

MARCH 11, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 11, 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 Mike Lehto
Councilmember Thomas Hally

Also present:

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

Mayor Milam requested Boy Scout Mitch Pack to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the Appointment of Kendall Phillips to serve on the Board of Adjustment (Term to expire on December 31, 2005); and, the Re-Appointment of Reed Miller to serve on the Fire Board of Appeals (Term to expire in April, 2009).

The City Clerk requested approval of the Minutes for the February 24, 2004 Work Session, February 25, 2004 Work Session, and February 26, 2004 Regular Council Meeting.

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 February 1, 2004 through February 29, 2004, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 454,559.45
Street Fund	146,830.82
Recreation Fund	13,709.15
Library Fund	32,989.92
Municipal Equipment Replacement Fund	645.30
Electric Light Public Purpose Fund	35,149.35
Business Improvement District	456.58
Sanitary Sewer Capital Improvement Fund	506.14
Municipal Capital Improvement Fund	2,342.00
Street Capital Improvement Fund	4,000.00
Water Capital Improvement Fund	506.13
Airport Fund	97,168.99

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FUND	TOTAL EXPENDITURE
Water and Sewer Fund	181,102.33
Sanitation Fund	19,921.40
Ambulance Fund	9,404.86
Electric Light Fund	3,221,952.54
Payroll Liability Fund	1,286,723.60
TOTALS	\$5,507,968.56

The City Clerk presented several license applications, including a BEER LICENSE to Skippers Fish and Chips; BARTENDER PERMITS to Shirley M. DeLaGarza, Lorna M. Harrison, Brandi Lee Hauff, Brandon Hebertson, Chris M. Korbis, William J. Lefever, Annette M. Mathews, Jeannie A. Neidner, Elizabeth M. Olsen, Courtney M. Powell, Diane J. Safford, and Patrick J. Samson, 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 March 11, 2004.

The Public Works Director submitted the following memos:

City of Idaho Falls
March 3, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – PAVING EQUIPMENT RENTAL - 2004

Public Works requests authorization to advertise to receive bids for Paving Equipment Rental, 2004.

s/ Chad Stanger

City of Idaho Falls
March 3, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – ADJUSTMENT OF MANHOLES, WATER VALVES AND STREET MONUMENTS

Public Works requests authorization to advertise to receive bids for Adjustment of Manholes, Water Valve Boxes and Street Monuments.

s/ Chad Stanger

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

Aye: Councilmember Hardcastle

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Councilmember Lehto
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a proposed sale and public auction of the former Idaho Falls Carnegie Building (portion of Museum of Idaho) and surrounding property located at the corner of Elm Street and Eastern Avenue in Idaho Falls, Idaho. At the request of Councilmember Groberg, the City Clerk read the following memo from the Municipal Services Director:

City of Idaho Falls
March 10, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: OLD LIBRARY PROPERTY

It is respectfully requested that Mayor and Council conduct a public hearing concerning the sale of the old City Library property and building located at the corner of Elm Street and Eastern Avenue.

s/ S. Craig Lords

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

Slide 1 Site Photo of Museum of Idaho and the Idaho Falls Carnegie Library Building

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

It was moved by Councilmember Groberg, seconded by Councilmember Hally, that the Council set April 8, 2004 at 10:00 a.m. in the Municipal Services Office, 308 Constitution Way, Room 200, Idaho Falls, Idaho, for a public auction for the purpose of selling the former Idaho Falls Carnegie Library Building and surrounding property located at the corner of Elm Street and Eastern Avenue and, further, give authorization for the City Clerk to publish notice of said auction. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg

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Councilmember Hally
Councilmember Shurtleff

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a proposed exchange of real property between the City of Idaho Falls, Idaho and William F. Rigby and Richard Clayton. At the request of Councilmember Groberg, the City Clerk read the following memo from the Municipal Services Director:

City of Idaho Falls
March 10, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: REAL PROPERTY EXCHANGE – CITY OF IDAHO FALLS AND RIGBY-CLAYTON

It is respectfully requested the City Council conduct a public hearing to exchange real property between the City of Idaho Falls and William F. Rigby and Richard Clayton, Sr.

s/ S. Craig Lords

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

Slide 1 Aerial Photo showing both properties involved in the exchange

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

It was moved by Councilmember Groberg, seconded by Councilmember Hally, that authorization be given for the City Attorney to prepare an Exchange Agreement between the City and Mr. Clayton and Mr. Rigby for property described in Exhibits A and B. Roll call as follows:

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

Nay: None

Motion Carried.

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Mayor Milam requested Councilmember Hally to conduct a public hearing for consideration of Annexation Proceedings Prior to Platting for the Staffwood Property. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 7, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING – STAFFWOOD PROPERTY

Attached are the Annexation Agreement and Annexation Ordinance for an annexation of approximately 72 acres. This parcel straddles I-15 and is located south of Ironwood Drive, east of Bellin Road, and west and north of Pioneer Road. The Planning Commission considered this annexation request at its January 6, 2004 Meeting and recommended R-1 north of Porter Canal, C-1 zoning east of I-15 and south of Porter Canal as well as west of Bellin Road west of I-15, and R-3 for the triangle of ground south of Evergreen Acres west of I-15 and east of Bellin Road. The Planning Commission also recommended access be in accordance with *The Access Management Plan* and perimeter landscaping be provided along the street frontages. These last two recommendations have been incorporated into the Annexation Agreement. 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 Prior to Platting request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Proposed Zoning
Slide 3	Proposed Zoning Alternative with expanded R-3
Slide 4	Comprehensive Plan Map in this Area
Slide 5	Preliminary Plan for I-15/Sunnyside Road Interchange
Slide 6	Aerial Photo showing future road patterns
Slide 7	Sewer Map showing trunk line
Slide 8	Aerial Photo with ownerships shown
Exhibit 1	Planning Commission Minutes dated January 6, 2004
Exhibit 2	Staff Report dated January 6, 2004
Exhibit 3	Aerial Photo of annexation request
Exhibit 4	Map of proposed zoning

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions for this annexation.

Jerald Edson, 2400 West Barberry Lane, appeared to express his concern for the possibility that the canal system in the area being disbanded.

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Mayor Milam explained that it is a requirement to keep the water moving through this canal system.

Louis Carney, 3129 South Pioneer Road, appeared to question whether his property would be annexed. Mayor Milam explained that the only area to be annexed was shown and indicated by the Planning and Building Director.

There being no discussion 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 Staffwood Property (Teton Peaks) and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2528

TETON PEAKS

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 Hardcastle
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

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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 Teton Peaks as R-1 (Single-Family Residential) Zoning north of Porter Canal, C-1 (Limited Commercial) Zoning east of I-15 and south of Porter Canal as well as west of Bellin Road west of I-15, and R-3 (Multi-Family Residential) Zoning for the triangle of ground south of Evergreen Acres west of I-15 and east of Bellin Road 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 Shurtleff
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

Councilmember Shurtleff stated that he has no problem with this annexation, but believed that there is a problem in how the City annexes roadways. He explained that an annexation should be taking the whole roadway, not just a portion of the roadway. The City may be following law as to the annexation of roadways, but he felt that if the City is following law, he would like to see the law changed. He intended to go to the State Legislature to change this method of annexation for prescriptive easements. Mayor Milam explained that this is not a new issue. There have been many discussions over the years. If changes need to be made, the City should work toward those changes.

The Airport Director submitted the following memo:

City of Idaho Falls
March 9, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: ACCEPTANCE OF BID FOR RUNWAY 17/35, TAXIWAY B AND
NORTH RAMP PROJECT

Attached for City Council acceptance is the Bid Tabulation for Fiscal Year 2004 Federal Aviation Administration Grant Project. HK Contractors, Inc. bid of \$3,287,832.50 is the low bid.

The project was bid in three alternates due to unknown available FAA funding. FAA indicates that sufficient funds will be available to facilitate Alternate No. 1.

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The Airport Division recommends accepting HK Contractors, Inc. bid as stated and requests the Mayor and City Clerk be authorized to sign the contract documents.

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hardcastle, to accept the low bid from HK Contractors, Inc. to complete the Reconstruct Runway 17-35, Rehabilitate Taxiway "B", and Rehabilitate North Apron Project 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 Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
March 8, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CONFIRMATION AGREEMENT WITH AVISTA ENERGY

Attached for your consideration is a Confirmation Agreement to sell energy to Avista Energy for the months of April 2004 through September 2004. This Agreement is for 10 megawatts of firm energy.

Idaho Falls Power respectfully requests ratification of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the execution of this Confirmation Agreement to sell energy to Avista Energy for the months of April 2004 through September 2004 for 10 megawatts of firm energy. Roll call as follows:

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

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Nay: None

Motion Carried.

City of Idaho Falls
March 8, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: PUBLIC FIBER OPTIC NETWORK ORDINANCE

Attached for your consideration is a Public Fiber Optic Network Ordinance. Idaho Falls Power respectfully requests City Council adoption of this Ordinance.

s/ Mark Gendron

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

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADOPTING A NEW CHAPTER 13, TITLE 8 OF THE IDAHO FALLS CITY CODE; ESTABLISHING A PUBLIC FIBER OPTIC NETWORK; PROVIDING FOR THE MANAGEMENT AND OPERATION OF SUCH PUBLIC FIBER OPTIC NETWORK AS A DEPARTMENT WITH THE IDAHO FALLS ELECTRIC LIGHT DIVISION; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Shurtleff seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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The Municipal Services Director submitted the following memos:

City of Idaho Falls
March 2, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-04-07, ONE (1) 2004 CAB AND CHASSIS MOUNTED WITH A FLAT BED

Attached for your consideration is the tabulation for Bid IF-04-07, One (1) 2004 Cab and Chassis mounted with a flat bed.

It is the recommendation of Municipal Services to accept the low bid of Dan Wiebold Ford to furnish a 2004 Ford Cab and Chassis mounted with a flat bed for an amount of \$22,735.00 with trade-in Unit No. 38.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid from Dan Wiebold Ford to furnish a 2004 Ford Cab and Chassis mounted with a flatbed for an amount of \$22,735.00 with trade-in Unit No. 38. 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
March 5, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-04-08, WATER LINE MATERIALS

Attached for your consideration is the tabulation for Bid IF-04-08, Water Line Materials.

It is the recommendation of Municipal Services to accept the low evaluated proposal meeting specifications as per Attachment "A". As per the bid specifications, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

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It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low evaluated proposal meeting specifications as per Attachment "A" for Water Line Materials. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 4, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-04-09, ONE (1) NEW 2004 ROTARY MOWER

Attached for your consideration is the tabulation or Bid IF-04-09, One (1) New 2004 Rotary Mower with 3 decks, Sidewinder Type for Sand Creek Golf Course.

It is the recommendation of Municipal Services to accept the low bid of Turf Equipment and Irrigation to furnish one (1) New Toro Mower for an amount of \$26,400.00 without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the low bid of Turf Equipment and Irrigation to furnish One (1) New Toro Mower for the amount of \$26,400.00 without trade-in. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
March 9, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: MOTOR CONTROL CENTER FOR FILTER PUMP STATION AT
WASTE WATER TREATMENT PLANT

Attached for your consideration is the tabulation for the Motor Control Center for Filter Pump Station at the Waste Water Treatment Plant.

It is the recommendation of Municipal Services to award the said project to Mountain West Electric in the amount of \$317,000.00.

It is respectfully requested that Council approve said contract and authorize the Mayor to sign.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to accept the bid from Mountain West Electric in the amount of \$317,000.00 to complete the Motor Control Center for the Filter Pump Station at the Waste Water Treatment Plant 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.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
March 7, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT AND DEVELOPMENT AGREEMENT – TAYLOR
CROSSING “ON THE RIVER”, DIVISION NO. 6

Attached are the Development Agreement and Final Plat for Taylor Crossing “On The River”, Division No. 6. This Final Plat for one lot of 1.81 acres is

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located north and immediately adjacent to Pancheri Drive, east of the Porter Canal, and west of Milligan Road. The Planning Commission considered this Final Plat at its January 6, 2004 Meeting and recommended approval with the condition a transportation engineer review access from this lot to Pancheri Drive. The recommendations of the transportation engineer have been addressed in the Development Agreement. This Final Plat and Development Agreement are now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to accept the Final Plat for Taylor Crossing "On The River", Division No. 6 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Development Agreement for Taylor Crossing "On The River", Division No. 6 and, further, give authorization for the Mayor and City Clerk to sign said Final Plat. 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
March 7, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT – LOTS 6 AND 7, BLOCK 6,
HIGHLAND PARK ADDITION

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Attached is the Development Agreement for Lots 6 and 7, Block 6, Highland Park Addition. This Agreement provides for developer participation in the improvement of Elmore Street in accordance with City Ordinances. This Division respectfully requests approval of the Agreement.

s/ Renée R. Magee

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Development Agreement for Lots 6 and 7, Block 6, Highland Park Addition 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.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 8:10 p.m.

CITY CLERK

MAYOR
