

SEPTEMBER 12, 2002

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 12, 2002, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Joe Groberg
Councilmember Bruce Rose
Councilmember Bill Shurtleff
Councilmember Ida Hardcastle
Councilmember Brad Eldredge
Councilmember Mike Lehto

Also present:

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

In honor of and in memory to those who lost their lives during the attacks on our Nation on September 11, 2001, Councilmember Groberg shared the Gettysburg Address with those present. He stated that he felt this Address was as appropriate today as it was when it was first given.

The City Clerk read a summary of the minutes for the August 22, 2002 Regular Council Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, that the minutes be approved as printed. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

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 several license applications, including BEER LICENSES to Company Club (Transfer Only), Plum Loco, and Will's No. 3; BARTENDER PERMITS to Becky J. Bergstad, Melissa Butter, Jill K. Chamberlain, Kathy M. Christiansen, Cyndi D. Curran, Elizabeth A. Ellsworth, T. C. Garriott, Kim M. Hansen, Sylvia M. Jensen, Sunshine A. King, Gregory R. McCrorey, Stephanie A. Moran, Patricia A. Murray, Robert L. Rish, Allison R. Scheets, Jeniffer E. Simpkins, Bradley J. Sorensen and James W. Wheeler, all carrying the required approvals, and requested authorization to issue these licenses.

The Public Works Director submitted the following memos:

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City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION (RATIFICATION) – TRAFFIC CONTROL
MAINTENANCE, EQUIPMENT REPAIR AND STORAGE FACILITY

Public Works requests ratification of advertising to receive bids for the Traffic Control Maintenance, Equipment Repair and Storage Facility.

s/ Chad Stanger

City of Idaho Falls
August 29, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – DRILLING AND TESTING OF WELL NO.
15-B

Public Works requests authorization to advertise to receive bids for Drilling and Testing of Well No. 15-B.

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 Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated August 1, 2002 through August 31, 2002, after having been audited by the Fiscal Committee and paid by the Controller:

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FUND	TOTAL EXPENDITURE
General Fund	\$703,011.83
Street Fund	385,172.76
Recreation Fund	14,727.76
Library Fund	92,490.09
Airport PFC Fund	195.64
Municipal Equipment Replacement Fund	61,013.00
Electric Light Public Purpose Fund	60,689.30
Business Improvement District	83,511.51
Municipal Capital Improvement Fund	3,058.16
Water Capital Improvement Fund	54,419.61
Surface Drainage Fund	48,000.00
Airport Fund	163,031.83
Water and Sewer Fund	526,961.95
Sanitation Fund	1,476.31
Ambulance Fund	15,756.69
Electric Light Fund	3,298,761.50
Payroll Liability Fund	2,470,886.73
Airport Fund Certificates of Participation	575,420.12
TOTALS	\$8,558,584.79

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to ratify the payment of the expenditures for the month of August, 2002. Roll call as follows:

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

Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls
September 5, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: AIRLINE OPERATING AGREEMENT WITH BIG SKY AIRLINES

Attached for City Council approval is the Airline Operating Agreement with Big Sky Airlines. This is the same agreement that Skywest and Horizon Airlines have signed. All Airline Agreements expire on December 31, 2002.

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

s/ Mike Humberd

Councilmember Hardcastle explained that Big Sky Airlines would begin their operation at the Idaho Falls Airport on Monday, September 16, 2002. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Airline Operating Agreement with Big Sky Airlines and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
August 28, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: REVISION NO. 1 TO TRANSMISSION AGREEMENT BETWEEN
BONNEVILLE POWER ADMINISTRATION AND IDAHO ENERGY
AUTHORITY

Attached is the Revision No. 1 to the Transmission Agreement between Bonneville Power Administration and the Idaho Energy Authority. This revision clarifies metering points that determine Idaho Falls Power's network load.

Idaho Falls Power respectfully requests Council authorization to execute this document.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Revision No. 1 to the Transmission Agreement between Bonneville Power Administration and Idaho Energy Authority and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Rose
Councilmember Eldredge

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Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: REVISION NO. 1 TO EXHIBIT C – BLOCK AND SLICE POWER SALES AGREEMENT

Attached for your consideration is Revision No. 1 to Exhibit C of the Block and Slice Power Sales Agreement with Bonneville Power Administration.

Idaho Falls Power respectfully requests authorization for the Mayor to execute this document.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Revision No. 1 to Exhibit C of the Block and Slice Power Sales Agreement with Bonneville Power Administration and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: TERMINATION OF THE ALPHA FUEL CELL AGREEMENT

Attached for your consideration is an Agreement terminating the Alpha Fuel Cell Agreement. The City Attorney has reviewed this Agreement.

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Idaho Falls Power requests City Council approval of this Agreement and authority for the Mayor to sign the document.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the termination of the Alpha Fuel Cell Agreement 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 Rose
Councilmember Shurtleff

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 5, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: HVAC SYSTEM AT CIVIC AUDITORIUM – CHANGE ORDER NO. 3

Attached for our consideration is the Change Order for installing conduit for future fiber optic cable.

It is respectfully requested that City Council approve and authorize the Mayor to sign said Change Order.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve Change Order No. 3 to Vern Clark and Sons Construction Company, Inc. for the HVAC System at the Civic Auditorium and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

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Motion Carried.

City of Idaho Falls
August 30, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2002-2003 LEGAL SERVICES CONTRACT

Attached for your consideration are the proposals for the City Attorney retainer and the general legal services retainer for Fiscal Year 2002-2003.

It is the recommendation of Municipal Services that said proposal be approved by the City Council and the Mayor be authorized to sign the Agreement.

s/ S. Craig Lords

Councilmember Shurtleff questioned why there was no termination clause or out-clause in the Agreement. The City Attorney stated that the Agreement provides that the term of the Agreement is for one year. That provision has been included since 1990. The background of that provision is designed to recognize that the City Attorney spends approximately 75%-85% of his time devoted to legal service for the City of Idaho Falls. In 1990, that issue was addressed with Mayor Campbell and was concluded at the point to provide a one-year contract to recognize that. If the City should decide to conclude legal services with the City Attorney, a meeting could be held to make those arrangements. There being no further discussion, it was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the proposals for the City Attorney retainer and the general legal services retainer for Fiscal Year 2002-2003 and, further, give authorization for the Mayor execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: Councilmember Shurtleff

Motion Carried.

City of Idaho Falls
August 30, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ORDINANCE REGARDING PAST DUE UTILITY ACCOUNTS

Attached for your consideration is an Ordinance, which authorizes the imposition of a service fee for delinquent utility accounts.

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It is respectfully requested that the Mayor and City Council adopt said Ordinance.

s/ S. Craig Lords

Councilmember Eldredge explained that the City of Idaho Falls has not had a late charge or interest charge on overdue accounts. This Ordinance will impose a \$3.00 fee on late utility accounts. That \$3.00 fee is capped under the unified bill.

Councilmember Groberg commented that this late fee might not be high enough. He stated that he had no desire to penalize people; the City just wants the payment on time. The late fee will cover the increased costs of collection, should the City have to pursue those payments.

Councilmember Eldredge stated that the State of Idaho restricts the interest rate to one percent per month, and the City has followed that regulation.

The Municipal Services Director appeared to request the Mayor and Council to make this Ordinance effective on bills that are due and overdue as of December 1, 2002.

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

ORDINANCE NO. 2458

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTIONS 8-1-98, 8-1-99, 8-4-33, 8-4-34, 8-5-16, 8-5-17, 8-6-18 AND 8-6-19 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; ADDING PROVISIONS AUTHORIZING THE IMPOSITION OF A SERVICE FEE FOR DELINQUENT UTILITY ACCOUNTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Eldredge moved, and Councilmember Groberg 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 with this being effective on bills that are due and overdue on and after December 1, 2002, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
August 30, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: DOE-CLEAN CITIES MEMORANDUM OF UNDERSTANDING

Attached for your consideration is a Memorandum of Understanding between the Department of Energy and the Greater Yellowstone Teton Clean Cities Coalition.

It is respectfully requested that City Council approve the City participation in this Memorandum and authorize the Mayor to sign said document.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the Memorandum of Understanding between the Department of Energy and the Greater Yellowstone Teton Clean Cities Coalition and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SALARY AND BENEFIT INCREASE

Attached for your consideration are wage and benefit increases for City Employees.

It is respectfully requested that the Mayor and Council approve said wage and benefit increases.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the wage and benefit increases for City Employees. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SURPLUS REAL PROPERTY – LOT 36, BLOCK 3, ESQUIRE
ACRES (LOCATED ON MORNINGSTAR CIRCLE)

Tory and Holly Landon and John Cunningham have made an offer of \$3,800.00 to purchase the above referenced property. The property was a domestic well site and was acquired by the City when Esquire Acres was annexed into the City. The City doesn't use the site and the well has been capped.

After checking with other City Divisions, it has been determined that the City still doesn't have use or need for the property. It was put up for sale at a public auction on June 26, 2000, and no bids were received.

It is the recommendation of Municipal Services to accept the offer made by the Landon's and Cunningham.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the offer of \$3,800.00 from Tory and Holly Landon and John Cunningham for purchase of Lot 36, Block 3, Esquire Acres Addition. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: IDAHO FALLS HIGH SCHOOL TENNIS COURT
RECONSTRUCTION PROJECT

Attached for your consideration is the bid tabulation for the Idaho Falls High School Tennis Court Reconstruction Project that was opened on Tuesday, September 3, 2002. It is the recommendation to award the project to TMC Contractors, Inc. of Idaho Falls for the total sum of \$97,292.00. The Engineer's Estimate was \$103,470.00. This project cost is being shared between the City of Idaho Falls (50%) and School District No. 91 (50%). It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to accept the low bid from TMC Contractors, Inc. to complete the Idaho Falls High School Tennis Court Reconstruction Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 12, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: WEST BROADWAY/OLD BUTTE HIGHWAY PATH - STATE/
LOCAL CONSTRUCTION AGREEMENT

Attached for your consideration is a State/Local Construction Agreement for the proposed West Broadway/Old Butte Road Highway Path and Landscaping Project. The City Public Works Department has reviewed and approved the contract. It is, therefore, submitted for your approval and to have the Mayor sign said Agreement.

s/ David J. Christiansen

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RESOLUTION NO. 2002-04

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF IDAHO FALLS**, hereafter called the **CITY**, for construction of West Broadway/Old Butte Highway Pathway; and,

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; and,

WHEREAS, certain functions to be performed by the **STATE** involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the **STATE** can only pay for work associated with the State Highway System; and,

WHEREAS, the **CITY** is fully responsible for its share of project costs; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project STP-6470(105) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a regular duly called meeting of the City Council, City of Idaho Falls, held on September 12, 2002.

s/ Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the State/Local Agreement for Construction with Idaho State Transportation Department for the West Broadway/Old Butte Highway Pathway Project 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

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Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

City of Idaho Falls
September 12, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – ASWN, INC.

Attached for your consideration are two Professional Service Agreements between the City of Idaho Falls and ASWN, Inc. of Salt Lake City, Utah for the purpose of providing architectural services for the proposed Community Recreation Center project. Agreement No. 1 is for the Schematic Design Phase which will allow ASWN, Inc. to develop detailed conceptual drawings, prepare a preliminary construction budget, develop building elevations, site plan, deliver renderings and develop a 3D animation model to be used for the purpose of promoting the project. Cost for the Schematic Design Phase is \$30,000.00.

Agreement No. 2 is for Design Development, preparing Construction Documents, bidding process and approvals, and construction administration should the project receive voter approval and the bond is secured. Cost for deliverables in Agreement No. 2 is \$560,000.00.

Authorization to proceed will be on a phase-to-phase basis. ASWN shall not begin work on a new phase without written consent of the City.

The City Attorney has reviewed and approved the attached agreements. It is, therefore, submitted for your approval.

s/ David J. Christiansen

Councilmember Hardcastle requested Mr. Nichols from ASWN, Inc. to come forward to give a further explanation of the work that his company will be doing regarding the proposed Idaho Falls Community Recreation Center.

Kenny Nichols, 3752 Astro Way, Salt Lake City, Utah, appeared to explain Phase One in greater detail. First, the conceptual drawings that have already been prepared need to be developed further to allow for a more accurate cost model for the building. This would allow for a more accurate picture of the budget required. This will entail further development of the drawings, building sections, wall sections, roof plans, site plans, etc. The second part of the task is to develop the pictures to help the City sell this project to the public. A 3-dimensional model would be developed by computer. Colored site plans, floor plans and elevations would be mounted and rendered. His company is also considering hiring some outsourcing of professional renderings of the exterior of the building and of the interior of the building.

Councilmember Eldredge requested Mr. Nichols to discuss the financial arrangements made for this contract. Mr. Nichols stated, that in an effort to help the City,

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his company has restructured the typical fee structure. Normally, 6% of the construction costs would be a typical architectural fee. ASWN, Inc. has cut their fee to approximately 4.25%. Of that total fee, normally 20% is allocated to schematic design. That has been cut by more than half, holding the fee for Phase One at \$30,000.00 recognizing that everyone involved needs to take a little risk to see if this project will go through the bond election process successfully.

Councilmember Eldredge and Councilmember Hardcastle both stated that they appreciated the efforts of ASWN, Inc. in assisting the City of Idaho Falls in this process.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Professional Services Agreement with ASWN, Inc. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Rose
 Councilmember Eldredge
 Councilmember Lehto
 Councilmember Hardcastle
 Councilmember Groberg

Nay: Councilmember Shurtleff

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE ADOPTING THE 2000 EDITION OF THE UNIFORM
 PLUMBING CODE

Attached is the Ordinance adopting the 2000 Edition of the Uniform Plumbing Code. This Ordinance, which was prepared by the City Attorney's Office, is part of the Division's ongoing effort to adopt the current building codes. The Division respectfully requests adoption of this Ordinance.

s/ Renée R. Magee

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

ORDINANCE NO. 2459

AN ORDINANCE REPEALING AND RE-ENACTING
SECTIONS 7-5-1 AND 7-5-2 OF THE CITY CODE OF
IDAHO FALLS, IDAHO; PROVIDING FOR THE
ADOPTION OF THE 2000 EDITION OF THE
UNIFORM PLUMBING CODE; PROVIDING FOR THE
PROSECUTION UNDER PRIOR ORDINANCES;

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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 Rose 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 Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – SECOND AMENDED PLAT OF INTERNATIONAL PLAZA

Attached is a copy of the Final Plat for Second Amended Plat of International Plaza. On June 4, 2002, the Planning Commission reviewed this Plat and recommended approval with the condition FAA approval be received by this office prior to submission to City Council. Since our office is in receipt of a copy of approval given to Voigt Development on August 29, 2002, staff finds this Plat to be in accordance with the Subdivision Ordinance and recommends approval. This matter 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 request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Final Plat
Slide 4 Site Photo of Frontage
Slide 5 Site Photo of Lot 3B

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It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, to accept the Final Plat for the Second Amended Plat of International Plaza and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 10, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RULING OF SIMILAR USE - LOT 1, BLOCK 2, HOMER
 COMMERCIAL ADDITION, DIVISION NO. 1

Mi-Vida Ventures, Ltd., has requested the Council rule a drive-in movie theater is similar to other uses permitted in the GC-1 Zone. Mi-Vida Ventures is proposing to construct a smaller drive-in theater at 955 Browning Street. This parcel, which is legally described as Lot 1, Block 2, Homer Commercial Addition, Division No. 1, is located east of Hemmert Drive, north of North Yellowstone Highway, and west and south of Turnbull Drive. This parcel is zoned GC-1 (General Commercial).

In addition to such permitted uses as warehouses and distribution, any use permitted in an HC-1 Zone is permitted in the GC-1 Zone. Therefore, uses oriented to the automobile such as auto sales, motels and drive-in restaurants are allowed in the GC-1 Zone. Outdoor amusement enterprises, such as merry-go-rounds, penny arcades, etc. are also permitted in the GC-1 Zone.

The Planning Department respectfully requests a drive-in theater at 955 Browning Street be ruled a similar use since a drive-in movie theater is an auto-oriented outdoor amusement. At this location, the use will occupy a vacant parcel, be in close proximity to a larger drive-in, and adjacent to I & M-1 Zoning, the zoning in which such uses are permitted. 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 request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo

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This parcel is in an area where it would not be near residences and would not create any of the nuisance aspects of drive-in theaters. This is a good use and a good site. The Planning and Building Director stated that if the Council rules this to be a similar use, it would only apply to this site and to this property owner.

It was moved by Councilmember Rose, seconded by Councilmember Hardcastle, that the drive-in theater at 955 Browning Street, legally described as Lot 1, Block 2, Homer Commercial Addition, Division No. 1, owned and operated by Mi-Vida Ventures, Ltd. be ruled as a use similar to other uses permitted in the GC-1 Zone. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ASPHALT OVERLAY, 2002 PROJECT

On September 4, 2002, bids were received and opened for the Asphalt Overlay, 2002 Project. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to the low bidder, HK Contractors, Inc. in the amount of \$189,562.50; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to accept the low bid from HK Contractors, Inc. to complete the Asphalt Overlay – 2002 Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

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Motion Carried.

City of Idaho Falls
September 9, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ANNEXATION AGREEMENT AMENDMENT – THE DUNES AT SAND CREEK ADDITION, DIVISION NO. 1

Attached is a proposed Amendment to the Annexation Agreement for The Dunes at Sand Creek Addition, Division No. 1. If approved, the proposed Amendment allows the City to reimburse to the Developer front foot connection fees collected from other developments on a sewer line installed by this Developer.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to approve the Amendment to the Annexation Agreement for The Dunes at Sand Creek Addition, Division No. 1 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 Rose

Nay: None

Motion Carried.

City of Idaho Falls
September 11, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SETTLEMENT AGREEMENT

Attached is a proposed agreement between the City and Rex, Vernita and Robert Meikle. The proposed agreement sets forth the conditions under which the Meikles agree to dismiss certain court actions previously filed against the City of Idaho Falls; and, deed certain easements and rights-of-way located at the intersection of Pancheri Drive and Crane Drive to the City. In consideration of agreement by the Meikles, the City agrees to construct certain improvements

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at the intersection of Pancheri and Crane Drives in conjunction with an existing construction project currently underway at that location.

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

s/ Chad Stanger

The Public Works Director appeared to state that the City has been in legal action with the Meikles over various matters related to Pancheri Drive. The City has been to Federal Court and State Court and has prevailed in both of those rulings. The Meikles have made an appeal to the Supreme Court. They have filed a brief and the City of Idaho Falls has replied in a brief, and in the mean time, the Meikles found a purchaser for that property. The City of Idaho Falls was, simultaneously, under contract for the intersection improvements at Pancheri Drive and Crane Drive. The improvements on the Crane Drive portion of that intersection were restricted to the width of their existing right-of-way, which was narrower than the prospective purchaser of that area would like to have seen due to their plans for the area. That purchaser came to the City of Idaho Falls and requested that the Crane Drive improvements be widened to match the rest of the intersection, even though the contract had been let. The purchaser was told that the City did not have the appropriate right-of-way and easements to do so. Through those negotiations, the Meikles agreed to dismiss those actions that they had filed against the City and grant the necessary easements to construct those improvements. In turn, the City agreed to construct the improvements for the additional width of street on Crane Drive, which would mean some change orders related to some extra asphalt and modification to the signalization of that intersection.

The City Attorney stated that there are two actions that are pending, one is held in abeyance pending the resolution of the appeal in the Supreme Court. This agreement will provide for the dismissal of both actions. He explained further, that the Meikles are selling a substantial portion of their land.

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to approve the Settlement Agreement with Rex, Vernita, and Robert Meikle 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 Rose
 Councilmember Shurtleff

Nay: None

Motion Carried.

Mayor Milam and Councilmembers honored Councilmember Bruce Rose on his resignation from the City Council. He has taken a position as City Administrator for the City of Ammon. Mayor Milam expressed her appreciation for all of his hard work. Councilmember Rose expressed his appreciation for being able to serve this great community. He stated that he valued the relationships that he has developed through his experience of serving on the City Council.

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

CITY CLERK

MAYOR
