

JULY 24, 2003

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 24, 2003, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes for the July 10, 2003 Regular Council Meeting.

The City Clerk presented several license applications, including BARTENDER PERMITS to Rick O. Baker, Eden Holm, Jacqueline J. Kolbet, Steven E. Mays, Jr., Rebecca L. Paul, and Jana L. Renford, 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 July 24, 2003.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 14, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – ASPHALT OVERLAY, 2003

Public Works requests authorization to advertise to receive bids for Asphalt Overlay, 2003.

s/ Chad Stanger

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – “E” STREET PARKING LOT

Public Works requests authorization to advertise to receive bids for improvements to the “E” Street Parking Lot.

s/ Chad Stanger

City of Idaho Falls
July 14, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – NORTH IDAHO FALLS SEWER TRUNK LINE, PHASE II

Public Works requests authorization to advertise to receive bids for the North Idaho Falls Sewer Trunk Line, Phase II Project.

s/ Chad Stanger

City of Idaho Falls
July 14, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – ROLLANDET AVENUE, STORM DRAINAGE

Public Works requests authorization to advertise to receive bids for the Rollandet Avenue Storm Drainage Project.

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 Eldredge
Councilmember Lehto

Councilmember Barnes
Councilmember Groberg

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Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Barnes to conduct Annexation Proceedings for Kensington Park Addition, Division No. 1. At the request of Councilmember Barnes, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 22, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT AND INITIAL ZONING FOR
KENSINGTON PARK ADDITION, DIVISION NO. 1

Attached is the Annexation Agreement, Annexation Ordinance, and Final Plat for Kensington Park Addition, Division No. 1. This parcel is located south of Sunnyside Road and east of 15th East (St. Clair Road). The requested initial zoning is PB (Professional Business). The Final Plat consists of two lots, one 7.65 acre lot and one 2.18 acre lot for storm water retention. The Planning Commission considered this request at its May 20, 2003 Meeting and recommended approval with no accesses to 15th East, two from Elk Creek Drive, and one from Merlin Drive. The staff will control access points through site plan review; therefore, the Department concurs with the Commission's recommendation to approve this annexation. 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:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo with Preliminary Plats superimposed on the square mile
Slide 4	Final Plat under consideration
Slide 5	Subdivision and Platting Requirements (Complied With)
Exhibit 1	Planning Commission Minutes dated May 20, 2003
Exhibit 2	Staff Report dated May 20, 2003
Exhibit 3	Planning Commission Minutes dated May 6, 2003 (Preliminary Plat)

Exhibit 4 Staff Report dated May 6, 2003

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Matt Morgan, 420 West 15th Street, appeared to state that Kensington Park would be developed as a professional office subdivision. There has been a large demand for this type of subdivision around the hospital. The architectural design of the buildings will be stone and brick, with hip and gable roof lines. He will also be constructing ponds and water features, along with beautiful landscaping. Lot 2 is the storm retention pond. He has increased the size of the storm pond to accommodate a large portion of the storm water drainage for the Sunnyside Road expansion project and his other developments in the area. The professional parks that he has developed have been a good contribution to the community.

There being no 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 Kensington Park Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2493

KENSINGTON PARK ADDITION, DIVISION NO. 1

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 Hardcastle

Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto

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Councilmember Groberg
Councilmember Barnes

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 Kensington Park Addition, Division No. 1 as PB (Professional Business) 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 Shurtleff
Councilmember Hardcastle
Councilmember Barnes
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Barnes, seconded by Councilmember Hardcastle, to accept the Final Plat for Kensington Park Addition, Division No. 1 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 Barnes
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

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

Dennis Emery, 220 Alpine Drive, appeared to propose that the City change the way that the money is provided to the transportation system. Instead of giving \$80,000.00 to Group A, that a line item be placed on the utility bill for \$1.50 per month to cover transportation costs. He has talked with T. R. P. T. A. regarding this proposal, and they expressed that they did not mind if the City collected this type of fee. This would allow for buses to accommodate customers six days a week from approximately 6:00 a.m. to 9:00 p.m.

Mr. Emery shared a bit of history with the Mayor and City Council regarding a bus system that was run by the City in approximately 1949-1950. He stated that he has visited with the

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State of Idaho regarding putting this line item on the utility bill and found no problem with doing that. There is not much cost involved with placing this line item on the utility bills.

Mayor Milam stated that if the City were to set a certain amount to pay, then it becomes a tax. Taxes cannot be added to a utility. The City would not be able to add this line item. The City could add a voluntary contribution line item, but there are many requests for those types of donations. Anyone is allowed to donate to the City for various projects, but this cannot be made a part of the utility payment. Mayor Milam told Mr. Emery that she would be happy to sit down and discuss this issue with him at any time.

Councilmember Groberg stated that the City could do this if State Legislation were adopted to authorize the City to take such payments. The City Attorney agreed with Councilmember Groberg.

Councilmember Shurtleff requested Mr. Emery to visit with him following the Council Meeting to discuss the shortfalls of the public transportation system.

Shaleena Luckau, 258 J Street, appeared to state that she is a member of the Daughters of the Founding Fathers. She stated that her group has given a presentation at the Parks and Recreation Council Committee and have visited with all members of the City Council concerning the City's ownership of the golf courses. The City has mismanaged these golf courses. Over the past seven year period alone, the citizens have subsidized \$700,000.00 to operate and maintain the golf courses. The proper role of government is not to own and operate golf courses, but to protect the law-abiding from the lawless. Ms. Luckau submitted the following petition:

GOLF COURSE PETITION

I agree the City of Idaho Falls should sell all 3 of the municipal golf courses in order to be more business friendly and to lower the tax burden on it's citizens.

s/ 441 Signatures

Ms. Luckau stated that during the meeting with the Parks and Recreation Council Committee, their time was cut short, so an answer was not made by the City Council regarding the group's proposal. She requested the Mayor and City Council to vote to have this issue placed on the ballot for the citizens to decide whether this is something that they want their tax dollars to go to. If this was not possible, they requested a Work Session with the City Council to address this issue in approximately 4 weeks.

Mayor Milam stated that there is a process for placing items on the ballot. Mayor Milam stated, further, that she would discuss with the Parks and Recreation Council Committee whether they would like to conduct another Work Session regarding this issue.

Councilmember Hardcastle stated that a memo was sent to each of the Councilmembers inviting them to attend the previous Parks and Recreation Council Committee regarding the proposal from the Daughters of the Founding Fathers. She also invited each Councilmember personally to attend. At the Parks and Recreation Council Committee Meeting, the group was given 1-1/2 hours to present their proposal. That would be no different than a Work Session. Councilmember Hardcastle suggested that this City Council, as a rule, takes recommendations from the Golf Advisory Board. It was suggested that this group visit with the Golf Advisory Board.

Don Schanz, 302 11th Street, appeared to state that he is with Citizens for Tax Reform. He stated that the Citizens for Tax Reform would like to join with the Daughters of

the Founding Fathers to urge, through the proper processes that are established by the City, that this issue be placed on the ballot for a citizens' vote. It was his contention, and the contention of those that are with them, that the City Council should not continue to tax

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people to pay for someone else's fun. He proposed that the Mayor and City Council should sell the golf courses. The golf courses would still be in use, they would still beautify the City, and would still be a benefit to the City. The sale of these golf courses would bring into the coffers of the City, several million dollars that could be used for valid purposes. This would also take off of the tax rolls a significant burden and enable those that are actual users of the golf courses to participate and carry the weight of that which they are using themselves.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
July 21, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: RECOMMENDATION OF AWARD - FIBER RING CLOSURE PROJECT

Attached is the bid tabulation for the Fiber Ring Closure Project.

Idaho Falls Power respectfully recommends award of the bid to the apparent low evaluated bidder, D. E. A. Construction Company, in the amount of \$97,158.00.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to accept the apparent low evaluated bid from D. E. A. Construction Company to complete the Fiber Ring Closure Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 22, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director

SUBJECT: AWARD OF LINE CLEARANCE PROJECT

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Attached is the tabulation of bids for the Line Clearance Project. Idaho Falls Power requests award to the only bidder, Zundell, Inc. for a not to exceed amount of \$100,000.00.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to accept the sole bid from Zundell, Inc. to complete the Line Clearance Project for an amount not to exceed \$100,000.00 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 18, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RIVER OVERLOOK RENOVATION PROJECT – CHANGE ORDER
NO. 1

Attached for your consideration is Change Order No. 1 in the amount of \$4,447.00 for the River Overlook Renovation Project. The Change Order is for providing and installing additional galvanized channels.

It is respectfully requested that Council approve and authorize the Mayor to execute the document.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve Change Order No. 1 to Beco Construction Company, Inc. for the River Overlook Renovation Project and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Shurtleff

Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

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Councilmember Barnes

Nay: None

Motion Carried.

City of Idaho Falls
July 22, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CONTRACT TO REDESIGN CITY'S WEB SITE

Attached for your consideration is a contract with Civic Mind Media, Inc. for the redesign of the City's web site. The cost is estimated to be \$16,100.00.

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

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the Contract with Civic Mind Media, Inc. for the redesign of the City's web site and, further, give authorization for the Mayor 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 Planning and Building Director submitted the following memo:

City of Idaho Falls
July 22, 2003

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT FOR FIRST AMENDED PLAT OF BALL PACKING ADDITION

Attached is the Final Plat for First Amended Plat of Ball Packing Addition. This parcel is located south of Pancheri Drive and west of South Yellowstone Highway. The parcel is inside the City and zoned I & M-1 and HC-1. The Final

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Plat subdivides one large lot, and a reciprocal easement agreement has been drafted to cover parking and access. The Planning Commission considered this request at its July 1, 2003 Meeting and recommended approval provided a reciprocal easement agreement is recorded with the plat. The Department concurs with the Commission recommendation. 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 of the First Amended Plat of Ball Packing Addition and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
July 21, 2003

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

I respectfully request the attached Ordinance amending City Code 4-15-5 and 4-15-6 with regard to the vehicle and operating licensing of public conveyances be heard at the City Council Meeting of Thursday, July 24, 2003.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Groberg requested the Police Chief to come forward to explain the amendments.

Chief Livsey explained that the Ordinance has always required that no person may operate a bus, courtesy vehicle, public conveyance or taxicab within the City without first obtaining an operator's license issued by the City Clerk. This means an operator's

license is required when driving one of those types of vehicles for hire. The exemption has allowed operators of buses who get State licenses to not be licensed with the City of Idaho

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Falls. That exemption should not exist, as it is important to conduct background checks on drivers, as there have been issues in the past.

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

ORDINANCE NO. 2498

AN ORDINANCE AMENDING SECTIONS 4-15-5 AND 4-15-6 OF THE CITY CODE OF IDAHO FALLS, IDAHO; AMENDING THE EXEMPTIONS FOR THE LICENSING OF VEHICLES AND OPERATORS OF PUBLIC CONVEYANCES; EXPLAINING ORDINANCE METHODOLOGY; PROVIDING FOR THE PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Lehto 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 Eldredge
Councilmember Lehto
Councilmember Barnes
Councilmember Groberg
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
July 14, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PAVING EQUIPMENT RENTAL, 2003

On July 8, 2003, bids were received and opened for the Paving Equipment Rental, 2003. A tabulation of the bid results is attached.

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Public Works recommends award of this Contract to the low bidder, TMC Contractors, Inc. in the amount of \$56,870.00; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Barnes, to accept the low bid from TMC Contractors, Inc. to complete the Paving Equipment Rental – 2003 Project and, further, give authorization for the Mayor and City Clerk to execute the Contract Documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
July 14, 2003

MEMORANDUM

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

On July 8, 2003, bids were received and opened for the Adjustment of Manholes, Water Valve Boxes and Street Monuments Project. A tabulation of the bid results is attached.

Public Works requests City Council approval and acceptance of the Plans and Specifications; consideration of the low bid provided by Beco Construction Company, Inc. in the amount of \$43,600.00; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Barnes, to approve and accept the Plans and Specifications, to accept the low bid from Beco Construction Company, Inc. to complete the Adjustment of Manholes, Water Valve Boxes and Street Monuments Project and, further, give authorization for the Mayor and City Clerk to execute the Contract Documents. Roll call as follows:

Ayes: Councilmember Lehto

Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge

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Councilmember Barnes
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls
July 21, 2003

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: VACATION OF RIGHT-OF-WAY – 20TH STREET AND ALLEY,
BLOCK 16, BRODBECKS ADDITION

On May 22, 2003, an Ordinance was presented to consider vacating portions of 20th Street and an alley situated within Block 16, Brodbecks Addition, in favor of the First Amended Plat of Brodbecks Addition. The City Council tabled consideration of the vacation ordinance until the Final Plat for the First Amended Plat for Brodbecks Addition was approved and presented to the City Surveyor for recording. The City Surveyor has now received the Final Plat.

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

s/ Chad Stanger

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

ORDINANCE NO. 2499

AN ORDINANCE VACATING A PORTION OF 20TH STREET AND A PORTION OF AN ALLEY WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE PORTION OF SAID STREET; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED STREET AND ALLEY TO THE OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Shurtleff moved, and Councilmember Barnes 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

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Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Barnes

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
