

DECEMBER 11, 2003

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 11, 2003, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Brad Eldredge (By Telephone)
Councilmember Mike Lehto
Councilmember Robert Barnes
Councilmember Joe Groberg
Councilmember Bill Shurtleff
Councilmember Ida Hardcastle

Also present:

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

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the Re-appointment of Jim Dalton to serve on the Golf Advisory Board (Term to expire on December 31, 2006); the Re-appointment of Gordon Larson to serve on the Golf Advisory Board (Term to expire on December 31, 2006); the Re-appointment of Lane Allgood to serve on the Parks and Recreation Commission (Term to expire on December 31, 2006); the Re-appointment of Tom Haney to serve on the Parks and Recreation Commission (Term to expire on December 31, 2006); and, the Re-appointment of Steve Janes to serve on the Parks and Recreation Commission (Term to expire on December 31, 2004).

The City Clerk requested approval of the Minutes for the November 25, 2003 Work Session and the November 25, 2003 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 November 1, 2003 through November 30, 2003, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 510,250.05
Street Fund	148,364.20
Recreation Fund	20,756.50
Library Fund	43,120.00
Municipal Equipment Replacement Fund	366,494.00
Electric Light Public Purpose Fund	50,275.48
Business Improvement District	71,449.97
Municipal Capital Improvement Fund	32,609.96
Street Capital Improvement Fund	17,964.74
Bridge and Arterial Street Fund	5,759.18
Airport Fund	489,121.50
Water and Sewer Fund	870,999.32

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FUND	TOTAL EXPENDITURE
Sanitation Fund	265,136.29
Ambulance Fund	9,873.18
Electric Light Fund	2,650,174.30
Payroll Liability Fund	<u>2,067,975.86</u>
TOTALS	\$7,620,324.53

The City Clerk presented several license applications, including BEER LICENSES to Applebee's Neighborhood Grill and Bar, Blue Wave, Common Cents Food Store (Boulevard), Common Cents Food Store (Broadway), Common Cents Food Store (17th Street), Company Club, Elk's Lodge, First Street Saloon, Frank's Place, Garcias – Best Restaurants, Las Pulgas Night Club/Restaurant, Leo's Place (Holmes Avenue), Marcellar's Vintage Wines and Brews, Maverik Country Store (Yellowstone Avenue), Maverik Country Store (Woodruff Avenue), Sam's Club, Sandpiper Restaurants East, Short Stop Market and Laundry, Sizzler Family Steak House, Smith's Food and Drug, and Willards Arts Center/Colonial Theater; BARTENDER PERMITS to Frankie L. Bentley, Christopher M. Boyd, Michael E. Chambers, Kimberly J. Christensen, Josh B. Daniels, Jesse R. Dixon, Theresa R. Eaman, William C. Goodwin, Karl Hanosky, Nicholas B. Hoyle, Nic Johnson, Anthony A. Peterson, Amanda R. Rackham, Kathleen M. Sciarra, Andrea B. Semple, Tracy L. Wehe, Glenn Richard Wilson, and Misty D. Yasuda, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on December 11, 2003.

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

Aye: Councilmember Groberg
Councilmember Barnes
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for St. Clair Estates Addition, Division No. 6 (Recessed from the November 25, 2003 Regular Council Meeting). It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to recess the Annexation Proceedings for St. Clair Estates Addition, Division No. 6 to the December 18, 2003 Special Council Meeting. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Barnes
Councilmember Eldredge

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Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Barnes to conduct a public hearing for consideration of a rezoning from R-3 (Single-Family Residential and Multi-Family Residential) to R-1 (Single-Family Residential) on property located generally north of West Broadway, west of Old Butte Road extended and the soccer complex, legally described as The Village, Division Nos. 1, 2, 3, 4, and 5. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
December 8, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING FROM R-3 TO R-1 – THE VILLAGE ADDITION,
DIVISION NOS. 1, 2, 3, 4, AND 5

Attached is the petition to rezone Divisions 1 through 5 of The Village. These built-out divisions of The Village are adjacent to the soccer complex on Old Butte Road. In order to allow the developer to retain a six foot side yard, the Planning Commission, at its November 4, 2003 Meeting, recommended rezoning Divisions 1, 2, 3, 4, and 5 from R-3 to R-1 with the exception of the following lots: Lot 34, Block 4; Lots 1 and 38, Block 6; Lots 1 and 46, Block 7; Lot 1, Block 8; and, Lot 1, Block 9. These lots are adjacent to undeveloped R-3 lots or parcels within Bonneville County. The Department concurs with the 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
Slide 3	Land Use Map showing petitioners approving of the zone change
Slide 4	Planning Commission recommendation showing the majority of the five divisions being zoned to R-1 with the exception of the of the existing R-3 lots that will be bordered by undeveloped R-3 zoning or bordered by Bonneville County where it is anticipated the Developer is going to request R-3 zoning in the future
Slide 5	Site Photo showing entrance to the Village
Slide 6	Site Photo showing north end of Clarence Drive
Slide 7	Site Photo showing Lawrence Drive
Exhibit 1	Planning Commission Minutes dated November 4, 2003

Exhibit 2 Staff Report
Exhibit 3 Petition

Councilmember Groberg stated that he understood that this was a retrofit to R-1 to protect against different uses in the future under the R-3 Zone. It was his understanding that all of the existing houses, including setback requirements, would be grandfathered in even though some of them might be technically in violation of the R-1 Zone. The Planning and Building Director stated that there are certain provisions in the Zoning Ordinance that are used routinely on the numbered and lettered streets in Idaho Falls. That provision allows for an average of the setbacks on a built street to determine the setback requirements for any new structure being considered. There is also a provision that states that a home can be added onto if a person does not encroach further into the setback requirement. Councilmember Groberg requested to know whether all lots under this zoning change request had homes built on them. The Planning and Building Director stated that the Building Department shows that all lots are built on. The Planning Commission endorsed and supported the Developer's Preliminary Plat. The R-3 Zoning is a major component of the Preliminary Plat.

Rick Denning, 1002 Clarence Drive, appeared to state that he is the petitioner for the requested zone change. He is speaking for approximately 90% of the residents of The Village subdivision, for those sections that are completed and owner-occupied. Most of the homeowners signed the petition approving of the zone change. As a way of clarification for the homes that did not have signatures, it was not an indication of non-support of this petition. There were 8 homes that did not sign the petition. Approximately 5 of those homes were not owner-occupied as they are "For Sale". Two of the homes are rental homes. He did not bother the renters, as they were not the actual owners. There were two individuals who requested that he leave their property prior to presenting the petition. Mr. Denning reviewed for the Mayor and City Council, the R-3 Zoning definition, the R-2 Zoning definition, and the R-1 Zoning definition from the Zoning Ordinance. The Village is better defined as a R-1 Zone. He acknowledged an outstanding effort by the City of Idaho Falls and by diligence on the part of the Developer and the Builders, in the development and the design of The Village subdivision. It is a new concept to use R-3 zoning to develop a single-family residential neighborhood. All of the homeowners that he spoke with think that this practice has been very effective and the people that he represents supports the continued use of this practice for further development of the subdivision. This is one of the nicest neighborhoods for young families in this City and it is a valuable asset to the City in its current state. In driving through this subdivision, a person would not know that it not R-1 zoning. The homeowners do not want to see something that is great now, not protected for the future. At the Planning Commission Meeting, there was nearly unanimous support for this petition, not only by the homeowners, but also by the City and the Developer.

Jim Whited, 3082 Jackie Court, appeared to state that he is in favor of the zone change. He would like to have the nature of their neighborhood protected through this zoning change.

Rosemary Magnuson, 940 Clarence Drive, appeared to request the Mayor and Council to approve this zone change. She appreciated zoning as a way to preserve the subdivision.

Carol James, 1052 Clarence Drive, appeared to state that she supported this zone change. She did not realize that this area was zoned R-3.

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 Barnes, seconded by Councilmember Hardcastle, to approve the rezoning from R-3 (Single-Family Residential and Multi-Family Residential) to R-1 (Single-Family Residential) of The Village Addition, Division No. 1, 2, 3, 4, and 5 with the exception of Lot 34, Block 4; Lots 1 and 38, Block 6; Lots 1 and 46, Block 7;

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Lot 1, Block 8; and, Lot 1, Block 9 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 Groberg
Councilmember Barnes
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls
December 10, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT

Attached for City Council approval is the Consent to Assignment of the Hangar Lease between the Estate of James Noble and NSI Flight Services, LLC.

The City Attorney has reviewed and approved this document.

The Airport Division recommends approval and requests the Mayor be authorized to execute the document.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Consent to Assignment of Hangar Lease Agreement from the Estate of Jim Noble to NSI Flight Services and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Barnes
Councilmember Eldredge
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Groberg

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

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City of Idaho Falls
December 8, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LINE CLEARANCE PROJECT

Attached for your consideration is the bid tabulation for the Line Clearance Project.

Municipal Services recommends awarding the bid to Zundel, Inc. not to exceed the amount of \$200,000.00.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to accept the bid from Zundel, Inc. to complete the Line Clearance Project in an amount not to exceed \$200,000.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Barnes

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
December 11, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: SANDY DOWNS SIMULCASTING - RESTATED LEASE AGREEMENT

Attached for your consideration is a Restated Lease Agreement between the City of Idaho Falls and Sandy Downs Racing, Inc. The purpose of the Restated Agreement is to allow Sandy Downs Racing, Inc. to continue use of the grandstand and concession area and to discontinue use of the unimproved lot as was described in the original lease. The term of the lease remains the same terminating June 30, 2004. It is, therefore, submitted for your approval.

s/ David J. Christiansen

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It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Restated Lease Agreement for Sandy Downs Simulcasting with Sandy Downs Racing, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Barnes
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: Councilmember Groberg

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
December 8, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MANAGEMENT AGREEMENT – IDAHO FALLS DOWNTOWN
DEVELOPMENT CORPORATION

Attached is the Management Agreement between the City of Idaho Falls and Idaho Falls Downtown Development Corporation (IFDDC). This Agreement mirrors earlier agreements and has been reviewed by the City Attorney. It allocates \$45,600.00 of the Business Improvement District assessments to the IFDDC for the management of the Downtown Revitalization Program. This Department respectfully requests approval of this Agreement.

s/ Renée R. Magee

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Management Agreement with Idaho Falls Downtown Development Corporation (IFDDC) 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 Barnes
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

DECEMBER 11, 2003

City of Idaho Falls
December 5, 2003

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: SCHOOL RESOURCE OFFICER AGREEMENT

I respectfully submit the attached 2003-2004 School Resource Officer Agreement between the City of Idaho Falls and Idaho Falls School District No. 91 for your approval. This Agreement is specific to the number of School Resource Officers, their duties, schedules, and compensation. It has been updated to include the possibility of shift-hour changes to accommodate scheduled school-related events.

Thank you for your consideration.

s/ J. K. Livsey

It was moved by Councilmember Groberg, seconded by Councilmember Lehto, to approve the School Resource Officer Agreement with Idaho Falls School District No. 91 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Barnes
Councilmember Shurtleff

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Barnes, seconded by Councilmember Groberg, that the meeting adjourn at 8:00 p.m.

CITY CLERK

MAYOR
