

FEBRUARY 26, 2009

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 26, 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 ProTem Ida Hardcastle
Councilmember Ken Taylor
Councilmember Thomas Hally
Councilmember Michael Lehto
Councilmember Karen Cornwell

Absent was:

Mayor Jared D. Fuhriman
Councilmember Sharon D. Parry

Also present:

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

Mayor ProTem Hardcastle requested Councilmember Tom Hally to lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes for the February 10, 2009 Council Work Session and the February 12, 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 February 26, 2009.

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:

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

Nay: None

Motion Carried.

REGULAR AGENDA

The Idaho Falls Power Director submitted the following memos:

FEBRUARY 26, 2009

City of Idaho Falls
February 18, 2009

MEMORANDUM

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

On October 20 City Council authorized Idaho Falls Power to solicit proposals for right-of-way and design services related to the North 161 kV Transmission Loop Project. Attached is a copy of the project detail sheet from the Idaho Falls Power Capital Improvement Plan.

Five firms responded to the solicitation. Idaho Falls Power, in conjunction with Bob Mooney, has completed a thorough review of the proposals. Idaho Falls Power did conduct interviews for the two leading firms – ECI and HDR on February 11 and 12 to further complete our assessment of their proposed project approach and deliverables. Staff recommends awarding the project to HDR.

Staff requests City Council approval to negotiate a contract with HDR for the North Loop Project.

s/ Jackie Flowers

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

Operation: Transmission
Project Title: North Loop Transmission Design
Estimated Project Cost: \$1,000,000.00
Anticipated Budget Year: 2009
Anticipated Construction Year: 2009
Description and Justification: The City is in need of additional 161 kV transmission to handle future growth and for reliability in case of scheduled and non-scheduled outages. This project is to design this new transmission line.
Project Location: North of City
Project Delay Consequences: Increased risk of sustained customer outages and associated significant lost revenue.
Internal Forces Used to Complete Project: No
Relationship to Comprehensive Plan or Other Divisional Capital Plans: Project independent of other plans.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for Idaho Falls Power to negotiate a contract with HDR for the North 161 kV Transmission Loop Right-of-Way and Design Services and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

FEBRUARY 26, 2009

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

Nay: None

Motion Carried.

The memo from the Idaho Falls Power Director regarding the Agreement authorizing transfer of leased fiber optic pairs from OneConnect to Fairpoint Communications was withdrawn by the Assistant Idaho Falls Power Director.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-11, ONE (1) NEW 2009 MINI DIGGER DERRICK

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

It is the recommendation of Municipal Services to accept the low valid bid of S. D. P. Manufacturing, Inc. to furnish their product Model EZ Hauler 4100 for a total amount of \$127,545.99.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low valid bid from S. D. P. Manufacturing, Inc. to furnish their product Model EZ Hauler 4100 for a total amount of \$127,545.99. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 2004

FEBRUARY 26, 2009

Municipal Services respectfully requests authorization to charge off as uncollectable, all utility accounts that have not had a transaction since 2004, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$273,811.19, which is .47% of sales for that year.

It is further requested that authorization be given to charge off the following accounts as uncollectable: Ambulance \$342,845.86, Accounts Receivable \$11,559.14 and Returned Checks \$1,787.06.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to charge off as uncollectible, all utility accounts that have not had a transaction since 2004, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets in the amount of \$273,811.19; Ambulance in the amount of \$342,845.86; Accounts Receivable in the amount of \$11,559.14; and, Returned Checks in the amount of \$1,787.06, as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
February 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SCHWIEDER FARM LEASE EXTENSION AGREEMENT

Attached for your consideration is the proposed Lease Agreement between the City of Idaho Falls and Derrald Schwieder, for City-owned property located at 4061 Glen Koester Lane, Idaho Falls, Idaho 83402.

The Assistant City Attorney has reviewed and approved this Lease Agreement. The City does not anticipate using this property for public purposes during the term of the lease.

It is respectfully requested that Council approve the Lease Agreement and authorize the Mayor to execute the document.

s/ S. Craig Lords

FEBRUARY 26, 2009

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Lease Agreement between the City of Idaho Falls and Derrald Schwieder for City-owned property located at 4061 Glen Koester Lane and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
February 26, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK PLAYGROUND PARKING LOT PAVING –
PHASE II

On Wednesday, February 18, 2009 at 2:30 p.m., bids were opened for the above-referenced project. The low responsive bidder meeting specifications for the project was TMC Contractors, Inc. of Idaho Falls in the amount of \$43,619.30. The Engineer's Estimate for the project was \$65,057.00.

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

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to accept the low responsive bid meeting specifications from TMC Contractors, Inc. in the amount of \$43,619.30 to complete the Tautphaus Park Playground Parking Lot Paving – Phase II Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

FEBRUARY 26, 2009

City of Idaho Falls
February 26, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: VETERINARY SERVICES INDEPENDENT CONTRACTOR AGREEMENT

Attached for your consideration is an Independent Contractor Agreement between the City of Idaho Falls and Dr. Rhonda Aliah of Skyline Animal Clinic for the purpose of providing veterinary services at the Tautphaus Park Zoo for a period of one year, terminating December 31, 2009. The contract has been reviewed and prepared by the City Attorney.

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

s/ David J. Christiansen

Following a brief discussion regarding the fees charged by Dr. Aliah, it was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Independent Contractor Agreement with Dr. Rhonda Aliah from Skyline Animal Clinic to provide veterinary services to the Tautphaus Park Zoo terminating December 31, 2009 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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
February 19, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – SALT STORAGE SHED REPLACEMENT

On February 18, 2009, bids were received and opened for the Salt Storage Shed Replacement Project. A tabulation of the bid results is attached.

FEBRUARY 26, 2009

Public Works recommends award of this project to the low bidder, Cougit Construction, LLC in the amount of \$99,890.00; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to accept the low bid from Cougit Construction, LLC in the amount of \$99,890.00 to complete the Salt Storage Shed Replacement 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 Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Hally to conduct Annexation Proceedings Prior to Platting for 35 Acres southwest of the Porter Canal, west of Bellin Road, and approximately one-half mile north of 33rd South. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 3, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF C-1, 35 ACRES SOUTHWEST OF PORTER CANAL AND BELLIN ROAD

Attached are the Annexation Agreement and Annexation Ordinance for 35 Acres south of Porter Canal, west of Bellin Road, and approximately one-half mile north of 33rd South. The initial zoning recommended by the Idaho Falls Planning Commission is C-1 (Limited Retail). The Commission recommended this zoning with the condition the Annexation Agreement require an eight to ten foot berm thirty feet in width on the northern and eastern boundaries of the property. The development concept provided at the public hearing showed emergency access to Bellin Road from this parcel with primary access from the south and Outlet Boulevard. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

FEBRUARY 26, 2009

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 Aerial Photo
- Slide 3 Aerial Photo – Close Up
- Slide 4 Aerial Photo – Close Up
- Slide 5 Site Plan Concept
- Slide 6 Land Ownerships Map
- Slide 7 Comprehensive Plan
- Slide 8 Site Photo showing view from Bellin Road to Eckersell Home
- Slide 9 Site Photo showing Porter Canal
- Slide 10 Site Photo showing view north of Porter Canal towards County subdivision

- Exhibit 1 Planning Commission Minutes dated December 2, 2008
- Exhibit 2 Staff Report dated December 2, 2008
- Exhibit 3 Vicinity Map
- Exhibit 4 Aerial Photo

The Planning and Building Director stated that the applicant has recorded a Cross Access Agreement with the property owner of the HC-1/R-3A Zone. There would be an emergency access to Bellin Road.

Councilmember Taylor requested to know if there was any physical barrier that would keep people from accessing this property from Bellin Road.

The Planning and Building Director stated that the Annexation Agreement states that there will be no access from Bellin Road. That is one of the reasons to require a Cross Access Agreement. The Planning Commission recommended a berm be constructed at Bellin, so that a physical barrier is present. The Annexation Agreement addresses the berm. The Planning and Building Director explained further that an Annexation Agreement is a Contract. Should circumstances change, the situation could be looked at again.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the City installed a major waterline in this area. An access is required to be able to maintain that waterline. East/West roads will eventually be installed in this area, so that direct access is not available from Bellin Road, with emergency access only.

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

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the Annexation Agreement for 35 Acres southwest of the Porter Canal, west of Bellin Road, and approximately one-half mile north of 33rd South (Eckersell Subdivision) and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

FEBRUARY 26, 2009

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

ORDINANCE NO. 2801

**ANNEXATION PRIOR TO PLATTING FOR LANCE ECKERSELL
(INCLUDING RICE, EXCLUDING REMSBURG)
35 Acres Southwest of Porter Canal and Bellin Road**

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 Hally moved, and Councilmember Lehto seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed 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 Cornwell
Councilmember Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Hally, seconded by Councilmember Lehto, to establish the initial zoning for 35 Acres southwest of the Porter Canal, west of Bellin Road, and approximately one-half mile north of 33rd South (Eckersell Subdivision) as C-1 (Limited Retail) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

FEBRUARY 26, 2009

Mayor ProTem Hardcastle requested Councilmember Hally to conduct a public hearing for consideration of a rezone from R-3A (Apartments and Professional Offices) to HC-1 (Highway Commercial) on property generally located south of Bellin Road and west of I-15 and legally described as 6.73 Acres in the Southeast Quarter of Section 27, Township 2 North, Range 37, East of the Boise Meridian (Recessed from the February 12, 2009 Regular Council Meeting). At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 3, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE 6.7 ACRES FROM R-3A TO HC-1,
SOUTH OF BELLIN ROAD AND WEST OF I-15

Attached is the request to rezone 6.7 Acres from R-3A (Multi-Family and Office) to HC-1 (Highway Commercial). This parcel is unplatted and is located southwest of Bellin Road approximately 1,000 feet north of 33rd South and west of I-15. The Planning Commission considered this request at its December 2, 2008 Meeting and recommended rezoning to HC-1 provided the 34 Acres to the north are annexed and zoned C-1. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Slide 4	Comprehensive Plan
Slide 5	Site Photo looking west across the site
Slide 6	Site Photo looking south toward Sunnyside Road
Exhibit 1	Planning Commission Minutes dated December 2, 2008
Exhibit 2	Staff Report dated December 2, 2008
Exhibit 3	Vicinity Map
Exhibit 4	Aerial Photo

The Planning and Building Director explained further that there is a motel under construction at the intersection of 33rd South and I-15. The parcel under consideration is in compliance with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that it makes sense to zone this property (HC-1) Highway Commercial as it borders a highway.

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

FEBRUARY 26, 2009

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the rezone from R-3A (Apartments and Professional Offices) to HC-1 (Highway Commercial) on property generally located south of Bellin Road and west of I-15 and legally described as 6.73 Acres in the Southeast Quarter of Section 27, Township 2 North, Range 37, East of the Boise Meridian and that the City Planner be instructed to reflect said zoning change on the official Zoning Map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Hally to conduct Annexation Proceedings for York Well No. 18, Division No. 1. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND CONDITIONAL USE PERMIT - YORK WELL 18, DIVISION NO. 1

Attached are the Annexation Ordinance, Final Plat, and Site Plan for a Conditional Use Permit for a well site on York Well 18, Division No. 1. The annexation encompasses .4 Acres of right-of-way for York Road. This parcel is located north of York Road, west of Park-Taylor Road, and east of Yellowstone Highway. The Planning Commission considered this request at its January 20, 2009 Meeting and recommended approval of the annexation, initial zoning of R-3A and RSC-1, and approval of the Conditional Use Permit for the well site with the conditions the fence be black vinyl clad chain link and the west property line be landscaped as proposed on the south. This request plan is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this Annexation request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Vicinity Map showing final plat

FEBRUARY 26, 2009

Slide 3	Aerial Photo showing final plat
Slide 4	Aerial Photo showing preliminary plat for Park Place
Slide 5	Site Plan for Well Site and Storage Tank
Slide 6	Final Plat under consideration
Slide 7	Site Photo looking across site from York Road area
Slide 8	Site Photo looking north across site
Slide 9	Site Photo looking east towards site
Slide 10	Site Photo looking south from the proposed entrance to the site
Slide 11	Site Photo looking towards the north from the site
Slide 12	Site Photo looking south from Park Place subdivision towards site
Exhibit 1	Planning Commission Minutes dated January 20, 2009
Exhibit 2	Staff Report dated January 20, 2009
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Site Plan

The Planning and Building Director explained further that the annexation is .4 acres, which is a northern right-of-way of York Road. The final plat and conditional use permit encompasses 2.4 acres. This area is being proposed as a well site and storage tank with the possible height of the storage tank being 24 feet. Landscaping is proposed on the northern and southern edges of the site. The Planning Commission recommended that the same landscaping requirement be placed on the western edge of the site.

Eric Johnson, 6281 Mallory, appeared to question whether there would be landscaping on the east side of this proposed annexation.

The Planning and Building Director reappeared to state that this was discussed briefly at the Planning Commission Meeting. It was not recommended as the property to the east is zoned RSC-1 (Residential Shopping Center). As this is commercial zoning, the Planning Commission did not recommend landscaping on the east side of the property.

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

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

ORDINANCE NO. 2802

YORK WELL 18, 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 Hally moved, and Councilmember Lehto seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed 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:

FEBRUARY 26, 2009

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Hally, seconded by Councilmember Lehto, to establish the initial zoning for York Well 18, Division No. 1 as R-3A (Apartments and Professional Offices) and RSC-1 (Residential Shopping Center) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to accept the Final Plat for York Well 18, 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 Cornwell
Councilmember Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the Site Plan for a Conditional Use Permit for the well and storage tank for York Well 18, Division No. 1 with the conditions the fence be black vinyl clad chain link and the west property line be landscaped as proposed on the south. Roll call as follows:

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

FEBRUARY 26, 2009

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Hally to conduct Annexation Prior to Platting Proceedings for Sandy Downs and Substation Site. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF R-1 – SANDY DOWNS AND SUBSTATION SITE, 168 ACRES

Attached is the Annexation Ordinance to annex the City-owned property at Sandy Downs. The requested initial zoning is R-1 (Single-Family Residential). The R-1 Zone allows public parks as a Conditional Use Permit. Utility facilities are also allowed as a Conditional Use Permit in an R-1 Zone. The Planning Commission recommended approval of the annexation and initial zoning of R-1. 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 Aerial Photo
Slide 3 Aerial Photo – Close Up
Exhibit 1 Planning Commission Minutes dated January 20, 2009
Exhibit 2 Staff Report dated January 20, 2009
Exhibit 3 Vicinity Map
Exhibit 4 Copy of Final Plat
Exhibit 5 Copy of Site Plan

Chad Owens, 2259 East 97th South, appeared to express his concern for this annexation.

Mark Blotter, 3155 Central Avenue, appeared to state that he owns a grain elevator and a corral in this location. He expressed his concern for the City annexing this property to provide for the development of new residential on the Sandy Downs property. He did not understand the need for a change.

Councilmember Hally explained that the R-1 Zone provides for parks. Sandy Downs will remain as a park.

Gary Coffin, 2635 Ridgecrest Avenue, appeared to express his concern for the build-up of manure on the property. He has had this discussion with the Parks and Recreation Director.

FEBRUARY 26, 2009

Councilmember Lehto explained that at this point in time, Sandy Downs is County property and is served by Utah Power and Light. By annexing this property to the City, Idaho Falls Power can serve the facility at a less expensive rate. He suggested that people should see the Parks and Recreation Director to see the Master Plan for Sandy Downs. In the future, a substation is being looked at for this site.

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

At the request of Councilmember Hally, the City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2803

SANDY DOWNS AND SUBSTATION SITE

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 Hally moved, and Councilmember Lehto seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed 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 Taylor
Councilmember Hally
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

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 Hally, seconded by Councilmember Lehto, to establish the initial zoning for Sandy Downs and Substation Site as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Hally
Councilmember Hardcastle
Councilmember Lehto

FEBRUARY 26, 2009

Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to recess Annexation Prior to Platting Proceedings for Ashpark Estates Addition, Division No. 1 to the March 12, 2009 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Hally to conduct a public hearing for consideration of a Land Use Change in a Planned Transition Zone to convert vacant land into retail space on property located generally south of Fairview Street, north and adjacent to Presto Street, east and adjacent to Fremont Avenue, west of Elmore Avenue and legally described as Lots 37 through 47, and a portion of Lot 48, Block 11, Highland Park. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
February 18, 2009

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: LAND USE CHANGE IN PT-1 ZONE – LOTS 37 THROUGH 48,
BLOCK 11, HIGHLAND PARK ADDITION

Attached are the Development Agreement and the PT-1 Site Plan for Lots 37 through 48, Block 11, Highland Park Addition. This application proposes to construct a 7,860 square foot retail strip center on Fremont Avenue between Science Center Drive and Presto Avenue. At its February 2, 2009 Meeting, the Planning Commission recommended approval of the Site Plan with the following conditions: The Site Plan is approved with 38 spaces, the driveway on Fremont Avenue be a commercial approach, the parking lot light be reduced in height to 16 feet, the residences to the east be buffered by trees and a fence, and the staff review a second parking lot light, if necessary, for compliance. This Site Plan is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

FEBRUARY 26, 2009

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 under consideration
Slide 5	Landscape Plan
Slide 6	Elevations for strip retail center
Slide 7	Elevations for buildings
Slide 8	Photo metrics
Slide 9	Lighting by rear door
Slide 10	Parking Lot Lighting
Slide 11	Lighting being installed along the walls of the strip center
Slide 12	Site Photo showing north portion of alley north of site, east of former restaurant
Slide 13	Site Photo east of existing building on Fremont Avenue
Slide 14	Site Photo of homes east of area where no trees or fence exist
Slide 15	Site Photo showing south end of alley
Slide 16	Site Photo looking southwest across site
Slide 17	Site Photo of PT Developments southwest of site
Slide 18	Site Photo showing convenience store north of site
Slide 19	Site Photo showing restaurant north of PT Development
Exhibit 1	Planning Commission Minutes dated February 3, 2009
Exhibit 2	Staff Report dated February 3, 2009
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Site Plan

Councilmember Lehto requested to know whether there was any discussion at the Planning Commission Meeting regarding hours of operation.

The Planning and Building Director stated that the Ordinance limits the hours of operation from 6:00 a.m. to 11:00 p.m.

Todd Meyers, 645 Hickory Lane, appeared as the representative for the Developer. The site was originally platted under the Highland Park Addition approximately 100 years ago. Mr. Meyers identified the commercial developments that were located in the area. The property design is not ideal, due to the configuration of the original lots in Highland Park. In order to comply with the Access Management Plan, they will move their commercial access on Fremont Avenue to accommodate those rules and regulations. The other access is off of the alley. There is an approved site plan for the property to the south of this location which uses the alley for access. They plan to line up with the previous access. The Development Agreement includes the half street of Presto Avenue. There is already an agreement in place for the other half street of Presto. Presto Avenue could be developed at that location. The alley will be paved to match the alley to the north. Mr. Meyers explained that there are three areas of buffering required in this area. Buffering needs to be provided to the site from the arterial street. The Zoning Ordinance requires a minimum of 7 feet landscaping and they are providing 12 feet of landscaping. The residential properties need to be buffered from the commercial use. The building could be used to screen Fremont Avenue from the residential properties. The building has been placed to the rear of the property. This would block lights and noise from the primary parking area in front of the building as well as the traffic on Fremont Avenue. A variety of trees will be planted to lend to the buffering of the residential properties. Mr. Meyers stated

FEBRUARY 26, 2009

that they would meet with each of the residential property owners adjacent to this request to determine what type of buffering they would like.

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

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the Development Agreement for Lots 37 through 48, Block 11, Highland Park Addition and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the Site Plan for the land use change in the PT-1 Zone on Lots 37 through 48, Block 11, Highland Park Addition to construct a 7,860 square foot retail strip center on Fremont Avenue between Science Center Drive and Presto Avenue be approved with the following conditions: The Site Plan be approved with 38 spaces, the driveway on Fremont Avenue be a commercial approach, the parking lot light be reduced in height to 16 feet, the residences to the east be buffered by trees and a fence, and the staff review a second parking lot light, if necessary, for compliance. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Hally, that the meeting adjourn at 8:45 p.m.

CITY CLERK

MAYOR
