

DECEMBER 9, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 9, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Joe Groberg

Also present:

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

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the following Appointments and Re-Appointments: Re-Appointment of Susanne Miller to serve on the Shade Tree Committee (Term to expire on December 31, 2007); Re-Appointment of John Blacker to serve on the Shade Tree Committee (Term to expire on December 31, 2007); Re-Appointment of Ben Allen to serve on the Golf Advisory Board (Term to expire on December 31, 2007); Re-Appointment of Rick Carosone to serve on the Golf Advisory Board (Term to expire on December 31, 2007); Re-Appointment of Bill Combo to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007); Re-Appointment of Tom Hersh to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007); Re-Appointment of Steve Janes to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007); Re-Appointment of Don Ormond to serve on the Building Code Board of Appeals (Term to expire on December 31, 2007); Re-Appointment of Robert Gustafson to serve on the Building Code Board of Appeals (Term to expire on December 31, 2007); Re-Appointment of Joe Belloff to serve on the Building Code Board of Appeals (Term to expire on December 31, 2007); Re-Appointment of Kurt Karst to serve on the Planning Commission (Term to expire on December 31, 2009); Re-Appointment of Ira Koplow to serve on the Idaho Falls Redevelopment Agency (Term to expire December 31, 2009); Re-Appointment of Lee Radford to serve on the Idaho Falls Redevelopment Agency (Term to expire December 31, 2009); Shirley Chastain to serve on the Idaho Falls Historic Preservation Commission (Term to expire December 31, 2007); Re-Appointment of Jonathon Cederberg to serve on the Idaho Falls Historic Preservation Commission (Term to expire on December 31, 2007); Re-Appointment of Hereschell Mynarcik to serve on the Idaho Falls Historic Preservation Commission (Term to expire on December 31, 2007); and, Re-Appointment of James Wyatt to serve on the Board of Adjustment (Term to expire on December 31, 2009).

The City Clerk requested approval of the Minutes from the November 23, 2004 Regular Council Meeting.

DECEMBER 9, 2004

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

The City Clerk presented the following Expenditure Summary dated November 1, 2004 through November 30, 2004, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 468,819.07
Street Fund	25,682.15
Recreation Fund	14,186.71
Library Fund	30,834.46
Municipal Equipment Replacement Fund	6,724.33
Electric Light Public Purpose Fund	34,603.95
Business Improvement District	11,400.00
Sanitary Sewer Capital Improvement Fund	5,338.90
Street Capital Improvement Fund	45,195.66
Water Capital Improvement Fund	212,225.26
Airport Fund	140,664.95
Water and Sewer Fund	555,479.57
Sanitation Fund	3,102.99
Ambulance Fund	4,334.11
Electric Light Fund	3,147,514.30
Payroll Liability Fund	2,221,353.48
TOTALS	\$6,927,459.89

The City Clerk presented several license applications, including BEER LICENSES to Airport Lounge, Albertson's (Seventeenth Street), Albertson's (West Broadway), Applebee's Neighborhood Grill and Bar, Bargain Brew and Smokes, Boozer Quick Stop, Bowlero, Buck's, Clark's Shell, Collage LLC, Flying J Convenience Store, Garcias - Best Restaurants, Holiday Oil, JR's Lounge, Jaliscos, Littletree Inn, Los Primos, Maverik Country Store (Yellowstone), Outback Steakhouse, Pockets, Rite Aid (Broadway), Rite Aid (Northgate), Sam's Club, Sandpiper Restaurants East, Save Fast Gas, Save Fast Gas and Grocery, Seventeenth Street Gas and Wash, Seventeenth Street Car Wash - Fastway, Shooters Night Club, Short Stop Market and Laundry, Sizzler Family Steak House, Smith's Food and Drug, Top Stop-Wind River Petroleum, and Vino Rosso, 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 9, 2004.

The Airport Director submitted the following memo:

City of Idaho Falls
December 6, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Airport Director
SUBJECT: AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE REHABILITATION OF THE COMMERCIAL RAMP AND THE REHABILITATION OF THE T-HANGAR TAXIWAYS

DECEMBER 9, 2004

The Airport Division is requesting to advertise and receive bids for the Fiscal Year 2005 FAA Projects.

s/ Mike Humberd

Councilmember Lyon requested that the Re-Appointments for Lee Radford to the Idaho Falls Redevelopment Agency, Bill Combo to the Parks and Recreation Commission, and Steve Janes to the Parks and Recreation Commission be removed from the Consent Agenda and considered under the Regular Agenda.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Consent Agenda in accordance with the recommendations presented, with the exception of the Re-Appointments of Lee Radford to the Idaho Falls Redevelopment Agency, Bill Combo to the Parks and Recreation Commission, and Steve Janes to the Parks and Recreation Commission. Roll call as follows:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
December 6, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: LINE CLEARANCE PROJECT – RECOMMENDATION FOR AWARD

Attached is the bid tabulation for the Line Clearance Project contact.

Idaho Falls Power respectfully recommends award of the bid to the apparent low bidder meeting the contract specifications, Idaho Power Solutions, for a not to exceed amount of \$500,000.00. The bids from Starfire Enterprises, LLC and Upper Valley Tree Care were non-responsive because they did not have the necessary equipment in possession or available to them by formal agreement at the time of bidding as required in the specifications (see attached memo to Mark Gendron).

s/ Mark Gendron

DECEMBER 9, 2004

MEMORANDUM

TO: Mark Gendron

FROM: Scott McBride, Chief Engineer
Idaho Falls Power

DATE: December 2, 2004

SUBJECT: LINE CLEARANCE PROJECT – RECOMMENDATION FOR
AWARD

The City Clerk opened bids for the above subject project on November 4, 2004 at 3:00 p.m. We received four bids and one “No-Bid”. I have reviewed the four bids received relative to the bidders as well as conducted interviews with the bidders in person.

Starfire Enterprises:

This bid was presented by Jonathon Zundel. The address is a P. O. Box in Parker, Idaho and the telephone number provided was a cell phone number that was not legible. I was not able to contact Mr. Zundel until he contacted me on November 12, 2004. Mr. Zundel has performed line clearance tree trimming for Idaho Falls Power under a contract with “Zundel’s, Inc.”. I did not have any knowledge of “Starfire Enterprises”. Therefore, I asked Mr. Zundel to provide me with the various documentation about “Starfire Enterprises” as allowed in the contract specifications, Page 1, Qualifications of Bidders.

During my interview with Jonathon Zundel, he informed me that currently he has a chipper and a dump truck. The other equipment that he used when he was trimming under Zundel’s, Inc. stayed with Zundel’s Tree Service, LLC when Mr. Steve Zundel sold the company to Mike Carlson. Page 1 of the Line Clearance Contract Specifications, Qualification of Bidders Section, requires that “All bidders must have in their possession, or available to them by formal agreement at the time of bidding, any trucks, chippers, stump grinders, hand tools, aerial lifts, and other equipment or supplies necessary to perform the work as outlined in these specifications”. Starfire Enterprises does not have an aerial device and therefore their bid is Non-Responsive.

Zundel Tree Service, LLC:

Mike Carlson apparently purchased this company and its equipment from Steve Zundel. This company has been performing line clearance tree trimming for Lower Valley last summer. However, their bid prices are significantly higher than all other bids received.

Upper Valley Tree Care:

This company was recently started by Sharman Jenson. Mr. Jenson previously worked for Zundel Tree Service, LLC and left the company to start his own business. The proposal from Upper Valley Tree Care is full of math

DECEMBER 9, 2004

errors so it is difficult to even understand what the daily charges would be. This company also does not have the equipment to perform this work. Mr. Jenson hoped to be able to purchase some equipment if he was awarded this bid. Mr. Jenson's company also has not performed any line clearance tree trimming yet. This bid must also be deemed Non-Responsive.

Idaho Power Solutions:

The proposal received from Idaho Power Solutions is a valid proposal meeting the contract specifications. The proposed prices reflect a 3% cost of living increase over the previous contract price and is the apparent low bidder meeting specifications.

Recommendation:

I hereby recommend that this contract be awarded to the apparent low bidder meeting specifications, Idaho Power Solutions, for a not to exceed amount of \$500,000.00.

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to accept the low bid meeting specifications from Idaho Power Solutions, reject the low bids for the reasons specified in the memorandum and, further, give authorization for the Mayor and City Clerk to sign the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Fire Chief regarding the adoption of the International Fire Code, 2003 Edition was withdrawn by the Division Director.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
December 2, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SCHWIEDER FARM LEASE EXTENSION AGREEMENT

Attached for your consideration is the Farm Lease Extension Agreement for Darrald and Debbie Schwieder for an additional three (3) years.

The City Attorney has reviewed and approved this Farm Lease Extension Agreement.

DECEMBER 9, 2004

The City does not anticipate using this property for public purposes during the term of this lease.

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

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Farm Lease Extension Agreement with Darrald and Debbie Schwieder for an additional three (3) years and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
December 6, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-04, MOTOR FUEL AND LUBRICANTS

Attached for your consideration is the tabulation for Bid IF-05-04, Motor Fuels, Lubricants, and Services and the fuel obtained through a computerized fuel dispensing system beginning March 1, 2005.

It is the recommendation of Municipal Services to accept the sole bid for all sections as follows:

SECTION I:

Group A:	Fuel Picked Up By City Truck Unleaded Gas, Cold Weather Additive and Diesel No. 1 and No. 2	Conrad and Bischoff
Group B:	Motor Oil	Conrad and Bischoff

SECTION II:

Services and Fuel obtained through a Computerized Fuel Dispensing System Unleaded Gas, Cold Weather Additive and Diesel No. 1 and No. 2	Conrad and Bischoff
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s/ S. Craig Lords

DECEMBER 9, 2004

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the sole bid for Motor Fuel, Lubricants, and Services and the fuel obtained through a computerized fuel dispensing system beginning March 1, 2005. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Council confirmation for the Re-Appointment of Bill Combo to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007) and the Re-Appointment of Steve Janes to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007). Councilmember Lehto requested to know whether Councilmember Lyon had the opportunity to contact these people. Councilmember Lyon commented that he takes the responsibility for appointments very seriously as it is an important constitutional check at the lower level. He stated that he was not able to contact these people. He did not have any reservations about these people and respected their willingness to serve. Due to the fact that he was unable to make contact with Mr. Combo and Mr. Janes, he would be abstaining from the vote. It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to give confirmation for the Re-Appointment of Bill Combo to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007) and the Re-Appointment of Steve Janes to serve on the Parks and Recreation Commission (Term to expire on December 31, 2007). Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hally
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Abstain: Councilmember Lyon

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
December 9, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: VETERINARY SERVICES INDEPENDENT CONTRACTOR AGREEMENT

DECEMBER 9, 2004

Attached for your consideration is an Independent Contractor Agreement between the City of Idaho Falls and Dr. Rhonda Aliah of Skyline Animal Clinic for the purpose of providing veterinary services for the Tautphaus Park Zoo. The contract period is for one year commencing January 1, 2005. The City Attorney has reviewed said contract. It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Lehto, seconded by Councilmember Hardcastle, to approve the Independent Contractor Agreement for Veterinary Services at the Tautphaus Park Zoo with Dr. Rhonda Aliah from Skyline Animal Clinic and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Council confirmation for the Re-Appointment of Lee Radford to serve on the Idaho Falls Redevelopment Agency (Term to expire on December 31, 2009). It was moved by Councilmember Hally, seconded by Councilmember Lyon, to confirm the Re-Appointment of Lee Radford to serve on the Idaho Falls Redevelopment Agency (Term to expire on December 31, 2009). Roll call as follows:

Aye: Councilmember Lehto
Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Hally

Nay: None

Abstain: Councilmember Lyon

Motion Carried.

The memo from the Planning and Building Director regarding the adoption of the International Building Code, 2003 Edition was withdrawn by the Division Director.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
December 3, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2003 EDITION

DECEMBER 9, 2004

Attached is an Ordinance adopting the International Mechanical Code, 2003 Edition. Under Idaho Code Section 54-5001, local governments issuing mechanical permits and enforcing mechanical or fuel gas enforcement codes shall adopt the 2003 Edition of the International Mechanical Code by January 1, 2005. This Division respectfully requests adoption of the attached Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2569

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-7-1 AND 7-7-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2003 INTERNATIONAL MECHANICAL CODE; 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 Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
December 3, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ADOPTION OF INTERNATIONAL FUEL GAS CODE, 2003 EDITION

Attached is an Ordinance adopting the International Fuel Gas Code, 2003 Edition. Under Idaho Code Section 54-5001, local governments enforcing fuel gas enforcement codes shall adopt the 2003 Edition of the International Fuel

DECEMBER 9, 2004

Gas Code by January 1, 2005. This Division respectfully requests adoption of the attached Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2570

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-4-1 AND 7-4-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE 2003 INTERNATIONAL FUEL GAS CODE; 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 Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
December 3, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION

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

s/ Renée R. Magee

DECEMBER 9, 2004

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

ORDINANCE NO. 2571

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 7-6-1 AND 7-6-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION, FOR ONE- AND TWO-FAMILY DWELLINGS; 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 Hardcastle
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
December 3, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ADOPTION OF UNIFORM PLUMBING CODE, 2003 EDITION

Attached is an Ordinance adopting the Uniform Plumbing Code, 2003 Edition. The City Attorney has prepared the attached Ordinance. This Division respectfully requests adoption of the attached Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2572

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 7-5-1 AND 7-5-2 OF THE CITY CODE OF

DECEMBER 9, 2004

IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE UNIFORM PLUMBING CODE, 2003 EDITION; PROVIDING FOR CERTAIN AMENDMENTS TO THE UNIFORM PLUMBING CODE; PROVIDING FOR THE PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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 Hardcastle
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

Mayor Milam excused Councilmember Groberg from this Council Meeting as his father passed away and the funeral was conducted today.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 7:50 p.m.

CITY CLERK

MAYOR
