

APRIL 8, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 8, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Absent was:

Councilmember Mike Lehto

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 Mark Olsen to serve on the Idaho Falls Library Board of Trustees (Term to expire on April 30, 2006).

The City Clerk requested approval of the Minutes for the March 25, 2004 Work Session, March 25, 2004 Regular Council Meeting, and March 30, 2004 Work Session.

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

The City Clerk presented the following Expenditure Summary dated March 1, 2004 through March 31, 2004, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 511,128.99
Street Fund	79,965.58
Recreation Fund	15,529.84
Library Fund	42,952.44
Municipal Equipment Replacement Fund	94,484.00
Electric Light Public Purpose Fund	29,269.68
Business Improvement District	4,683.75
Municipal Capital Improvement Fund	180,000.00
Street Capital Improvement Fund	5,119.59
Airport Fund	233,448.20
Water and Sewer Fund	385,061.16
Sanitation Fund	2,916.89
Ambulance Fund	10,718.82
Electric Light Fund	3,301,016.41
Payroll Liability Fund	2,304,310.09
TOTALS	\$7,200,605.44

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The City Clerk presented several license applications, including BARTENDER PERMITS to Martha Y. Mireles, Humberto Ponce, Rhonda Ponce, Victor Salinas, and Angela J. Vineyard, 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 April 8, 2004.

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hally to conduct a public hearing for Annexation Proceedings for The Village Addition, Division No. 10. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 25, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING AND FINAL PLAT FOR THE VILLAGE ADDITION, DIVISION NO. 10

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for The Village Addition, Division No. 10. This is a subdivision plat with 15 single-family home lots and one 4.7 acre lot for a church. It straddles Clarence Drive, is south of 17th North (Airway Road), and is west of North 26th West (Old Butte Road). The Planning Commission considered this annexation request at its March 2, 2004 Meeting and recommended approval of the annexation, plat and initial zoning of R-3 as requested. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

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Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Final Plat
Exhibit 1 Planning Commission Minutes dated March 2, 2004
Exhibit 2 Staff Report for March 2, 2004
Exhibit 3 Copy of Final Plat

The Planning and Building Director stated that the Staff has reviewed this application and has found this to be in compliance with the City's Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, and the Preliminary Plat.

Larry Reinhart, 1740 Bramble Lane, appeared as the Developer of The Village Subdivision. He appeared to state that this portion of his development is a continuation of The Village development.

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

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Annexation Agreement for The Village Addition, Division No. 10 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2531

THE VILLAGE ADDITION, DIVISION NO. 10

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 Lyon

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Councilmember Shurtleff
Councilmember Groberg
Councilmember Hardcastle
Councilmember Hally

Nay: None

Motion Carried.

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 The Village Addition, Division No. 10 as R-3 (Single-Family Residential and Apartments) Zoning 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 Hally
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for The Village Addition, Division No. 10 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested those to come forward who had issues for the City Council that were not otherwise on the Council Agenda.

Melisa Tow, 516 9th Street, appeared to express her concern for the City Council not holding a Work Session regarding the Animal Ordinance, and bringing it directly before the City Council. As a citizen of Idaho Falls, she was appalled that the citizens do not have a voice. She wanted to show the City Council how many people support the keeping of non-traditional animals as pets.

Councilmember Hardcastle stated that the Ordinance that would be considered by the City Council is the Ordinance addressing wild animals.

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Councilmember Lyon clarified that he understood that the “chicken” issue was tabled at this time, and explained that Ms. Tow is interested in giving a voice to all citizens on this issue.

Tammy Sher, 936 J Street, appeared to state that approximately one year, she had a conversation with a City employee regarding whether she could have chickens in the City Limits. The City employee told her that she could have chickens. She stated that she would not have taken in chickens as pets for her children had she known that it was illegal. She had the chickens for a year, at which time a dog came into her yard and killed several of her chickens. She reported this to the Police Department. Now she is the one that has to get rid of her pets. She had four remaining at her home, after farming most of them out. Recently, an Animal Control Officer climbed over her fence and talked with her 9-year old daughter about the chickens. She believed that he did not have any right to discuss this issue with her daughter. This upset her daughter, and they then took the remaining chickens to a farm.

Councilmember Lyon questioned Ms. Sher as to how long she had her chickens. Ms. Sher replied that she had them for one year without one complaint from any of the neighbors.

Michael Strickland, 574 Melbourne Drive, appeared to express his concern for the organizational problem with the process for appointing the Library Board Member. This process was sloppy at best and at the worst, it wrecks of the appearance of impropriety. At the last Council Meeting, it was stated that there were four candidates, any of whom could qualify to fill the Library Board position. One name was brought forward as someone who could reach out to the Hispanic community. Due to other issues, that person was not appointed. At this Council Meeting, the person appointed to the Library Board was not one of the four individuals who made application. This does not help the volunteer process. Mr. Strickland suggested that there be a clearer communication for those who wanted to volunteer for City boards.

Mayor Milam stated that there is no requirement that the City advertise for volunteers. Most cities do not. The City of Idaho Falls has done that. The City does not always get particular skills and backgrounds in the volunteers. The Library Board position was traditionally held by an attorney. He is not the attorney for the Board; he is attorney member of the board. She stated that she was prepared to move beyond that. Because of the very kinds of issues that have been raised, she thought it was a good idea for the Board, for the employees, and for the citizens, that there should be someone who would bring that kind of background. On that basis, she told Councilmembers that she was thinking about recruiting an attorney. The City will continue to advertise when positions are open. Almost always those positions are filled with those volunteers. Letters are kept for approximately 18 months to 2 years should there be any vacancies.

Lisa Keller, 615 Crestview Avenue, appeared to share the following statement:

LISA D. KELLER
615 Crestview Ave.
Idaho Falls, ID
83402
208-524-3045

April 8, 2004

Dear Mayor Milam and Councilmembers,

I am writing because of the concerns I have had and currently harbor about the Idaho Falls Public Library. Our library has gone through some challenging times of late.

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I, myself, began encountering difficulties as long ago as August of 2002. The system—the one that is supposed to work for the taxpayer—failed me. I am concerned that this system will fail again.

When I ran into the first of the problems, which was the policy change on lost books, the librarians were as bewildered as I. Therefore, I took my concerns to the director. Nancy was pleasant to me and spoke cheerfully as she disavowed any knowledge of how the change occurred, but promised to inform all patrons of the change. That promise has never been fulfilled.

Having waited in vain for forthcoming information distribution and having realized that problems went much deeper than just a small policy change without informing patrons, I took my concerns to Bev Kemp, the library board chairwoman.

Bev took time to listen to my concerns and agreed that Nancy should not have ignored me. But again, nothing changed. I began attending board meetings.

At my first meeting, Bev recognized me and allowed for my input. My comments were pooh-poohed and patronizingly set aside by the board members. At subsequent meetings, I felt routinely "kindly" dismissed. At present we are at a place where a new director will be hired by that same board.

A new member will be appointed to the board before the new director is hired. That citizen could very well be the catalyst for a better library.

The problems of the past are undeniable but surely we are on the path of change. Before us now is the opportunity to make those changes effective. I urge you to understand that although most appointments are routine, this particular appointment should not be routine.

As I have pointed out, the system failed. It is now your responsibility and that of the city council to see that it doesn't fail again. Please look carefully at the choices before you and know that what you are doing could have far-reaching effects.

Sincerely,

Lisa D. Keller

Ms. Keller expressed her concern that she believed that the voice of the Idaho Falls citizen has been ignored. She has a passion for the City and for the Library. Mayor Milam has appointed someone outside of those that have applied for the position on the Library Board. Ms. Keller felt that her voice has been discounted. She explained that there have been more than 20 pages, temporary help, and librarians that have quit in the last two years because they had no voice. The Library Board needs to have an ear to the public and an ear to the employees. Ms. Keller stated, in closing, that she appreciated the Mayor and Councilmembers effort in reviewing appointees and in keeping the City going in the right direction.

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Mayor Milam stated that she would have Councilmember Hardcastle, who is the Liaison to the Idaho Falls Public Library Board, discuss the concerns expressed with the Board. Mayor Milam also commented that this appointment was becoming more difficult and felt that an attorney with no political ties would be the best solution.

Ms. Keller asked the Mayor why the other volunteers were discarded, when last Council Meeting, she was willing to set the "attorney" position aside.

Mayor Milam stated that it was becoming more and more difficult, and her fear was that the Board was going to have a difficult time functioning. She wanted to move beyond all of the difficulties.

Councilmember Lyon expressed his concerns that the rules changed with regard to the volunteers applying for this Board position. This is fundamentally unfair. Ms. Keller explained that this makes her believe that the City is not willing to consider all citizens for volunteer positions. Councilmember Lyon stated, further, that if there is going to be an application process, that should be followed through. If that process is not going to be followed, and anyone can be considered to fill the positions, then there should not be an application process.

Councilmember Groberg commented that the City Council has to decide on the candidates for any appointment that is proposed by the Mayor. As a general rule, if the Council does not know the appointee, they rely on the Council Committee or Liaison to check out the appointee. The Mayor's objective in conducting the advertising and having candidates submit Letters of Interest is to provide wide exposure. This should not limit her in her choices. Councilmember Groberg commented to those who addressed the City Council that it is never a tiresome activity to listen to those with concerns.

Lynn Seymour, 1810 West Broadway, appeared as a representative from Targhee Regional Public Transit Authority. She gave a report of the TRPTA PTA bus facility and routes. They are working closely with the community to utilize the public bus system.

Councilmember Shurtleff questioned Ms. Seymour whether her budget would be larger or smaller, if everything was locked in place (same as last year), adding the outside income from leased property this year. Ms. Seymour stated that it would be somewhat larger.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
April 6, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CONFIRMATION AGREEMENT WITH SEATTLE CITY LIGHT

Attached for your consideration is a Confirmation Agreement to purchase PTP from Seattle City Light. This Agreement is for July 1, 2004 to September 30, 2004 for 10 megawatts.

Idaho Falls Power respectfully requests ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Shurtleff, seconded by Councilmember Hally, to ratify this Confirmation Agreement to purchase PTP from Seattle City Light. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
April 2, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PLACEMENT OF BOILER AND MACHINERY AND PROPERTY
COVERAGES FOR ALL HYDRO PROJECTS

It is respectfully requested that Mayor and Council bind the City's insurance coverage for all of the Hydro Projects. The premium for the year beginning April 29, 2004 is \$301,500.00 with Hartford Steam Boiler and Liberty Insurance. Fred A. Moreton and Company is the Broker.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to bind the City's insurance coverage for all Hydro Projects with Hartford Steam Boiler and Liberty Insurance, Fred A. Moreton and Company is the Broker. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
April 8, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: JOHN'S HOLE BRIDGE – FLOATING WALKWAY

APRIL 8, 2004

On Tuesday, March 20, 2004, bids were opened for the Floating Walkway beneath John's Hole Bridge. It is our recommendation that the bid be awarded to the responsive low bidder, Harrison Dock Builders, Harrison, Idaho in the amount of \$63,615.00. The Engineer's Estimate for said project was \$65,000.00. This project is being funded in part by a \$50,000.00 donation from Rotary No. 380. It is therefore submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to accept the low responsive bid from Harrison Dock Builders in the amount of \$63,615.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
March 26, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REVISED STREET SECTION, LOCAL RESIDENTIAL STREET

Attached is a proposed typical street section for a local residential street. This section narrows the pavement to 33 feet and establishes a parking or planting strip of 5.75 feet within the right-of-way. A five foot sidewalk is also provided in the right-of-way. This section is proposed to replace the local residential street section with 43 feet of paving as well as the fifty foot right-of-way with 33 feet of paving. This Department respectfully requests approval of this section for inclusion into the subdivision policy.

s/ Renée R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Revised Typical Street Section for a Local Residential Street as proposed. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Shurtleff

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Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
April 5, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 15, BLOCK 106, ROSE NIELSEN
ADDITION, DIVISION NO. 107 AND LOT 16, BLOCK 101,
GRAND TETON ADDITION, DIVISION NO. 1

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate utility easements located in Lot 15, Block 106, Rose Nielsen Addition, Division No. 107 and Lot 16, Block 101, Grand Teton Addition, Division No. 1. These easements are located along lot lines common to the two lots and the owners are dedicating a new easement for utilities.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to give authorization for the City Attorney to prepare the documents needed to vacate utility easements located in Lot 15, Block 106, Rose Nielsen Addition, Division No. 107 and Lot 16, Block 101, Grand Teton Addition, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 5, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – AERIAL
PHOTOGRAPHY

APRIL 8, 2004

Attached is a proposed agreement between the City and Aero-Graphics, Inc., for aerial photography services in the amount of \$39,280.00.

Public Works recommends approval of this agreement; 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 the Agreement with Aero-Graphics, Inc. for aerial photography services in the amount of \$39,280.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
