

MAY 27, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 27, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam introduced and welcomed Robert Wright as the new Library Director. She stated that he was announced at the Library Board Meeting earlier in the day.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the Appointment of Donna M. Cosgrove to the Planning Commission (Term to expire on December 31, 2007).

Mayor Milam presented the following Resolution to publicly support the mission and objectives of The CLUB, Inc. Housing Program:

RESOLUTION NO. 2004-6

By the City Council of Idaho Falls, Idaho

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE CLUB, INC. HOUSING PROGRAM AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE CLUB, INC. HOUSING PROGRAM TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, the CLUB, Inc. Housing Program provides a valuable and necessary service to the residents of the City of Idaho Falls and the surrounding communities and Counties by providing housing and services to homeless and indigent persons; and

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WHEREAS, the CLUB, Inc. Housing Program is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support of the CLUB, Inc. Housing Program.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 27th day of May, 2004.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 28th day of May, 2004.

APPROVED:

s/ Linda Milam
MAYOR

ATTESTED:

s/ Rosemarie Anderson
CITY CLERK

(SEAL)

The City Clerk requested approval of the Minutes for the May 13, 2004 Regular Council Meeting.

The City Clerk presented several license applications, including BARTENDER PERMITS to William L. Borron, Elane Y. Burgess, Tyran R. Flaming, Mariko Fujimoto, Kaysha R. Heiselt, Sandra L. Rogerman, and Diala K. Trolinder, 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 May 27, 2004.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – REDWOOD STREET SANITARY SEWER REPAIR

Public Works requests authorization to advertise to receive bids for the Redwood Street Sanitary Sewer Repair Project.

s/ Chad Stanger

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City of Idaho Falls
May 24, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – HITT ROAD, SUNNYSIDE ROAD TO
DERALD AVENUE AND MEPPEN CANAL TO MESA STREET

Public Works requests authorization to advertise to receive bids for constructing improvements on Hitt Road from Sunnyside Road to Derald Avenue and Meppen Canal to Mesa Street.

s/ Chad Stanger

Councilmember Lyon requested that the Council Meeting Minutes for the May 13, 2004 Regular Council Meeting be considered under the Regular Agenda.

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, that the Consent Agenda be approved, with the exception of the Council Meeting Minutes for the May 13, 2004 Regular Council Meeting, in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hally to conduct a public hearing to review and hear testimony on the draft 2004-2009 Consolidated Plan for Housing and Community Development; Analysis of Impediments to Fair Housing; and One-Year Action Plan, including proposed activities for the 2004 program year. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 23, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONSOLIDATED PLAN, ANALYSIS OF IMPEDIMENTS TO FAIR
HOUSING, AND 2004 ACTION PLAN, ENTITLEMENT CITY,
COMMUNITY DEVELOPMENT BLOCK GRANT

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Attached are drafts of the Five-Year Strategic Plan for Housing and Community Development, Analysis of Impediments to Fair Housing, and the 2004 Action Plan. These documents set goals, objectives, and benchmarks for programs for neighborhood stabilization and revitalization, economic development, and housing for low and moderate income households. Such programs will be monitored or assisted with Community Development Block Grant funds. This year's entitlement is anticipated to be \$490,000.00. After the public hearing before City Council, there will be a thirty-day comment period prior to submission of the documents to the U. S. Department of Housing and Urban Development.

s/ Renée R. Magee

Kay Francis, Consultant, gave an explanation for this request. She stated that the City of Idaho Falls has an opportunity to gain entitlement status with the United States Department of Housing and Urban Development. Once documents are submitted to HUD and they are approved, the City can continue to receive annual allocations. The amount can fluctuate from year to year, depending on the Congressional budget for HUD. The final draft still needs more attention by the community. The public hearing opens a 30-day public comment period for this document.

Mayor Milam stated that the Council decision would not take place this evening. The Council will make the decision at the first Council Meeting in July.

Following is a list of exhibits used in connection with this request:

- Slide 1 Five-Year Strategic Plan for Housing and Urban Development, Fiscal Years 2004-2009
- Slide 2 Five-Year Priority: Community Development, Economic Development, Housing Development, Public Services.
- Slide 3 2004 Activities: Street Improvement Activities, Code Enforcement Activities, Neighborhood Parks Improvements, Downtown Parking Lot, Eastern Idaho Technical College Educational Services to 175 people in the community, Targhee Regional Public Transit Authority, and Community Development Block Grant Administration/Fair Housing and Planning Activities.
- Slide 4 Map representing Census Tracts
- Slide 5 Map showing Zoning Violations

Mayor Milam commented that the Idaho Falls Realtors Association has contacted her stating that they are interested in partnering on training for developers, contractors, and do-it-yourself home improvement people to be sure that they understand the Americans with Disabilities Act Regulations and penalties for non-compliance.

A brief discussion was held regarding comments being forwarded to the Consultant, along with examples of qualifying cities.

Rex Redden, 3470 Summerfield Drive, appeared as the President for the Idaho Falls Downtown Development Corporation. He expressed the Corporation's interest in receiving as much of the grant monies as possible, over the next four to five years. Downtown Idaho Falls has approximately 40% vacancy rate in store fronts. This money could be used well in rejuvenating the Downtown Area in a more customer friendly atmosphere.

Councilmember Lyon requested to know what priorities have been set for the Idaho Falls Downtown Development Corporation.

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Mr. Redden stated that the biggest priority would be Broadway, at the intersection with Yellowstone Highway.

Mayor Milam requested that Mr. Redden's and other interested parties' comments be presented in written form within the next 30 days.

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

The memo from the Planning and Building Director regarding the Annexation Proceedings for King's Island, Division No. 3 was withdrawn by the Developer.

Mayor Milam requested Councilmember Hally to conduct a public hearing for consideration of a rezoning from RP-A (Single-Family Residential Park) to R-1 (Single-Family Residential) on property located generally south of 49th North (Tower Road), west of Lewisville Highway, east of 5th West (East River Road), particularly described as a parcel of land in the North Quarter Corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE A METES AND BOUNDS PARCEL,
FAIRWAY ESTATES ADDITION

Attached is a request to rezone 4.04 acres east of Pevero Drive and the Sage Lakes Golf Course from RP-A to R-1. This parcel is joined to the north by an R-1 parcel. The Planning Commission considered this request at its April 6, 2004 Meeting and recommended approval of rezoning from RP-A to R-1, since R-1 is a single-family district in compliance with the comprehensive plan and R-1 zoning is the prevalent zoning for detached homes in the City. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Revised Preliminary Plat
Slide 3	Site Photo showing end of Pevero Drive
Slide 4	Site Photo looking east across site from Pevero Drive
Exhibit 1	Planning Commission Minutes dated April 6, 2004
Exhibit 2	Staff Report dated April 6, 2004
Exhibit 3	Letter to Councilmember Bill Shurtleff from Sarah Jane McDonald dated May 24, 2004

The Planning and Building Director explained the differences between the RP-A Zone and the R-1 Zone. The RP-A Zone is the Residence Park Zone, which requires a

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minimum lot size of 8,000 square feet with a minimum lot width of 80 feet. Minimum side yard requirements are 10 feet. Home occupations or day care centers are not allowed in the RP-A Zone. Churches and schools are allowed in the RP-A Zone as a Conditional Use Permit. The R-1 Zone is found throughout most of the City. This is a single-family zone. The minimum width for lots is 50 feet, with 6,000 square feet being the minimum lot size. The minimum side yard requirement is 7-1/2 feet. The R-1 Zone allows home occupations. The Zoning Ordinance does not list the home occupations that are permitted, but provides standards for home occupations.

The Planning and Building Director explained that the size of lots for Fairway Estates Addition, Division No. 13 are approximately 1/4 acre to 3/4 acre in size, and meet the criteria of the RP-A Zone and the R-1 Zone.

The Planning and Building Director submitted the following letter from Sarah Jane McDonald:

May 24, 2004
13359 West Annabrook Drive
Boise, Idaho 83713

Councilman Bill Shurtleff
399 Hemlock Circle
Idaho Falls, Idaho 83401

Dear Councilman Shurtleff:

I understand that consideration of a zoning change is pending involving the land that is next to our home in Idaho Falls. We hope to be able to retire to our home in the Sage Lakes subdivision when my husband's assignment here in Boise is over. We hope to have our home there paid for by the time we return. Our heart, soul, and a great deal of our hard labor as well as our hard earned money have gone and are going into that home. Currently, our son and his wife are living in the home as caretakers for us so that the home is well maintained and does not detract from the neighborhood.

We have lived enough years to experience some of the pitfalls of home ownership that some would not anticipate being a problem. I would like to share with you four experiences that we had when we lived in Idaho Falls on Brookcliff Drive.

The first unpleasant surprise was Ski's Gun Shop three doors down and across the street from our home. This business generated much more traffic than a neighborhood with only one outlet would normally have. It brought many people into our neighborhood who normally would not have been there.

The second business to set up shop in our neighborhood was a scuba diving business. The owner who lived across the street from us would fill scuba diving tanks with a compressor in his garage mostly in the evenings and on the weekends. The noise from the compressor was so loud that we could not have the windows open in the front of our house. I could not go into my bedroom in the front of the house, open window, and hear my television set.

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Another neighbor had continual ongoing garage sales. I certainly can handle neighbors having once or twice a year garage sales but this one was becoming a business.

Then a neighbor one house down and across the street opened a wood working shop. So we had to content with the noise from his saws. We felt like we were in an industrial park instead of a residential neighborhood.

We decided that in order to avoid things such as this we would have to move to a neighborhood that was zoned adequately to protect us from such intrusions. I hate to be so negative about the proposed changes in the zoning in our neighborhood but you can see why we object to giving up these protections that we moved to that neighborhood to have.

I object to the proposed size of the lots. The homes are certainly lovely on King's Island but to me they look out of place on such small lots. The sides of the eaves and the sides of the houses are extremely close. We did not purchase a large lot because we love mowing the lawn. We purchased a large lot so there would be a buffer space between us and our neighbors. It is disheartening to hear that the lots behind us and next to us could be as small as the lots in King's Island.

I do not want my neighbors to be able to have businesses similar to those in our previous neighborhood. I certainly do not want them to be able to have a sign of any size announcing their business on the homes adjacent to my beautiful home. Those are activities not appropriate for a neighborhood such as Sage Lakes. I do not want to go out into my back yard to enjoy the peace and quiet and have 10 children from a neighboring day care facility playing in the yard next to mine. Especially since the zoning on my home when I built it precluded such activity.

Would you please share this information with the other members of the Council and consider my letter as testimony against the proposed zoning changes for the Sage Lakes subdivision?

Thank you for your time.

Sincerely,

s/ Sarah Jane McDonald
Sarah Jane McDonald

Councilmember Lehto requested to know how long this development has been zoned RP-A. The Planning and Building Director stated that this has been zoned RP-A since it was annexed to the City in approximately 1991.

Kevin Alcott, P. O. Box 3082, Idaho Falls, appeared to state that the Zoning Ordinance, under the RP-A Zone, Height of Building, states that no accessory building may be erected to a height greater than one story. He is proposing to build homes with detached garages, with a finished room above for hobbies, etc., which would be prohibited under this zone. Mr. Alcott stated that when this area is developed, they will write a set of covenants. He read a brief statement from the Covenants for Fairway Estates Addition, Division No. 9, where it states, "No lot shall be subdivided or used, except for residential purposes. No lot

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shall be used for the conduct of any trade or business for professional activity; provided, however, that professional and administrative occupations may be carried on within the residence so long as there exists no meaningful external evidence thereof." The RP-A Zone would not allow for those types of business. It is important to give people the opportunity to conduct those types of professional and administrative occupations, and still respect the rights and privileges of the neighbors.

Councilmember Shurtleff requested to know, in Mr. Alcott's opinion, whether the RP-A Zone is more restrictive than the R-1 Zone. Mr. Alcott answered in the affirmative. Mayor Milam stated that the City of Idaho Falls does not enforce covenants. Councilmember Shurtleff questioned what Mr. Alcott tells the person that has purchased in the RP-A Zone, wanting to distance himself from home occupations, and now finds himself right next to an R-1 Zone which allows home occupations. Mr. Alcott stated that if the homeowner can look across the street and tell that a business is being operated out of that home, then the neighbor is in violation of the covenants. At that time, the covenants would be enforced. Mr. Alcott gave an example of enforcing covenants. Councilmember Shurtleff stated that when a person purchases property in an RP-A Zone, the City Council should not change the zoning to downgrade the area that they are in. Councilmember Shurtleff stated that he could not be in favor of this rezoning as presented. Councilmember Hardcastle pointed out that the northern portion of the Fairway Estates development is R-1 Zoning.

Councilmember Hally requested those to come forward who wished to speak in favor of or in opposition to this zoning, to come forward at this time.

Emily Barger, 240 Pevero Drive, appeared to read the following statement:

"If R-1 is permitted for Section 13 of the Fairway Estates, it would permit home occupations in which turn would increase traffic, change our way of life, and may encourage crime in our area. I am not opposed to people creating new enterprises earning a living, but I am opposed to changes in the neighborhood. Here are some of the reasons for my objections. Today, children play in the streets as well as ride their bikes, trikes, etc. Senior citizens, walkers and joggers would also be at risk. Home occupations would bring in non-residents into the area and can make the area accessible to possible crime. Even day care centers and cemeteries must be approved by the City Council and Planning. This, to me, opens up a major change in our neighborhood. It appears that there would be one road from Pevero to the 37 new homes, that's not counting the present homes. Isn't there a fire ordinance about its danger? Would the emergency vehicles have to use the golf course in case they can't get through because it's a one up and down? There are also have lots of sink holes and pot holes due to the traffic. The one, in particular, that I thinking of is in Gleneagles and Pevero. Would the increase in traffic be a problem for the asphalt chip seal on the road? A good example of defects in the road is at Gleneagles and Juniper Hills. That repair started in November. Barricades were placed around the sink holes all through the winter. That's a cross street to the King's Island. On Pevero Drive, we have several large pot holes that need repair again. What will happen when the new homes, trucks and customers keep traveling along? The idea and good news that many people are moving to Idaho in order to retire and work. It's wonderful. But what about the rights of those that are presently living in Fairway Estates. We moved here for a peaceful, quiet non-business area. This is a change if R-1 is permitted. When we purchased our property, there was no mention of possible zoning changes in each section. Since we have built our home, there have been many changes in zones.

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Example: The King's Island, the town homes on the other side, always in the Fairway Estates. Lastly, I wonder, why are we having this hearing this evening? For the developer has sent letters as of April 20, 2004, which state, "We have large lots for sale at the end of Pevero, up to ¾ of an acre. We are now taking reservations". Is it a foregone conclusion that R-1 will be approved for this section?"

Mayor Milam indicated that the Public Works representative was taking the information on the street problems and would check those on Friday.

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

Councilmember Groberg requested clarification for the area of the rezoning. The Planning and Building Director reviewed for him what area was to be rezoned. Councilmember Groberg commented that the Planning Commission unanimously approved this rezoning. He requested to know whether there was new information that was being presented to City Council that the Planning Commission did not hear. The Planning and Building Director stated that new information was not being presented to the City Council, but different people testified at each of the public hearings.

Councilmember Lehto requested clarification that Fairway Estates Addition, Division Nos. 1, 3, and 5 are all zoned RP-A. The Planning and Building Director stated that information to be correct. She continued by describing all options for motions on this rezoning. A discussion was held among City Councilmembers regarding those options. Councilmember Shurtleff explained that if the rezoning is denied, then the residents of the RP-A Zone are protected, and anyone new coming into this area would understand that there is R-1 Zoning in Fairway Estates Addition, Division No. 13.

Councilmember Groberg stated that he is not in favor of RP-A Zones. Once land has been zoned, then there has to be a very compelling reason to change the zone.

Councilmember Hally stated that he agreed with Councilmember Shurtleff.

Councilmember Lehto commented that traffic would still be using the RP-A Zone streets to reach the R-1 Zone (and home occupations) should the area to the east of Eaglewood Drive develop.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to deny the rezoning from RP-A to R-1 on a metes and bounds description, particularly described as a parcel of land in the North Quarter Corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Hally to conduct Annexation Proceedings for Fairway Estates Addition, Division No. 13. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

MAY 27, 2004

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT FOR FAIRWAY ESTATES, DIVISION NO. 13

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Fairway Estates, Division No. 13. The requested initial zoning is R-1 (Single-Family Residential). This proposed subdivision is located at the eastern end of Pevero Drive, south of Sage Lakes Golf Course. At its April 6, 2004 Meeting, the Planning Commission recommended approval of the annexation, initial zoning of R-1, and the final plat. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Vicinity Map showing portion of proposed addition already inside City Limits and zoned RP-A
Slide 3	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated April 6, 2004
Exhibit 2	Staff Report dated April 6, 2004

The Planning and Building Director explained that there are 25 single-family homes in this subdivision. These are large lots, from .28 acres to .73 acres in size. This subdivision meets the requirements of the R-1 Zone and the RP-A Zone. This plat has been reviewed by the Planning Office and the Engineering Staff and has been found to be in compliance with the City Subdivision Ordinance and the Comprehensive Plan.

Kevin Alcott, P. O. Box 3082, Idaho Falls, appeared to recommend that since the zone change was not approved in the previous public hearing, that the area to the east of Eaglewood Drive be zoned R-1 and the area to the west of Eaglewood Drive be zoned RP-A.

Mayor Milam requested to know what the limits were with regard to changing a requested zone, if the zone is upgraded. The City Attorney stated that what is being requested is that a portion of what is before Council would be zoned with a more restrictive zone. It was his opinion to go forward with the more restrictive zone.

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

Councilmember Lehto commented that he would not be in favor of the solution that is being proposed due to the fact that a few years ago, a day care center was constructed in an R-1 Zone. People had invested time and money to comply with all the rules and regulations. A Conditional Use Permit was presented to City Council, and traffic became the issue. He stated that with the R-1 Zone to the east of Eaglewood Drive, the objections from the previous public hearing regarding traffic on Pevero Drive be recognized.

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Councilmember Groberg stated that he disagreed with Councilmember Lehto in that the solution described by Mr. Alcott is a reasonable compromise. Many of the City's subdivisions have nice houses with R-1 Zoning. He did not believe that there are significantly more problems in those areas than in neighborhoods with an RP-A Zone.

Councilmember Shurtleff stated that traffic is a difficult thing to judge. For example, if everyone in the R-1 Zone in this area has 7 teenagers, the traffic is going to be tremendous on Pevero Drive. He expressed his concern for the home occupations. He stated that the recommendation from Mr. Alcott for the zoning is a good compromise.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Annexation Agreement for Fairway Estates Addition, Division No. 13 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2534

FAIRWAY ESTATES ADDITION, DIVISION NO. 13

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

Nay: None

Motion Carried.

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A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Hally, seconded by Councilmember Lyon, to establish the initial zoning of Fairway Estates Addition, Division No. 13 as RP-A (Single-Family Residential Park) Zoning west of Eaglewood Drive and R-1 (Single-Family Residential) Zoning east of Eaglewood Drive as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: Councilmember Lehto

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for Fairway Estates Addition, Division No. 13 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Hally to conduct a public hearing for consideration of a rezoning from R-3A (Apartments and Professional Offices) to C-1 (Limited Retail) on property located generally north of West Sunnyside Road, west of Rollandet Avenue, legally described as Lot 8, Block 1, McNeil Business Spark, Division No. 3. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE THE WESTERN 63 FEET OF LOT 8,
BLOCK 1, MCNEIL BUSINESS PARK, DIVISION NO. 3, FROM
R-3A TO C-1

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Attached is an application to rezone the western 63 feet of Lot 8, Block 1, McNeil Business Park, Division No. 3 from R3-A to C-1. This parcel is located west and immediately adjacent to Rollandet and east of McNeil Drive. At its May 4, 2004 Meeting, the Planning Commission recommended approval of this rezoning request. Staff concurs with this recommendation. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slice 3	Site Plan showing portion of land to be rezoned
Slide 4	Site Photo showing proposed storage units
Slide 5	Site Photo showing area of proposed storage units
Exhibit 1	Planning Commission Minutes dated May 4, 2004
Exhibit 2	Staff Report dated May 4, 2004

Hal Monson, 1110 Norton Avenue, appeared to state that when this area was originally zoned, the 80 feet on the northern side of the lot was not available for purchase. The odd-shaped piece that was left provided for a side yard for the home. They have since purchased the land to the north. This makes a better arrangement for the home, allowing for a back yard. This zone change enhances the comprehensive plan. He wants to construct the storage units up to the home for security reasons and wanted to eliminate the 6-foot side yard required by the R-3A zone. Mr. Monson stated that his original request was to rezone the western 63 feet of Lot 8, but the request should be for the western 62 feet of Lot 8.

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

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the rezoning request from R3-A to C-1 on the western 62 feet of Lot 8, Block 1, McNeil Business Park, Division No. 3, thereby retaining R-3A Zoning on the eastern 72 feet of the lot, and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam called for the Memo from the Parks and Recreation Director regarding the Resolution to provide public funds for McDermott Field Reconstruction:

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: MCDERMOTT FIELD RENOVATION RESOLUTION

Attached for your consideration is the Resolution authorizing the use of City funds for the Renovation of the stadium at McDermott Field in Highland Park.

s/ David J. Christiansen

RESOLUTION NO. 2004-7

WHEREAS, the City of Idaho Falls owns certain property, known as McDermott Field, located in the Highland Park Division of the City of Idaho Falls;

WHEREAS, the City recognizes that certain benefits to the City may be obtained if the grandstand and bleacher areas at McDermott Field are renovated and upgraded;

WHEREAS, the current tenant of McDermott Field, the Chuckars Baseball Club, Inc., (the "Chuckars") is willing to contribute a portion of the construction costs deemed necessary to upgrade the grandstand and bleacher areas at McDermott Field;

NOW, THEREFORE, BE IT RESOLVED, that the City of Idaho Falls declare its intent to contribute Two Million Dollars (\$2,000,000.00) for the renovation of the McDermott Field grandstand and bleacher areas, subject to the following conditions:

1. The City's total contribution, including all change orders and construction claims, shall in no event exceed the sum of Two Million Dollars (\$2,000,000.00);

2. The Chuckars, or a non-profit entity designated by the Chuckars shall first raise One Million Three Hundred Fifty Two Thousand Dollars (\$1,352,000.00), towards such renovation and shall deliver to the City, cash or certified funds in an amount equal to \$1,352,000.00, no later than 5:00 o'clock p.m., September 30, 2005.

3. The Chuckars shall prepare, at its sole expense, all building and architectural plans, site plans, mechanical plans, drawings, renderings, and bidding documents necessary to award and accomplish such construction in the manner required by law. The City shall have the right to review and approve all such building plans, architectural drawings, renderings and bidding documents prior to the solicitation of bids for said project. The City shall also have the right to award and administer all construction contracts necessary to accomplish such renovation project.

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4. The bid submitted by the lowest responsible bidder for such project, together with a bid contingency in the amount of ten percent (10%) thereof, does not exceed the sum of \$3,352,000.00.

5. The City will cooperate with the Chuckars in negotiating a corporate sponsorship contract awarding naming rights for the stadium, provided the City shall have sole and complete discretion with respect to the terms, conditions and length of such contract. In no event shall the term of such contract exceed twenty (20) years. Amounts paid to the City prior to September 30, 2005, on account of such contract shall also be deducted from the share of the construction funds to be raised by the Chuckars.

6. The project has been submitted, reviewed and approved by the Idaho State Parks and Recreation Department and the National Parks Service.

PASSED BY THE COUNCIL this 27th day of May, 2004.

APPROVED BY THE MAYOR this 28th day of May, 2004.

s/ Linda M. Milam
Linda M. Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

Councilmember Lehto acknowledged all citizens in the audience who have come to see the decision made on this Resolution. This is not a public hearing and is a Resolution for consideration of the City Council. As a review for the City Council, approximately 1-1/2 months ago, this process was started with a proposal from the Chuckars Baseball Club, Inc., the American Legion, and some high school baseball teams from School District No. 91 and School District No. 93. This was conducted in a Work Session for the City Council. The Mayor and City Council had the opportunity to ask questions and hear presentations about this proposal. Subsequent to that meeting, the City Council met in public session to consider budget matters. There have been three discussions on this proposal. Councilmember Lehto called for questions from the City Council, after which, Councilmembers would be able to make any statements regarding this Resolution.

Councilmember Hardcastle requested a clarification as to when the parking lot, Highland Park, etc. would be addressed. Councilmember Lehto stated that the Parks and Recreation Council Committee met on Wednesday, May 26, 2004, and determined that No. 6 in the Resolution addresses that this area is under a Land and Conservation Project and would have to be addressed by the Idaho State Parks and Recreation Department and the National Parks Service. Mayor Milam stated that the City has, in the past, made some changes in some park property. In each of the cases, the City was required by the National Park Service to provide mitigation, so that the original investment of the Land and Water

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Conservation Funds would be held whole. Councilmember Hardcastle commented that this was the case with the park, but that was not the case with the parking lot as it is not paved at this time. Councilmember Lehto stated that the proposal does not address the parking lot paving at this time.

Councilmember Lehto requested Councilmembers comments to be heard at this time.

Councilmember Hally commented that \$2,000,000.00 is a lot of money. This is a tight budget year. The stadium not only services the Chuckars, but also services many youth in the community. He assumed that the attendance would increase should the facility be improved. This is a good community entertainment opportunity and a sound economic development for the community. This is an asset that is now deteriorating. If something is not done, this stadium would deteriorate further, and professional baseball would leave Idaho Falls.

Councilmember Groberg stated that, initially, he did not favor this when it was proposed because there were many demands for City funds. At that time, he did not believe that this was a high enough priority to take up that much money. In consultation with other Councilmembers, and wanting to work out a solution that is the most positive for the entire City, He could see the advantages. He stated that he planned on seconding the motion when Mr. Lehto makes it. He is keenly aware, however, that when the Council chooses to take this money and spend it on this project, that money would not be available for many other constituencies – individuals, employees, divisions of the City, and other projects that are worthy. Every single person has a right to say, “Well you did it for the Chuckars, why didn’t you do it for me?” This is taxpayers’ money. There are some aspects to this proposal that do make a compelling argument. First, this is a property that the City now owns and is responsible for. At some point, it will have to be maintained to keep it improved or tear it down. The City has been given an opportunity at this time, where approximately 40% of the cost of upgrading it is being offered by the private sector. As the Parks and Recreation Director pointed out, that does help to rearrange priorities. Councilmember Groberg stated that it was important that whatever was done at McDermott Field did not detract and would at least preserve the existing neighborhood park. His understanding is that this commitment is not only in the Resolution, but is firmly in the minds and hearts of those that are going to undertake this. Hopefully, the park would be improved. With that in mind, Councilmember Groberg intends to support this Resolution.

Councilmember Shurtleff offered no comment.

Councilmember Hardcastle offered no comment.

Councilmember Lyon stated that when the renovation of McDermott Field was proposed, he met with Kevin Greene and thought this was a great idea. He then had to do some soul searching because he was so firmly opposed to the Recreation Center. He had to ask himself how this was different to that proposal. He also questioned whether the Council could provide property tax relief at the same time. Councilmember Lyon stated that the Council can do both, and that is a big reason why he supports renovating McDermott Field. The City has \$10,000,000.00 in reserves. He expressed his opinion on how this Resolution was different than the Recreation Center proposal. The Recreation Center would require public debt and a tax hike. The cash is on hand to pay for the renovation of McDermott Field. The Recreation Center would have competed unfairly with private businesses in the City. There are no private baseball diamonds to compete with. The Recreation Center would have been a new facility that the City would have been burdened with maintaining. McDermott Field is an existing facility that the Council needs to make a choice to continue to let it deteriorate or renovate it. The answer to that question

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comes with the question as to whether the City wants to keep professional baseball in Idaho Falls. He stated that the Council wants to keep professional baseball in Idaho Falls. He stated that he was unaware that McDermott Field was used by the American Legion and the high schools. That is a compelling argument for renovating McDermott Field. With the renovation, McDermott Field would have the capability of being a multiple use facility. This facility could be used for other things, other than just baseball games. Councilmember Lyon stated that he intended to support the proposal for the McDermott Field Renovation.

Mayor Milam stated that she does not have concerns about the McDermott Field Renovation. She stated that she had concerns about the funding. The City Council cannot look at the dollars that are in reserves today and make an assumption about what the City reserves are. The lowest point of City reserves needs to be considered, which are basically in June and in December. In December, 2003, the reserves were at \$6,700,000.00. The City Council has discussed that the reserves need to be maintained at \$6,100,000.00. Should the City Council commit the funds, and should the City end up with a \$6,700,000.00 reserve in December of this year, effectively, the reserves would be down to \$4,700,000.00 because of the \$2,000,000.00 commitment to McDermott Field. Mayor Milam expressed her concern that the City Council will have to make important decisions regarding the many projects that benefit many different people within the community. That is compounded by the fact that the Council has been meeting for three months on budget issues, but has not yet dealt with several very important factors. The City Council has not dealt with the benefit issue. Firm numbers will not be received for a time. Firm numbers have not been received regarding the increase in valuation of this community, and therefore, what new tax dollars might come in. The City Council has not dealt with some of the employee negotiation issues. Negotiations must be conducted in good faith. Since these issues have not been determined, this adds to her concern about obligating funds that the Council may in the future say, "Oops, we cannot do that. We have got a problem." The City Council's concerns have to be for the whole City and all of the obligations that the City Council has to meet. Having said this, she trusted the City Council's judgment.

Councilmember Lehto thanked the Mayor for her comments and stated that he appreciated her input, as she has been involved in the process since the beginning.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Resolution authorizing the use of City funds for the Renovation of the stadium at McDermott Field as outlined 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
 Councilmember Lyon
 Councilmember Groberg
 Councilmember Lehto

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

MAY 27, 2004

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: MEMBER SERVICES AGREEMENT WITH IDAHO ENERGY
AUTHORITY (IDEA)

Attached for your consideration is the Second Revised Joint Procurement Service Schedule between Idaho Energy Authority and Idaho Falls Power. This Agreement has been reviewed by the City Attorney.

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

s/ Mark Gendron

Councilmember Lehto stated that he appreciated staff for their hard work in constantly reviewing and upgrading these agreement documents. It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the Second Revised Joint Procurement Service Schedule between Idaho Energy Authority and Idaho Falls Power 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.

City of Idaho Falls
May 25, 2004

MEMORANDUM

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

Attached is the tabulation of bids for the Line Clearance Project. Idaho Falls Power recommends award to the apparent low bidder, Idaho Power Solutions, for a not to exceed amount of \$200,000.00.

s/ Mark Gendron

MAY 27, 2004

Councilmember Lehto gave a brief description of the work being done under this contract. Councilmember Shurtleff stated that this program works. During the last wind storm, Idaho Power lost 4,000 homes. There was not one outage in the City of Idaho Falls. It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to accept the low bid from Idaho Power Solutions to complete the Line Clearance Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the City Council Meeting Minutes from May 13, 2004 Regular Council Meeting.

Mayor Milam stated that she understood that there was some question about how minutes should be written, so she took the opportunity to make copies of a section from the Association of Idaho Cities' Idaho Municipal Guidebook, entitled "Minutes".

Councilmember Lyon commented that since he was sworn in as a Councilmember, there have been minutes that he has reviewed. As he read them, he did not believe that they were done correctly. As he reviewed the minutes for the May 13, 2004 Regular Council Meeting, he found complete comments that he made were deleted. There was also a comment that Councilmember Groberg made that was not included in the minutes. As he has reviewed past Council Meeting Minutes doing research, he stated that it is important to have a level of detail that allows him to know what the people were thinking that expressed them. He stated that, just for the record, when he speaks at these meetings, it is for the record. He does not say things for no reason. He says things because it is important to him and he wants it included in the official record. That is why he made the comments he did regarding McDermott Field because there will be people who will ask, "What was Larry Lyon thinking when he supported McDermott Field?" With sufficient detail, they will be able to know that. The comments that were deleted from the minutes of May 13, 2004, was a comment that he made that he was not going to rubber stamp the appointments of the Mayor. There was a comment by Councilmember Groberg that was missing where he indicated that a Councilmember should do whatever he feels is appropriate to feel comfortable with evaluating the Mayor's nominees. There was another comment that he made that was not included where he stated why he felt so strongly about this issue, because a few weeks ago, the Council came close to approving a person that was not qualified and a good fit for the position that they were being nominated for. Councilmember Lyon stated that he took his concerns to the City Clerk, who told him that his comments would be presented to the Mayor. When he received the revised copy of the minutes, nothing had been added, but rather a comment was deleted that Tom Hally made. Councilmember Lyon stated that he did not know how Councilmembers Hally and Groberg felt about their comments being in the minutes. He stated that he would like his comments included in the minutes.

Mayor Milam stated that the City Clerk brought the issue to her. She requested that some guidance be sought into exactly what minutes are. Minutes are not a

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transcript, they are not like a court case or a deposition where there are verbatim transcripts. They are a summary of what happened at the meeting. The City Council has never had verbatim minutes and she does not know of anyone who does. She read the Association of Idaho Cities Idaho Municipal Guidebook excerpt as follows:

MINUTES

Written minutes of all meetings of the Council must be kept. Neither a full transcript nor a tape recording is required, except in zone change, zoning, or subdivision or other land use permit proceedings. All minutes must be made available to the public within a reasonable time after the meeting, and shall include at least the following information:

1. The place and date of the meeting;
2. The names of the council members in attendance;
3. A record of each motion, the person making the motion, the person providing the second and the vote on the motion;
4. All motions, resolutions, orders, or ordinances proposed, and their disposition;
5. The results of all votes, and, upon the request of a member, the vote of each member, by name. In the case of the passage or adoption of an ordinance, or a resolution or order to enter a contract the yea or nay of each member must be recorded, whether or not a member requests it.

In addition, the clerk shall record petitions, applications and appeals; reports from city officials and other committees; and the names of citizens appearing before the Council as well as the citizens' requests.

Minutes must also be kept of executive sessions. Minutes of executive sessions are required only to contain sufficient detail to convey the general tenor of the meeting but not the actual discussion.

Mayor Milam stated that the City Clerk keeps a tape of the entire meeting, which is beyond the requirements. She also stated that a roll call vote is taken for each motion and recorded in the minutes. Mayor Milam stated that she has used the expression before and will say it again, "Minutes should be minutes, not hours." The City Clerk does not write verbatim minutes. The full Council would have to make a decision to require that. Mayor Milam requested the Municipal Services Council Committee, as the administrative committee for the City, to take the provisions in the Idaho Municipal Guidebook, take comments from the Councilmembers, and make a recommendation, if it is believed that all comments on all issues that the Mayor, Councilmembers, and individuals make need to be recorded in full and in detail, remembering that there are the tape recordings. She added that everyone gets the "Draft" minutes at the same time, Mayor Milam included. If ever anyone has a concern about anything that has been misstated, it is their responsibility to clarify with the City Clerk.

Councilmember Groberg stated that everyone is invited to the Committee Meetings. That is the larger question that needs to be addressed. Councilmember Groberg questioned Councilmember Lyon whether there were specific changes to the minutes that he wanted to propose. Councilmember Lyon stated that he wanted the comments that he enumerated earlier to be added to the May 13, 2004 Regular Council Meeting Minutes.

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It was moved by Councilmember Groberg, seconded by Councilmember Lyon to approve the May 13, 2004 Regular Council Meeting Minutes, with the two additions requested by Councilmember Lyon and the one addition requested by Councilmember Groberg. Councilmember Lyon questioned Councilmember Hally as to whether he wanted his comments included. Mayor Milam stated that there were three comments that were included in the original set of minutes. One was Councilmember Lyons as he requested that the appointment of the Historic Preservation Commission be moved to the Regular Agenda. Second, Councilmember Lyons' comments regarding that issue were included. Councilmember Hally's comments were originally included in more detail. The reason that Mayor Milam requested the additional comments from Councilmember Hally to be deleted was due to the fact that they were not germane to the motion. He was expressing concern about the amount of time that the Council was spending on these kinds of issues. Councilmember Groberg stated that, generally, minutes should pertain to the matter that is before Council and the disposition of the matter. Councilmember Groberg questioned whether Councilmember Hally wanted his comments included in the meeting minutes. Councilmember Hally stated that his comments could be erased. Councilmember Hardcastle stated that the City Council should follow what the Mayor has suggested and not make any changes until the Council Committee makes a recommendation. Councilmember Lyon stated that the information that the Mayor handed out is important and it would go into his files. It is important to realize that, "it shall include at least the following". Councilmember Groberg stated that any further issues would be discussed at the Municipal Services Council Committee Meeting.

Mayor Milam requested Attorney Blake Hall to come forward and comment on his interpretation of minutes.

Blake Hall, 2855 Sunnybrook Lane, appeared to state that the City has a very talented and capable Counsel, along with the Handbook instructions. He commented that it has been his experience that the minutes are as outlined in the Municipal Handbook and, it has also been his experience that most politicians have been fortunate that that's all that is contained in the minutes rather than all of their statements.

Roll call as follows:

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

Nay: Councilmember Hardcastle

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
May 24, 2004

MEMORANDUM

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

MAY 27, 2004

The State of Idaho recently awarded the contract for Bituminous (Hot Asphalt) Plant Mix for 2004 to HK Contractors, Inc. Municipal Services respectfully requests authorization to purchase the City's requirements for ¾", ½", and 3/8" Hot Mix and Winter Patch Mix per the State Contract.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to authorize the purchase of Bituminous (Hot Asphalt) Plant Mix from HK Contractors, Inc. per the State Contract as presented. 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
May 24, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-04-11, TRAFFIC SIGNAL EQUIPMENT

Attached for your consideration is the tabulation for Bid IF-04-11, Traffic Signal Equipment.

It is the recommendation of Municipal Services to accept the low bid meeting specifications as listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid meeting specifications as per Attachment "A" for Traffic Signal Equipment. Roll call as follows:

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

Nay: None

Motion Carried.

MAY 27, 2004

City of Idaho Falls
May 24, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-04-17, THREE (3) NEW 2004 ROTARY MOWERS -
SINGLE DECK, FRONT MOUNT

Attached for your consideration is the tabulation for Bid IF-04-17, three (3) New 2004 Rotary Mowers – Single Deck, Front Mount for the Cemetery Department.

It is the recommendation of Municipal Services to accept the low bid of Bonneville County Implement to furnish three (3) new John Deere Model F735 for an amount of \$8,135.00 each for a total purchase price of \$20,605.00 with trade-in Units No. 679 and 689.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid from Bonneville County Implement to furnish three (3) new John Deere Model F735 Rotary Mowers – Single Deck, Front Mount. 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 memo:

City of Idaho Falls
May 27, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PRIMATE DISCOVERY CENTER – CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 for the Primate Discovery Center Project at Tautphaus Park Zoo. The requested Change Order calls for relocation of one floor drain, an addition of a 6' trench drain, increasing the electrical feeder and the addition of Plexiglas resulting in a total amount of \$1,258.00. It is, therefore, submitted for your approval.

s/ David J. Christiansen

MAY 27, 2004

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve Change Order No. 1 to Shook Construction Company, Inc. for the Primate Discovery Center Project, Phase II at the Tautphaus Park Zoo and, further, give authorization for the Mayor 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.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 21, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SEWER ADMINISTRATION BUILDING – CHANGE ORDER NO. 2

Attached is proposed Change Order No. 2 to the Contract with Shook Construction, Inc., for the Sewer Administration Building. As proposed, this Change Order adds \$9,576.00 to the contract amount and represents the cost to modify telephone, data communications, and electrical service to portions of the building; and, provide some additional insulation and metal studs to a portion of the building.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to approve Change Order No. 2 to Shook Construction Company, Inc. for the Sewer Administration Building and Shop Facility and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

MAY 27, 2004

City of Idaho Falls
May 24, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 4, BLOCK 1, PANCHERI
ADDITION, DIVISION NO. 1

Public Works requests authorization for the City Attorney to prepare documents needed to vacate a portion of a utility easement located in Lot 4, Block 1, Pancheri Addition, Division No. 1.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to give authorization for the City Attorney to prepare the documents necessary to vacate the utility easement located in Lot 4, Block 1, Pancheri Addition, Division No. 1. 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
May 24, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 36, BLOCK 4, FAIRWAY ESTATES
ADDITION, DIVISION NO. 11

Public Works requests authorization for the City Attorney to prepare documents needed to vacate a utility easement located in Lot 36, Block 4, Fairway Estates Addition, Division No. 11.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to give authorization for the City Attorney to prepare the documents necessary to vacate the utility easement located in Lot 36, Block 4, Fairway Estates Addition, Division No. 11. Roll call as follows:

MAY 27, 2004

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 9:50 p.m.

CITY CLERK

MAYOR
