

DECEMBER 16, 2004

The City Council of the City of Idaho Falls met in Special Council Meeting, Thursday, December 16, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

Shan Perry, Assistant City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Milam and Councilmembers honored Roger Ralphs for having retired from the Civic Auditorium by presenting him with a Gift Certificate. Mr. Ralphs shared with the Mayor and Council some of the many experiences he has had during his years at the Civic Auditorium.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the December 9, 2004 Special Council Meeting and the December 9, 2004 Regular Council Meeting.

The City Clerk presented several license applications, including BEER LICENSES to ABC Food Service – Bistro Off Broadway, Barbecue Pit, Blue Bell Gas, Blue Wave, Brownstone Companies, Inc., Chili's Grill and Bar – Brinker Restaurant, Diamond Concessions, Elk's Lodge, Fanatics Sports Grill, Ford's Bar/JKP, Inc., Frank's Place, Great Wall Restaurant, Happy's Chinese Restaurant, Hattricks, Jiffy Mart (Elm Street), Karen's Park Avenue Club, La Ramada, La Union Market, Lucky's Place, Marcellar's Vintage Wines and Brews, Maverik Country Store (Woodruff Avenue), Midget Market, J. R.'s Lounge, Outlaw, Papa Tom's Pizza (Woodruff Avenue), Pinecrest Fish and Steak House, Inc., Puerto Vallarta Restaurant, Puerto Vallarta Restaurant No. 2, R & R Bar, Remos of Idaho Falls, Inc., Rite Quick Stop No. 1, S & K Konvenience – Chevron 1 Stop, Sage Lakes Café, Samoa Club, Sand Bar, Sand Creek Café, Sato's Oriental Market, LLC, Skipper's Fish and Chips (Seventeenth Street), Snake Bite, Speedi Corp., Inc. – Speedi Mart, Sports Page, Tom's Gyro and Burgers, West Coast Hospitality – Red Lion, and 19th Hole Cafe, 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 December 16, 2004.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, that the Consent Agenda be approved in accordance with the recommendations presented. 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.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hally to conduct a public hearing for consideration of an appeal from the decision of the Board of Adjustment for a variance to reduce the lot width from 60' to 56'; reduce the rear yard from 25' to 11'; and reduce the side yard from 5' to 4' for one additional dwelling unit on property located generally at 367 West 19th Street, legally described as Lots 15-21, Block 26, South Park Addition, and is located in the R-2 (Multi-family up to 4-plex) Zone. At the request of Councilmember Hally, the City Clerk read the following memo from the Assistant Planning and Building Director:

City of Idaho Falls
December 13, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Todd Meyers, Assistant Planning and Building Director
SUBJECT: APPEAL OF VARIANCE DENIAL – BOARD OF ADJUSTMENT

Attached is the appeal from Fred Nelson, 367 West 19th Street. On November 9, 2004, the Board of Adjustment denied the variance request for the following: reduce the required lot width from 60 feet to 56 feet; reduce the required side yard from 5 feet to 4 feet; and, reduce the required rear yard from 25 feet to 11 feet. Staff concurs with the decision of the Board of Adjustment. This appeal is being presented to the Mayor and City Council for consideration.

s/ Todd Meyers

The Assistant 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 variance request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Slide 4	Site Plan prepared by the Applicant
Slide 5	Site Photo showing garage building on front property line
Slide 6	Site Photo showing view of street
Slide 7	Site Photo showing structures built
Slide 8	Site Photo showing garage and background proposed to be a single-family dwelling
Slide 9	Site Photo showing existing structure built into proposed side yard

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Slide 10 Site Photo showing view from alley of main building
Slide 11 Site Photo showing view from alley
Slide 12 Site Photo submitted by the applicant – 1999
Slide 13 Site Photo submitted by the applicant – 1999
Slide 14 Site Photo submitted by the applicant - 1999
Exhibit 1 Appeal Application
Exhibit 2 Letter from Applicant, as follows:

I have lost 2 appeals to the Board of Adjustment, 6 years ago and this year.

December 10, 2004

Dear Friends:

My name is Fred Nelson. My wife is Allene Nelson and we live in 367 West 19th Street, Idaho Falls. We have a building in protest with Idaho Falls Building Codes. We moved here from L. A. in 1968 because Allene's father died and we came to care for her mother. They were farmers in Ririe. We found our present property for sale, 7 lots and 2 houses. The small west house was rented to an old couple for \$40 a month furnished and the other house was vacant so we began moving. At that time, 1968, we had a son and a daughter. My wife's mother lived with us and I had 2 unfinished jobs in L. A. so also had to sell our home there. This took 2 years as our area went black and I could not find anyone with the down payment. I finally gave it cheap to a Jewish real estate man and he rented it to blacks. I have been busy ever since making improvements. When the old tenants died, I wrecked their old house and filled in the basement. Built all new fences and became a gardener. I poured a concrete pad near the alley to park a boat and trailer and a camper, 44-foot square. This started our problem. The one man, Idaho Falls Building Department, said I did not need a permit to pour concrete so I also poured a new driveway. A few years later, I saw two women measuring all my concrete. They said these improvements were to be taxed. A couple of years later, my wife had an accident. She fell down the front concrete steps of our ward and mashed her left eye and broke a leg. I was homebound with her and the kids. I decided being taxed on the concrete I would build on it, so I had two Mexican high school brothers who did yard work and we had dug a foundation all around., I put in the steel rebar and John, the Building Department Inspector, said pour it. I knew we were zoned multiple dwelling, so I ordered materials on my account with Boise Cascade, now BMC, and started framing two apartments and two garages. Then I went to the Building Department and found I needed 80 feet wide to build it. Then Renée gave me a permit for a garage. I had Oakie Electric do the electric wiring for a garage and it was inspected and passed. I would like to improve the electric system to 200 amp service (cost \$5,000 more) because in May, 2005 I have a granddaughter who will become a registered nurse.

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She is in school in Mesa, Arizona but was raised in Blackfoot, Idaho. Her parents have since moved to a job at Yucca Mountain in Las Vegas, where Danielle does not want to live. If I could finish the electrical, she could live there free. She has a student loan to pay off, so does her sister, Heather, and brother, Warren in school in Moscow, Idaho. The garage in question has a bath, gas furnace, and kitchen sink and cabinets. I don't see the property as a detriment to the neighbors. I have \$250,000 in it now and it will always be owned by my children, grandchildren, and great-grandchildren. I am writing on my lap.

Thank you,

s/ Fred

Exhibit 3 Letter from Angela Klingler dated December 9, 2004, as follows:

Angela Klingler
5710 West Broadway
Idaho Falls, Idaho 83402
522-6694
December 9, 2004

City of Idaho Falls
Mayor Linda Milam and City Councilmembers
Idaho Falls, Idaho 83405-0220

Mayor Milam and City Councilmembers:

I am sending this letter in regards to the property located at 367 West 19th Street. My husband and I own the property located at 1875 Curtis which is just around the corner.

I want to express my concern in approving a variance change. The planning and zoning guidelines are in place in part to keep our neighborhoods appealing. The "hodge-podge" of structures located at 367 West 19th Street isn't in keeping with the overall harmony of the neighborhood, this is a quiet neighborhood, a place for families and quiet enjoyment. Approving any changes to allow something this "far out", is only setting a precedent for who knows what next? I feel we try to keep our property in *appropriate* and good repair, and appreciate when others do as well. This is not the place to encourage much less approve a variance change just because it has already been built. I would like you to consider the thought of how well you would like this type of housing accommodation in your neighborhood? I don't think you would, please do not approve this for our neighborhood.

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Thank you for time and concerns in this matter.

Sincerely,

s/ Angela C. Klingler
Angela Klingler

Exhibit 4 Staff Report dated November 9, 2004
Exhibit 5 Board of Adjustment Minutes dated November 9, 2004

Mayor Milam also submitted the following letter from Chris Cole:

November 9, 2004

TO: Idaho Falls Board of Adjustment

RE: PROPOSAL CONCERNING PROPERTY LOCATED AT 367 WEST
19TH STREET

I am writing on behalf of Diana Eubank, owner of property located at 1960 Curtis Avenue, and myself, concerning the proposed plans to add an addition to the subject property. Diana and I have discussed the issue, and are both opposed to it.

As I have viewed the property from the street and alley access, it appears to me that the property owner has no idea what he wants to do with the property, much less what color to paint it, which in my opinion has turned it into a random mess. These are structures that appear randomly placed without much thought, creating a structure that does not "fit" with the surrounding neighborhood.

I also want to point out that I am a mortgage broker, and see residential appraisals all the time. I sincerely feel the subject property not only does not "fit" in the neighborhood, but has decreased the values of the properties near it, therefore, hurting everyone who would have normally had a chance at a more favorable market value.

There also are the traffic issues, which would increase with more dwellings on the property. It appears the property owner allows a garage/shop structure in the alley access to be used as a commercial storage unit, with trucks loading/unloading all of the time. It makes me curious if this is a rental, also, if that is even legal. I might also point out that the garage structure appears to be "very close" to the alley.

Speaking for Diana, and myself, we are opposed to the request. I am sure Diana, along with her surrounding neighbors, would like no more potential decline in property values and quality of the neighborhood.

Sincerely,

s/ Chris Cole
Chris Cole for Diana Eubank (who could not make it to the meeting due to scheduling)

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The Assistant Planning and Building Director explained that there were three requests that the Board of Adjustment considered. These were also similar to requests that were presented to the Board of Adjustment approximately six years ago, which were denied at that time. The Planning and Building Director identified the following three issues from the Applicant's site plan:

1. The garage is on the western edge of the property. There was a pad site at this location. The Applicant went to the Building Department and obtained building permits to build a garage on that site. As an accessory use, that location met the Zoning Ordinance requirements. As the Applicant continued to build the site, decided to not only have garages, but to build an apartment at this location. That changes this structure from building an accessory use to being a main principal building. There would be a different set of back yard and side yard requirements. The lot width for a single-family use in this zone requires 60 feet of frontage. There is only 56 feet of frontage as measured on the site plan. That is splitting the difference in side yard between the garage/apartments and the single-family home.

2. The rear yard, which is against an alley, can be measured to the center of the alley. The rear yard requirement in all zones is 25 feet. When measured to the center of the alley, this site has 11 feet.

3. The side yard and the front width are because of the positioning of the main building and this proposed garage/apartments, was to reduce the side yard from 5 feet to 4 feet. Most of the R-2 Zone requires a 7-1/2 foot side yard. If it was platted before 1955, this requirement is reduced to 5 feet.

The Assistant Planning and Building Director stated that he went to the site, and found that the site plan submitted by the Applicant was not correct. Between the main building and the new building, there are buildings that cross the proposed property line. If the variance was to be approved and this were to become a dwelling, there would be building code issues in addition to the Zoning Ordinance requirements. The Board of Adjustment did review this and did find that there were no unique features. The lot is rectangular in shape and is relatively flat. The situation was created by the Applicant. They had a permit for a garage and were informed that they did not meet the requirements for anything other than an accessory use. The building code issues were another reason for denial of this variance.

Councilmember Groberg questioned whether there would still be a need for a variance if this were only an accessory structure, as opposed to apartments. The Assistant Planning and Building Director stated that there would be no need for a variance if this were a garage or accessory building.

Fred Nelson, 367 West 19th Street, appeared to state that he has finished the apartments, except for the installation of electrical. He stated that he has installed a furnace, bathroom, bedroom, and two garages in this building. He stated that he is requesting to put a 200 amp electric service in the building. Mr. Nelson shared the information from his letter above.

Councilmember Hally requested those in favor of this proposal to come forward at this time. No one appeared.

Councilmember Hally requested those in opposition to this proposal to come forward at this time.

Karen Lamb, 354 West 19th Street, appeared to state that she lives across the street from Mr. Nelson. She stated that his property has too much on it. If a variance is granted, they are not sure that another building might not be constructed. She stated that

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Mr. Nelson rents rooms in the house and it was her understanding that there are people living in the apartment at this time. With the rentals in the house and in the apartments, Mr. Nelson has reached the 4-Plex limit under the Zoning Ordinance. She requested that the variance be denied.

Mr. Nelson stated that there is no one living in the apartment.

Jalene Ford, 1905 Curtis Avenue, appeared to state that she lives to the west of Mr. Nelson. She stated that she appears before the City Council very humbly. She has no ill feelings toward Mr. Nelson. She felt that "No" should mean "No". She stated that it was hard on the neighbors when Mr. Nelson began construction of this building. This is a hazard to the neighborhood, and is deteriorating to the surrounding properties. She stated that she was unsure whether anyone was living in the apartment that is connected to the garage. She believed that people were renting from Mr. Nelson in the main home. Ms. Ford stated that Mr. Nelson must be providing storage for other contractors, as there are large trucks constantly using the alley.

Mr. Nelson stated that his situation is grossly exaggerated.

Velma Ketcher, 1967 Curtis Avenue, appeared to state that her property is right across the alley from the garage in question. She stated that she is opposed to the variance request, as she did not feel that Mr. Nelson had obtained the proper building permits. Mr. Nelson should take his plans to the City and if they are approved, then the construction would be alright. She did not feel that his area was safe. Ms. Ketcher stated that she was opposed to the variance request.

Fred Nelson re-appeared to state that he built a fence between his property and Ms. Ford's property. He painted her side of the fence to match her home. He described how he built this fence. Mr. Nelson stated that Ms. Ketcher has been coached by Ms. Ford to oppose his request for a variance. Mr. Nelson stated that he built a shed to raise tomatoes and built another shed to raise cantaloupes. He stated that he built another building for his gardening tools. He has used 1/4-inch plate glass for the small structures so as not to obstruct the view.

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

Councilmember Groberg requested to know whether this building would be in violation of the Zoning Ordinance, if it were used as a garage only. The Assistant Planning and Building Director stated that the building was reviewed as a garage and was so inspected.

Councilmember Lyon requested to know whether the building was a garage and an apartment on the same level. Mr. Nelson stated that there are two garages on the back side of the building. He stated that the apartments were part of that same building with a fire wall between the apartment and the garages.

Councilmember Groberg stated that there was a unanimous vote from the seven members on the Board of Adjustment to deny this variance request.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to affirm the decision of the Board of Adjustment and the request for a variance be denied to reduce the lot width from 60' to 56'; reduce the rear yard from 25' to 11'; and reduce the side yard from 5' to 4' for one additional dwelling unit on property located generally at 367 West 19th Street, legally described as Lots 15-21, Block 26, South Park Addition, and is located in the R-2 (Multi-family up to 4-plex) Zone. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Hally
 Councilmember Lehto
 Councilmember Lyon

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Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

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 share the following statement:

“Good Evening Councilmembers and Madame Mayor. My name is J. W. Everitt. I am now a full-time resident at 117 Whittier in Idaho Falls. I come to you tonight. I had a couple of questions for you. I had hoped this evening to be able to serve you with the Declaratory Judgment Action, but unfortunately the phone keeps ringing off the hook from people who want to be involved in this. So Carol is, my wife, is said to have amended it numerous times, so it will probably be next week before it happens. But, back to the issue of animal control. I have made numerous requests to deal with some barking dogs in the neighborhood. I have had the police out to the house several times, because it seems that every time I say anything it solicits the arrival of three of your City’s finest. I was talking to the Mexican gentleman on the street behind me, over on Ada, about his dog that he had been cited for twice, but your City Prosecutor has declined to prosecute it. There are numerous animals in the area that are definitely a nuisance and there are numerous people that are aware of them. Yet, when your officers arrive at the house to do something about it, I’m told that it needs to go through animal control and animal control has declined to issue any more permits and in talking to some of the animal control officers, they have told me that they have been directed by the Chief simply not to take any complaints from me, any further complaints from me regarding this. Well, the bottom line is, and I’m a taxpayer here now, there’s a problem. I want it addressed. It needs to be addressed. It should be addressed. And, you know, the personal vendetta against me...I’m not going away. And the bottom line is that there’s a lot of other people over there that are too old and too tired to say anything about it, but I’m not and I’m there a lot. A lot of people leave their house during the day. They take off and they go to work and they’ve left their dogs in the back yard and they bark constantly and continuously. And it’s been a real problem. Another issue that came up over the summer was the crack house across the street from me that I had asked to have something done about all summer. It had more drive-through traffic than McDonalds. The officers who have come out would tell me that they were aware of what was going on over there, but they were unable to do anything about it because it was under investigation and Officer Deede informed me that their first and foremost concern was officer safety. And I said, “No Officer Deede, your first and foremost concern is public safety. That’s what you get paid for. That’s why you’ve got a gun, that’s why you’ve got a club, that’s why you’ve got handcuffs, that’s why you’ve got back-up and radio and everything else.” There’s a whole bunch of old people on this street that don’t need a home invasion to have to deal with, because they are 85-90 years old. Nobody’s going to come kick my door in, without finding somebody on the other side of it that’s more than a match for them. The bottom line is, I finally had to go to Sheriff Stommel, and Byron took care of it in two weeks.

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Why did it take your City and your police department six months to do nothing. I'm really getting upset about the fact that if my house was being robbed by the Crypts and the Bloods, if my wife was being raped, if my cats were being killed, and my goods were carted off, I couldn't get your police department to drop over to my house with a gold leaf invitation. And yet, if I was to do anything about any of these problems over there, they'd be there in fifteen seconds to try and cuff me. Well, I want it on the record that there is a problem over there. It needs to be addressed. It's going to be addressed. It will be addressed if I have to go to the A. G.'s Office, where my wife is now a Deputy Attorney General, and talk to whoever is necessary to have them come here and find out why we can't get simple things done, like simple law enforcement to deal with the problems that are here in the City. Bottom line, waste an awful lot of time and taxpayers money doing stupid things that don't have any bearing on anything. Just like your animal ordinance. There was never a problem. It didn't exist. Yet, dozens of people speak out against it. You had hundreds of people sign petitions and yet you chose to ignore that. Well, I won't be ignored. I want the problem dealt with. Get your animal control people over there and your officers over there to do something about this or I will take other action. And that action will be against the people, personally, who don't decide to do something about this. And that's all I have I have got to say.

Mayor Milam stated that she would address this issue with the Police Chief on Friday.

Councilmember Lyon stated that he has heard the barking dogs in the neighborhood. He talked with the City Prosecutor Kimball Mason, who told him that the only animal problems in the City are barking dogs and dogs at large. Councilmember Lyon stated that it was troubling to him that this kind of complaint would have to get to the point that it would have to be addressed by the City Council. The City Council has spent months chasing animals that were not a problem, without the real problems with animals being addressed.

The Airport Director submitted the following memos:

City of Idaho Falls
December 14, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: HANGAR LEASE WITH CIVIL AIR PATROL

Attached for City Council approval is the renewal hangar lease with Civil Air Patrol.

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

s/ Mike Humberd

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It was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, to approve the Hangar Lease Agreement renewal with Civil Air Patrol and, further, give authorization for the Mayor and City Clerk to execute 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
December 14, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT

Attached for City Council approval is the Consent to Assignment for an Aircraft Hangar between MTB Investments, LLC and Sierra Properties, LLC. All terms and conditions remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, to approve the Consent to Assignment of Hangar Lease Agreement from MTB Investments, LLC to Sierra Properties, LLC 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
Councilmember Shurtleff

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

DECEMBER 16, 2004

City of Idaho Falls
December 6, 2004

MEMORANDUM

TO: Honorable Mayor Milam and City Council
FROM: Dean Ellis, Fire Chief
SUBJECT: ADOPTION OF 2003 EDITION OF THE INTERNATIONAL FIRE CODE

Attached for your review is a copy of the Ordinance adopting the 2003 Edition of the International Fire Code (IFC). Adoption of this Ordinance will allow us to update to the latest edition of the IFC. The Fire Department would like the Mayor and Council to adopt the Code as published by the International Code Council, including all Appendices, save and except such portions as are hereinafter deleted, modified or amended.

The Fire Department respectfully requests approval of the Ordinance and authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Dean Ellis

Councilmember Hardcastle explained that the City Council would be adopting this Ordinance as it was adopted by the State of Idaho.

Councilmember Lehto requested a clarification as to what amendments had been made to the International Fire Code, 2003 Edition.

Mayor Milam explained that the language for the Fire Code was amended by the State to exclude the 3-unit and 4-unit fire sprinkling system requirement that is in the International Fire Code, 2003 Edition. The proposal before the Council is that the Fire Code and the Building Code will agree, in that neither will require 3-unit and 4-unit automatic fire sprinkling system.

Councilmember Hardcastle stated that the issue of 3-unit and 4-unit automatic fire sprinkling systems will be addressed with the builders and Fire Marshall as soon as possible, as it may be addressed by the State Legislature or the next edition of the International Fire Code in the near future.

Councilmember Lehto stated that he understood that the International Building Code, 2003 Edition, was less restrictive than the Fire Code with the exception.

The Assistant City Attorney clarified that the Building Code and the Fire Code as written, with regard to the Group R Buildings, are identical. The amendments and exceptions in both ordinances are identical.

Councilmember Lehto requested to know what the International Building Code, 2003 Edition, requires.

The Assistant City Attorney stated that the International Building Code, 2003 Edition, requires that everything be sprinkled from 3-units to 16-units. The International Fire Code, 2003 Edition, requires the same.

Mayor Milam stated that the Idaho Fire Code requires that automatic sprinkling systems be installed in 5-units and above.

The Fire Chief explained that the International Building Code, 2003 Edition, as written by the International Code Council and the International Fire Code, 2003 Edition, as written by the International Code Council, is in agreement. The State of Idaho made amendments to the International Building Code to adopt the requirements from the

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International Building Code, 2000 Edition, which 15-units and above be required to be sprinkled. The State Fire Marshall made an amendment to the International Fire Code, to require 5-units and above to be sprinkled. In the legislative process, since the State Fire Marshall adopted this requirement, so it must be the same with the International Building Code. The Building Code did not get written as the Fire Code was written. They are in conflict with each other. The proposed Ordinances make the two requirements the same for automatic fire sprinkling systems the same.

Councilmember Lehto stated that he would follow the International Code Committee in adopting their recommendations for the International Fire Code, 2003 Edition, and the International Building Code, 2003 Edition, and not follow what the State of Idaho has adopted.

Following a lengthy discussion regarding the issues of the proposed Ordinance, the Assistant City Attorney stated that Cities are mandated by the State of Idaho to pass the International Building Code, 2003 Edition by January 1, 2005. This will not stop anyone on the Council, at a later date, from making a proposal to amend the Ordinance to make it come in line with the International Building Code, 2003 Edition and the International Fire Code, 2003 Edition.

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

ORDINANCE NO. 2573

AN ORDINANCE REPEALING AND RE-ENACTING
SECTIONS 7-10-1 THROUGH 7-10-12 OF THE
CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING
FOR THE ADOPTION OF THE INTERNATIONAL
FIRE CODE, 2003 EDITION; MAKING CERTAIN
AMENDMENTS THERETO; PROVIDING FOR
SEVERABILITY; PRESERVING PRIOR ORDINANCE;
AND ESTABLISHING EFFECTIVE DATE.

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 three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: Councilmember Lehto

Motion Carried.

The Municipal Services Director submitted the following memos:

DECEMBER 16, 2004

City of Idaho Falls
December 8, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RESOLUTION AUTHORIZING DESTRUCTION OF DOCUMENTS

It is respectfully requested that the Council pass the attached Resolution, which would authorize, pursuant to Idaho Code Section 50-907, the destruction of certain records.

s/ S. Craig Lords

RESOLUTION NO. 2004-10

AUTHORIZING DESTRUCTION OF RECORDS

WHEREAS, certain records have been held longer than Idaho Code Section 50-907 requires and are no longer needed for public purposes; and,

WHEREAS, pursuant to Idaho Code Section 50-907, the City is authorized to destroy certain records;

NOW, THEREFORE, be it resolved that the City Treasurer, City Controller, City Clerk, General Services Administrator, and Personnel Administrator are hereby authorized to destroy the records listed below:

Documents from the Treasurer's Office:

1. Cancelled payroll checks written prior to April 1, 2002.
2. All ambulance and accounts receivable billing statements and payment receipts written prior to October 1, 1999.
3. All receipts issued by the Library, Police Department, Recreation Division, Golf Course, Zoo, Animal Shelter, City Clerk's Office, and for parking violations and all Building and Zoning receipts, as well as any other miscellaneous receipts originated by the Treasurer's Office written prior to October 1, 1999.
4. All checks written prior to October 1, 1999.
5. All deposit books containing records of deposits made no later than October 1, 1999.
6. All receipts and documents pertaining to the investment of City funds written prior to October 1, 1999.
7. Quarterly Treasurer's Reports and Proofs of Publication published prior to October 1, 1999.

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Documents from the Controller's Office:

1. Claims Vouchers from October, 1998 through September, 1999.
2. Journal Entries from October, 1998 through September, 1999.
3. Payroll Time Sheets for the 1999 Year.
4. Vacation, Sick Leave, and Attendance Reports through September, 2003.
5. Duplicate copies of Claims Checks through September, 1999.
6. Check Registers through September 30, 2003.
7. Encumbrance Reports through September 30, 2003.

Documents from the City Clerk's Office:

1. Monthly Reports from the Building Maintenance Department, Building Official, Electric Division, Engineering Department, Fire Department, Garage, Parks and Recreation Division, Personnel Department, Police Department, Sanitation Department, Sewer Department, Street Department and Water Department prior to December, 1999.
2. License applications for businesses and tradesmen prior to December, 1999, and related documentation.
3. City Council Call Sheets prior to December, 1999.
4. Council Meeting Agendas prior to December, 1994.
5. Auction Records prior to December, 1999.
6. Election Records for the year 1993 to be turned over to the Bonneville County Election Office for disposition.
7. Damage Claims prior to December, 1994.
8. Contracts for Construction prior to December, 1999.
9. City Clerk's Office Receipts prior to December, 1999.
10. Other related documents prior to December, 1999.

Documents from the Planning and Building Division:

1. Expense Statements from 1991 through 1994.
2. Payroll Time Sheets from 1995 through 2003.

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Documents from the Purchasing Department:

1. Purchase Orders prior to October, 1999.
2. Bid Documents prior to October, 1994.
3. Other related documents prior to October, 1999.

Documents from the Personnel Department:

1. Civil Service Applications and related materials (i.e., tests, transcripts and recommendations, etc. prior to December, 1998).

APPROVED by the City Council on the 16th day of December, 2004.

s/ Linda Milam
Linda Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Resolution Authorizing the Destruction of Documents and, further, give authorization for the Mayor and City Clerk to execute 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
December 13, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ARCHITECTURAL SERVICES – EQUIPMENT MAINTENANCE FACILITY

DECEMBER 16, 2004

It is respectfully requested that Council approve and authorize the Mayor to execute a contract with Alderson Karst and Mitro for designing an equipment maintenance facility.

A guaranteed not to exceed fee of \$116,000.00 has been established subject to a more concise estimate after the Programming and Site Investigation Phase has been completed.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the Architectural Services Agreement with Alderson Karst and Mitro for designing an equipment maintenance facility and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
December 13, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CIVIL SERVICE RULES

Attached for your consideration is an addition to the Civil Service Rules. This change places us in compliance with State Code.

It is the recommendation of Municipal Services that said change is approved by the Mayor and Council.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the addition to the Civil Service Rules to bring the City of Idaho Falls in compliance with State Code. Roll call as follows:

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

DECEMBER 16, 2004

Councilmember Groberg

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
December 16, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ZOO GIFT SHOP ADDITION - BID
TABULATION

On December 7, 2004 at 2:30 p.m., bids were received for the addition to the Gift Shop at the Tautphaus Park Zoo. It is the recommendation of the project architect and the Parks and Recreation Division to reject all responsive bids at this time due to excessive costs associated with this project. It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to reject all responsive bids for the Tautphaus Park Zoo Gift Shop Addition. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
December 15, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Todd Meyers, Assistant Planning Director
SUBJECT: ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2003
EDITION

DECEMBER 16, 2004

Attached is an Ordinance adopting the International Building Code, 2003 Edition. Under Idaho Code Section 39-4116, local governments issuing building permits and enforcing building codes shall adopt the 2003 Edition of the International Building Code by January 1, 2005. The City Attorney has reviewed the attached ordinance. This Division respectfully requests adoption of the attached Ordinance.

s/ Todd Meyers

Councilmember Hally stated that the Cities of Eagle, Nampa, Boise, and Meridian have either passed or are in their second reading of what Councilmember Lehto has described as the International Building Code. He agreed that the City of Idaho Falls will be faced with accepting the International Building Code, 2003 Edition. This information came to the City Council at a late date. The City Council has met with builders. Councilmember Hally described some of the objections voiced by builders. The State modified the International Building Code, 2003 Edition. The State of Idaho Code is out of compliance with the Fire Code. The Ordinance adopting the 2003 Edition of the International Building Code with amendments will comply with the requirements of the International Fire Code, 2003 Edition.

Councilmember Lehto submitted the following slides from the International Code Council, the ICC Code Development Process:

- Slide 1 International Code Council:
The ICC Code Development Process
- Slide 2 ICC Mission:
To promulgate a comprehensive and compatible regulatory system for the built environment, through consistent performance-based regulations that are effective, efficient, and meet government, industry and public needs.
- Slide 3 Characteristics of International Codes:
 - * Each code is comprehensive.
 - * All codes are coordinated and compatible with each other.
 - * All codes are developed according to the same process in the same form.
 - * All codes reference consensus national standards.
- Slide 4 Coordination of I-Codes:
 - * Defined scope of each code
 - * Interdependence and reliance on the entire family of codes - cross referencing and duplication of provisions within code scopes.
 - * Issues resolved in a single and central public forum.
 - * Single interpretation applies to all codes.
- Slide 5 ICC Code Development Process – Photo of large group reviewing Code Development.
- Slide 6 Development Process Goal:
Utilize a process open to all parties with safeguards to avoid domination by proprietary interests.
- Slide 7 Code Committees:
 - * Materially affected interests represented.
 - * Not less than 33% of each committee is to be regulators.
 - * All meetings in public forum.
 - * All actions and reasons therefore published.

- Slide 8 The Players:
* Code Officials
* Design professionals/consultants
* Trade associations
* Builders/contractors
* Manufacturers/suppliers
* Government agencies
* Anyone with a vested interest
- Slide 9 The Process:
* Open
* Transparent
* Balance of Interest
* Due Process
* Appeals Process
* Consensus
- Slide 10 Website Information:
* Some of the slides which follow indicate iccsafe.org. This indicates that the information is available on ICC's website at www.iccsafe.org. See the Codes and Standards/Code Development web page.
* Return coupons to receive hard copies of code change documents are also posted.
- Slide 11 The Procedures (iccsafe.org)
CODE DEVELOPMENT PROCESS
for the
INTERNATIONAL CODES
1.01 Introduction
1.1 Purpose: The purpose of the International Code Council (ICC) Code Development Process is to prescribe the Rules of Procedure utilized in the continued development and maintenance of the International Codes (Codes).
1.2 Objectives: The ICC Code Development Process has the following objectives:
 1. The timely evaluation and recognition of technological developments pertaining to construction regulations.
 2. The open discussion of proposals by all parties desiring to participate.
 3. The final determination of Code text by officials representing code enforcement and regulatory agencies.
- Slide 12 I-Code Coordination:
* ICC Code Correlation Committee
* Duplication between codes, maintained by one code
 - Sprinklers: IFC Section 903 vs IBC 903
 - In Section 903 of the IBC, there is an "(F)" prior to the section number. This indicates the provisions are maintained by the IFC Code Committee.
- Slide 13 I-Code Development Cycle:
> Code Changes Submitted
> Code Changes Printed and Distributed
> Code Development Hearing
> Public Hearing Results Printed and Distributed

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- Slide 14
- > Public Comments Sought on Public Hearing Results
 - > Public Comments Printed and Distributed
 - > Final Action Hearing
 - > Supplement or New Edition Published
- Steps in a Typical 18-month cycle:
- * Code changes due. Announcement posted on the website and other media. Anyone can submit a code change.
 - * Staff review
 - Form and format: Legislative format
 - Proposals must be based on current text
 - * Publish
 - Website: Approximately 90 days prior to hearing
 - Published: Approximately 60 days prior to hearing

Slide 15 Code Change Form – iccsafe.org

CD#		Date Received:		Log No.:		Proposal No.	
-----	--	----------------	--	----------	--	--------------	--

PUBLIC PROPOSAL FORM
 FOR PUBLIC PROPOSALS ON THE INTERNATIONAL CODES
 2003/2004 CODE DEVELOPMENT CYCLE

PLEASE SEE REVERSE FOR INSTRUCTIONS ON SUBMITTING PUBLIC PROPOSALS MUST COMPLY WITH THESE INSTRUCTIONS.

CLOSING DATE: All Proposals Must Be Received by March 24, 2003.

1) Indicate the format in which you would like to receive your Public Proposals Monograph (PPM), Report of the Hearing (ROH) and Final Action Agenda (FAA):

- Paper CD Download from ICC Website

(Note: A paper copy will not be sent to you if you have chosen the CD or Download format.)

2) PLEASE TYPE OR PRINT CLEARLY: FORM WILL BE RETURNED if they contain unreadable information.

Name:		Date:	
Jurisdiction/Company:			
Submitted on Behalf of:			
Address:			
City:		State:	Zip + 4
Phone:		Ext.:	Fax:
e-mail:			

- Slide 16 Published Code Change:
- * The following screen is an actual code change, as published in the 2001 Proposed Changes, indicating:
 - Code Committee: IBC Fire Safety “FS”
 - Code change number-cycle: “1-01”
 - Code section affected: “702”
 - Code change in legislative format
 - Proponent’s reason

Slide 17 FS1-01
 702
 Proponent:
 Add new text as follows:

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SECTION 702

DEFINITIONS

CURTAIN WALL ASSEMBLY. Either a rated or non-rated, non-bearing exterior wall assembly secured and supported by the structural members of the building.

Reason: There is currently no definition in Chapter 7 for “curtain wall assembly” while the term is used in Section 712.4.

Curtain walls ...

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	DF	

Slide 18

Code Development Hearing:

* 16 Code Committees. Identified by code change prefix (“FS” in previous example)

- One for each code, except:
- IBC 4 Subcommittees
- IRC 2 Subcommittees

Slide 19

* Anyone can attend and testify. No cost to attend the hearings.

Code Development Hearing:

* Committee action

- Approval as Submitted (AS)
- Approval as Modified (AM)
- Disapproval (D)

* Assembly action

- All members of ICC can vote in response to committee action
- Approved assembly action results in an automatic public comment

Slide 20

Report of Hearing:

* Committee action

* Assembly action

* Published

- Website: Approximately 30 days after hearing
- Published: Approximately 60 days after hearing

Slide 21

Published Report of the Hearing:

* The following screen is the published Report of the Hearing on Code Change FS1-01, indicating:

- Committee Action: “Disapproved”
- Committee Reason
- Assembly Action: “No motion”, indicating no one made a motion for the assembled ICC members to consider

Slide 22

FS1-01

Committee Action: Disapproved

Committee Reason: The proposed definition is too broad. This definition would include basically all exterior walls with the exception of bearing walls. The definition in ASTM 631 only includes the first sentence of the proposed definition.

Assembly Action: No Motion

Slide 23

Final Action Agenda:

* Public Comments on Report of Hearing – due approximately 60 days after ROH published. Allows anyone to submit a comment in response to the results of the hearing:

- Agree/disagree with the committee action

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- Agree/disagree with the assembly action
- Further revisions (“modifications”) to changes are permitted.
- Heard at the Final Action Hearing.

Slide 24 Public Comment Form – iccsafe.org

CD#		Date Received:		Log No.:		Proposal No.	
-----	--	----------------	--	----------	--	--------------	--

ICC CODES – PUBLIC COMMENT FORM
FOR PUBLIC COMMENTS ON THE 2003/2004 “REPORT OF THE PUBLIC HEARINGS”

PLEASE SEE INSTRUCTIONS (SUBMITTAL RULES OF PROCEDURES). ALL SUBMITTALS MUST BE IN COMPLIANCE WITH THESE PROCEDURES.

CLOSING DATE: All Comments Must Be Received On or Before January 14, 2004

Indicate the format in which you would like to receive your Final Action Agenda (FAA): Paper Electronic Download

(Note: A paper copy will not be sent to you if you have chosen to download the FAA from the ICC Web Site.

PLEASE TYPE OR PRINT CLEARLY:

Name:		Date:	
Jurisdiction/Company:			
Submitted on Behalf of:			

Slide 25 Final Action Agenda:

* Comments published and serve as agenda for the Final Action Hearing

- Website: Approximately 45 days after deadline
- Published: Approximately 75 days after deadline

Slide 26 Final Action Agenda:

* In the case of the FS1-01 example, no one submitted a public comment. As such, the action of the committee is block voted (see next slide). If a public comment was submitted, the following would be published:

- Original code change with the committee action
- Public commenters requested action, including any changes to the code change in legislative format

Slide 27 Final Action Hearing:

* Hearing: Approximately 45 days after Final Action Agenda published

* Voting:

- Consent agenda: Block vote on all code changes which did not receive a public comment or successful assembly action
- Individual Consideration Agenda: Vote individually on each code change which received a public comment or successful assembly action

Slide 28 Final Action Hearing:

* Anyone can testify. No cost to attend.

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* Final vote on whether or not to change the code rests with the “Active” Governmental Members – most who enforce the code and are charged with the public’s safety

- Open, fair and objective with no proprietary interest

Slide 29

Results of Code Development

* Edition – every 3 years: Intervening Supplemental between Editions. First edition in 2000

* 2003 Edition

* 2003/2004 Cycle: 2004 Supplement

* 2004/2005 Cycle: 2006 Edition

* Continue

Slide 30

Webcasting (iccsafe.org)

* Debut at 2002 Code Development Hearings

* Followed up in all subsequent hearings

* Streaming video and audio

* Internet access on your PC

* Currently testing remote voting capability

* See next slide for a PC view

Slide 30

Media (Windows Media Player)

Reference Material (Rotating Banner Ad)

The online voting process is being beta-tested for these hearings.

Please vote but understand the votes will not count.

Approve	<input type="checkbox"/>	B133.02 Vote
Disapprove	<input type="checkbox"/>	
Approve as Amended	<input type="checkbox"/>	

Voting Ends in: 1:59.03

View Results

Slide 31

Code Development Schedule 2003 – 2006 (iccsafe.org)

ICC CODE DEVELOPMENT SCHEDULE		
CODE DEVELOPMENT CYCLE	2003-2004	2004-2005
	18 Month Cycle	Tentative Dates 18 Month Cycle
Deadline for Receipt of application for Code Committees (CC)	March 24, 2003	August 20, 2004
Deadline for Receipt of New Code Change Proposals	March 24, 2003	August 20, 2004
Publication Date for Monograph of “Proposed Changes to the I-Codes”	July 3, 2003	December 21, 2004
Public Hearings on Code Change Proposals	September 5-14, 2003 Opryland Hotel Nashville, TN	February 21 – March 2, 2005 Millennium Hotel Cincinnati Cincinnati, OH
Publication Date for “Report of the Public Hearings”	November 14, 2003	May 2, 2005
Deadline for Receipt of Public Comments	January 14, 2004	June 17, 2005
Public Hearings for “Final Action Consideration”	May 17-20, 2004 Sheraton Hotel Overland Park, KS	September 25-29, 2005 COBO Center Detroit, MI
Annual Meeting Dates	September 5-14, 2003 ICC Meeting Nashville, TN Hearings: Opryland Hotel Hotels: Opryland Hotel	September 26-29, 2004 ICC Meeting Salt Lake City, UT Salt Palace September 25-29, 2005 Hearings: ICC Meeting COBO Center Detroit, MI
Resulting Publication	2004 Supplement	2006 Editions

Slide 32

Conclusions:

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* The ICC remains dedicated to a single family of comprehensive and coordinated model codes.

* The ICC process allows all interests to participate in the code development process.

Slide 33 Conclusions:

* For those proposals for which consensus is not achieved at the Code Development Hearing, the final decision rests with those with no vested interest other than health, safety and welfare ...

THE GOVERNING AUTHORITY WHO ADOPTS AND ENFORCES THE CODE

Slide 34 Additional Info:

* If you are interested in code changes submitted in previous code development cycles or the current cycle, be sure to go to the website. All this info is posted.

* Questions?: Call ICC's Codes and Standards Development Department – 800-323-1103 X 340

Mayor Milam stated that under the Ordinance, Section 7-1-2 (D), an exception is provided, stating “Automatic sprinkler systems are not required in 3 or 4 unit Group R Buildings.”

Councilmember Lyon gave the following comments:

“I would just like to say I was aware of some concerns about whether or not 3-plexes and 4-plexes should be included or exempted in the Ordinance. And so I am happy to see that Councilman Hally has gone the direction of exempting 3-plexes and 4-plexes from the sprinkling requirement. I personally see it as, to require 3-plexes and 4-plexes to have automatic sprinklers, I think it is example of unnecessary over-regulation. Any intrusion into the market or into people’s private lives can seemingly be justified in the name of public safety or the general welfare. I think these are two of the most common disguises that tyranny comes in and so I am just happy that we are going in the direction that we are on these issues. And personally, one of the questions I ask myself is what we are doing as a Council, would it be criminal if an individual tried to do it. And it certainly would be ridiculous for an individual to try to use force, to force a builder to put a sprinkler system in their 4-plex and so that certainly wouldn’t be something in principal that could be delegated to the government. The other point that I’d like to make, and this will be my last one, is that as I think about these different things, I ask myself if it was up to me, personally, to enforce this, would it violate my conscience to do so. And I certainly am not going to criminalize somebody who doesn’t want to put sprinklers in their 4-plex.”

Councilmember Lehto explained as follows:

“Mr. Lyon, I assume that those are probably directed towards me and my comments. I would say for the record that if you had attended the Work Session, you would have understood the path I was going on. First of all, the International Code Council is not government. It is a dedicated body of volunteers, fire protection engineers, fire safety engineers, folks in the building community, folks in the legislative community, a large, large group with large cross-sections of interest that are not paid, but basically take on this as a duty to establish code and what we all need to build to. My picture in my mind, sir, is very clear that they passed off on 3- or 4-plex sprinklers. There was a

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process that all the stakeholders and anybody could have got involved in. The Idaho Legislature elected not to involve themselves in that process, but rather do what you said, and then make up their own rules and go by them. So here I sit, trying to make a decision on whether to validate what the Legislature did, or validate what this volunteer professional body did. And all I can picture is that when they go through their exercises and ban 3-plexes and 4-plexes and they count the seconds it takes for children or elderly people to get out, and they determine that they need to sprinkle those, I'm basically in agreement that they have given the due diligence to the work and to the process. And I'm not very convinced that the – even though it has been argued and I have had many discussions in this past week with builders and some of their representatives who had this before them. They thought they did their work. It's plainly obvious that they didn't do their work and they didn't mesh up the IBC (International Building Code) and Fire Codes, 16-plexes vs. 5-plexes, so on and so forth. So, that's why I just entered those slides into the record.”

Councilmember Lyon requested to know whether the International Code Committee was an elected body. Councilmember Lehto stated that they were not an elected body. Councilmember Lyon requested to know whether the Legislature was an elected body. Councilmember Lehto stated that they were an elected body. Councilmember Lyon stated that he would go with the body that represents the people and that is accountable to the people.

Councilmember Hardcastle stated that the elected body thought that they had it right and they did not.

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

ORDINANCE NO. 2574

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-1-1 AND 7-1-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2003 INTERNATIONAL BUILDING CODE; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Groberg
Councilmember Shurtleff

Nay: Councilmember Lehto

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Motion Carried.

City of Idaho Falls
December 15, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Todd Meyers, Assistant Planning Director
SUBJECT: ADOPTION OF THE INTERNATIONAL MAINTENANCE CODE,
2003 EDITION

Attached is an ordinance adopting the International Maintenance Code, 2003 Edition. Under Idaho Code Section 39-4116, local governments issuing permits and enforcing codes shall adopt the 2003 Edition of the International Maintenance Code by January 1, 2005. The City Attorney has reviewed the attached ordinance. This Division respectfully requests adoption of the attached ordinance.

s/ Todd Meyers

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

ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-2-1 AND 7-2-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Shurtleff
Councilmember Lyon
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

DECEMBER 16, 2004

City of Idaho Falls
December 15, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Todd Meyers, Assistant Planning Director
SUBJECT: ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2003 EDITION

Attached is an ordinance adopting the International Energy Conservation Code, 2003 Edition. Under Idaho Code Section 39-4116, local governments issuing permits and enforcing codes shall adopt the 2003 Edition of the International Energy Conservation Code by January 1, 2005. The City Attorney has reviewed the attached ordinance. This Division respectfully requests adoption of the attached ordinance.

s/ Todd Meyers

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

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-11-1 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Lyon
Councilmember Shurtleff
Councilmember Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

DECEMBER 16, 2004

City of Idaho Falls
December 15, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Todd Meyers, Assistant Planning Director
SUBJECT: ADOPTION OF THE SCHOOL CODE, 2003 EDITION

Attached is an ordinance adopting the School Code, 2003 Edition. The City Attorney has reviewed the attached ordinance. This Division respectfully requests adoption of the attached ordinance.

s/ Todd Meyers

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

ORDINANCE NO. 2577

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-3-1 THROUGH 7-3-3 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL SCHOOL BUILDING CODE; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hally 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 Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
December 10, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STATE/LOCAL AGREEMENT – PANCHERI DRIVE OVERPASS AND RELATED IMPROVEMENTS

DECEMBER 16, 2004

Attached is the State/Local Agreement for the Pancheri Drive Overpass and Related Improvements. This agreement stipulates the shared responsibilities between the City and State for construction and maintenance of this Project.

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

s/ Chad Stanger

RESOLUTION NO. 2004-11

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for reconstruction of the Pancheri Overpass Structure, including reconstruction of sections of Pancheri Street and Skyline Drive and construction of a new traffic signal at their intersection; and,

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; and,

WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the STATE can only pay for work associated with the State Highway system; and,

WHEREAS, the CITY is fully responsible for its share of project costs; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project IM-15-3(112)118 is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a duly called special meeting of the City Council, City of Idaho Falls, held on December 16, 2004.

s/ Rosemarie Anderson
City Clerk

(SEAL)

DECEMBER 16, 2004

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to approve the State/Local Agreement for the Pancheri Drive Overpass and Related Improvements and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 8:55 p.m.

CITY CLERK

MAYOR
