

SEPTEMBER 22, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 22, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Bill Shurtleff
Councilmember Larry Lyon
Councilmember Joe Groberg
Councilmember Ida Hardcastle
Councilmember Mike Lehto
Councilmember Thomas Hally

Also present:

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

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the September 8, 2005 Regular Council Meeting.

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

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 22, 2005.

Councilmember Lehto moved and Councilmember Groberg seconded that the minutes from the September 8, 2005 Regular Council Meeting be tabled for consideration at the October 13, 2005 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

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

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally

SEPTEMBER 22, 2005

Councilmember Shurtleff

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The public hearing regarding the rezoning from R-1 (Single-Family Residential) to R-3 (Apartments), located generally north of First Street and Lomax Street, east of Fanning Avenue, south of Garfield Street, legally described as Diamond Park Addition, Division No. 1 has been requested to be rescheduled to the November 22, 2005 Regular Council Meeting by the Developer.

The public hearing regarding the Planned Unit Development (PUD) to allow twenty (20) four-plex units on property located generally north of First Street and Lomax Street, east of Fanning Avenue, south of Garfield Street, legally described as Diamond Park Addition, Division No. 1 has been requested to be rescheduled to the November 22, 2005 Regular Council Meeting by the Developer.

The public hearing regarding the Annexation Proceedings Prior to Platting for Taylor Crossing On The River was withdrawn, re-advertised, and re-noticed for the October 13, 2005 Regular Council Meeting.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a land use change in the PT-2 (Planned Transition-2) Zone from residential to office at 1379 East 17th Street, legally described as .98 Acres in the South Half of the Southeast Quarter of the Southeast Quarter, Section 20, Township 2 North, Range 38 East of the Boise Meridian. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 17, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: LAND USE CHANGE FROM RESIDENCE TO OFFICE, 1379 EAST
17TH STREET

Attached is the application and site plan to change the land use at 1379 East 17th Street from residential to office. This parcel is located immediately north and adjacent to 17th Street west of St. Clair Road and east of Bower Drive. The Planning Commission considered this request at its July 19, 2005 Meeting and recommended approval with conditions which have been incorporated into the site plan. This land use change is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Groberg stated that he would not be participating in the discussion or vote on this matter, as he had a potential conflict of interest in that his family owns the property right next door to the subject property.

SEPTEMBER 22, 2005

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 for the south portion of the site
- Slide 5 Landscape Plan
- Slide 6 Site Photo of proposed office building from the existing building
- Slide 7 Site Photo of proposed parking area
- Slide 8 Site Photo of north half of property looking at Theresa Bunker Elementary School
- Slide 9 Site Photo of northwest corner of property
- Slide 10 Site Photo of residential property west of site
- Slide 11 Site Photo looking south across 16th Street towards site
- Slide 12 Site Photo looking at the northeast corner of property
- Slide 13 Site Photo showing construction access to 16th Street
- Slide 14 Site Photo showing the need for a sidewalk on 16th Street frontage
- Exhibit 1 Planning Commission Minutes dated July 19, 2005
- Exhibit 2 Staff Report dated July 19, 2005
- Exhibit 3 Vicinity Map

The Planning and Building Director stated that the other portion of the Planning Commission recommendation was that certain improvements be made to this site, for example, the demolition of the storage buildings on the northern portion of the site. The landscaping improvements need to be completed, including the demolition of the storage buildings, within one year of City Council approval. The utility pole on the north portion of this site has been removed. That was a concern for the Planning Commission. The Site Plan contains a notation that the drive aisle will end and will not extend to 16th Street. There will be no access from this office building and the parking area to 16th Street. The storm water retention pond has changed from an east-west orientation to a north-south orientation. There is also a notation that should the vacant parcel to the east be redeveloped, then the parking lot on this parcel would be opened so that the two lots can share a joint access.

The Planning and Building Director submitted the following e-mail:

September 18, 2005

TO: reneem@ci.idaho-falls.id.us
CC: annettes@srv.net
SUBJECT: Section 20, Township 2 North, Range 38

To Whom It May Concern:

I am writing in regards to the property located at 1379 East 17th. I live at 1343 East 16th and look out my windows at the back of the property. I am concerned that so much of the shrubs and trees that shield us from 17th Street traffic, noise, and lights have been removed.

SEPTEMBER 22, 2005

Will the parking in the back have a wall to protect the school and houses that live behind the business?

Will there be lights that shine in my windows? Will they have an exit onto 16th Street? I called and was told it was only a turn around.

What will shield us and will it in the end exit onto 16th? Down the street one business was putting a single dwelling house facing 16th which is now a parking lot. I have lived here since 1977 and now there are 2 businesses that you have approved to exit onto 16th. We fought and asked to not let them but in the end the businesses won. We do not seem to have any weight in the decision for we are only a house owner.

I hope you will consider what the impact will be on the school and houses around the area. For we have to live here.

Annette Simpson
1343 East 16th
529-3118

Steve and Sherri Peery, 3740 Georgia Lane, Ammon, Idaho, appeared to submit the following letters:

September 20, 2005

Idaho Falls City Council and Planning and Zoning

RE: Property located at 1379 East 17th Street, Idaho Falls, Idaho 83404
Owner: Steve Peery

I own and operate an insurance agency next door to the above property.

I have noticed great improvements in the property and believe it appropriate to zone the property for commercial use.

This area of 17th Street is known by the people of Idaho Falls as a commercial district and not really appropriate for residential homes.

I believe increased business traffic next door would also improve our business exposure.

Sincerely,

s/ Sid Page
Sid Page
Sid@ThePageAgency.com
Page Insurance Agency

And:

SEPTEMBER 22, 2005

Kent Cutforth, D.D.S.
September 22, 2005

Idaho Falls City Council and Planning and Zoning

Re: Property located at 1379 East 17th Street, Idaho Falls, Idaho 83404
Owner: Steve Peery

I am a property owner on 17th Street directly across from the property being developed by Steve Peery. I am a practicing dentist and have been in practice at this location for twenty-nine years. During this time I have noted great changes in 17th Street. It has developed into commercial use with high traffic flow and residential homes are no longer appropriate for this area of the street.

Recently, we have noted many positive changes and improvements to the Peery property as they renovate and update what was a rather run down and outdated residence. We would encourage the City Council and Planning and Zoning to change the zoning to accommodate commercial use. I feel this change is in keeping with the adjacent property use.

Sincerely,

s/ Kent Cutforth
Kent Cutforth, D.D.S.

Mr. Peery stated that he has visited with other neighbors in the area and they have expressed appreciation for the cleaning up of the "eyesore" that has been on this property. Mr. Peery stated that the Planning Commission instructed him to remove the power pole from the area in the north parking lot. They stated that they have removed that pole and run underground power to the house. They have proceeded on the parking lot, due to winter weather being right around the corner.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the Conditional Use Permit for the land use change in the PT-2 (Planned Transition-2) Zone from residential to office at 1379 East 17th Street, legally described as .98 Acres in the South Half of the Southeast Quarter of the Southeast Quarter, Section 20, Township 2 North, Range 38 East of the Boise Meridian, with the condition that the improvements shown on the site plan and landscape plan be completed by September 22, 2006. Roll call as follows:

Aye: Councilmember Hally
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Abstain: Councilmember Groberg

Motion Carried.

SEPTEMBER 22, 2005

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of the 2004 Comprehensive Annual Performance and Evaluation Report (CAPER) for the City of Idaho which describes the activities to implement and the status of the projects included in the Fiscal Year 2004 Annual Action Plan. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 17, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: 2004 COMPREHENSIVE ANNUAL PERFORMANCE AND
EVALUATION REPORT (CAPER) FOR COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS

Attached is a draft of the 2004 Comprehensive Annual Performance and Evaluation Report (CAPER). This annual report has been sent to interested community agencies, and publication for tonight's public hearing advised interested parties of the availability of the report. The written comment period extends to October 7, 2005, and the final draft will be presented to Council on October 13, 2005. This draft report is now being submitted to Mayor and Council to solicit public comment.

s/ Renée R. Magee

The Grant Administrator further explained the 2004 Comprehensive Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant Funds. He explained that the fiscal year for this grant is from August 1, 2004 through July 31, 2005. The first year's grant was for \$491,000.00. There is a five year plan that covers this, with one year annual action plans. The City Council selected seven projects for funding, initially, and this report describes the actions taken to implement those projects. The first and largest project is the Highland Street Paving Project. The engineering is nearly complete. The Engineering Department has recommended a spring bid on this project. The Code Enforcement Project has been implemented, summer help was hired, and three neighborhood clean-ups were conducted (eleven 30-yard dumpsters were collected). There were 115 clean-up notices issued to residents, with 5 notices going to citations. The Bel-Aire Park Project was to replace chips and sand underneath the play equipment. That work was bid out this week by the Parks and Recreation Division and should be completed this fall. The parking lot by the Museum of Idaho is completed. That completes the downtown project that was started 3-4 years ago. Eastern Idaho Technical College received a grant to purchase computers for their information technology students. The Center for New Directions will own those computers and lend them to the students as they are enrolled in the program. The Transportation Agency hired their Spanish-speaking dispatcher and has been starting to pick up people off-route, which was the whole purpose, to get persons with disabilities and seniors who were not on bus routes to receive the extra access from TRPTA. The administrative portion, which is what the Grant Administrator does, is implemented and now drawing funds. The 2005 Action Plan is adopted and approved by the Department of Housing and Urban Development. Those moneys are now in the account. The report is organized as the original plan in one type of font, and the report implementation section is

SEPTEMBER 22, 2005

in another type of font, so that the City Council can see what was planned and what has been completed. The report is still in draft form so that there is still time for changes or edits. Based on the Department of Housing and Urban Development's initial comments, the report was changed to the 2004 Annual Performance Report for Community Development Block Grant Funds.

Councilmember Hally requested to know how much smaller the second year's grant was from the first year's grant. The Grant Administrator stated that the second year's grant was \$28,000.00 smaller than the first year's grant.

Mayor Milam indicated that the City is anticipating that the third year's grant funds will be less.

Councilmember Groberg stated that this comment period extends to October 7, 2005. After all comments have been received, the draft report will be revised, and the report will be returned to City Council for approval.

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

Mayor Milam requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda.

Brett Manwaring, 2160 Aegean Avenue, appeared to express a concern that he has regarding the handling of the run-off elections. An ordinance was passed by the City Council to provide for run-off elections for Mayor. Then the City Council approved a resolution to be placed on the ballot in November for the general public to let the City Council know whether they wanted to have run-off elections conducted for City Councilmembers. The City Council then decided to place the issue of whether the general public wanted to still conduct run-off elections for Mayor after the 2005 election. Mr. Manwaring stated that he understood the results of these issues on the ballot was for an advisory vote for the City Council. He then stated that the City Attorney interpreted that this should be worded as a "repeal" of the ordinance. If a person voted for this resolution, then the ordinance for a Mayoral run-off election would be repealed. Mr. Manwaring stated that Councilmember Groberg said that the Mayoral run-off election should be placed before the public, even though it had been passed as an ordinance. Mr. Manwaring requested to know whether it was Councilmember Groberg's intention to repeal this ordinance.

Councilmember Groberg stated that he could not recall the exact process that went into these resolutions. He stated that his thinking was that when the election rules are changed, it is good policy for the general public to weigh in on that decision if there is a significant change in the way the election officials stand for election and often re-elections. Whether he thought that an ordinance would be passed by the results of the referendum or whether it would be advisory, he did not remember his thought process on that.

Mr. Manwaring requested to know why the City Council passed the intention of the City Attorney to have this be a repeal of the ordinance if it was only going to be an advisory vote.

Councilmember Groberg stated that he did not remember his thought process. At the same time, if the general voting public voted that they did not want to have run-off elections for Mayor, he stated that the City Council would be hard pressed to not follow that.

Mr. Manwaring requested to know why the City Council passed the ordinance providing for run-off elections for Mayor in the first place.

Councilmember Groberg stated that run-off elections are effective for this election.

Mr. Manwaring stated that he understood that. The City Council has now placed this on the ballot for a vote before the results of this election are determined. Mr.

SEPTEMBER 22, 2005

Manwaring then read the question that was placed on the ballot, "Shall Section 1-5-11 of the Idaho Falls City Code providing for run-off elections for the office of Mayor be repealed with respect to elections conducted after the year 2005?" The night that he heard the discussion, that was not what was stated. Mr. Manwaring stated that what was stated is should we have the voters of this City give us a referendum if they approve of the ordinance that was passed. The City Attorney, now, has determined that this means that we are now going to put it to a vote and it will be repealed.

Councilmember Groberg stated that, to him, this is the same result either way, whether they approve it or repeal it.

The City Attorney stated that the City Council passed an ordinance adopting a provision allowing for run-off elections that is now law. This will take effect in the election following the upcoming election. There is no other action that you could go to the voters for other than to inquire as to their intent as to whether or not they wish that law to remain in effect. It would be a nullity to ask the voters if they want to approve something that is already in effect. As he recalled the discussion and intent of Councilmember Groberg was to ascertain whether or not the voters desire to have that ordinance duly passed, remain in full force and effect. The way in which to do that is to ask the voters whether they wish to repeal it or leave it in effect.

Mr. Manwaring read from the minutes of April 14, 2005, "Councilmember Lehto stated that this issue would not provide for a binding advisory vote from the public and the City Council could take this under advisement." Mr. Manwaring stated that he did not believe that everyone understood the same thing. He also pointed out that Councilmember Groberg stated, "Councilmember Groberg stated that this election is conducted under terms that are now in effect." Mr. Manwaring questioned the City Attorney about what he said at the April 14, 2005 Meeting, "The City Attorney explained that the previous resolution providing for an initiative election with respect to run-off elections for the office of City Councilmembers and this resolution providing for an initiative election with respect to run-off elections for the office of Mayor are virtually identical." Mr. Manwaring requested to know what it meant if a person votes "yes" on the first Resolution.

The City Attorney stated that it means that the voters are expressing their desire that there be run-off elections with respect to the City Council races.

Mr. Manwaring requested to know what it meant if a person votes "yes" on the second Resolution.

The City Attorney stated it would be the voters desire to repeal the existing law.

Mr. Manwaring requested to know from the City Attorney as to whether there was confusion in that.

The City Attorney stated that there was no confusion.

Mr. Manwaring stated that if a person says that he is in favor of run-off elections for the City Council and, also, says that they are in favor of run-off elections for the Mayor, he must vote "yes" on one resolution and vote "no" on the other. He questioned as to why the question does not say, "If you are in favor of run-off elections for Mayor, vote "yes".

The City Attorney stated that it does not make any sense to have the voters vote to approve something that is already in effect.

Mr. Manwaring stated that the night that the meeting was held, it was said that there would be an advisory vote to the Council on an ordinance that the Council had already passed which would have no binding effect on the Council. He stated that he understood that this is what Councilmember Groberg had said. He stated that since the City Council has already said that there will be a vote on the resolution regarding run-off

SEPTEMBER 22, 2005

elections for the City Council, then it should be asked if the general public is in favor of what has already been passed for the Mayoral run-off elections.

The City Attorney stated that he had a different recollection as to that question of whether it was to be an advisory vote. As he recalled, that question came up. Councilmember Lehto had raised that question. Councilmember Lehto was advised, at the time, that this was not correct.

Mr. Manwaring questioned as to whether it was the City Attorney who determined whether a vote was advisory or if it was binding on the City Council.

Mayor Milam stated that the City Attorney gives advice to the City Council and then the City Council votes.

Councilmember Lehto stated that this issue should be put on a Municipal Services Council Committee Agenda for further discussion. He asked Mr. Manwaring if he was willing to come to that meeting.

Mr. Manwaring stated that it is too late to make any change. It has already been advertised. This is the way that it is going to stand. He stated that he was sorry that he had not seen this before. Mr. Manwaring stated that when he looked at the Council Minutes from April 14, 2005, he saw the resolution in a similar form. Since at least April 15, 2005, it has been known by the City Attorney's Office that this was a repeal of the ordinance that the City Council has passed. Mr. Manwaring stated that he was not afraid for this to go to a vote of the people. He did not believe that it was fair to ask the general public to vote "yes" in one spot, and "no" in the other. He stated that the City Council should be asking whether a person is in favor of either or both resolutions. Mr. Manwaring stated that this looks fishy, like someone does not want this to pass and confused the issue. He stated that he appreciated the opportunity to be invited to the Municipal Services Council Committee Meeting to discuss this further.

Councilmember Lehto stated that he has voted in elections where advertising has been run to vote "yes" on one issue and vote "no" vote on another issue. He stated that Mr. Manwaring is raising some questions and catching some of the Councilmembers a little cold. He requested that this discussion should be held at the Municipal Services Council Committee Meeting.

Councilmember Shurtleff stated that he encouraged that the election laws be reviewed immediately, so that if the City Council needs to hold a Special Meeting regarding this that it can be done immediately.

Councilmember Groberg stated that this possibly could be confusing, but he would like to review the information before any changes could be made.

Councilmember Shurtleff stated that he knew what he voted for that night. He voted for an advisory vote.

Councilmember Lehto stated that the City Council needs to review the record.

Mayor Milam requested that Councilmember Lehto meet with the Municipal Services Director to schedule a Municipal Services Council Committee Meeting as soon as possible. She, further, requested the Municipal Services Director to consult with the City Attorney regarding the legalities of this issue. He requested that the City Clerk make copies of the minutes of the April 14, 2005 Regular Council Meeting for each of the Councilmembers.

Councilmember Lyon stated that when this was brought to his attention, he looked at the Notice of Election published in the Post Register. He stated that this has a real potential to create confusion for a lot of voters. He also remembered the 2000 Election where many people had problems using the voting machines, let alone set their mind one way and then do a complete about face to get the same result. He would like to see, if at all possible, to have the question framed so that people could reason that if they want run-off

SEPTEMBER 22, 2005

elections, they vote "yes" on both issues and if they do not want run-off elections, they vote "no".

Councilmember Lehto stated, again, that the Municipal Services Council Committee will be posting a meeting for discussion of this issue.

Roxy Bonnell, 333 Contor Avenue, appeared to state that her concern was for the property that was close to Dora Erickson Elementary School.

Mayor Milam stated that this issue was withdrawn to be considered at the November 22, 2005 Regular Council Meeting. There was not a public hearing held on that issue at this meeting.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 16, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-23, ELECTRONIC GOVERNOR CONTROL SYSTEM
FOR IDAHO FALLS POWER UPPER BULB POWER PLANT

The original recommendation for award to GE International, Inc./GE Energy Services for the above subject was tabled at the September 8th Council Meeting, to allow more time for review of protest submitted by a bidder. After review by Municipal Services, it is recommended that we reject all bids and request authorization to re-bid at a later time.

s/ S. Craig Lords

Councilmember Lehto explained that this project was handled as a scored bid. The State Legislature enacted additional law that went into effect on July 1, 2005, that may effect how this bid was handled. It is in the City's best interest to reject the bids received and re-bid this project.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to reject all bids for the Electronic Governor Control System for Idaho Falls Power Upper Bulb Power Plant and, further, give authorization to re-bid at a later date. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Shurtleff
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

SEPTEMBER 22, 2005

City of Idaho Falls
September 12, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: GENERAL LIABILITY, PROPERTY, VEHICLE LIABILITY, E & O OF PUBLIC OFFICIALS, POLICE PROFESSIONAL, FIDELITY, EXCESS LIABILITY AND BOILER AND MACHINERY INSURANCE COVERAGE PLACEMENT AT OCTOBER 1, 2005

Municipal Services respectfully requests placement of insurance contracts for the above coverage with ICRMP. The broker is The Hartwell Corporation. The contract begins on October 1, 2005. The price for this contract is \$523,206.00 for one year.

s/ S. Craig Lords

Councilmember Lehto stated that this is a reduction from last year's premium of approximately \$40,000.00 for the same coverage.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the placement of insurance contracts for General Liability, Property, Vehicle Liability, E & O of Public Officials, Police Professional, Fidelity, Excess Liability and Boiler and Machinery Coverage with ICRMP with The Hartwell Corporation as broker, in the amount of \$523,206.00 for one year beginning October 1, 2005. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
September 16, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2005-2006 LEGAL SERVICES

Attached for your consideration is the Legal Services Contracts with Dale Storer and Holden Kidwell Hahn and Crapo. It is the recommendation of Municipal Services that the Council approve the contracts and authorize the Mayor to sign said contracts.

s/ S. Craig Lords

SEPTEMBER 22, 2005

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Legal Services Contracts with Dale Storer and Holden Kidwell Hahn and Crapo and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lehto
Councilmember Hardcastle

Nay: Councilmember Lyon
Councilmember Shurtleff

Motion Carried.

City of Idaho Falls
September 16, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-21, ONE (1) NEW 2005 OR NEWER AERIAL
PLATFORM FIRE TRUCK WITH ALTERNATE FOR DEMO UNIT

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

It is the recommendation of Municipal Services to accept the low bid of Alternate Proposal "A" submitted by Smeal Fire Apparatus Company to furnish a new 2006 Smeal Aerial Platform Fire Truck for an amount of \$647,822.00. This amount includes a completion of chassis prepay deduction of \$5,786.00, accepting option to deduct two (2) items for \$1,073.00 and an add-on in the amount of \$1,296.00. A Homeland Security Defense Grant will pay \$350,000.00 of this purchase.

s/ S. Craig Lords

The Fire Chief appeared to explain that it will take approximately one year to receive this fire truck. The Fire Department tried for two years to get the grant for this fire truck. The balance of the funds will come from the Municipal Equipment Replacement Fund. This item was on the long-range plans for approximately 5-6 years from now. With the grant, the process has been sped up to allow for purchase at this time. This fire truck will replace an 85-foot 1961 Pitman Snorkle, which does not serve the needs of the City any longer. He thanked the Mayor and City Council for putting up with the process of going through this bid. He stated, further, that he appreciated all the work from Staff in the Fire Department.

Councilmember Hally requested the Fire Chief to address why the City has a need for a Ladder Truck.

The Fire Chief stated that the 85-foot snorkel is not able to reach the top of the hospital, which is one of the tall buildings in Idaho Falls. There are other tall buildings in Idaho Falls, along with some homes with tall roof lines that could not be serviced

SEPTEMBER 22, 2005

properly without the Ladder Truck.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bid of Alternate Proposal "A" submitted by Smeal Fire Apparatus Company to furnish a new 2006 Smeal Aerial Platform Fire Truck for an amount of \$647,822.00, which includes a completion of chassis prepay deduction of \$5,786.00, accepting a deduct two (2) items for \$1,073.00 and an add-on in the amount of \$1,296.00. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
September 22, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ZOO CAT EXHIBIT EXPANSION PROJECT

On Monday, September 12, 2005 bids were opened for the Tautphaus Park Zoo Cat Exhibit Expansion Project. It is the recommendation of the Parks and Recreation Division to award the base bid to the apparent low bidder, D. L. Beck, Inc. of Rexburg, Idaho 83440 in the amount of \$184,312.00 and to reject bid amounts for Alternate No. 1 and Alternate No. 2.

The Parks and Recreation Division respectfully requests approval of the plans and specifications and that the Mayor and City Clerk be authorized to sign and execute the contract agreement.

s/ David J. Christiansen

Councilmember Hally stated that there are grants involved in this project in the amount of approximately \$50,000.00. If the City does not approve of this bid, the grants could be lost. This is a wonderful project. This bid is as low as it can be to get the job done. This is a good addition to the Tautphaus Park Zoo.

Councilmember Lyon requested Councilmember Hally to speak to the specifics of the expansion. He requested to know whether this was for new animals.

Councilmember Hally stated that this expansion allows the Zoo to keep one of the lions that the Zoo would not be able to keep should this expansion not take place.

SEPTEMBER 22, 2005

Mayor Milam stated that the Zoo has two female lions that are part of the Species Survival Program on lions. One of those females will be sent to another Zoo and our Zoo will be able to have a male lion come in to provide for offspring. This is all new blood lines from wild caught lions. Breeding of captive lions in this country is not being conducted any longer. This project is basically the underneath part of the cat exhibit where they are kept when they are off-exhibit. There are a number of grants, gifts, and donations that will go into this project.

Councilmember Groberg stated that is disconcerting to receive a much higher bid than has been planned, especially when so much work has gone into recruiting grants and gifts and saving money for a plan. When this came before the Parks and Recreation Council Committee, he felt for the Zoo and Parks and Recreation Division because they had put so much work into this. He hated to not go forward with this project, but at the same time the Division could not spend more than was allocated for this project. At the time, the Council Committee determined that if the Division could figure out a way to go forward with this project, then they could go forward. The Division has pulled from every available corner of their budget, so that no more money would come from the taxpayer than was originally budgeted.

Councilmember Hally stated that the Parks and Recreation Division Director had two options that would allow for this project to go forward. He has talked with the City Attorney about which of those options would be the best to allow for completion of this project.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to award the base bid to the apparent low bidder, D. L. Beck, Inc. of Rexburg, Idaho in the amount of \$184,312.00, reject the bid amount for Alternate No. 1 and Alternate No. 2 and, further, approve the plans and specifications for this project and give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Shurtleff
 Councilmember Hardcastle
 Councilmember Hally
 Councilmember Lyon
 Councilmember Groberg
 Councilmember Lehto

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
September 17, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – FIRST AMENDED PLAT OF MADSEN ADDITION,
 DIVISION NO. 1

Attached is the Final Plat entitled First Amended Plat of Madsen Addition, Division No. 1. This two-lot plat is located within the City of Idaho Falls south

SEPTEMBER 22, 2005

of West Broadway and east of Troy Avenue. It is zoned C-1 and R-3A. The Planning Commission considered this final plat at its September 6, 2005 Meeting and recommended approval. The Planning Department concurs with this recommendation since staff has found it to be in compliance with the Subdivision Ordinance. This final plat is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Following is a list of exhibits used in connection with this Final Plat approval request:

Exhibit 1 Vicinity Map
Exhibit 2 Copy of Final Plat
Exhibit 3 Staff Report dated September 6, 2005

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for the First Amended Plat of Madsen Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Lehto
 Councilmember Lyon
 Councilmember Hardcastle
 Councilmember Groberg
 Councilmember Hally
 Councilmember Shurtleff

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
September 16, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – WELL NO. 13B WELL HOUSE, PUMP STATION;
 AND, WELL NO. 13 ELECTRICAL UPGRADES

On August 22, 2005, bids were received and opened for Well No. 13B Well House, Pump Station; and, Well No. 13 Electrical Upgrades. A tabulation of the bid results is attached.

Public Works recommends award of this bid to the low bidder Agricultural Services, Inc., in the amount of \$744,785.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

SEPTEMBER 22, 2005

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to accept the low bid from Agricultural Services, Inc. in the amount of \$744,785.00 to complete the Well No. 13B Well House, Pump Station; and, Well No. 13 Electrical Upgrades and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Shurtleff
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
September 16, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STORM DRAINAGE EASEMENT AGREEMENT - HK CONTRACTORS, INC.

Attached is a copy of a proposed Storm Drainage Easement Agreement between the City and HK Contractors, Inc., for certain property owned by HK Contractors, Inc., and located south of Sunnyside Road and east of St. Clair Road. As proposed, the agreement allows the City to drain storm water to and across the described HK property; and, provides that HK Contractors, Inc., will eventually deed the property to the City upon completion of their gravel operation at that location.

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 Shurtleff, seconded by Councilmember Lyon, to approve the Storm Drainage Easement Agreement between the City of Idaho Falls and HK Contractors, Inc. for certain property owned by HK Contractors, Inc., and located south of Sunnyside Road and east of St. Clair Road and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Lyon

SEPTEMBER 22, 2005

Nay: None

Motion Carried.

City of Idaho Falls
September 20, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION – PORTION OF MILLIGAN ROAD
 NORTH OF PANCHERI DRIVE

Public Works requests authorization for the City Attorney to prepare the documents to vacate a portion of Milligan Road north of Pancheri Drive for approximately 1700 feet. The adjacent property owners have requested vacation and are providing newly dedicated right-of-way compatible with their development plans.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare documents necessary to vacate a portion of Milligan Road north of Pancheri Drive for approximately 1,700 feet. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Hally
 Councilmember Lyon
 Councilmember Lehto
 Councilmember Shurtleff
 Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam recognized former City Councilmember Sam Sakaguchi for having been in attendance at this meeting. Mayor Milam conveyed, on the part of the City, good wishes for Councilmember Groberg's wife, Jeanne Groberg, on being in a bicycle/car accident last week.

Councilmember Groberg stated that he thought that he might ride his bike to Council Meeting this evening and reached for his helmet to do so. Jeanne's helmet was right next to his. He decided at that time that he would not ride his bike, because he did not want to call attention to his wife's accident. He stated that a person learns quickly that it is wise to wear a helmet. She was on a short ride. She picked up an old bike that was left a Bill's Bike Shop and rode a couple of blocks. Councilmember Groberg stated that he does not know what really happened. He stated that there are a lot of things that a person learns about working together as a community. The fact that the City has a Regional Medical Center, with a Neurosurgeon being on staff that night, saved his wife's life. Councilmember Groberg talked about Officer Kelly who was at the accident site did the best that he could. Councilmember Groberg met him the next day after his wife's surgery, in the

SEPTEMBER 22, 2005

Intensive Care Unit. Officer Kelly was as concerned about the injured person as anyone. Councilmember Groberg put his arm around Officer Kelly and hugged him. Officer Kelly expressed that the whole police station was praying for Mrs. Groberg.

Mayor Milam expressed her thanks for the Boy Scouts who were in attendance at this meeting. She also mentioned that six of the City's firefighters are currently in Biloxi, Mississippi supporting FEMA efforts there. She stated, further, that her son-in-law is also in the Biloxi area. More than the six firefighters volunteered to go and support the FEMA efforts due to the hurricanes hitting the gulf coast, but only six were requested by FEMA.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 8:30 p.m.

CITY CLERK

MAYOR
