

FEBRUARY 24, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 24, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Bill Shurtleff

Also present:

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

Mayor Milam requested Boy Scout Jake Ogden to come forward and lead those present in the Pledge of Allegiance.

Mayor Milam and City Councilmembers honored Reginald Fuller, Building Official, for having received the "Building Code Official of the Year – 2004" for his significant contribution to the building profession from the Idaho Association of Building Officials.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the January 27, 2005 Regular Council Meeting and the February 10, 2005 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER NOT TO BE CONSUMED ON THE PREMISES LICENSE (Transfer Only) to Quick Stop, 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 February 24, 2005.

Councilmember Lyon commented that J. W. Everitt would speak to corrections to the January 27, 2005 Regular Council Meeting under "Recognition of Citizens from the Floor".

Mayor Milam stated that the minutes are the minutes of the Council and any corrections should be proposed by the City Council.

Councilmember Groberg stated that Councilmember Lyon would be in a position to propose any changes to the City Council Minutes, but no one from the audience would be in that position.

Councilmember Lyon stated that he understood what the Mayor and Council were saying from an administrative point of view, but he stated that he believed that anyone that speaks before the City Council has the same right as the City Council, to have their words accurately reflected in the minutes.

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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 Hardcastle
Councilmember Lehto
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hardcastle to conduct a public hearing for consideration of a proposed fee increase for Overtime Parking and Parking Without a Permit in a Designated Handicapped Parking Space (Passed on the First Reading Only at the February 10, 2005 Regular Council Meeting). At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Police Chief:

City of Idaho Falls
February 4, 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 9-4-25 of the City Code of Idaho Falls, Idaho, providing for changes to the notice and penalties of parking violations; providing for severability; preserving prior ordinance; and establishing effective date, be heard at the City Council Meeting of Thursday, February 10, 2005.

Thank you for your consideration.

s/ J. K. Livsey

Richard Napier, 243 Alturas, appeared to state that he is a downtown businessman, and has been in business for 28 years in the downtown area. During that period of time, he felt that the downtown area had a perceived parking problem. It has just been during the last few years that he has felt that there was a real parking problem. Mr. Napier stated that he has been a member of the Board for the Idaho Falls Downtown Development Corporation for approximately 8 years and has been Chairman of the Parking Committee. In June, 2002, a letter was sent out to all of the downtown business owners and building owners asking them to police their people to keep them off of the downtown streets. In September, 2003, another letter was sent to all of the downtown business owners and building owners as there was no relief seen from the previous letter. In November, 2003, due to the fact that nothing had changed, a letter was sent to Mayor Milam requesting an increase in parking ticket fees. In May, 2004, another letter was sent

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to Mayor Milam requesting the same thing as earlier presented. At the same time, in order to throw more weight behind his request, he petitioned his peers in the downtown area. He collected 29 signatures from local business in the downtown area addressing the parking problem in the downtown area. He estimated that there are approximately 150 to 250 employees that park on the streets in the downtown area. If a parking space is used by a customer, the turn-over time is approximately 30 minutes to 45 minutes. If that space turns every 30 to 45 minutes, there would be approximately 8 to 12 turns per day. If it is a downtown employee using that space, that is approximately 1 turn per day. Construction of a parking garage was discussed, but if 300 spaces could be used in the downtown area multiplied by 10 turns per day, that would result in 3000 spaces for use by customers. That would be more spaces than a parking structure would provide. Mr. Napier stated that the downtown employees need to be moved off of the downtown streets and into the areas that are provided for them. He requested that more strength be put into the law as there are approximately \$44,000.00 in past due parking tickets. The new ordinance does not change the fee structure much. \$5.00 for the first ticket, \$15.00 for the second ticket and \$30.00 for the third ticket. In the 28 years that he has been in the downtown area, he has never had a customer tell him that he has received a parking ticket. There is plenty of parking for employees along Memorial Drive and the Yellowstone Avenue parking lots.

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

Councilmember Hardcastle requested Mayor Milam to provide information on the Handicapped Parking issue that was brought up at the last City Council Meeting.

Mayor Milam stated that in a 13-month period of time, there were 170 tickets issued to those in violation of the handicapped parking ordinance.

Councilmember Hally gave examples of the types of people who require use of handicapped parking spaces. All across the country, this has been recognized as an issue. It behooves the City to make a statement that close parking be preserved for persons with significant limitations. If others without limitations use the spaces, the City should prosecute them accordingly.

Councilmember Lyon requested further information on the handicapped parking ticket violations. He requested to know how the number that the Mayor identified compared with previous years violations. He wondered whether there was a trend of increasing violations. He questioned how many handicapped parking spaces were available in the City of Idaho Falls and what percentage does that represent. As he traveled around the City doing business, there are usually 4 to 6 handicapped parking spaces are usually provided, and 2 to 3 of them are usually vacant. There appears to be an attitude in government that anything that can be done to separate people from the money they have earned, is a good idea. The very old and the very young are two special interest groups that are commonly pandered to, to make that happen. Councilmember Lyon stated that he was not going to support arbitrarily raising the fines for violations of handicapped parking as a way to pander to handicapped people as a special interest group. If there is a problem and the rates need to be raised, then he would support them. He does not support raising the rates just because some other City is raising the rates. Councilmember Lyon stated that he empathized with the downtown merchants. Some of the merchants favor the ordinance and some do not. When the Council supported the budgeting of the parking computer, it was not a unanimous decision. City government has not been the neighbor to Historic Downtown that it should be. Raising the parking rates is not an effective long-term solution to the parking problems in the downtown area. The long-term solution is for the City, County, and major stockholders in the private sector in the downtown area to collaborate to provide enough physical parking space for the commercial space in the downtown area. When a new business comes to Idaho Falls, it is mandated that they provide enough

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parking area. Historic Downtown predates those requirements. Councilmember Lyon stated that he wanted to see all stakeholders move forward toward a long-term permanent solution. If there is a new influx of business in the Historic Downtown area, the parking situation will become more cramped. It is more important than ever, especially with the Urban Renewal District, to pay special attention to the downtown area so that it does not fall behind. Councilmember Lyon stated that he planned to vote against this ordinance.

Councilmember Groberg stated that he planned to vote for the ordinance. The fact that there have been 170 tickets issued for violations of the handicapped parking ordinance, which averages out to one every other day, is sufficient information for him. He did not want to simply increase the cost of a parking violation for no reason. Councilmember Groberg stated that the downtown merchants have worked for some time on developing a fair plan for issuing parking tickets.

Councilmember Hardcastle stated that the City Council met with the downtown merchants in a Work Session. The downtown merchants asked the City Council to support them, not necessarily monetarily, but in any way that the City Council could support them. Each Councilmember pledged that they would support the downtown merchants. This ordinance shows that support.

J. W. Everitt, 117 Whittier Street, appeared to question how many of the handicapped parking violations were in the downtown area.

Mayor Milam explained that the handicapped parking spaces are found all over the City of Idaho Falls, not just in the downtown area. It would apply to the whole City.

Councilmember Lyon requested that the ordinance be passed on the second reading only, so that his questions could be addressed. He expected more complete information addressing the questions from the last Council Meeting. Councilmember Lyon stated that he talked with some people in the downtown area that expressed opposition to this ordinance. It would be reasonable to give these people the opportunity to speak to the City Council regarding their concerns. It would be good government to allow one more City Council Meeting for input from the public.

Councilmember Groberg stated that he was satisfied that the City Council could go ahead with this ordinance. There have been two opportunities for people to speak to the City Council. Councilmember Groberg stated that he understood that Councilmember Lyon encouraged the people in opposition to come to the City Council Meeting to voice their concerns. Councilmember Groberg stated that he has not heard from anyone in the downtown area questioning this ordinance. The City Council should pass this ordinance.

Councilmember Hardcastle stated that she was satisfied that the City Council should go ahead with this ordinance.

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

ORDINANCE NO. 2587

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 9-4-25, OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR CHANGES TO THE NOTICE AND PENALTIES OF PARKING VIOLATIONS; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

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The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all second and third readings, 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 Hally

Nay: Councilmember Lyon

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle to recess Annexation Proceedings Prior to Platting for Ball Ventures – Eagle Ridge, Metes and Bounds Legal Description in the South Quarter Corner of Section 26, Township 2 North, Range 38 East of the Boise Meridian to the March 10, 2005 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

The public hearing regarding the design of the Hatch Substation, located generally south of Garfield Avenue and west of Easy Street in Section 17, Township 2 North, Range 38 East of the Boise Meridian was withdrawn by the Planning and Building Director.

Mayor Milam 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 state that he did not really have a problem with the way that the minutes are summarized. He wanted the characterizations that are used to describe things to be uniform across the board. He stated that he was characterized as making a “threat” to the City Council. Mr. Ted Milton, who said exactly the same thing, was not characterized the same way. Mr. Everitt stated that he has received some correspondence from Elam and Burke, representing the City of Idaho Falls, regarding the Declaratory Judgment Action with reference to the Animal Ordinance. He questioned why the City Attorney, Dale Storer was not representing the City of Idaho Falls in this action.

Mayor Milam requested to know whether the City Attorney would like to answer Mr. Everitt’s question.

City Attorney Dale Storer stated that the reason that his firm did not represent the City of Idaho Falls was due to a conflict of interest. It would have been unethical for his law firm to represent the City with that conflict.

Mr. Everitt questioned the City Attorney as to what the conflict of interest was.

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The City Attorney stated that he would not divulge that conflict.

Mr. Everitt questioned the Mayor and City Council as to how the City of Idaho Falls could offer a zero-deductible benefit package to the part-time City Councilmembers, as well as why the City employees have a zero-deductible benefit package, when state and federal employees don't get anything close to that. This is overburdening the taxpayers of this City. Mr. Everitt stated that his property taxes are outrageous compared to other cities across Idaho. The taxpayers are paying for something that is out of sync with the rest of the country and the rest of the governmental agencies that are providing benefits.

Mayor Milam stated that no Councilmember is required to take the benefit package if they do not wish to. The benefit package for this City has been in place for many years. The City Council has looked very carefully at this package. It's only in the last three or four years, that the City of Idaho Falls has received increases in premiums while others received significantly higher increases. The Mayor and City Council has worked with the employee groups and insurance committee so that any increase in insurance premiums would be reflected as part of a package. If there is a significant increase in benefit costs, then any wage increase would be made smaller to reflect that. That is a decision for the City Council every year at budget time. The City Council could make a change if desired.

Mr. Everitt stated that he had done some research of other businesses that provided benefits for part-time employees, and was unable to find any. He requested to know whether the City Attorney benefited from the same benefit package as other City employees. Mayor Milam stated that the City Attorney benefits from this package.

Mr. Everitt questioned whether all Councilmembers benefit from this package. Mayor Milam stated that the Council could answer for themselves.

Councilmember Lyon stated that he does not take advantage of the City's benefit package. In the private sector, a part-time employee does not get a full-time benefit package. When he found out that the part-time City Councilmembers were receiving full-time benefit packages, he thought that this was one more example of government writing one set of rules for itself and another set of rules for everyone else. On that principle, he declined to participate in the City's benefit package. Councilmember Lyon stated that he would be making this an issue at the budget hearings for this coming year. He stated that he could remove \$30,000.00 to \$50,000.00 from the City Council budget by taking the insurance benefits away from the City Councilmembers. During the budget hearings last year, the City Council decided that the amount paid for City employees insurance package was basically frozen, with the employees groups determining how any increases should be paid.

Mr. Everitt stated that he wanted the City Council to rein in the benefits package and bring it back to parity with other agencies around the State and around the Nation to where people are paying their fair share for benefits. He stated that it sickens him that 38% of the citizens in this state have no insurance while City of Idaho Falls employees have a zero-deductible benefit package. This is not fair. Mr. Everitt stated that he would, in the coming weeks, address other City employee wages, benefits, packages and perks. He gave the example that streets cannot be fixed, but some employees are paid exorbitant amounts of money. Mr. Everitt stated that the Idaho Falls Power Director receives more than \$90,000.00, plus a benefits package and perks, while a mobile substation is housed in a warehouse and is unusable. He expressed his appreciation for Ted Milton bringing this mistake out in the open.

Mayor Milam stated that it was a Council decision to purchase the mobile substation, and it is usable.

Councilmember Hardcastle stated that Mr. Milton attended the Electric Council Committee Meeting and at that time said that he was satisfied with the response concerning this mobile substation.

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Mr. Everitt stated that he talked with Mr. Milton earlier in the day and Mr. Milton told him that the City still does not have the correct cables to make the mobile substation work.

Councilmember Lehto invited J. W. Everitt to attend the Electric Council Committee Meeting and to the Municipal Services Council Committee Meeting so that he can have his concerns addressed.

Mr. Everitt requested to know whether the mobile substation was usable at this time. Councilmember Lehto stated that the mobile substation is usable.

Mr. Everitt corrected Councilmember Hally on his use of words at the last City Council Meeting.

Ted Milton, 635 Troy Avenue, appeared to state that he attended the Electric Council Committee Meeting. He stated that the mobile substation is currently usable at one location with not much difficulty. At all other locations, it would take an effort to make it usable. Cabling was an issue for a long time. The Electric Division would have to make cables for some of the locations. The mobile substation is not readily usable yet. Mr. Milton requested to know when the Hatch Substation would be completed.

Mayor Milam stated that the item on the Council Agenda regarding the Hatch Substation did not require a public hearing, but required a public meeting. The public meeting is for a noise control issue in the area that the Hatch Substation would be built. A public meeting will be conducted at either Clair E. Gale Junior High School or Dora Erickson Elementary School for those people living in the area to make comments.

Councilmember Lehto clarified that approximately three years ago, considerable public input was taken. The City Council made a commitment to the residents in the area to hold a public meeting on the final design of the Hatch Substation.

Councilmember Groberg wanted to emphasize what Mayor Milam had already explained. He stated that the City Council looks at the total cost of a wage and benefit package for City employees. If that cost, because of the employees' preference is weighted more on the side of benefits than wages, the total cost is looked at. The City Council has made some breakthroughs in the past couple of years in controlling the wage and benefits packages and still achieving what is in the best interests and desires of City employees. There will be on-going debate and discussion on this, although there have been some thresholds crossed already.

The Airport Director submitted the following memo:

City of Idaho Falls
February 18, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: AIRPORT CONCESSION LEASE WITH KATHRYN ANDERSON

Attached for City Council approval is a renewal lease with Kathryn Anderson to operate the Airport restaurant, lounge and gift shop. This agreement is for five years with one five-year extension.

The Airport Division recommends approval and requests the Mayor be authorized to execute the document.

s/ Mike Humberd

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It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the renewal of the Lease and Concession Agreement with Kathryn Anderson for the Airport restaurant, lounge, and gift shop and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
February 22, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: POWER PLANT PROTECTIVE RELAY INSPECTION, TESTING,
CALIBRATION, AND TRAINING - TECHNICAL SERVICES
AGREEMENT

Attached for your consideration is a Technical Services Agreement Exhibit with Idaho Power Solutions for relay testing and training. Idaho Falls Power respectfully requests approval of this agreement and authorization for the Mayor to execute the document.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve the Technical Services Agreement with Idaho Power Solutions for the Power Plant Protective Relay Inspection, Testing, Calibration, and Training and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
February 22, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: BULB TURBINE PROJECT – EAP STUDY

Attached for your consideration is an agreement with CH2M Hill to perform the Bulb Turbine Project No. 2842 – Emergency Action Plan Study. Idaho Falls Power respectfully requests approval of this agreement and authorization for the Mayor to execute the document. The agreement has been reviewed by the City Attorney.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve the Agreement with CH2M Hill to perform the Bulb Turbine Project No. 2842 – Emergency Action Plan Study and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
February 10, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: STANDBY POWER SYSTEM – CITY HALL ANNEX, CHANGE ORDER NO. 1

Attached for your consideration is the Change Order for the City Hall Annex in the amount of \$726.00.

It is respectfully requested that the City Council approve and authorize the Mayor to execute the documents.

s/ S. Craig Lords

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It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve Change Order No. 1 to Wheeler Electric for the City of Idaho Falls City Building Complex Standby Power System and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
February 18, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-8, ONE (1) NEW 2005 ROTARY MOWER 72-INCH CUT WITH CAB AND SNOW BLOWER

Attached for your consideration is the tabulation for Bid IF-05-8, One (1) New 2005 Rotary Mower 72-Inch Cut with Cab and Snow Blower for use at Sage Lakes Golf Course.

The apparent low bid of Turf Equipment did not meet the required specifications (reference Attachment "A"). Therefore, it is the recommendation of Municipal Services to accept the low bid meeting specifications of Rocky Mountain Turf to furnish one (1) new Jacobsen Turfcut for an amount of \$27,984.00.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bid meeting specifications of Rocky Mountain Turf to furnish One (1) New Jacobsen Turfcut as presented and, further, to reject the apparent low bid from Turf Equipment as it did not meet specifications. Roll call as follows:

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

Nay: None

Motion Carried.

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The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
February 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: COMMERCIAL WATERCRAFT CONCESSION AGREEMENT

Attached for your consideration is an agreement between the City of Idaho Falls and Mr. Mike Melville for the purpose of operating a non-exclusive commercial watercraft concession. Mr. Melville's certificate of insurance and State of Idaho Outfitters and Guide License is also attached. This agreement has been reviewed and approved by the City Attorney as well as the Bonneville County Sheriff. The term of the agreement is for one year terminating December 31, 2005. It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Commercial Watercraft Concession Agreement with Michael W. Melville and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
February 10, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: LEASE AND CONCESSION AGREEMENT – 19TH HOLE CAFÉ

Attached for your consideration is a Lease and Concession Agreement between the City of Idaho Falls and Renee Walsh. This lease will provide for the concession operation at Pinecrest Golf Course. The term of the lease is for two years terminating December 31, 2006. The City Attorney has drafted and reviewed the lease agreement.

FEBRUARY 24, 2005

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

s/ David J. Christiansen

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Lease and Concession Agreement with Renee Walsh for the 19th Hole Café at Pinecrest Golf Course and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
February 18, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – SHADY GROVE ADDITION, DIVISION NO. 1

Attached is the Final Plat entitled Shady Grove Addition, Division No. 1. This parcel was annexed and zoned as Lot 7, Block 3, Ivans Acres, Division No. 2. It is located east of Hitt Road and north of First Street. The Planning Commission considered this Final Plat at its February 1, 2005 Meeting and recommended approval with conditions which have been addressed. The Department recommends approval. 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 Final Plat approval request:

Exhibit 1 Planning Commission Minutes dated February 1, 2005
Exhibit 2 Staff Report dated February 1, 2005
Exhibit 3 Copy of Final Plat

The Planning and Building Director stated that this is a 4-lot Final Plat, with a 20-foot access easement being provided to the storm water retention pond. The Final Plat is in accordance with the Subdivision Ordinance.

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Final Plat for Shady Grove Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Hally, that the meeting adjourn at 8:20 p.m.

CITY CLERK

MAYOR PROTEM
