided almost double that space requirement. As a comparison, under the C-1 Zone (the zone on this land until one year ago), a building could be built on the property line, and land uses of craft shops, carpenter shops, all-night restaurants, and convenience stores could be allowed. The assisted living center is a great neighbor as it is a quiet use.

Councilmember Parry requested Mr. Meyers to address each of the four conclusions of law provided under the Findings of Fact, Conclusions of Law, and Decision from the Board of Adjustment.

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Mr. Meyers stated that the developer has stated that this is not a dwelling and does not require a variance. The developers believed that the variance requirement was an error in interpretation of the Zoning Ordinance.

Councilmember Cornwell requested to know why the zone was changed last year.

Mr. Meyers stated that the C-1 Zone does not have listed in its permitted uses the assisted living centers. The R-3A Zone allows for assisted living centers. He requested to know whether he could meet with staff to convince them that he was interpreting the Zoning Ordinance correctly that this was not a residential use, rather than meeting with the Board of Adjustment to determine an alleged error.

The City Attorney agreed with Mr. Meyers and explained that the issue before the City Council is a review of a decision by the Board of Adjustment relative to a variance. If the Council were to remand the issue back to the Board of Adjustment, there would be nothing that would prevent the developers from persuading the staff that there has been an error made with respect to the interpretation of the Zoning Ordinance. If the developers are successful in persuading the staff that an error has been made in the interpretation of the Zoning Ordinance, then the developers could move forward with their development as planned.

Larry Reinhart re-appeared to state that he did not believe that a variance was required in the first place. He stated that he would be agreeable to discuss this further with the Planning and Building Director. He stated, further, that there was no reason that there should be a public roadway in this subdivision. The dedication takes care of who will provide for the maintenance.

Todd Meyers stated that the developers will start at Step 1 meeting with staff. He stated, further, that they are withdrawing their request to appeal the denial of the variance request from the Board of Adjustment.

Robert Marshall re-appeared to request clarification of the withdrawal.

The City Attorney stated that if the developers meet with staff and the development meets the requirements of the Zoning Ordinance, he can go forward with his development. If the developers do not meet the requirements of the Zoning Ordinance, then the Board of Adjustment ruling would stand.

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

There being no further business, it was moved by Councilmember Parry, seconded by Councilmember Hardcastle, that the meeting adjourn at 10:25 p.m.

CITY CLERK

MAYOR
