

**NOVEMBER 13, 2003**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 13, 2003, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

Mayor Milam and Councilmembers honored Pauline Cook on her retirement from the Idaho Falls Public Library by presenting her with a gift certificate.

**CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation for the appointment of Dave Radford to serve on the Idaho Falls Redevelopment Agency (Term to expire in January, 2005) and the appointment of LaMar John to serve on the Idaho Falls Redevelopment Agency (Term to expire on November 30, 2008).

The City Clerk requested approval of the Minutes for the October 23, 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 October 1, 2003 through October 31, 2003, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$1,073,421.83
Street Fund	445,095.25
Recreation Fund	17,310.62
Library Fund	8,054.79
Municipal Equipment Replacement Fund	13,677.65
Electric Light Public Purpose Fund	75,946.26
Business Improvement District	34,267.33
Sanitary Sewer Capital Improvement Fund	6,293.12
Municipal Capital Improvement Fund	28,249.45

Water Capital Improvement Fund	4,815.00
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<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
Airport Fund	455,002.57
Water and Sewer Fund	669,827.91
Sanitation Fund	8,208.84
Ambulance Fund	5,956.71
Electric Light Fund	2,948,775.46
Payroll Liability Fund	1,800,217.16
<b>TOTALS</b>	<b>\$7,595,119.95</b>

The City Clerk presented several license applications, including BEER LICENSES to A Little Bit of Mexico, Barbecue Pit, Boozer's Quick Stop, Buck's, Chic's Lounge, China Super Buffet, Fastway Car Wash, Ford's Bar, Frosty Gator, Gas-N-Grub, Get-N-Go Convenience Store, High Country Shell, Holiday Oil, R & R Bar, Rite Aid (Broadway), Rite Aid (Northgate Mile), Rutabaga's, Seventeenth Street Gas and Wash, Shooters Night Club, Skyline Lanes, Tobacco Connection, Top Stop Convenience Store, Winco Foods, and Wingers; BARTENDER PERMITS to Dallas D. Armstrong, Hugh L. Arnold, Brian M. Barkley, Gina R. Blalock, Jennifer Brink, Tonia J. Burgess-Kinghorn, Tabatha J. Cox, Dara Diamond, Annetta Fore, Royce A. Goodman, Judee A. Hagan, Anthony Jones, Jeanne Kelsch, Misty L. Kumpf, Bobbi J. McDaniel, Tereasa C. McGlone, C. Steven Montague, Jack W. Newhard, Karlyne B. Newhard, Jodi R. Nicholas, Michael E. Reed, Mark E. Smoot, Shane Waters, and Kathryn M. White, 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 November 13, 2003.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
October 27, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ROOFING PROJECTS FOR TAUTPHAUS PARK AND 911 BUILDING

It is respectfully requested that Mayor and Council approve the plans and specifications to re-roof Tautphaus Park Maintenance Building and the 911 Dispatch Building as well as authorization to receive bids for these projects.

s/ S. Craig Lords

Councilmember Groberg requested the memo from the Parks and Recreation Director regarding the request for approval of the plans and specifications and authorization to advertise to receive bids for the Sandy Downs Well be considered under the Regular Agenda Items.

The Public Works Director submitted the following memos:

**NOVEMBER 13, 2003**

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City of Idaho Falls  
October 28, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – BELLIN ROAD WATER LINE, GENEVIEVE WAY TO I-15

Public Works requests authorization to advertise to receive bids for installation of a water line in Bellin Road from Genevieve Way to I-15.

s/ Chad Stanger

City of Idaho Falls  
November 12, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – MEPPEN CANAL BRIDGE EXTENSIONS AT WOODRUFF AVENUE

Public Works requests authorization to receive bids for the Meppen Canal Bridge Extensions at Woodruff Avenue.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for Waterford Addition, Division No. 6. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:



**NOVEMBER 13, 2003**

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City of Idaho Falls  
November 2, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING – WATERFORD  
ADDITION, DIVISION NO. 6

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Waterford Addition, Division No. 6. This Final Plat is located south of Napa Drive, west of Nathan Drive, and east of South 5<sup>th</sup> West (Park-Taylor Road). The Final Plat contains 21 single-family residential lots. The requested initial zoning is R-1. On September 2, 2003, the Planning Commission recommended approval of this annexation, final plat, and initial zoning. The 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	Aerial Photo
Slide 3	Preliminary Plat
Slide 4	Final Plat under consideration
Slide 5	Site Photo looking east across retention pond to west end of site
Slide 6	Site Photo showing land uses west of site
Slide 7	Site Photo looking south across the site
Exhibit 1	Planning Commission Minutes dated September 2, 2003
Exhibit 2	Staff Report dated September 2, 2003
Exhibit 3	Copy of Final Plat

The Planning and Building Director stated that this annexation is in compliance with the City's Subdivision Ordinance and the Comprehensive Plan.

Jeff Freiberg, 985 North Capital Avenue, appeared as a representative for the developer of Waterford Addition, Division No. 6. He stated that he was present to answer any questions from the Mayor and Council.

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

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Waterford Addition, Division No. 6 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Barnes  
Councilmember Shurtleff  
Councilmember Hardcastle

Councilmember Eldredge  
Councilmember Lehto

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Nay: None

Motion Carried.

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

**ORDINANCE NO. 2514**

**WATERFORD ADDITION, DIVISION NO. 6**

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 Barnes moved, and Councilmember Hardcastle 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 Barnes  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

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 Barnes, seconded by Councilmember Hardcastle, to establish the initial zoning of Waterford Addition, Division No. 6 as R-1 (Single-Family Residential) Zoning as requested, 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 Lehto  
Councilmember Eldredge  
Councilmember Hardcastle  
Councilmember Groberg

Councilmember Barnes  
Councilmember Shurtleff

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Nay: None

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for Waterford Addition, Division No. 6 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of the expenditure of the Local Law Enforcement Block Grant Funds. At the request of Councilmember Groberg, the City Clerk read the following memo from the Police Chief:

City of Idaho Falls  
November 10, 2003

MEMORANDUM

TO: Mayor and Council  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: NOTICE OF PUBLIC HEARING

The Idaho Falls Police Department has requested the opportunity to hold a public hearing at the City Council Meeting of November 13, 2003. This public hearing will be to gain approval for the 2003-2004 Local Law Enforcement Block Grant expenditures.

Thank you for your assistance.

s/ J. K. Livsey

Police Chief Livsey appeared to explain that the amount of the 2003-2004 Local Law Enforcement Block Grant is \$34,938.00. The process to obtain the grant requires that a committee consisting of a school district representative, a prosecutor's representative and a volunteer group representative approve the items requested on the grant proposal. It is proposed to purchase two moving radar units in the amount of \$5,316.00, with the remaining \$29,662.00 being used for training.

There being no comments either in favor of or in opposition to these expenditures, Mayor Milam closed the public hearing.

The Airport Director submitted the following memos:

**NOVEMBER 13, 2003**

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City of Idaho Falls  
November 7, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: HANGAR LEASE AGREEMENT WITH TARGHEE PARTNERS

Attached for City Council approval is a new Hangar Lease Agreement with Targhee Partners. This Agreement is for five years with one five-year extension.

The City Attorney has seen 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 Hangar Lease Agreement with Targhee Partners and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
November 10, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: WORK ASSIGNMENT NO. TEN (10) WITH DELTA AIRPORT CONSULTANTS

Attached for City Council approval is Work Assignment No. Ten (10) with Delta Airport Consultants for the design, bidding and construction phase service for the rehabilitation of Runway 17/35, Taxiway B and the North Apron. The total cost for these services are \$499,716.00. An independent fee review has been conducted and found these fees to be reasonable.

This is our Fiscal Year 2004 Federal Airport Improvement Project with 90% being funded by the Federal Aviation Administration.

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

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve Work Assignment No. 10 with Delta Airport Consultants for the design, bidding and construction phase service for the rehabilitation of Runway 17/35, Taxiway B and the North Apron 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 Barnes  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
November 10, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: HEALTH AND DENTAL INSURANCE RENEWAL

It is respectfully requested that the Mayor and City Council approve the renewal of the City's Health and Dental Insurance Coverage with Regence Blue Shield of Idaho and Delta Dental for a one-year period and authorize the Mayor to sign the renewal documents.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the renewal of the City's Health and Dental Insurance Coverage with Regence Blue Shield of Idaho and Delta Dental for a one-year period and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Councilmember Shurtleff

Nay: None

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Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
November 13, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: PRIMATE DISCOVERY CENTER, PHASE III

It is the recommendation of the Parks and Recreation Division to reject all bids opened on October 30, 2003, for the Primate Discovery Center, Phase III Project, and that authorization be granted to re-bid said project.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to reject all bids received for the Primate Discovery Center, Phase III Project and, further, give authorization to rebid said project. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
November 13, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: SANDY DOWNS WELL

The Division of Parks and Recreation respectfully requests the Mayor and City Council approve the plans and specifications as presented and that it be authorized to solicit bids for such project.

s/ David J. Christiansen

Councilmember Hardcastle explained that there were lengthy discussions regarding this well at the budget hearings held earlier this year. Since that time, the need has become greater for this well.

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Councilmember Eldredge stated that during the War Bonnet Round-Up in August, the restrooms were closed down because the sand that the pump was sucking filled up the bathroom fixtures. This well is not a luxury, it is definitely a necessity.

Councilmember Groberg commented that his recollection of the discussion during the budget hearings was that if this were put in the budget, the City Council could still decide to not build this well. The City Council should consider whether this well should be built, before the bids are requested. His question was whether the City wants to invest an additional large sum of money in Sandy Downs.

Councilmember Hardcastle explained that investing in this well would make Sandy Downs more sellable and more useable. The decision as to what the City Council will do with Sandy Downs has not been made. She anticipated a Work Session of the City Council soon to make some decisions.

Councilmember Groberg requested additional Council input regarding whether this well should be built prior to deciding whether the City will retain Sandy Downs.

Councilmember Shurtleff commented that there are not any events at Sandy Downs for several months. That would allow time to determine whether the City should hold on to Sandy Downs and whether the well should be drilled.

Councilmember Hardcastle stated that the well is needed at this time, no matter what the City decides in the future about whether to keep Sandy Downs.

Councilmember Eldredge pointed out that the well drillers are less busy in the winter months. There may be better bids received at this time of year, as opposed to waiting until the spring and summer months.

The Parks and Recreation Director appeared to explain that at the next Council Meeting, the City Council will consider an addendum to the Simulcasting Agreement to stay in the grand stand area instead of building their own facility. The Chariot Association will have a number of dates during this season, as well as the State Cutter Association races will be scheduled and hosted at Sandy Downs. There are several events using the Sandy Downs facility during the winter months. The City's permit has been renewed for a year's extension on drilling a well. The existing system has been enhanced to try to alleviate the problem.

Councilmember Eldredge stated that one of the reasons that the Simulcast people decided to wait on building a new facility is because the future of Sandy Downs was uncertain.

A brief discussion was held regarding the existing well and how it serves the Sandy Downs facility.

Mayor Milam commented that many of the events held at Sandy Downs make use the kitchen facilities. There are some basic sanitary and health issues that relate to using the kitchen facility without an adequate source of potable water.

It was determined that a Work Session would be held as soon as possible to discuss the future of Sandy Downs.

Councilmember Groberg agreed with the analysis and with the conclusion that the installation of this well would increase the value of the property. He expressed his concern that the Council may determine that the City would want to hold onto this property for a future park and not have any operations at Sandy Downs. If a well is drilled, the City is pretty much setting a direction that the City wants to keep Sandy Downs operating. That is why he is hesitant in going forward until a conclusion is reached.

Councilmember Barnes commented that the highest and best use of Sandy Downs is an equestrian center, racetrack, and rodeo grounds. That investment needs to be protected, and the value needs to be maintained. Without the well, that value is not there. The City ought to move forward with receiving bids for the well.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the plans and specifications for the Sandy Downs Well and, further, give authorization to advertise to receive bids for said well. Roll call as follows:

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

Nay: Councilmember Groberg

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
November 2, 2003

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINAL PLAT – FANNING AVENUE ADDITION, DIVISION NO. 1

Attached is the Final Plat for Fanning Avenue Addition, Division No. 1. This Final Plat is located south of Garfield Street, west of Fanning Avenue, and east of Wabash Avenue. The Final Plat contains one multi-family lot. On October 7, 2003, the Planning Commission recommended approval of this Final Plat. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for Fanning Avenue Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
November 2, 2003

MEMORANDUM

TO: Mayor and City Council

FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION -  
LOWE'S - LOT 1, BLOCK 1, WILLARD-WARR ADDITION

**NOVEMBER 13, 2003**

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Attached are the Findings of Fact, Conclusions of Law, and Decision for the September 25, 2003 public hearing on Lowe's proposed store on Lot 1, Block 1, Willard-Warr Addition. This document is based on record established at the hearing and has been reviewed by the City Attorney. This Division respectfully requests adoption of the attached document.

s/ Renée R. Magee

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to approve the Findings of Fact, Conclusions of Law, and Decision for Lowe's located at Lot 1, Block 1, Willard-Warr Addition 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 Public Works Director submitted the following memo:

City of Idaho Falls  
November 12, 2003

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – SEWER ADMINISTRATION BUILDING

On November 5, 2003, bids were received and opened for construction of the Sewer Administration Building. A tabulation of the bid results is attached. Bid documents provided by the apparent low bidder, Shook Construction Company, Inc., contained an irregularity with respect to the names and public works license number for subcontractors. The public works license number submitted is a valid license but does not correspond directly with the firm name submitted. This same inconsistency, involving the same subcontractor and public works license number, appeared on several of the bids submitted.

Public Works recommends the City Council accept the plans and specifications; waive the informality created by the described subcontractor name and license number irregularity; award the bid to Shook Construction Company, Inc., in the amount of \$985,197.00; and, authorize the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

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It was moved by Councilmember Shurtleff, seconded by Councilmember Barnes, to accept the plans and specifications for the Sewer Administration Building, waive the informality created by the described subcontractor name and license number irregularity, award the bid to Shook Construction Company, Inc. and, further, give authorization for the Mayor and City Clerk to sign the contract documents. Roll call as follows:

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

Nay:            None

Motion Carried.

Mayor Milam reminded those present that the second meeting in November would be held on Tuesday, November 25, 2003.

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

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CITY CLERK

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MAYOR

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