

SEPTEMBER 23, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 23, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Ida Hardcastle
Councilmember Mike Lehto
Councilmember Bill Shurtleff
Councilmember Thomas Hally
Councilmember Larry Lyon
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 Appointment of K. Todd Hicks to serve on the Parks and Recreation Commission.

The City Clerk requested approval of the Minutes from the September 9, 2004 Work Session, the September 9, 2004 Regular Council Meeting, and the September 14, 2004 Executive Session.

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue these licenses.

Mayor Milam requested to know whether there were any items on the Consent Agenda that should be withdrawn and considered under the Regular Agenda.

Councilmember Lyon requested the Appointment of K. Todd Hicks to serve on the Parks and Recreation Commission be moved to the Regular Agenda. Mayor Milam indicated that this would be considered under the Memos from the Parks and Recreation Director.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, that the Consent Agenda be approved, with the exception of the Appointment of K. Todd Hicks to the Parks and Recreation Commission, in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

SEPTEMBER 23, 2004

REGULAR AGENDA ITEMS

The Airport Director submitted the following memos:

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: FY-2004 STATE AVIATION GRANT

Attached for City Council approval is the FY-2004 State Aviation Grant for \$22,500.00. These funds can be used on any airport project on a 50% match basis.

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

s/ Mike Humberd

CITY RESOLUTION NO. 2004-10A

EXTRACT OF THE MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, HELD ON SEPTEMBER 23, 2004.

The following Resolution was introduced by Councilman Lyon, read in full, considered and adopted:

RESOLUTION NO. 2004-10 OF THE CITY OF IDAHO FALLS, IDAHO ACCEPTING THE GRANT OFFER OF THE STATE OF IDAHO THROUGH THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS, IN THE MAXIMUM AMOUNT OF \$22,500.00 TO BE USED UNDER THE IDAHO AIRPORT AID PROGRAM PROJECT NO. IDA-04 AND W/A NO. L048070 IN THE DEVELOPMENT OF THE IDAHO FALLS REGIONAL AIRPORT; AND

Be it resolved by the Mayor and Council of the City of Idaho Falls, Idaho (herein referred to as the "CITY") as follows:

Section 1. That the CITY, shall accept the Grant Offer of the State of Idaho in the amount of \$22,500.00, for the purpose of obtaining State Aid under Project No. IDA-04, in the development of the Idaho Falls Regional Airport; and,

Section 2. That the Mayor of the CITY is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Part II - Acceptance) on behalf of the CITY. The CITY Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the CITY on the aforesaid statement of Acceptance; and,

SEPTEMBER 23, 2004

Section 3. A true copy of the Grant Offer referred to herein be attached hereto and made a part thereof.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this 23rd day of September, 2004.

s/ Linda Milam
LINDA MILAM, Mayor

ATTEST:

s/ Rosemarie Anderson
ROSEMARIE ANDERSON, City Clerk

CERTIFICATE

I, Rosemarie Anderson, City Clerk do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2004-10 adopted at a Regular Meeting of the Council held on the 23rd day of September, 2004, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunder set my hand and impressed the official seal of the CITY, this 23rd day of September, 2004.

s/ Rosemarie Anderson
ROSEMARIE ANDERSON, City Clerk

It was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, to approve the Fiscal Year 2004 State Aviation Grant for \$22,500.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: FY-2005 STATE AVIATION GRANT

Attached for City Council approval is the FY-2005 State Aviation Grant for \$22,500.00. These funds can be used on any airport project on a 50% match basis.

SEPTEMBER 23, 2004

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

s/ Mike Humberd

CITY RESOLUTION NO. 2004-11

EXTRACT OF THE MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, HELD ON SEPTEMBER 23, 2004.

The following Resolution was introduced by Councilman Lyon, read in full, considered and adopted:

RESOLUTION NO. 2004-11 OF THE CITY OF IDAHO FALLS, IDAHO ACCEPTING THE GRANT OFFER OF THE STATE OF IDAHO THROUGH THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS, IN THE MAXIMUM AMOUNT OF \$22,500.00 TO BE USED UNDER THE IDAHO AIRPORT AID PROGRAM PROJECT NO. 3-16-IDA-05 AND W/A NO. L058070 IN THE DEVELOPMENT OF THE IDAHO FALLS REGIONAL AIRPORT; AND

Be it resolved by the Mayor and Council of the City of Idaho Falls, Idaho (herein referred to as the "CITY") as follows:

Section 1. That the CITY, shall accept the Grant Offer of the State of Idaho in the amount of \$22,500.00, for the purpose of obtaining State Aid under Project No. IDA-05, in the development of the Idaho Falls Regional Airport; and,

Section 2. That the Mayor of the CITY is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Part II - Acceptance) on behalf of the CITY. The CITY Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the CITY on the aforesaid statement of Acceptance; and,

Section 3. A true copy of the Grant Offer referred to herein be attached hereto and made a part thereof.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this 23rd day of September, 2004.

s/ Linda Milam
LINDA MILAM, Mayor

ATTEST:

s/ Rosemarie Anderson
ROSEMARIE ANDERSON, City Clerk

CERTIFICATE

I, Rosemarie Anderson, City Clerk do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2004-11 adopted at

SEPTEMBER 23, 2004

a Regular Meeting of the Council held on the 23rd day of September, 2004, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunder set my hand and impressed the official seal of the CITY, this 23rd day of September, 2004.

s/ Rosemarie Anderson
ROSEMARIE ANDERSON, City Clerk

It was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, to approve the Fiscal Year 2005 State Aviation Grant for \$22,500.00 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 Lyon
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: WORK ASSIGNMENT NO. 13 TO THE DELTA AIRPORT
CONSULTANTS AGREEMENT

Attached for City Council approval is Work Assignment No. 13 to the Delta Airport Consultants Agreement to revise the Construction Phase Services for an additional 30 days. The FAA Grant and Contract time in the Construction Agreement with HK Contractors, Inc. reflects this change. The change in Services is for \$25,096.00. Ninety-five percent (95%) of this change is funded by the FAA. The FAA has approved this change.

The Airport Division recommends approval of Work Assignment No. 13 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 Work Assignment No. 13 to the Delta Airport Consultants Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

SEPTEMBER 23, 2004

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

Nay: None

Motion Carried.

The memo from the Fire Chief regarding the Ambulance Services Agreement with Bonneville County was withdrawn by the Fire Chief.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: BONNEVILLE POWER ADMINISTRATION SLICE AND BLOCK AGREEMENT, EXHIBIT C

Attached for your consideration is Revision No. 3, Exhibit C, to the Bonneville Power Administration Slice and Block Power Sales Contract. The City Attorney has reviewed the agreement.

Idaho Falls Power requests approval of this agreement and authorization for the Mayor to sign.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Revision No. 3 to Exhibit C of the Bonneville Power Administration Slice and Block Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

SEPTEMBER 23, 2004

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: BONNEVILLE POWER ADMINISTRATION SLICE AND BLOCK AGREEMENT, EXHIBIT J

Attached for your consideration is Revision No. 4, Exhibit J, to the Bonneville Power Administration Slice and Block Power Sales Contract. The City Attorney has reviewed the agreement.

Idaho Falls Power requests approval of this agreement and authorization for the Mayor to sign.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Revision No. 4 to Exhibit J of the Bonneville Power Administration Slice and Block Agreement and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SALARY AND BENEFIT INCREASE

Attached for your consideration are wage and benefit increases for City employees.

It is respectfully requested that the Mayor and Council approve said wage and benefit increases.

s/ S. Craig Lords

SEPTEMBER 23, 2004

follows: Councilmember Groberg requested that the three attachments be read as

City of Idaho Falls
September 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2004-2005 SALARY AND BENEFIT INCREASES FOR MUNICIPAL EMPLOYEES ASSOCIATION AND ALL OTHER NON-COVERED EMPLOYEES

It is respectfully requested that the Mayor and City Council approve a total wage and benefit package of 4.3% for all Municipal Employees Association members and all other non-covered employees effective September 19, 2004.

The Municipal Employees Association has requested this package be allocated as follows:

1. 3% Wage and Longevity Increase.
2. 1.3% allocated to cover a 7% Blue Shield Premium Increase.

s/ S. Craig Lords

City of Idaho Falls
September 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2004-2005 POLICE ASSOCIATION WAGE AND BENEFIT PACKAGE

It is respectfully requested that the Mayor and City Council approve a total wage and benefit package of 4.3% for Sworn Police Officers effective September 19, 2004.

It is further requested by the Sworn Police Officers that this package be allocated as follows:

1. 3% Wage and Longevity Increase.
2. 1.3% allocated to cover a 7% Blue Shield Premium Increase.

The Sworn Police Officers further request their Intermediate Certificate Pay be changed from \$.30 per hour to 1.5% of their base wage and the Advanced Certificate Pay be changed from \$.45 per hour to 2.25% of their base wage.

s/ S. Craig Lords

SEPTEMBER 23, 2004

City of Idaho Falls
September 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: FIREFIGHTERS LOCAL NO. 1565 WAGE AND BENEFIT PACKAGE EFFECTIVE SEPTEMBER 19, 2004

It is respectfully requested that the Mayor and Council approve the following three-year contract for Local No. 1565 International Association of Firefighters:

Year 1 2004-2005 Total Package of 4.3% to be allocated as follows:

1. 3% Wage and Longevity Increase.
2. 1.3% allocated to cover a 7% Blue Shield Premium Increase.
3. Move Fire Captain from a Grade Eleven to Grade Twelve.

Year 2 2005-2006 3.5% Total Wage and Benefit Package Increase.

Year 3 2006-2007 3.5% Total Wage and Benefit Package Increase.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the wage and benefit increases for City employees as presented in the attached documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
September 23, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PARKS AND RECREATION COMMISSION APPOINTMENT - SCHOOL DISTRICT NO. 93

SEPTEMBER 23, 2004

Attached for your consideration is a request from School District No. 93 to appoint Mr. K. Todd Hicks to the Parks and Recreation Commission. This appointment is being requested by the School District to replace the seat vacated by Mr. Mike Jorgensen who retired from the District. We have had the opportunity to meet with Mr. Hicks and endorse the District's request for the proposed appointment. It is therefore submitted for your approval.

s/ David J. Christiansen

Councilmember Lehto explained that this is not an appointment that comes from the Mayor. It is a recommendation and appointment from the Superintendent of School District No. 93. The function of this appointment on the Parks and Recreation Commission is to provide communication between the Parks and Recreation Commission and School District No. 93.

Councilmember Lyon stated that he appreciated Councilmember Lehto's explanation for the need for this appointment. This is the first such appointment that he has experienced.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to confirm the appointment of K. Todd Hicks to serve on the Parks and Recreation Commission. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 23, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ZOO OTTER RENOVATION PROJECT

Attached for your consideration is a copy of the bid tabulation for the Tautphaus Park Zoo Otter Renovation Project. The apparent low bidder for said project is Shook Construction Company, Inc. in the amount of \$164,116.00. This total project amount includes both the base bid and Alternate No. 1 and is being funded by a grant from the ALSAM Foundation.

The Parks and Recreation Division therefore respectfully requests that the City Council approve project plans and specifications as presented and to award the bid to Shook Construction Company, Inc., thus authorizing the Mayor and City Clerk to execute the contract.

s/ David J. Christiansen

SEPTEMBER 23, 2004

Councilmember Lehto explained that the people from ALSAM Foundation were so impressed with the work that is being accomplished at Tautphaus Park Zoo, that they committed more of their resources to the Otter Exhibit.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the plans and specifications for the Tautphaus Park Zoo Otter Renovation Project, award the bid to Shook Construction Company, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FIRST AMENDED PLAT OF SHOPKO ACRES, DIVISION NO. 1

Attached is a copy of the Final Plat entitled First Amended Plat of Shopko Acres, Division No. 1. This parcel is located immediately south and adjacent to 17th Street and south of June Avenue, and this plat creates two lots from the Shopko property, the newest of which is 0.552 acres. The Planning Commission considered this Final Plat at its September 7, 2004 Meeting and recommended approval. The Department concurs. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director came forward to explain the request. The represents approximately ½ acre in the northwest corner of the Shopko property and will become a pad site. A frontage road will be retained. This complies with the Subdivision Ordinance. Following is a list of exhibits used in connection with this Final Plat request:

Exhibit 1 Staff Report dated September 7, 2004
Exhibit 2 Planning Commission Minutes dated September 7, 2004
Exhibit 3 Copy of Final Plat

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for the First Amended Plat of Shopko Acres, Division No. 1 and,

SEPTEMBER 23, 2004

further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 20, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT – LOTS 29 AND 30, BLOCK 30,
CAPITAL HILL ADDITION

Attached is the Development Agreement for Lots 29 and 30, Block 30, Capital Hill Addition. This agreement provides an accessory structure by the same water and sewer lines as the principal building will not be sold separately unless separate services are provided to the accessory building. This Division respectfully requests approval of this agreement.

s/ Renée R. Magee

The Planning and Building Director came forward and further explained the request. Generally, when a separate building is built, it requires separate water and sewer. Public Works recommended this compromise as this building is to be located on the same property and it is an accessory building. Following is an exhibit used in connection with this Development Agreement request:

Exhibit 1 Copy of Special Conditions

Councilmember Shurtleff requested to know whether this request is attached to the property deed. The Planning and Building Director stated that the Development Agreement is recorded against the property.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Development Agreement for Lots 29 and 30, Block 30, Capital Hill Addition and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Hally

SEPTEMBER 23, 2004

Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls
September 16, 2004

MEMORANDUM

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

I respectfully request the attached ordinance repealing and re-enacting Section 5-9-9 of the City Code of Idaho Falls, Idaho, prohibiting certain wild animals within the City Limits, providing for severability and establishing the effective date be heard at the City Council Meeting of Thursday, September 23, 2004.

If you have any questions or comments, please call Councilmember Ida Hardcastle, 529-5204.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Hardcastle explained that this Ordinance has been in the process since November, 2003. There have been over 20 revisions of this particular Ordinance, in an attempt to address concerns. She stated that she has personally visited with some people who have had misconceptions and tried to work out those issues. The Council Committee has worked closely with Carol Chaffee to address her concerns, which included adding a provision for grandfathering. Councilmember Hardcastle explained that she was prepared to pass this Ordinance on the first reading only, which would allow those concerned an opportunity to review the Ordinance and make comment before or during the next City Council Meeting. Copies of the Ordinance may be picked up at the City Clerk's Office and comments may be submitted to the City Clerk's Office.

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

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-9-9 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROHIBITING CERTAIN WILD ANIMALS WITHIN THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

SEPTEMBER 23, 2004

Councilmember Groberg stated that this is the proper way to address an Ordinance that affects many people.

Councilmember Lehto reviewed for the Mayor and City Council another Ordinance that was addressed in this same fashion. Public comment was taken at the second meeting. This allowed for issues that needed to be addressed to be corrected and another Ordinance was presented addressing concerns that were expressed.

The City Attorney stated that the purpose in having three separate readings of an Ordinance is to put a document on the table so that the public can see what the Council is considering. Until the time that the Council puts a document on the table, there is nothing definite to comment upon. In terms of the Ordinance becoming effective, it does not become effective until it is passed on the third and final reading. The City Council has the discretion to pass an Ordinance on all three readings, on one reading, or on two readings.

Councilmember Lyon requested to know whether passing this Ordinance on the first reading would cast the document in stone. The City Attorney clarified that the document is not made law until the third and final reading. The City Council can amend the Ordinance. If the Ordinance is amended in any fashion, then it would start the process over again.

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to pass this Ordinance on the first reading only. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 20, 2004

MEMORANDUM

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

I respectfully request the attached Memo of Understanding regarding the Dispatch Agreement between the Cities of Idaho Falls and Ammon be heard at the City Council Meeting of Thursday, September 23, 2004. This M. O. U. details Ammon's agreement to pay certain fees associated with dispatching for law enforcement services. I respectfully request the Council authorize Mayor Milam to sign this agreement.

Thank you for your consideration.

s/ J. K. Livsey

SEPTEMBER 23, 2004

Councilmember Hardcastle expressed her appreciation for the hard work and negotiations for this Agreement.

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the Memorandum of Understanding regarding the Dispatch Services between the City of Idaho Falls and the City of Ammon 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 Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

Mayor Milam requested Ammon City Administrator Bruce Rose, who was in attendance, to take the Mayor and City Council's appreciation back to the City of Ammon Officials.

City of Idaho Falls
September 20, 2004

MEMORANDUM

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

I respectfully request the attached Ordinance amending Section 9-5-6 through 9-5-8 inclusive, of the City Code of Idaho Falls, Idaho, allowing for towing and storage of vehicles parked in violation of the City Snow Removal Ordinance be heard at the City Council Meeting of Thursday, September 23, 2004.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Hardcastle stated that there were challenges with the snow removal policy regarding towing last year. At the request of Councilmember Hardcastle, Chief Livsey came forward to explain this Ordinance further. Chief Livsey stated that this Ordinance makes two specific changes to the towing policy during snow removal times. The first change regards the towing of vehicles. This Ordinance authorizes the City to tow vehicles to tow lots as has been done in the past, but it also allows the City to tow vehicles to another public street, so that vehicles do not need to be taken to tow lots. This means that people who have their vehicles towed will not have to go to the Police Department, pay fees and penalties, and then go to the impound lot and pay impound fees. The second change involves a parking ticket for parking on a street improperly when snow removal restrictions are in effect. The fine is \$35.00 for this parking ticket. The Police Chief stated that the

SEPTEMBER 23, 2004

citation money should pay for the tow trucks that the City will be paying for in moving the vehicles wrongly parked.

Following a brief discussion regarding how and where the vehicles are to be towed during snow removal, it was determined that a vehicle that was towed to plow an east-west street, could not be charged again if it was not moved and the north-south streets were then plowed. The City could not cite the owner twice for the same incident.

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

ORDINANCE NO. 2555

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO AMENDING SECTION 9-5-6 THROUGH 9-5-8, INCLUSIVE OF THE CITY CODE, IDAHO FALLS, IDAHO; ALLOWING THE TOWING AND STORAGE OF VEHICLES PARKED IN VIOLATION OF THE CITY SNOW REMOVAL PARKING RESTRICTIONS; PROVIDING FOR PAYMENT OF TOWING AND STORAGE FEES, PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY 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 Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 8:05 p.m.

CITY CLERK

MAYOR
