

JULY 25, 2013

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 25, 2013, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Jared D. Fuhriman
Councilmember Ida Hardcastle
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Thomas Hally
Councilmember Sharon D. Parry
Councilmember Ken Taylor

Also present:

Randy Fife, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Public Works Director Chris Fredericksen to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested those to come forward who had items for the City Council. No one appeared.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the July 8, 2013 Council Work Session, the July 11, 2013 Council Work Session, and the July 11, 2013 Regular Council Meeting.

The City Clerk requested approval of License Applications, all carrying the required approvals.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on July 25, 2013.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – PARKING LOT REHABILITATION PROJECT
CHANGE ORDER NO. 1

Attached is Change Order Number One for the Parking Lot Rehabilitation Project. This Change Order increases the total project cost by \$4,705.80 due to inadequate subgrade material in limited locations, the need for lava rock removal and to modify gate configuration. The budget for this project is adequate to cover the additional cost.

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Idaho Falls Power respectfully requests City Council approve this Change Order.

s/ Jackie Flowers

The Public Works Director submitted the following memo:

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – WELL NO. 3 REHABILITATION

Public Works requests authorization to advertise to receive bids for the Well No. 3 Rehabilitation Project.

s/ Chris H. Fredericksen

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to approve the Consent Agenda in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

REGULAR AGENDA

The Airport Director submitted the following memos:

City of Idaho Falls
July 25, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: FAA GRANT OFFER – AIP NO. 3-16-0018-038

The Airport Division is requesting Council ratification for the execution of the FAA Grant Offer, AIP No. 3-16-0018-038-2013 for the amount of \$2,316,501.00. This grant covers the expenditures for the construction and

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construction administration portions of the Terminal Expansion Project. This grant represents 93.75% of the costs, with the Idaho Falls Regional Airport paying the remaining amounts.

s/ Craig H. Davis

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to ratify the execution of the FAA Grant Offer, AIP No. 3-16-0018-038-2013 for the amount of \$2,316,501.00 for the construction and construction administration portions of the Terminal Expansion Project. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
July 25, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: CONSTRUCTION CONTRACT WITH BARRY HAYES
CONSTRUCTION LLC - AIRPORT TERMINAL EXPANSION
PROJECT

The Airport Division is requesting Council ratification for the execution of the Construction Contract between the City of Idaho Falls and Barry Hayes Construction, LLC for the Airport Terminal Expansion Project. On May 9, 2013, the City Council approved the project Bid Tabulation and Notice of Award to Barry Hayes Construction, LLC in the amount of \$2,275,846.00.

The City Attorney has reviewed and approved said Contract.

s/ Craig H. Davis

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to ratify the execution of the Construction Contract between the City of Idaho Falls and Barry Hayes Construction LLC for the Airport Terminal Expansion Project in the amount of \$2,275,847.00. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry

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Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

The City Attorney submitted the following memo:

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Randy Fife, City Attorney
SUBJECT: NON-DISCRIMINATION ORDINANCE

Attached is a draft Non-Discrimination Ordinance that includes an exemption for small businesses (i.e., five or fewer employees), and an Alternative draft that includes a definition of "Otherwise Qualified", as an effort to clarify that no employer is obligated to hire an unqualified person in the available job.

Also, attached is a Resolution adopting a prosecution and mediation process to accompany the Non-Discrimination Ordinance (if passed), and an additional Resolution adopting an internal City policy that prohibits discrimination in City-sponsored programs and/or events, or programs and/or events that take place on City owned, maintained, or controlled property, buildings, and rights-of-way.

These materials are designed to support public input when considering the draft ordinance on first reading at City Council, July 25, 2013.

s/ Randall D. Fife

Councilmember Hally introduced that the City of Idaho Falls is considering a Non-Discrimination Ordinance. Public input has been taken at various public meetings that have been held regarding this Ordinance. Further, he indicated that the proposed Ordinance would mitigate many concerns along the way. He stated that the Mayor and City Council would take input regarding the proposed Ordinance. He requested that those speaking remain civil in their comments and respect all others who are sharing their opinions. Following the final approval of this Ordinance, a Resolution and Policy Process would take place. The proposed laws and policies will protect the victim, as well as the accused. He explained, further, that the proposed Ordinance will be passed on the first reading only at this time. This would allow for two more Council Meetings where public input could be taken. Change could be made to the proposed Ordinance, and this process would not have to begin again. Councilmember Hally stated that the proposed Ordinance for Non-Discrimination would make this City a nice place to live.

At the request of Councilmember Hally, the City Clerk read the following Ordinance by title only:

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE TITLE 5, BY THE ADDITION OF CHAPTER 33, TO PROHIBIT DISCRIMINATORY ACTS IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Billie Johnson, 151 South 16th Place, Pocatello, Idaho, appeared to show support to those living in this community, as they did the same for Pocatello residents during Pocatello's process of adopting a Non-Discrimination Ordinance. The people present are a representative sample of the people that this ordinance would help. She stated that she has lived in Southeast Idaho for her entire life. This should have been handled on the State level. Ms. Johnson stated that she supported most of the Ordinance, but did not care for the exemptions.

Jean McKay, 335 Westmoreland Drive, appeared to state that she concurred with the Ordinance. She wants to make bigotry a thing of the past. Mrs. McKay stated that she encouraged the passing of this Ordinance because it is the right thing to do.

Cherie Stevens, 5378 South 45th West, appeared to state that she has a gay son. It is profound for the City Council to consider this Ordinance. It is a wonderful step to be taken by this community. Ms. Stevens expressed her concern for the exemptions to the proposed Ordinance.

Sierra Gormsen, 2283 Stace Street, appeared to explain that she came out as a Transgender approximately one year ago. She began the first Transgender Support Group in the area, starting with about 3-4 people. This group has expanded to include someone as young as 6 and someone as old as 73. Ms. Gormsen encouraged the City Council to pass the Ordinance without exemptions.

Gary Meikle, 3825 Summer Sun Drive, appeared to state that he supported the proposed Ordinance as it is written. The exemption regarding small businesses with 5 employees is consistent with the State law regarding discrimination. He stated, further, that it is important to have consistency in laws. He commended the Mayor and City Council for their work on this proposed Ordinance and requested that it be proposed as is.

Danny Stapp, 140 East 13th Street, appeared to state that he is a teacher at Idaho Falls High School. He stated that he is the Advisor for the Gay/Straight Club at Idaho Falls High School. This Club has provided positive reinforcement and support. Mr. Stapp stated that the proposed Ordinance is a great first step.

Brian Holverson, 300 East 13th Street, appeared to state that he was originally from Idaho Falls, but does not consider Idaho Falls to be his home. He moved to Pocatello, and felt that Pocatello was his home. He moved back to Idaho Falls when Pocatello did not immediately pass their Non-Discrimination Ordinance. Mr. Holverson expressed his concern for the exemptions within the proposed Ordinance, and requested that the City Council make this a better Ordinance. He stated that he believed that there should be no exemptions.

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Suzy Matsuura, 140 South Stout Street, Blackfoot, Idaho, appeared to state that she has a gay son. She stated that she has lived in Blackfoot for 21 years. She attended the Pocatello public meetings regarding their Non-Discrimination Ordinance. Ms. Matsuura stated that in order to change hearts and minds, laws need to be changed.

Dan Henry, 7611 South 8th West, appeared to express his appreciation to the Mayor and City Council for bringing the proposed Ordinance forward. He stated that he supported the Ordinance in large measure. Further, he expressed his concern for some of the exemptions, and civil vs. criminal with regard to the penalties. Mr. Henry stated that he did not understand how we can allow discrimination on any level.

Dave McGrath, 3335 Taylorview Lane, appeared to state that he is watching this process from the City of Ammon. He stated that he has two gay sons. He explained that his oldest son did not finish his senior year in high school, as it was impossible for him to study. His son commented that if he did not tell his story, who would. Mr. McGrath stated that his youngest son is still in school. He would like to see gender non-specific activities. He, also, expressed his concern over the exemptions that are now within the proposed Ordinance.

Sharla Cunningham, 709 Neptune Drive, appeared to state that as a working member of the Idaho Falls Community, she would like to see this Ordinance pass. She stated, further, that it breaks her heart that young people in this community do not feel that they belong. Ms. Cunningham urged the Mayor and City Council to pass this Ordinance.

John McGimpsey, 2122 Calkins Avenue, appeared to state that he is the President of Breaking Boundaries, which is a group for diversity and non-discrimination. He requested that the Mayor and City Council accept this Ordinance. It is not perfect. In listening to those that have spoken already, he would hope that some of the changes proposed could be put into the Ordinance. It is important to make a change in Eastern Idaho.

John Schroeder, 1200 First Street, appeared to express his concern for the exemptions that are within the proposed Ordinance. He was concerned that a person who is gay would be fired from their job should their small business employer find out about their sexual preference, or that they would be evicted from their housing unit.

Brayden Lawrence, 709 Neptune Drive, appeared to state that he goes to school with a friend who is gay. The friend is fearful of going to school. Mr. Lawrence stated that he is scared for his friend because some people are really mean. He stated that he hopes that the City Council will approve the proposed Ordinance.

Shawna Fellows-David, 3087 Willowood Circle, appeared to state that she is a small business owner (real estate). The United States Department of Housing and Urban Development stresses enforcing non-discrimination. Gender identity is not covered under federal law. She expressed her concern for those students that are coming back to go to college in the area.

Reha Cunningham, 709 Neptune Drive, appeared to state that Heavenly Father loves all of His Children. Everyone should love everyone else.

Councilmember Hally stated that he appreciated all of the comments and the civility and decorum that were maintained. All comments will be taken into consideration. Further, there could be modification to the proposed Ordinance.

Councilmember Lehto requested to know how the penalty provision regarding infractions was put into the proposed Ordinance, as well as the provision for exemptions. He stated that he did not understand where the provisions came from and wanted to be certain that the City was obeying the Open Meeting Law. From the comments that the Mayor and City Council received this evening, he stated that he wanted to be sure he understood the proposed Ordinance, and that the City Council provide the best Ordinance for this community.

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The City Attorney stated that Councilmember Lehto was present at the Council Work Session that morning when the Non-Discrimination Ordinance was discussed. Further, Councilmember Lehto left early. The discussion continued. With a consensus from the remaining members of the City Council, he added the penalty provision regarding infractions and misdemeanors, and the exemptions provision, as seen in the current draft of the Non-Discrimination Ordinance.

Councilmember Hally explained that the proposed Ordinance can be changed should that be necessary, and the process would not have to begin again. He stated that he would make a motion to pass this Ordinance on the First Reading Only, with it coming back before the Mayor and City Council on August 8, and then again on August 22, 2013.

Councilmember Parry gave a brief history of the development of the Non-Discrimination Ordinance. This has been a rewarding and interesting process. Councilmember Parry stated that this proposed Ordinance has been tailor-made for the City of Idaho Falls.

Councilmember Hardcastle stated that she is 73 years of age. She has a brother who is 18 months younger than her. Her brother is gay. He has been with his partner for 40 years. While they were growing up, she was always defending him. Kids would always call him names, and she could not figure out why. Councilmember Hardcastle stated that she loves her brother. This is a good Ordinance.

Councilmember Cornwell stated that she is extremely pleased that the City of Idaho Falls is considering this Non-Discrimination Ordinance.

The City Attorney questioned whether the exemptions should remain in the proposed Ordinance.

Councilmember Lehto stated that he was leaning towards making this a clean Ordinance. He stated that he would provide the City Attorney and City Council with draft language that he was comfortable with.

Councilmember Taylor stated that all of the comments provided this evening were one-sided. He appreciated all of the comments made. He stated that he has received many e-mails on both sides of the issue from people in the community. This Ordinance is a combination of both sides of the conversation regarding non-discrimination. Councilmember Taylor stated that he approves of the Ordinance as it is written. It is striking a balance that is representative of the community.

The foregoing Ordinance was presented by title only. Councilmember Hally moved, and Councilmember Parry seconded, that the Ordinance be passed on the First Reading only. Roll call as follows:

Aye: Councilmember Cornwell
 Councilmember Hardcastle
 Councilmember Hally
 Councilmember Parry
 Councilmember Taylor
 Councilmember Lehto

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

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City of Idaho Falls
July 25, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dean Ellis, Fire Chief
SUBJECT: JOINT FIRE SERVICES AGREEMENT

The Fire Chief respectfully requests authorization for the Mayor to sign the Fire Protection Joint Services Agreement by and between the City of Idaho Falls and Bonneville County Fire Protection District No. 1. The City Attorney has reviewed this Agreement.

s/ Dean Ellis

Councilmember Parry stated that she had a conflict of interest with this item, and would abstain from the discussion and decision. It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Fire Protection Joint Services Agreement between the City of Idaho Falls and Bonneville County Fire Protection District No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Taylor
Councilmember Lehto

Nay: None

Abstain: Councilmember Parry

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-13-20 – WATER LINE METER MATERIALS

Please find attached tabulation for the above subject bid.

It is the recommendation of Public Works and Municipal Services to accept the low bid meeting specifications to Ferguson Waterworks in the amount of \$107,906.55.

s/ S. Craig Lords

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It was moved by Councilmember Taylor, seconded by Councilmember Parry, to accept the low bid meeting specifications for Water Line Meter Materials from Ferguson Waterworks in the amount of \$107,906.55. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: COUNCIL AUTHORIZATION TO SETTLE WORKER'S
COMPENSATION CLAIMS

Approximately two years ago, the City chose to Self-Fund our Worker's Compensation with Intermountain Claims. The amount saved since then has been approximately \$767,000.00. In the past, State Insurance Fund would handle claims on behalf of the City and settled with employees who would dispute the amount of payment and disability. In our contract with Intermountain Claims, the language states, "the examiner will request settlement concurrence from the authorized client contact".

It is respectfully requested the Council approve the following Policy regarding settlement of Workman's Compensation Claims.

The City's Risk Manager is authorized to settle all claims up to \$5,000.00 upon review of the City Attorney, Municipal Services Director, and the Division Director of the Claimant.

The Council establishes a Worker's Compensation Review Committee comprised of the Risk Manager, Division Director of the Claimant, Municipal Services Director, City Attorney, and Controller and authorizes said Committee to settle claims up to \$50,000.00. Any settlement over \$50,000.00 would require Council authorization.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to approve the Workman's Compensation Policy regarding the settlement of Workman's Compensation Claims as recommended by the Municipal Services Director. Roll call as follows:

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Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The memo from the Parks and Recreation Director regarding the contract for Signage and Wayfinding Plan was withdrawn by the Division Director.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
July 24, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: AMENDMENT TO ORDINANCE – FEEDING OF BIRDS AND WATERFOWL

Attached is an Ordinance regarding the feeding of Waterfowl. The amendment to Title 6, Chapter 1, “Making the Feeding of Birds and Waterfowl on or in City Property, an Infraction.”

The Parks and Recreation Director respectfully requests approval of this Ordinance and authorization for the Mayor and City Clerk to execute the necessary documents.

s/ Greg A. Weitzel

Councilmember Hardcastle explained that this is a new Ordinance. There will be a warning for the first time caught feeding the birds. Thereafter, it will be an infraction. At the request of Councilmember Hardcastle, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2922

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 6, CHAPTER 1, BY THE ADDITION OF SECTION 6-1-10 MAKING THE FEEDING OF BIRDS AND WATERFOWL ON OR IN CITY PROPERTY, AN INFRACTION, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Cornwell 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 waived, that the Ordinance be passed and published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – DORA ERICKSON ELEMENTARY, DIVISION NO. 1

Attached is a copy of the Final Plat entitled Dora Erickson Elementary, Division No. 1. This Final Plat dedicates a turn-around on Cleveland Street and provides platted easements for the Dora Erickson Elementary site. The Planning Commission considered this plat at its June 18, 2013 Meeting and recommended approval. Staff concurs with this recommendation as the plat meets the standards of the Subdivision Ordinance. This matter is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the Final Plat entitled Dora Erickson Elementary, 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 Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

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Nay: None

Motion Carried.

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Mayor and City Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – ST. CLAIR ESTATES ADDITION, DIVISION NO. 13,
SECOND AMENDED

Attached is a copy of the Final Plat entitled St. Clair Estates Addition, Division No. 13, Second Amended. When the Planning Commission considered this Final Plat at its June 18, 2013 Meeting, it was entitled Potomac Way Professional Plaza, Division No. 1. Staff requested the name be changed to its previous plat. The Commission found the Plat complies with the Subdivision Ordinance and recommended approval. Staff concurs with this recommendation. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the Final Plat entitled St. Clair Estates Addition, Division No. 13, Second Amended, and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute said Final Plat. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
July 22, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: MESSAGE THERAPIST AND MESSAGE ESTABLISHMENT
ORDINANCE AMENDMENT

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Please review the attached draft of the Massage Therapist Ordinance for discussion at the City Council Work Session on July 25, 2013.

Chief McBride would also like it approved at the City Council Meeting that evening.

s/ Mark McBride

At the request of Councilmember Parry, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2923

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE REVOCATION OF IDAHO FALLS CITY CODE, TITLE 4, CHAPTER 21, TO REMOVE CITY LICENSING OF MASSAGE ESTABLISHMENTS AND THERAPISTS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Parry moved, and Councilmember Taylor 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 waived, that the Ordinance be passed and published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: CITY PROPERTY ENCROACHMENT AGREEMENT ALLOWING FENCE AND GATE PLACEMENT – THE DUNES AT SAND CREEK, DIVISION NO. 1, LOT 1-C, BLOCK 1

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Attached for your consideration is an Encroachment Agreement prepared by the City Attorney that would allow the adjacent property owner to place a fence and gate across property owned by the City of Idaho Falls within The Dunes at Sand Creek Subdivision.

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

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Encroachment Agreement allowing fence and gate placement across property owned by the City of Idaho Falls in The Dunes at Sand Creek Addition, Division No. 1, Block 1, Lot 1-C and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: CITY PROPERTY ENCROACHMENT AGREEMENT ALLOWING
FENCE AND GATE PLACEMENT – BLUE RIDGE ESTATES
ADDITION, DIVISION NO. 9, LOT 21, BLOCK 6

Attached for your consideration is an Encroachment Agreement prepared by the City Attorney that would allow the adjacent property owner to place fence and two (2) gates across property owned by the City of Idaho Falls within Blue Ridge Estates Subdivision.

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

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Encroachment Agreement to place a fence and two (2) gates across property owned by the

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City of Idaho Falls within Blue Ridge Estates Addition, Division No. 9, Block 6, Lot 21 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: IDAHO TRANSPORTATION DEPARTMENT STATE/LOCAL
CONSTRUCTION AGREEMENT – CITYWIDE ADA AND
CONCRETE SIDEWALK IMPROVEMENTS

Attached is a State/Local Construction Agreement with the Idaho Transportation Department and accompanying Resolution with respect to Citywide ADA and Concrete Sidewalk Improvements Project. This agreement requires City financial contribution towards construction in the amount of \$17,249.00.

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

s/ Chris H. Fredericksen

RESOLUTION NO. 2013-15

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 pedestrian ramp improvements; 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,

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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 A013(133) is hereby approved.

2. That the Mayor and the 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 Meeting of the City Council, City of Idaho Falls, held on July 25, 2013.

s/ Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the State/Local Construction Agreement with the Idaho Transportation Department and accompanying Resolution with respect to Citywide ADA and Concrete Sidewalk Improvement Project, with the City financial contribution towards construction in the amount of \$17,249.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

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City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: ENGINEERING SERVICES DESIGN FEE PROPOSAL
ELECTRICAL AND LIGHTING DESIGN – SPLASH PARK ON
MEMORIAL DRIVE

Attached is a proposed Engineering Services Design Fee Proposal with Bradley Engineering, for electrical and lighting design, bidding, and construction assistance for the Splash Park on Memorial Drive Project. The not-to-exceed amount is \$10,000.00.

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

s/ Chris H. Fredericksen

Councilmember Parry requested clarification as to whether this design could be moved to any place other than the proposed location of the Splash Park on Memorial Drive. The Public Works Director stated that this is a design that could be relocated should that be necessary.

It was moved by Councilmember Lehto, seconded by Councilmember Taylor, to table this project to be discussed at the August 8, 2013 Council Work Session. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to recess consideration of the Annexation Proceedings for Snake River Landing, Division No. 9 (Events Center) to the August 8, 2013 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

JULY 25, 2013

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Cornwell, that the meeting adjourn at 9:40 p.m.

CITY CLERK

MAYOR
