

MARCH 10, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 10, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor ProTem Ida Hardcastle
Councilmember Thomas Hally
Councilmember Larry Lyon
Councilmember Michael Lehto
Councilmember Joe Groberg
Councilmember Bill Shurtleff

Absent was:

Mayor Linda Milam

Also present:

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

Mayor ProTem Hardcastle excused Mayor Milam from this Meeting. Mayor ProTem Hardcastle acknowledged the Airport Director, Mike Humberd, for his efforts in bringing Northwest Airlines into Idaho Falls. She, further, acknowledged Grow Idaho and, especially, Kip Hicks for his efforts in bringing Northwest Airlines into Idaho Falls.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the February 24, 2005 Regular Council Meeting.

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented the following Expenditure Summary dated February 1, 2005 through February 28, 2005, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 554,408.95
Street Fund	117,767.82
Recreation Fund	19,571.87
Library Fund	41,594.59
Municipal Equipment Replacement Fund	155,267.58
Electric Light Public Purpose Fund	30,470.47
Business Improvement District	5.20
Street Capital Improvement Fund	19,513.53
Water Capital Improvement Fund	8,967.91
Airport Fund	354,500.94
Water and Sewer Fund	402,996.12
Sanitation Fund	7,521.68

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FUND	TOTAL EXPENDITURE
Ambulance Fund	128,014.91
Electric Light Fund	3,750,158.58
Payroll Liability Fund	<u>1,907,740.08</u>
TOTALS	\$7,498,500.13

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 March 10, 2005.

The Public Works Director submitted the following memo:

City of Idaho Falls
March 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – EASTERN AVENUE PARKING LOT,
PHASE 4

Public Works requests authorization to advertise to receive bids for the Eastern Avenue Parking Lot, Phase 4.

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:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor ProTem Hardcastle requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for Mountain River Engineering for Ball Ventures – Eagle Ridge, Metes and Bounds Legal Description in the South Quarter Corner of Section 26, Township 2 North, Range 37 East of the Boise Meridian (Recessed from the February 24, 2005 Regular Council Meeting). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls
February 18, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF BALL VENTURES AND SMITH PROPERTY, NORTH OF SUNNYSIDE ROAD EXTENDED AND EAST OF I-15

Attached are the Annexation Agreement and Ordinance for approximately 75 acres of property belonging to Alan Ball and Stafford Smith and located north of Sunnyside Road extended, east of I-15, and west of the Snake River. The requested initial zoning is C-1, Limited Commercial. The Planning Commission considered this annexation request at its January 4, 2005 Meeting and recommended approval with conditions which have been addressed in the Annexation Agreement. The Department concurs. This request 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 Prior to Platting request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Slide 4	Mixed Use Zoning (Development includes more than commercial)
Exhibit 1	Planning Commission Minutes dated January 4, 2005
Exhibit 2	Staff Report dated January 4, 2005

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this area will be a legacy and something to be proud of.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement Prior to Platting for Mountain River Engineering for Ball Ventures – Eagle Ridge, Metes and Bounds Legal Description in the South Quarter Corner of Section 26, Township 2 North, Range 37, East of the Boise Meridian, and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

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Motion Carried.

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

ORDINANCE NO. 2588

**ANNEXATION PRIOR TO PLATTING
BALL PROPERTY AND SMITH PROPERTY NORTH OF
SUNNYSIDE ROAD ALONG THE PROPOSED EAGLE RIDGE**

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 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 Hally
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 the Metes and Bounds Legal Description in the South Quarter Corner of Section 26, Township 2 North, Range 37, East of the Boise Meridian as C-1 (Limited Commercial) 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 Hardcastle
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hally

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Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Groberg to conduct Annexation Proceedings and hold a public hearing for a Conditional Use Permit for Single-Family Homes in Fairway Estates Addition, Division No. 14. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 6, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING, FINAL PLAT, AND
CONDITIONAL USE PERMIT FOR SINGLE-FAMILY ATTACHED
HOMES IN FAIRWAY ESTATES ADDITION, DIVISION NO. 14

Attached are the Annexation Agreement, Annexation Ordinance, Final Plat and Site Plan for single-family attached homes for the plat entitled Fairway Estates Addition, Division No. 14. The requested zoning is R-1, Single-Family Residential. The Planning Commission considered this annexation request at its February 1, 2005 Meeting and recommended approval. This Department concurs with this recommendation. This annexation request and conditional use permit 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 and conditional use permit request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing Preliminary Plat with proposed Final Plat superimposed
Slide 3	Final Plat superimposed on Aerial Photo, 2004 – Close Up View
Slide 4	Proposed Final Plat of Fairway Estates Addition, Division No. 14
Slide 5	Site Plan for Single-Family Attached Homes for conditional use permit
Slide 6	Front Elevation of Single-Family Attached Homes
Slide 7	Front Elevation of Single-Family Attached Homes
Exhibit 1	Planning Commission Minutes dated February 1, 2005
Exhibit 2	Staff Report dated February 1, 2005

The Planning and Building Director explained that there are eight (8) single-family attached lots proposed, along with one large common lot. She stated that single-

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family attached homes complies with the Zoning Ordinance. She stated, further, that the Final Plat is in compliance with the City's Subdivision Ordinance and with the original approved Preliminary Plat. The Planning and Building Director explained that the large common lot is proposed as a storm water retention pond and pathway area.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the target market for this type of a home, is for people who are not always at home. There is a service to take care of the common lots and the lawns. This is a popular form of housing.

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 Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Fairway Estates Addition, Division No. 14 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2589

FAIRWAY ESTATES ADDITION, DIVISION NO. 14

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 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 Hally
Councilmember Hardcastle

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Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Shurtleff

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 Fairway Estates Addition, Division No. 14 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 Shurtleff
Councilmember Lyon
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to grant the Conditional Use Permit for Single-Family Attached Homes in Fairway Estates Addition, Division No. 14. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Fairway Estates Addition, Division No. 14 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Shurtleff
Councilmember Hally

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Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Groberg to conduct a public hearing for a rezoning from I & M-1 (Industrial and Manufacturing) to C-1 (Limited Commercial) and CC-1 (Central Commercial) on Taylor Crossing on the River, Division No. 8, which is located generally north of Pancheri Drive, south and west of Utah Avenue, and east of I-15. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 6, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM I & M-1 TO C-1 AND CC-1,
DEVELOPMENT AGREEMENT, AND FINAL PLAT FOR TAYLOR
CROSSING ON THE RIVER, DIVISION NO. 8

Attached are the Development Agreement and Final Plat for Taylor Crossing on the River, Division No. 8. This one lot plat is located south and west of Utah Avenue and north of Pancheri Avenue. The requested rezoning is from I & M-1 to CC-1 and C-1. The Planning Commission considered these requests at its February 1, 2005 Meeting and recommended rezoning the parcel from I & M-1 to C-1 adjacent to Pancheri Avenue and CC-1 on the remainder of the lot. The Commission recommended approval of the plat with conditions which have been incorporated into the Final Plat. Staff finds this Final Plat complies with the City's Subdivision Ordinance. This Final Plat 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 rezoning request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Planning Commission approved Zoning Map
Slide 3 Aerial Photo
Slide 4 Final Plat under consideration
Exhibit 1 Planning Commission Minutes dated February 1, 2005
Exhibit 2 Staff Report dated February 1, 2005

The Planning and Building Director stated that this Final Plat does not include the former Utah Avenue right-of-way. As part of this Final Plat, 13 feet along the newly

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constructed Utah Avenue will be dedicated as future right-of-way, with a portion of that being used for a deceleration lane. The CC-1 Zone is the zoning for the downtown area. Portions of the Taylor Crossing development have been zoned CC-1, especially those portions located between the Porter Canal and the Snake River because that is a narrow area and difficult to develop. The CC-1 Zone allows for some advantages, one of which is that the setback requirement is reduced. That is one reason for the request for 13 feet of right-of-way to assure that where the setback is reduced there is still the ability to expand that road should it be needed in the future.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this site has not changed for a long time. The surrounding area is in transition. He stated that he was present to answer any questions from the Mayor ProTem and City Council.

Councilmember Shurtleff questioned what is being planned for Utah Avenue right-of-way.

Mr. Kofoed stated that he understood that it was a possibility to vacate this right-of-way, allowing for a pathway to be installed at this location.

Councilmember Groberg stated that he did not know whether this right-of-way would be vacated. This area is within the Idaho Falls Redevelopment District.

Mr. Kofoed stated that utilities are located in this right-of-way and would probably have to remain as a corridor.

Councilmember Groberg stated that the Idaho Falls Redevelopment Agency is looking at the best use for this right-of-way. The Agency wanted to see how the entire area develops before a decision is made on this right-of-way.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezone from I & M-1 (Industrial and Manufacturing) to C-1 (Limited Commercial) adjacent to Pancheri Avenue and CC-1 (Central Commercial) on the remainder of the lot as presented and, further, 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 Lyon
 Councilmember Lehto
 Councilmember Groberg
 Councilmember Shurtleff

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Taylor Crossing on the River, Division No. 8 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

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Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Taylor Crossing on the River, Division No. 8 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

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

J. W. Everitt, 117 Whittier Street, appeared to discuss issues surrounding the litigation regarding the Wild Animal Ordinance. When he filed this matter initially, they were prepared for the District Court. The local clerk took them to the Magistrate Court, at which point the City Attorney cited that he had a conflict of interest and could not represent the City. The City engaged Elam and Burke, Attorneys, to represent the City in this matter. They proposed dismissing the lawsuit. Both his wife and he did not understand the reasoning for this. The Magistrate Judge stated that he had jurisdiction over this matter and it would not be dismissed. The Magistrate Judge passed the complaint over to the District Court with Judge Greg Anderson to hear the case. Since that has happened, the Declaratory Judgment Action has been modified to only include Carol Chaffee as the only plaintiff in the case. Mr. Everitt requested to know from the City Attorney whether the conflict of interest is relieved due to this modification.

The City Attorney stated that this was not necessarily so.

Mr. Everitt expressed his disbelief that the City Attorney would not be able to defend an ordinance that had been drafted by the City Attorney's Office at great expense to the taxpayers. It took 23 drafts. Mr. Everitt wanted to know why the taxpayers are having to pay additional money to another law firm on top of the City Attorney's salary for work that in his opinion the City Attorney should be doing. Mr. Everitt stated that if there was any good reason why the City Attorney had a conflict of interest that he and the citizens of the City would like to know what it is.

The City Attorney stated that he has a conflict of interest and has an ethical duty to keep client confidences just that. He stated that he was officially declaring his intent to not breach that confidence.

Mr. Everitt wanted to now since the City Attorney was only representing the defendant and was not representing the plaintiff in the case where could the conflict of

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interest possibly be. The City Attorney told Mr. Everitt that he would not answer that question.

Councilmember Groberg clarified that there is now a case that has been filed in court and both parties are in litigation with that case pending. He stated that he did not feel that it was appropriate to discuss this at the City Council Meeting.

Mr. Everitt requested to know who was paying Elam and Burke, the City Attorney's firm or the City of Idaho Falls.

The City Attorney stated that it was not appropriate to discuss this matter on the Council floor, particularly when Mr. Everitt was in attendance unrepresented.

Following a brief discussion, Councilmember Hardcastle stated that it was time to end this discussion.

Councilmember Groberg stated that it was appropriate for citizens to ask the question as to where the legal fees are coming from and where they are allocated in the budget. Questions of that nature can be answered. With respect to a specific piece of litigation where it becomes almost impossible to disentangle the conversation that takes place here from what may take place in the court room, it is not appropriate at this time to continue this discussion.

Councilmember Lyon stated after 23 drafts that the City Attorney should know the Ordinance inside and out and yet is not able to defend it. There may be a legitimate conflict of interest. If a person were to read the statements from Carol Chaffee in previous Council Meetings, it is clear who the superior attorney is. It seems to me that Dale simply doesn't want to take on Carol Chaffee.

Councilmember Groberg stated that the City Council should not allow conversations and discussions about specific litigation which would normally be handled in an Executive Session of the City Council only.

Councilmember Hardcastle stated that she agreed. Questions have been answered to the best of the Council's ability.

Councilmember Lyon stated that the question of who is paying Elam and Burke is a legitimate question, and concerns financial accountability to the taxpayer, as to who pays the attorney fees for Elam and Burke, Councilmember Groberg stated that as a general rule, all attorney fees from representing the City of Idaho Falls, are paid by the City of Idaho Falls. In this case, the taxpayers are paying for Elam and Burke in addition to Dale Storer's salary.

Mr. Everitt stated that he was anxious to proceed with the lawsuit as soon as possible. This should go before a Judge as soon as possible before the City incurs larger legal bills. Mr. Everitt expressed concern that he and the rest of the City taxpayers have to pay their legal bills. A Declaratory Judgment, by its nature, is the most civil way to pursue anything. This needs to go before a Judge so that he can make a determination. Mr. Everitt wanted to see the lawsuit move forward rather than be bogged down with deliberate legal delays. This could go on for a long time. The bottom line is that the Ordinance is going to be repealed or it is going to get tossed.

Councilmember Groberg stated that Mr. Everitt is raising issues on the Council floor that are going to be part of this litigation. If cases are in court with attorneys, the City Council can not be second-guessing them and discussing matters outside of that venue. He requested the City Council's support in not having further discussion of a case that is already filed in court with attorneys representing both sides.

Mr. Everitt stated, again, that he wanted to pursue this Declaratory Judgment to move forward quickly without the delays and expenses to the taxpayers.

Councilmember Groberg stated that Mr. Everitt should discuss that with his attorney and have him make that proposal.

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Councilmember Lyon requested to know whether there was anything that could be done to expedite this litigation.

Councilmember Groberg stated that the City Council is not in a position to make any decision.

Mr. Everitt stated that he felt that this lawsuit had gotten unbelievably costly for the citizens. Mr. Everitt stated that he was no longer a party to the lawsuit and that as a taxpayer, he hated to see more money being spent on what he believed was an unpopular ordinance. He reminded the Council that hundreds of people had signed petitions against it. Dozens of people had spoken out against it and not one citizen had spoken in favor of it at any City Council Meeting.

Councilmember Groberg stated, again, that there should be no further discussions on this litigation.

Councilmember Hardcastle stated that she would cut off the discussion at this time.

Mr. Everitt stated that the City of Idaho Falls has a number of Division Directors and employees of the City who are being paid exorbitant amounts of money and they do not live in the City limits. Councilmembers are required to be residents of the City before running for office. He requested the City Council to draft an ordinance to make Division Directors accountable to the people of the City by living in the City limits and living under the same laws, rules, and regulations that City residents have to live by. Mr. Everitt stated that the City is paying a lot of money to Division Directors, for jobs that he considers not necessarily well done. He did not approve of Police officers driving their Police cars home. He did not approve of the salary and benefits received by the Police Chief. Mr. Everitt, again, addressed the salary received by the City Attorney. He felt that it was exorbitant.

Councilmember Hardcastle stated that Mr. Everitt addressed this issue before. His comments are in the record.

Councilmember Groberg stated that the idea of requiring City employees to live in the City limits has been discussed by the City Council from time to time.

Mr. Everitt stated that this requirement should not apply as much to City employees, but the Division Directors should be required to live in the City limits.

Councilmember Lyon requested to know which Council Committee could discuss the issue of Division Directors living in the City limits.

Councilmember Lehto stated that this could be discussed in the Municipal Services Council Committee Meeting.

Mr. Everitt stated that this could go before the people for a vote and could be placed on the ballot in November, 2005 or the City Council could bring this issue forward prior to that time.

Councilmember Lyon stated that Mr. Everitt could attend a Municipal Services Council Committee Meeting to discuss this issue further. Mr. Everitt stated that he would like to have the people who were governing him live in the same City as he does and be subjected to the same rules and regulations, advantages or disadvantages.

The Airport Director submitted the following memo:

City of Idaho Falls
March 8, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: FISCAL YEAR 2005 FEDERAL AVIATION ADMINISTRATION
GRANT AGREEMENT

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Attached for City Council approval is the Fiscal Year 2005 Federal Aviation Administration Grant Agreement for \$3,239,040.00. This grant along with the funds from the Fiscal Year 2004 Grant will be sufficient to accomplish this year's FAA Project in its entirety.

The Airport Division recommends accepting the Grant Agreement and requests the Mayor be authorized to execute the documents.

s/ Mike Humberd

Councilmember Groberg requested to know what the FAA project was for this fiscal year.

Councilmember Lyon stated that he did not know what the project was and requested the Airport Director to come forward to provide that information.

The Airport Director appeared to state that this fiscal year's project was the commercial aviation ramp, which bid was approved by the City Council approximately one month ago.

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the Fiscal Year 2005 Federal Aviation Administration Grant Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
March 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RUN-OFF ELECTIONS – ORDINANCE

Attached for your consideration is the proposed Ordinance providing for run-off elections for mayoral candidates.

s/ S. Craig Lords

Councilmember Lehto stated that the City Council held a Work Session on this matter in November, 2004. At the time, Councilmember Groberg and Councilmember Hally were Chairman and Co-Chairman for the Municipal Services Council Meeting. As

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Councilmember Hally has acted on behalf of the City Council to pursue this, he has requested Councilmember Hally to take the lead on this issue.

Councilmember Hally stated that this Ordinance has been discussed in the community, newspaper, and all media. He stated that it is a good time to test this ordinance in the field with the voters. This Ordinance generally states that in order for a Mayor to be elected to office, he/she must have a majority plus one of the vote.

Brett Manwaring, 2160 Aegean Avenue, appeared to state that he appreciated the City Council for having brought this before the public. In the City, there are only seven elected officials. The remainder of the employees in attendance are appointed by the seven officials who are elected. In the last twenty years, there have been approximately 35 races. If any given race has more than two people running, there have been only 3 races that have had a majority in that election. It seemed to him, that a person elected to office would like to have a majority of the voters in their support. There are other options that would provide for a majority vote. One option would be to state that only two people could run for a particular office. The second option would be to hold a primary election, instead of having one City election. These are really not options. There is only one real option that the City Council is looking at, and that is to approve the Ordinance as written. Mr. Manwaring stated that a run-off election should be held for the Mayor's Office and for City Councilmember Offices. He appreciated the fact that the option for run-off elections for City Councilmembers will be put on the November ballot for a vote. He believed that approximately 75% of the people in the City of Idaho Falls would like to have run-off elections. He requested that if the initiative for run-off elections passed on the November ballot, it should be effective the day of the election. If the people want this option, why would the City Council postpone it for two years. Mr. Manwaring stated that many times before, opponents have discussed the cost of holding a run-off election. He has yet to hear one person discuss the current cost of an election in the City of Idaho Falls. He called the City of Pocatello. They told him that they have used paper ballots for a number of years. They do not go to all of the expense that the City of Idaho Falls goes to. Pocatello has half the number of voting precincts. The City of Idaho Falls has thirty or forty voting precincts that are established with every election. In his research, he has found that some of those precincts had only 100 voters. There are ways that the election costs can be reduced. That is something that the City Council should look at.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS,
IDAHO, PROVIDING FOR RUN-OFF ELECTIONS
BETWEEN CANDIDATES FOR THE OFFICE OF
MAYOR WHENEVER THE LEADING CANDIDATE
RECEIVES LESS THAN A MAJORITY OF THE
VOTES CAST; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING EFFECTIVE DATE.

Councilmember Shurtleff stated that the Ordinance being presented requires a run-off election to be held. It does not stipulate what method needs to be used to conduct the election. If the City Council passes this Ordinance and wants to change the way that elections are conducted, that can be done.

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Councilmember Groberg stated that Mr. Manwaring has brought up some points to save money and simplify the City elections. He commented that there are probably counterpoints to those issues when further investigation is done.

Councilmember Lyon stated that he supports the Ordinance. This is an idea whose time has come. He stated that in his research, he has found that there are approximately 20,000 registered voters in the City of Idaho Falls, with only approximately 7,000 voting in a City election. If less than half of the registered voters vote, if less than half of those, only 30% to 40% of those voting determining who will be elected, that is not a recipe for good government. In the last election there were two congressional districts in L. A. where no one got a majority of the vote. In one of those districts the number two vote-getter only got 23% of the votes in the general election. This candidate came back from 12% of the vote in the general election and won the run-off election. This was a lesson to him that you just never know how the run-off is going to turn out. You just have to get the voice of the people and let them vote.

Councilmember Hardcastle stated that she hopes to get response from the public on this issue. She has mixed emotions about this Ordinance. Most of her concerns are driven by the information that was supplied by the Bonneville County Clerk. There are problems with the way that the State law is set up indicating that a run-off election must be conducted within 30 days. That would eliminate any absentee voting. If a recount was requested, the recount could not happen until after the run-off election.

Councilmember Groberg stated that he wanted to echo Councilmember Hardcastle. He stated that it is good to put this on the table and take public comment. He stated that he was not concerned about Mayoral candidates having to participate in a run-off election, because they have made a commitment for a full-time responsibility, and it is not too much to ask them to run the distance with it. It is important to have the same people who voted in the election be the same as those that participate in the run-off election. Councilmember Groberg expressed his concern about changing the rules by the candidates who have been involved in the elections. Under the resolution, he would like to have confirmation by the public that this is what they want to do.

The foregoing Ordinance was presented by title only. Councilmember Hally moved, and Councilmember Lyon seconded, that the Ordinance be passed on the first reading only, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RUN-OFF ELECTIONS – RESOLUTION

MARCH 10, 2005

Attached for your consideration is the proposed Resolution providing for an initiative election with respect to run-off elections for the offices of City Councilmembers.

s/ S. Craig Lords

RESOLUTION

**Providing for an Initiative Pertaining to Run-Off Elections
for City Council Seats.**

WHEREAS, pursuant to the provisions of Idaho Code § 50-707B, the holding of run-off elections may be provided for by ordinance with respect to candidates seeking election for the office of city councilmember;

WHEREAS, pursuant to the provisions of Idaho Code § 50-707, elections for the office of Idaho Falls city councilmember are conducted with respect to each council seat;

WHEREAS, pursuant to the provisions of § 1-12-7, City Code of Idaho Falls, Idaho, the City Council may submit to the popular vote at any regular or special election any initiative, the subject of which is allowed by law;

WHEREAS, the City Council desires to determine the will of the people with respect to run-off elections for candidates seeking the office of city councilmember;

NOW, THEREFORE, be it resolved as follows:

1. **Run-Off Election for City Council Seats.** That the following initiative measure be submitted to the vote of the electorate at the November, 2005 General Election, in the manner provided by state law and as provided by the provisions of Chapter 12, Title 1, City Code, to wit:

SHALL THE FOLLOWING MEASURE BE ADOPTED
AS SECTION 1-6-15 OF THE IDAHO FALLS CITY
CODE?

1-6-15: RUN-OFF ELECTIONS CITY COUNCIL
SEATS:

A majority of the votes cast for the office of city councilmember shall be required for election of any candidate to that office. In the event no candidate in any City Council seat race, receives a majority of the votes cast at any general election, a run-off election shall be held between the two (2) candidates receiving the highest number of votes cast. In the event of a tie between the candidates receiving the second and third highest number of votes cast, selection of the candidate to oppose the

MARCH 10, 2005

candidate receiving the highest number of votes, shall be decided by the toss of a coin. Such run-off election shall be conducted in the same manner as for a general election and within thirty (30) days of the general election, and shall not be subject to the limitations set forth in Idaho Code § 34-106 and 50-429. The first notice of election shall be published by the City Clerk in the official newspaper not less than twenty (20) days next preceding any run-off election, and the designation of polling places shall be made by the City Clerk prior to such publication. The results of such run-off election shall be subject to any change in outcome as a result of a recount of the ballots pursuant to Idaho Code § 50-471. If, as a result of such recount, a candidate receives a majority of the votes cast and such recount becomes final at least forty-eight (48) hours prior to the commencement of such run-off election, the run-off election may be cancelled by order of the City Council.

_____ YES

_____ NO

2. **Conduct of Election.** Such initiative election shall be conducted on November 8, 2005, in conjunction with the general election on such date. The conduct of such election and the publication of election notices with respect to such initiative measure shall be conducted in the manner provided by state law and by the provisions of Chapter 12, Title 1, Idaho Falls City Code.

DATED this _____ day of March, 2005.

Linda M. Milam
MAYOR

ATTEST:

Rosemarie Anderson
CITY CLERK

(SEAL)

Councilmember Hally explained that this Resolution would provide for an initiative election with respect to Run-Off Elections for the Offices of City Councilmembers. He explained that he would like to have a binding advisory vote that would not impact the

MARCH 10, 2005

current election. If the people chose to have run-off elections for City Councilmembers, it would require a majority of votes.

J. W. Everitt, 117 Whittier Street, appeared to state that City Councilmembers should be addressed in the same manner as the Mayoral candidates. That last thing that is needed is having someone placed in office that does not have a majority vote.

Councilmember Hally explained that should the Resolution pass, the initiative will be placed on the November ballot to determine what the public wants to do.

Mr. Everitt questioned whether this could be made into an Ordinance, rather than a Resolution regarding run-off elections for City Councilmembers.

Councilmember Hally stated that is not what he is proposing.

Mr. Everitt requested to know whether there was another Councilmember that would like to make a proposal.

Councilmember Hally explained that Work Sessions have been conducted on this issue, and it was determined that this would be the procedure that the City Council would take.

Councilmember Lyon stated that he has voiced his opinion to the rest of the City Council that he would like to see Ordinances for the Mayoral candidates and for the City Councilmembers regarding run-off elections. The principle of majority rule is fundamental to our system. That principle should apply to both the Mayor and City Councilmembers. Councilmember Lyon stated that he was confident that the initiative for run-off elections for City Councilmembers will pass at the election in November. He questioned whether this initiative, should it pass, would apply to the current election.

Councilmember Shurtleff stated that in his opinion, he did not see how the City would write the resolution to the point where it would automatically become an ordinance on that specific date.

Councilmember Groberg stated that the City Attorney could be approached for his opinion, but it was not necessary to do that at this time.

Councilmember Shurtleff stated that if this is in resolution form and someone runs for a Council Seat, that person would not know what his procedure is. That is not fair. Councilmember Shurtleff stated that at the time run-off elections were discussed for City Councilmembers, he was not certain that there was a majority of the Council that would pass the ordinance. This was a good compromise, as the City Council will hear from the public as to whether they want this.

Mr. Everitt explained that from a citizen's concern, he did not want to see a fractured ballot, where a person with a very small majority ended up in a position of power that did not represent the majority of the people. The individual is supposed to represent the majority of the people because they were elected for that. He requested the City Council to figure out a way that run-off elections could be held for City Councilmembers by the end of the year.

Councilmember Shurtleff stated that he appreciated what Mr. Everitt has said. The City of Idaho Falls has used the other process for a number of years. It will be addressed in the same way for one more year and let the people tell the City Council what they want the City to do.

Councilmember Groberg stated that almost everyone who runs in an election in the United States, runs with a single election. Run-off elections are an exception to the rule. Almost all Presidents of the United States recently elected have been elected with less than a majority vote. This has been a democratic system for everyone. He stated that when he first ran for City Council, he ran with others on the same ticket. The top three vote-getters were the ones that served on the City Council. Councilmember Groberg stated that the argument that the City is denying the democracy and majority rule is not true. The rule in the United States is to hold an election. It may be a plurality and not a majority.

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Councilmember Shurtleff requested to know how the process of electing City Councilmembers changed.

Councilmember Groberg stated that the newspaper addressed the City Council and made an issue. He did not ever hear from the citizens of Idaho Falls to make such a change. He stated, further, that this resolution will be presented at the next City Council Meeting for public input. If the Resolution is passed by the City Council and an initiative is put before the public for their vote, Councilmember Groberg recommended that a confirming vote be placed before the public regarding run-off elections for the Mayor.

Councilmember Hally concurred with Councilmember Groberg.

Councilmember Groberg stated that he does not normally favor giving referendum votes to the public. The public elected the Mayor and City Council and they should in turn make the decisions. When election rules are changed, for those in office who may seek election, it is much better to have the public speak.

Mr. Everitt restated what Councilmember Groberg said regarding making decisions. Unfortunately, the City Council may have been elected by less than a majority of the public and he did not believe that decisions should be made by officials who were not elected by the majority of the public.

Councilmember Lyon stated that he did research on other states where municipalities have run-off elections. He found that California and Texas has run-off elections for municipalities. Louisiana has run-off elections for their Congressional Representatives, both House and Senate.

Councilmember Groberg stated that unless he heard something different in the rest of the public discussion, he intended to support the Mayoral run-off election ordinance.

Mr. Everitt stated that the City does not need to have anyone in charge that does not have the support of the majority of the people.

Councilmember Hally stated that he was tabling this resolution for consideration at the next Regular Council Meeting of March 24, 2005.

City of Idaho Falls

March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-09, WATER LINE MATERIALS

Attached for your consideration is the tabulation for Bid IF-05-09, Water Line Materials.

It is the recommendation of Municipal Services to accept the low evaluated proposal meeting specifications as per Attachment "A". As per the bid specifications, the bids were evaluated according to the lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low evaluated bid meeting specifications per Attachment "A" for Water Line Materials. Roll call as follows:

Aye: Councilmember Hally

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Councilmember Hardcastle
Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: REQUEST TO PURCHASE ONE (1) NEW CATERPILLAR WHEEL
LOADER

It is the recommendation of Municipal Services to purchase a new wheel loader from Western States Equipment per GSA Contract No. GS-30F-1025D. They would furnish One (1) New Caterpillar Series II for an amount of \$139,175.00.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the purchase of One (1) New Caterpillar Series II Wheel Loader in the amount of \$139,175.00 per the GSA Contract No. GS-30F-1025D as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PURCHASE OF ASPHALT MIX

MARCH 10, 2005

The State of Idaho contract for Bituminous (Hot Asphalt) Plant Mix to H-K Contractors, Inc. extends through May, 2006. Municipal Services respectfully requests authorization to purchase the City's requirements for ¾", ½", and 3/8" Hot Mix per said contract.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the purchase of the City's requirements for ¾", ½" and 3/8" Bituminous (Hot Asphalt) Plant Mix from H-K Contractors, Inc. per the State of Idaho Contract. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: REQUEST TO PURCHASE ELECTRICAL CONDUCTOR

Municipal Services respectfully requests authorization to purchase additional electrical conductor from City of Idaho Falls Bid IF-05-05. This bid item was awarded on January 13, 2005 to Codale Electric. At this time, we would like to purchase 50,000 feet at the bid price of \$54,400.00. The vendor has agreed to extend the price for this purchase.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to give authorization to purchase additional electrical conductor from the City of Idaho Falls Bid IF-05-05 from Codale Electric. Roll call as follows:

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

Nay: None

Motion Carried.

MARCH 10, 2005

The Planning and Building Director submitted the following memo:

City of Idaho Falls
March 6, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT AND FINAL PLAT – COMMUNITY CARE PLAZA, DIVISION NO. 1

Attached is the Development Agreement and Final Plat for Community Care Plaza, Division No. 1. This one-lot plat is located on the northeast corner of Milligan Road and Utah Avenue. The Planning Commission considered this Final Plat at its February 1, 2005 Meeting and recommended approval. Staff found this Final Plat complies with the City's Subdivision Ordinance and access has been addressed in the Development Agreement. The Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director submitted the following exhibits for this Development Agreement and Final Plat request:

Exhibit 1 Planning Commission Minutes dated February 1, 2005
Exhibit 2 Staff Report dated February 1, 2005

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Development Agreement for Community Care Plaza, Division No. 1 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 Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

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

Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Hardcastle

MARCH 10, 2005

Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PRESTO LIFT STATION UPGRADE

On February 23, 2005, bids were received and opened for the Presto Lift Station Upgrade. A tabulation of the bid results is attached.

Public Works recommends bid ward to the low bidder, HK Contractors, Inc., in the amount of \$70,285.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to accept the low bid from HK Contractors, Inc. in the amount of \$70,285.00 to complete the Presto Lift Station Upgrade as presented and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: WATER RATE ORDINANCE

MARCH 10, 2005

On February 10, 2005, at the Regular City Council Meeting, the City Council considered and adopted an ordinance which established water rates for City of Idaho Falls water customers. This ordinance provided for an increase in non-metered water rates, but because of an editing error, the metered water rates were not adjusted accordingly.

Attached is an ordinance which adjusts the metered water rates to the amount intended and thought to be submitted with the previous ordinance.

Public Works recommends this ordinance be adopted, adjusting the metered water rates in accordance with the adjustment to non-metered water rates; and, authorize 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. 2590

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-4-36 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE OF ORDINANCE.

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 Hally
Councilmember Hardcastle
Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: IONA-BONNEVILLE SEWER DISTRICT SERVICE AREA – THREE TOWER ESTATES

MARCH 10, 2005

Iona-Bonneville Sewer District has requested approval of an expansion to their service area to the area north of Tower Road and east of 55th East, referenced as Three Tower Estates, a subdivision containing approximately 28 acres and platted into 10 lots.

Public Works submits this matter to the City Council for consideration.

s/ Chad Stanger

Councilmember Shurtleff explained that approval by the City Council of the Iona-Bonneville Sewer District does not guarantee that everyone in the service area can be connected to the sewer system. Each individual would have to approach the City Council to be allowed to connect to sewer services. That fact will be reiterated to the Iona-Bonneville Sewer District. Councilmember Shurtleff explained, further, that if more service area is added to the Iona-Bonneville Sewer District, the understanding of the people living in this area will be that if they are inside the service area, they can be hooked to sewer services. If there becomes a capacity problem for the City of Idaho Falls, the City may not be able to handle the additional waste.

The City Attorney explained that this comes about because there is a provision in the Agreement with Iona-Bonneville Sewer District that requires Idaho Falls to consent to expansions of the service area. This gives the City control over the area that we serve. The City preserves the capacity of the sewage treatment plant.

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to approve the expansion of the service area of Iona-Bonneville Sewer District to include Three Tower Estates. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CHANGE ORDER NOS. 13 AND 16 - SUNNYSIDE
 INTERCHANGE AT I-15

Attached are proposed Change Order Nos. 13 and 16 to the State of Idaho Transportation Department Project - Sunnyside Interchange at I-15. Portions of the State's project, as they relate to these change orders, involve the City of Idaho Falls.

MARCH 10, 2005

Change Order No. 13 reflects changes to the contract with respect to installation of sanitary sewer line casings beneath I-15, and reduces the contract by \$40,108.80.

Change Order No. 16 increases the contract amount by \$2,715.14, and represents administrative expenses the State failed to include in a previously approved change order for additional rock excavation.

Public Works recommends approval of these change orders; 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 Change Order No. 13 and Change Order No. 16 with the State of Idaho for the Sunnyside Interchange at I-15 and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY APPRAISAL CONTRACT, SUNNYSIDE ROAD - THOMPSON AND ASSOCIATES

Attached is a proposal from Thompson and Associates to perform appraisals of market values for needed right-of-way along the Sunnyside Road Project from Yellowstone to Holmes. The total fee to be charged is \$18,000.00, with additional hourly rates charged for any required court appearances and related work.

Public Works recommends acceptance of this proposal; 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 proposal from Thompson and Associates to perform appraisals of market values for

MARCH 10, 2005

needed right-of-way along the Sunnyside Road Project from Yellowstone Avenue to Holmes Avenue and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CONTRACT OF SALE – STORM WATER RETENTION FACILITY -
MILES WILLARD TECHNOLOGIES

Attached is a Contract of Sale between the City and Miles Willard Technologies, providing for City purchase of real property from Miles Willard Technologies needed to construct storm water retention facilities associated with the Sunnyside Road improvements. The property consists of 1.25 acres and a storm line easement. Appraised value is noted at \$61,215.00, the amount of the contract.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to approve the Contract of Sale between the City of Idaho Falls and Miles Willard Technologies providing for City purchase of real property from Miles Willard Technologies needed to construct storm water retention facilities associated with the Sunnyside Road improvements 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 Hally
Councilmember Lyon
Councilmember Groberg

MARCH 10, 2005

Nay: None

Motion Carried.

City of Idaho Falls
March 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 6, BLOCK 3, GEORGE WASHINGTON ESTATES, DIVISION NO. 2

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate and relocate certain easements located in Lot 6, Block 3, George Washington Estates, Division No. 2.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the documents needed to vacate and relocate certain easements located in Lot 6, Block 3, George Washington Estates Addition, Division No. 2. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOTS 22 AND 23, BLOCK 5, FIRST AMENDED PLAT, ST. CLAIR ESTATES, DIVISION NO. 3

Public Works requests authorization for the City Attorney to prepare documents needed to vacate certain utility easements located in Lots 22 and 23, Block 5, First Amended Plat, St. Clair Estates, Division No. 3.

These easements were provided with the original plat, but have been replaced by new easements and are no longer needed.

s/ Chad Stanger

MARCH 10, 2005

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the documents needed to vacate certain utility easements located in Lots 22 and 23, Block 5, First Amended Plat, St. Clair Estates, Division No. 3. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION/RELOCATION – SAM’S CLUB

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate and relocate certain easements with respect to the Sam’s Club Fueling Station and remodel.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the documents needed to vacate and relocate certain easements with respect to the Sam’s Club Fueling Station and remodel. Roll call as follows:

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

Nay: None

Motion Carried.

MARCH 10, 2005

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, that the meeting adjourn at 9:00 p.m.

CITY CLERK

MAYOR
