

JULY 28, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 28, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

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 July 14, 2005 Regular Council Meeting and the July 26, 2005 Executive Session.

The City Clerk presented several license applications, including BEER Licenses to Las Pulgas Cantina and Dance Hall, Plum Loco, and Snake River RV Park and Campground, 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 July 28, 2005.

The Public Works Director submitted the following memo:

City of Idaho Falls
July 25, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – WELL NO. 13B WELL HOUSE AND
WELL NO. 13 ELECTRICAL UPGRADE

Public Works requests authorization to advertise to receive bids for Well No. 13B Well House and Well No. 13 Electrical Upgrade.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle to recess consideration of the annexation for Elkhorn Estates Addition, Division No. 1 to the August 11, 2005 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Southpoint Addition, Division No. 5. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 22, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT FOR SOUTHPOINT ADDITION, DIVISION NO. 5

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Southpoint Addition, Division No. 5. This Final Plat consists of twenty-nine single-family lots south of Township Road (49th South) and west of Southpoint Boulevard. The Planning Commission, at its June 7, 2005 Meeting, recommended approval of this request. This matter is now being submitted to the Mayor and Council for consideration.

s/ Renée 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:

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Slide 1 Vicinity map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Aerial Photo – Close Up
Slide 4 Final Plat under consideration
Slide 5 Preliminary Plats superimposed on Aerial Photo
Exhibit 1 Planning Commission Minutes dated June 7, 2005
Exhibit 2 Staff Report dated June 7, 2005

The Planning and Building Director explained that the Final Plat is in accordance with the Preliminary Plat, Subdivision Ordinance, and the Zoning Ordinance.

Jeff Freiberg, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared to answer any questions from the Mayor and City Council. Councilmember Hardcastle requested to know how many lots were on the Preliminary Plat for the entire subdivision. Mr. Freiberg stated that there were more than 300 lots on the Preliminary Plat.

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

Councilmember Groberg commented that Southpoint Addition is designed to come into the City all the way to York Road. There was a County subdivision that was located in this area. The street system from Southpoint Addition is designed to tie into that County subdivision.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Southpoint Addition, Division No. 5 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2608

SOUTHPOINT ADDITION, DIVISION NO. 5

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.

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The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Hardcastle 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 Hardcastle
Councilmember Lehto
Councilmember Shurtleff
Councilmember Lyon
Councilmember Groberg

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 Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of Southpoint Addition, Division No. 5 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 Groberg
Councilmember Lehto
Councilmember Lyon
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Southpoint Addition, Division No. 5 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to recess the public hearing for consideration of an appeal from the decision of the Board of Adjustment for a Conditional Use Permit to construct an animated sign on property located generally south of the Broadway and Lindsay Boulevard intersection, legally described as the Northwest Corner of Lot 4, Block 1, Eagle Rock Crossing to the August 11, 2005 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
July 21, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Elg Fikstad, Power Manager
SUBJECT: APPENDIX I – IPP UNIT 3 PROJECT AGREEMENT WITH UAMPS

Attached for your consideration is Appendix I to the IPP Unit 3 Project Agreement with UAMPS to increase Idaho Falls Power participation in the project to 25 MW.

Idaho Falls Power requests City Council approval of the appendix and authorization for the Mayor to sign the document.

s/ Jo Elg Fikstad

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Appendix I to the IPP Unit 3 Project Agreement with UAMPS to increase Idaho Falls Power participation in the project to 25 MW and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

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City of Idaho Falls
July 11, 2005

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

I respectfully request the attached ordinance amending Section 1-4-1 of the City Code of Idaho Falls, Idaho increasing the fine for a misdemeanor to an amount not to exceed one thousand dollars (\$1,000.00); providing for severability; preserving prior ordinance; and, establishing an effective date.

s/ J. K. Livsey

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 1-4-1 OF
THE CITY CODE OF IDAHO FALLS, IDAHO;
INCREASING THE FINE FOR MISDEMEANOR TO
AN AMOUNT NOT TO EXCEED ONE THOUSAND
DOLLARS (\$1,000); PROVIDING FOR
SEVERABILITY; PRESERVING PRIOR ORDINANCE;
AND ESTABLISHING AN EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Shurtleff seconded, that the Ordinance be passed on second reading only. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 25, 2005

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chad Stanger, Public Works Director
SUBJECT: SEWER ORDINANCE – AMENDMENTS

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Attached are proposed amendments to the City's Sewer Ordinance as requested by the United States Environmental Protection Agency. These changes are mostly "definition of terms" items and all minor in nature.

Public Works requests approval of these amendments; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

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

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO AMENDING SECTIONS 8-1-2 AND 8-1-19 OF THE CITY CODE, BEING A PART OF THE SEWER ORDINANCE; MAKING TECHNICAL CORRECTIONS TO CERTAIN DEFINITIONS; MODIFYING PROVISIONS RELATING TO GREASE INTERCEPTORS; PRESERVING PRIOR ORDINANCE, ESTABLISHING SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Shurtleff moved, and Councilmember Lyon 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 Groberg
Councilmember Lehto
Councilmember Lyon
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
July 26, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: AMENDMENT TO RIGHT-OF-WAY CONTRACT - DAN AND CAROL BURKEY

Attached is a proposed Amendment to Right-of-Way Contract between the City and Dan and Carol Burkey. On June 24, 2005, the City and Burkeys entered

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into a Right-of-Way Contract which provided that the City purchase certain right-of-way from the Burkeys, including a residence located on the described property. Subsequent to entering into this contract, the Burkeys decided to retain ownership of the residence for the appraised salvage value of \$12,500.00, as provided in the proposed amendment.

Public Works recommends approval of this amendment; 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 Amendment to the Right-of-Way Contract between the City of Idaho Falls and Dan and Carol Burkey and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 7:45 p.m.

CITY CLERK

MAYOR
