

FEBRUARY 27, 2014

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 27, 2014, 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 ProTem Michael Lehto
Councilmember Ed Marohn
Councilmember Barbara Ehardt
Councilmember Thomas Hally
Councilmember Sharon D. Parry
Councilmember Dee Whittier

Absent was:

Mayor Rebecca L. Noah Casper

Also present:

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

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to add consideration of the Development Agreement for Fairway Estates Addition, Division No. 20, due to the fact that the Development Agreement being signed today, can now accompany the Final Plat scheduled later on the Agenda, and is now ready for Council consideration. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn
Councilmember Parry

Nay: None

Motion Carried.

Mayor ProTem Lehto requested Boy Scout Dylan Keele, to lead those present in the Pledge of Allegiance.

Mayor ProTem Lehto requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda. No one appeared.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes for the February 10, 2014 Council Work Session, the February 13, 2014 Regular Council Meeting, and the February 14, 2014 Training/Orientation Meeting.

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The City Clerk presented several license applications, including a BEER LICENSE to MacKenzie River Pizza Grill and Pub, all carrying the required approvals, and requested authorization to issue those licenses.

The Public Works Director submitted the following items:

City of Idaho Falls
February 21, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – SUNNYSIDE PARK TENNIS COURT RESURFACING

Public Works requests authorization to advertise to receive bids for the Sunnyside Park Tennis Court Resurfacing Project.

s/ Chris H Fredericksen

City of Idaho Falls
February 21, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – WATER SERVICE REPLACEMENTS - BOWER DRIVE, 16TH STREET TO 12TH STREET

Public Works requests authorization to advertise to receive bids for the Water Service Replacements – Bower Drive, 16th Street to 12th Street Project.

s/ Chris H Fredericksen

City of Idaho Falls
February 21, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – MINOR STREET OVERLAYS 2014

Public Works requests authorization to advertise to receive bids for the Minor Street Overlays 2014 Project.

s/ Chris H Fredericksen

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City of Idaho Falls
February 21, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – MAJOR STREET OVERLAYS 2014

Public Works requests authorization to advertise to receive bids for the Major Street Overlays 2014 Project.

s/ Chris H Fredericksen

City of Idaho Falls
February 21, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: BID AUTHORIZATION – SEAL COATS 2014

Public Works requests authorization to advertise to receive bids for the Seal Coats 2014 Project.

s/ Chris H Fredericksen

The Idaho Falls Power Director submitted the following items:

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power General Manager
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR PHASE 2 OF THE PARKING LOT RESURFACE PROJECT

Idaho Falls Power respectfully requests authorization to advertise to receive bids for Phase 2 of the Parking Lot Resurface Project. This Project involves resurfacing approximately half of the parking lot/yard area at the Idaho Falls Power Administration Building. The Project is in the Capital Improvement Plan and in the Fiscal Year 2014 Budget. Phase 1 was completed in 2013.

s/ Jackie Flowers

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City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power General Manager
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR OLD LOWER PLANT STOP LOG CONSTRUCTION

Idaho Falls Power respectfully requests authorization to advertise to receive bids to construct stop logs at the Old Lower Plant. Stop logs are steel structures used in the dewatering of the Old Lower Power Plant to facilitate upgrades at the Old Lower Power Plant. This Project is a subset of the Old Lower Plant Upgrade and Rewind Project in the Capital Improvement Plan and in the Fiscal Year 2014 Budget.

s/ Jackie Flowers

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power General Manager
SUBJECT: CONSENT AGENDA – AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR THE 2014 UNDERGROUND RECONDUCTOR PROJECT

Idaho Falls Power respectfully requests authorization to advertise to receive bids for the 2014 Underground Reconductor Project. Over the past several years, Idaho Falls Power has been working to replace direct bury cable in areas where frequent outages have been experienced. This year approximately 12,757 feet of conduit and new cable will be placed in the Coachman, Hartert, and Vega Circle Subdivisions. This Project is in the Capital Improvement Plan and in the Fiscal Year 2014 Budget.

s/ Jackie Flowers

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

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Whittier

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Nay: None

Motion Carried.

REGULAR AGENDA

The Municipal Services Director submitted the following items:

City of Idaho Falls
February 20, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: BID IF-14-09, MOTOR FUEL AND LUBRICANTS

Attached for your consideration is the tabulation for above subject bid.

Based upon the evaluation of the bids, the apparent low bid for Section IV of Petroleum Traders Corporation did not meet specifications. Therefore, it is the recommendation of Municipal Services to accept the lowest responsive responsible bid of Conrad and Bischoff, Inc. for Section I, II, III, and IV as described below:

SECTION I: Motor Oil

SECTION II: Diesel Exhaust Fluid

SECTION III: Services and Fuel obtained through a Computerized Fuel Dispensing System/Unleaded Gas, Cold Weather Additive and Ultra Low Sulfur Diesel No. 1 and No. 2

SECTION IV: Fuel for City Fuel Station – Tanker Load Delivery/Unleaded Gas, Cold Weather Additive and Ultra Low Sulfur Diesel No. 1 and No. 2. Fuel picked up by City Truck/Ultra Low Sulfur Diesel No. 1

s/ Craig Rockwood

The Municipal Services Director appeared to further explain this item. The apparent low bid provided by Petroleum Traders Corporation for Section IV did not meet bid specifications, so the Municipal Services Director requested rejection of that bid. Councilmember Marohn stated that the lowest responsive responsible bid from Conrad and Bischoff, Inc. is located in Idaho Falls. It was moved by Councilmember Marohn, seconded by Councilmember Whittier, to reject the bid from Petroleum Traders Corporation for Section IV as they did not meet bid specifications, and to accept the lowest responsive responsible bid provided by Conrad and Bischoff, Inc. for Section I, II, III, and IV of the Motor Fuel and Lubricants bid as presented. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn

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Councilmember Hally
Councilmember Parry
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
February 20, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: BID IF-14-03, REMOUNTING ONE (1) CITY-OWNED
AMBULANCE BODY ON A NEW 2013 DODGE RAM 4500 CAB
AND CHASSIS

Attached for your consideration is the tabulation for above subject bid.

It is the recommendation of Municipal Services and the Fire Department to accept the sole bid of Sawtooth Emergency Vehicles to remount the One (1) City-Owned Ambulance Body on a New 2014 Dodge Ram 4500 Cab and Chassis for a total amount of \$134,246.00.

s/ Craig Rockwood

The Municipal Services Director appeared to explain that this item was reviewed and approved during the 2013/2014 Fiscal Year Budget discussions, and money was set aside through the Municipal Equipment Replacement Fund. He stated, further, that this is a new process. In the past a new cab and chassis, as well as a new ambulance body would be purchased. This would utilize the existing box and transfer it onto a new cab and chassis. By using this process, it would save the City approximately \$25,000.00 to \$30,000.00. The Cities of Rexburg and Lewiston have used this process. The Ambulance box is useful longer than the chassis they are placed on. The bidding process followed the State Code regarding bidding requirements. The Purchasing Department only received one bid. The Municipal Services Director stated that the funds for this item will flow through the City budget, with the money coming from the Bonneville County Ambulance District. By bidding the ambulance in this fashion, there is a savings to all taxpayers. City residents are also members of the Bonneville County Ambulance District.

Councilmember Ehardt requested to know how much a new ambulance would cost. The Municipal Services Director stated that the last ambulance purchased was in the amount of \$161,000.00. Councilmember Ehardt stated that she received some information that suggested that a new ambulance could cost as low as \$135,000.00. The Municipal Services Director stated that he did not know where the information that Councilmember Ehardt was referring to came from, but the City follows the state bidding rules and regulations, and the City has never received a bid that low for an ambulance. Councilmember Ehardt stated that she would like to be more informed on this purchase. It

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was moved by Councilmember Ehardt, seconded by Councilmember Parry, to table this item.

Councilmember Parry stated that she received the same information that Councilmember Ehardt received. This is a matter of process, than any technical problem with the bid. She stated that it is awkward when the City Council holds a Work Session on Monday prior to the City Council Meeting. Then the agenda is set for the Regular Council Meeting on Tuesday for Thursday's meeting. Sometimes the items on the Regular Council Meeting Agenda are discussed at the Work Sessions and sometimes they are not. The Mayor has encouraged the Councilmembers to do research on their own should they have a question about any item on a Council Agenda. Councilmember Parry then addressed a new fire station in the County.

Councilmember Marohn stated that the item for discussion is the ambulance.

Councilmember Parry clarified that this is not a matter of the process, but a matter of how the City Council receives information.

Mayor ProTem Lehto stated that this item was not part of the discussion at the Work Session on Monday. He stated that this a straight forward process. This is an item that has been planned for and in the Municipal Equipment Replacement Fund. A bid specification package has been presented and solicited for a low bid. This is a little different. In the past, the City has purchased new ambulances and retired the old ones. The ambulance requested under this bid would keep the old ambulance box, being renovated with current specifications, and purchase a new chassis for that box. The low responsive bidder has responded and that is the item before the City Council for consideration at this time. The risk is when the City puts out bid packages, the public perceives that the City is apparently not serious about sticking to those specifications.

The Municipal Services Director explained that the bid was strictly for a refurbished ambulance body to be mounted on a new chassis. The ambulance body was originally placed on a van-type chassis. With the bid, the ambulance box will be placed on a truck chassis.

Councilmember Lehto stated that he has just been presented with the information that Councilmember Ehardt spoke of earlier. The concept that the rebuilt ambulance could be essentially the same as the \$135,000.00 for a new ambulance, as presented in the information handed to the City Councilmembers. Councilmember Lehto stated that he errors more to the past where bid specifications are put together for the needs of the Fire Department.

Roll call as follows:

Aye: Councilmember Parry
Councilmember Ehardt

Nay: Councilmember Lehto
Councilmember Marohn
Councilmember Whittier
Councilmember Hally

Motion Denied.

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to accept the recommendation of the Municipal Services Division and the Fire Department to accept the sole bid of Sawtooth Emergency Vehicles to remount the One (1) City-Owned Ambulance Body on a New 2014 Dodge Ram 4500 Cab and Chassis in the amount of \$134,246.00. Roll call as follows:

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Aye: Councilmember Whittier
Councilmember Hally
Councilmember Lehto
Councilmember Marohn

Nay: Councilmember Parry
Councilmember Ehardt

Motion Carried.

City of Idaho Falls
February 24, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: SOLE SOURCE PURCHASE – TRANSFORMER TEST SET

Municipal Services respectfully requests authorization to advertise the City's intent to make a sole source purchase following a 14-day period, as per Idaho Code §67-2808, and then to issue a purchase order in the amount of \$68,850.00 once the advertisement has been completed. This procurement will be from the manufacturer of the set, Omicron from Houston, Texas.

s/ Craig Rockwood

The Municipal Services Director appeared to state this item is from the Idaho Falls Power Division for test equipment for the operation and maintenance of the utility system. The sole source for this test set allows the City to go directly to the manufacturer of this equipment, rather than having to bid through the dealers. This will result in a cost savings.

It was moved by Councilmember Marohn, seconded by Councilmember Whittier, to give authorization for the advertisement of the City's intent to make a sole source purchase following a 14-day period, as per Idaho Code §67-2808, and then to issue a purchase order to Omicron in the amount of \$68,850.00 once the advertisement has been completed. Roll call as follows:

Aye: Councilmember Parry
Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Airport Director submitted the following items:

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City of Idaho Falls
February 27, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: FARM LEASE AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND BILL DIXON, JR.

Attached for your consideration is a Farm Lease Agreement between the City of Idaho Falls and Bill Dixon, Jr. Mr. Dixon's current lease on the property will expire March 31, 2014. The Lease term is for three years and includes 90.98 acres located in the west quadrant of the Idaho Falls Regional Airport.

City Attorney, Randy Fife, has prepared and reviewed the lease.

The Airport Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said documents.

s/ Craig H. Davis

The Airport Director appeared to state that Mr. Dixon has leased this property for the past twelve years, rotating between hay, grain, and potatoes. This is an appropriate use of the land.

It was moved by Councilmember Whittier, seconded by Councilmember Marohn, to approve the Farm Lease Agreement between the City of Idaho Falls and Bill Dixon, Jr. for 90.98 acres in the west quadrant of the Idaho Falls Regional Airport and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
February 27, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: CONCESSION LEASE AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND KATHRYN ANDERSON

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Attached for your consideration is a Concession Lease Agreement between the City of Idaho Falls and Kathryn Anderson. Kathryn Anderson's current Lease will expire on February 28, 2014. The Lease term is for four years and will provide for the continued operation of the coffee shop, gift shop, restaurant and lounge at the Idaho Falls Regional Airport.

City Attorney, Randy Fife, has prepared and reviewed the lease.

The Airport Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said documents.

s/ Craig H. Davis

The Airport Director appeared to further explain this item. He stated that Ms. Anderson has successfully operated the Airport Terminal concessions for the past nine years. Due to the inconsistent passenger flow at the Airport, it is difficult for a restaurant to stay in business.

It was moved by Councilmember Whittier, seconded by Councilmember Marohn, to approve the Concession Lease Agreement between the City of Idaho Falls and Kathryn Anderson for the continued operation of the coffee shop, gift shop, restaurant and lounge at the Idaho Falls Regional Airport and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Whittier

Nay: None

Motion Carried.

City of Idaho Falls
February 27, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: 2014 ANNUAL LOAN AGREEMENT WITH THE UNITED STATES AIR FORCE FOR F86L AIRCRAFT DISPLAY

Attached for your consideration is the 2014 Annual Loan Renewal Package from the National Museum of the United States Air Force (NMUSAF) Static Display Program for the loaned property of the F86L Aircraft located at the Idaho Falls Regional Airport.

The Airport Division respectfully requests approval and authorization for the Mayor to sign and execute said documents.

s/ Craig H. Davis

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It was moved by Councilmember Whittier, seconded by Councilmember Parry, to approve the 2014 Annual Loan Renewal Package from the National Museum of the United States Air Force (NMUSAF) Static Display Program for the loaned property of the F86L Aircraft located at the Idaho Falls Regional Airport and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally
Councilmember Parry
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

The Public Works Director submitted the following items:

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: PROFESSIONAL ENGINEERING SERVICES AGREEMENT -
WATER SYSTEM FACILITY PLAN

Attached is a proposed Professional Engineering Services Agreement with Murray Smith and Associates, Inc., for a not-to-exceed amount of \$264,971.00. This Agreement is for conducting a Facility Plan for the Water Department that will include a five-year rate study. The City Attorney has reviewed the proposed Agreement.

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

s/ Chris H Fredericksen

The Public Works Director appeared to state that this is a long range planning document that takes an in-depth look at all operations completed within the Water Department. This allows the City to establish an equitable five-year rate study. The last Master Plan document was adopted in 1989. The staff, on a regular basis updates the Plan, but as the plan becomes decades old, it is required to have an in-depth study conducted to be sure that the rate structure is still viable. The Public Works Director explained, further, that as Public Works conducts engineering work, they follow quality-based selection. Public Works solicits proposals from engineering firms based upon a set of criteria that is wanted. This proves that knowledge is available in specific areas. Staff rates those proposals and makes a recommendation to the Mayor and City Council, based on a scoring process. This allows the City to hire the best firm to conduct the work.

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The City Attorney stated that there is a statute within Idaho Code that allows for Professional Services Agreements to take place.

It was moved by Councilmember Ehardt, seconded by Councilmember Lehto, to approve the Professional Engineering Services Agreement for the Water System Facility Plan in an amount not to exceed \$264,971.00 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Marohn
Councilmember Whittier
Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H Fredericksen, Public Works Director
SUBJECT: PROFESSIONAL ENGINEERING SERVICES AGREEMENT -
SANITATION DEPARTMENT AUTO-LOADING ANALYSIS AND
RATE STUDY

Attached is a proposed Professional Engineering Services Agreement with SCS Engineers for a not-to-exceed amount of \$42,100.00. This Agreement is for conducting an auto-load residential garbage analysis and five-year rate study. The City Attorney has reviewed the proposed Agreement.

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

s/ Chris H Fredericksen

The Public Works Director appeared to further explain this item. This Professional Engineering Services Agreement would provide the pros and cons for implementing an auto-load residential garbage pick-up, and provide what the associated costs would be so that the City could make an informed decision as to whether to proceed with this.

It was moved by Councilmember Ehardt, seconded by Councilmember Lehto, to approve the Professional Engineering Services Agreement with SCS Engineers for the Sanitation Department Auto-Loading Analysis and Rate Study in an amount not to exceed \$42,100.00 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Parry
Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following items:

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ARCADE CONCESSION AGREEMENT
RENEWAL

Attached for your consideration is the Tautphaus Park Arcade Concession Agreement. This one (1) year agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Agreement with LOML, LLC dba Funland.

s/ Greg A. Weitzel

The Parks and Recreation Director appeared to further explain this item. He stated that items have been added under "Operation of Business" to provide checks and balances on the operation. The City of Idaho Falls has reserved the right to hire a third party organization to inspect Funland's facilities, records, and equipment during the operating season. The City further reserves the right to require no less than two (2) inspections per operating season.

Councilmember Parry expressed her concern that this has not been discussed until this evening. The previous lease agreement was for three years, and at that time the City Council expressed concerns as to whether the vendor could continue to perform. She stated, further, that it would be better to look at the vendor's history and performance measures in the previous lease agreement. Councilmember Parry requested this item to be tabled to allow the City Council to look at the Master Plan for Tautphaus Park before moving forward with this Lease Agreement.

It was moved by Councilmember Parry, seconded by Councilmember Ehardt, to table consideration of the Tautphaus Park Arcade Concession Agreement with the intent to have a discussion at a Council Work Session.

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Councilmember Lehto stated that this is a contract that the City has had some difficulty in the past. The Parks and Recreation staff prepared an extensive explanation as to what needed to take place at Funland three years ago. This should be part of the discussion at a Council Work Session.

Councilmember Hally explained that the owner of Funland wanted to sell the equipment to the City. The amount requested was astronomical and above what the total operation was worth. The limitation to a one year lease agreement was to protect the City. He explained, further, that there is no way that a Master Plan will be developed prior to the opening of Funland for this season.

Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: GOLF FACILITY CONCESSION AGREEMENT WITH CANTEEN SERVICE VENDING

Attached for your consideration is the Golf Facility Concession Agreement between the City of Idaho Falls and Canteen Service Vending to operate the cafés at Pinecrest, Sage Lakes and Sand Creek Golf Courses for the duration of three (3) years. This Agreement has been reviewed and approved by the City Attorney.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Agreement with Canteen Service Vending.

s/ Greg A. Weitzel

The Parks and Recreation Director stated that he has followed the recommendations from the Food and Beverage Report produced last year and put these Concession Agreements out for bid. It was moved by Councilmember Hally, seconded by Councilmember Marohn, to approve the Golf Facility Concession Agreement with Canteen Service Vending to operate the Cafés at Pinecrest, Sage Lakes, and Sand Creek Golf Courses for the duration of three years and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Whittier
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn

Nay: None

Motion Carried.

City of Idaho Falls
February 25, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: PHASE TWO (2) SNAKE RIVER ANIMAL SHELTER
CONSTRUCTION

As per the attached Memorandum of Understanding between the City of Idaho Falls and the Snake River Animal Shelter approved by City Council on November 22, 2011, the Parks and Recreation Division and the Snake River Animal Shelter Design Review Committee respectfully requests the approval of the Mayor and City Council to begin Phase Two of the Construction of the Snake River Animal Shelter – the pouring of concrete pads – as the necessary funding has been obtained.

s/ Greg A. Weitzel

Councilmember Hally expressed his appreciation for the work that Sylvia Medina has done in bringing this shelter to fruition.

The Parks and Recreation Director stated that there is a Design Review Committee for this project. There are three phases to this project. The first phase is the dog park. The second phase is to complete the initial preparation work. The third phase is the actual construction of the Animal Shelter. The third phase would involve coming back to the City Council to request authorization to enter into a long-term lease with the Snake River Animal Shelter, as the shelter will be built on City-owned park property on Lindsay Boulevard.

It was moved by Councilmember Hally, seconded by Councilmember Whittier, to approve Phase Two of the construction of the Snake River Animal Shelter – the pouring of the concrete pads – as the necessary funding has been obtained. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Whittier

Nay: None

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Motion Carried.

The Planning and Building Director submitted the following items:

City of Idaho Falls
February 24, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: FINAL PLAT AND REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS, FAIRWAY ESTATES ADDITION, DIVISION NO. 20

Attached is the application for a Final Plat and a copy of the Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Addition, Division No. 20. The property is located at the southeast corner of Tower Road and East River Road. The Planning Commission considered this request at its February 4, 2014 Meeting and recommended approval. This item is now being submitted to the Mayor and City Council for consideration.

s/ Brad Cramer

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 the Final Plat and Development Agreement request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo with Final Plat outlined
Slide 3	Aerial Photo – Close Up
Slide 4	Final Plat under consideration
Slide 5	Preliminary Plat
Slide 6	Site Photo looking east from East River Road
Slide 7	Site Photo looking north across site
Slide 8	Site Photo showing northern boundary along Tower Road
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Final Plat
Exhibit 4	Planning Commission Minutes dated February 4, 2014
Exhibit 5	Staff Report dated February 4, 2014
Exhibit 6	Reasoned Statement of Relevant Criteria and Standards

The Planning and Building Director stated that the Final Plat is in compliance with the Subdivision Ordinance.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to accept the Final Plat for Fairway Estates Addition, Division No. 20 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally

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Councilmember Parry
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Development Agreement for Fairway Estates Addition, Division No. 20 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Marohn
Councilmember Lehto
Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Whittier

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Fairway Estates Addition, Division No. 20, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Hally
Councilmember Parry
Councilmember Whittier
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
February 24, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: FINAL PLAT AND REASONED STATEMENT OF RELEVANT
CRITERIA AND STANDARDS, ST. CLAIR ESTATES ADDITION,
DIVISION NO. 13, FIRST AMENDED

FEBRUARY 27, 2014

Attached is the application for a Final Plat and a copy of the Reasoned Statement of Relevant Criteria and Standards for St. Clair Estates Addition, Division No. 13, First Amended. The property is located at the northeast corner of Potomac Way and Martha Avenue. The Planning Commission considered this request at its April 16, 2013 Meeting and recommended approval with the condition that a cross-access and shared parking agreement be prepared prior to consideration by City Council. The required agreement was submitted to staff earlier this year. This item is now being submitted to the Mayor and Council for consideration.

s/ Brad Cramer

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 Final Plat request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing area outlined in red
Slide 3	Aerial Photo – Close Up
Slide 4	Final Plat under consideration
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Final Plat
Exhibit 4	Planning Commission Minutes dated April 16, 2013
Exhibit 5	Staff Report dated April 16, 2013
Exhibit 6	Reasoned Statement of Relevant Criteria and Standards

This Final Plat is dividing one existing lot into two lots to accommodate two separate building pads that have been approved under a Planned Unit Development Application.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Final Plat for St. Clair Estates Addition, Division No. 13, First Amended with the condition that the cross-access and shared parking lot agreement be recorded, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Marohn
Councilmember Whittier
Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for St. Clair Estates Addition, Division No. 13, First Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Lehto
Councilmember Parry
Councilmember Marohn
Councilmember Whittier
Councilmember Hally
Councilmember Ehardt

Nay: None

Motion Carried.

City of Idaho Falls
February 24, 2014

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: FINAL PLAT AND REASONED STATEMENT OF RELEVANT
CRITERIA AND STANDARDS, SAFARI 66, DIVISION NO. 1,
FIRST AMENDED

Attached is the application for a Final Plat and a copy of the Reasoned Statement of Relevant Criteria and Standards for Safari 66, Division No. 1, First Amended. The property is located at the southwest corner of Pancheri Drive and Skyline Drive. The Planning Commission considered this request at its February 4, 2014 Meeting and recommended approval with the condition that a cross-access agreement be recorded for the two lots and any access to Skyline be at the southern boundary of the property. Staff concurs with this recommendation. This item is now being submitted to the Mayor and City Council for consideration.

s/ Brad Cramer

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 Final Plat request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing area outlined in red
Slide 3	Aerial Photo – Close Up
Slide 4	Final Plat under consideration
Exhibit 1	Vicinity Map
Exhibit 2	Aerial Photo
Exhibit 3	Final Plat
Exhibit 4	Planning Commission Minutes dated February 4, 2014
Exhibit 5	Staff Report dated February 4, 2014
Exhibit 6	Reasoned Statement of Relevant Criteria and Standards

FEBRUARY 27, 2014

The Planning and Building Director explained, further, that the access at the southern boundary of the property has already been dealt with under the original Development Agreement. The Site Plan is already under review and the access is in a location that is consistent with the Access Management Plan.

Ryan Loftus, 10727 North Yellowstone Highway, appeared to state that there is a single owner for the one lot being split into two lots. If the Final Plat is approved, the new lot will be sold to a new owner. The two owners will agree to share the parking lots between the two lots and customers will be able to travel between the two lots. As the asphalt is already present for the present owner, there will be no additional cost to the current owner. The Cross-Access Agreement becomes very simple between the two owners of the office buildings and shared parking lot, giving both buildings access to Skyline and Pancheri.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to accept the Final Plat for Safari 66 Addition, Division No. 1, First Amended with the condition that the Cross-Access and Shared Parking Agreement be recorded for the two lots and any access to Skyline Drive be at the southern boundary of the property and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Parry
Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Whittier, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for Safari 66 Addition, Division No. 1, First Amended and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Ehardt
Councilmember Whittier
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Police Chief submitted the following items:

FEBRUARY 27, 2014

City of Idaho Falls
February 19, 2014

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: JUVENILE CURFEW ORDINANCE AMENDMENT

Please review the attached draft Ordinance of the City of Idaho Falls amending Title 5, Chapter 12. This amendment would make the City's Juvenile Curfew Ordinance more consistent with the State Code.

Chief McBride would like the City Council to consider this Ordinance for approval.

s/ Mark McBride

Chief McBride appeared to explain that this is a housekeeping ordinance to make the City of Idaho Falls Curfew Ordinance more consistent with the State Code. The City of Idaho Falls would provide for time limitations within the City Code.

It was moved by Councilmember Parry, seconded by Councilmember Marohn, to approve the Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

Aye: Councilmember Hally
Councilmember Whittier
Councilmember Lehto
Councilmember Ehardt
Councilmember Marohn
Councilmember Parry

Nay: None

Motion Carried.

At the request of Mayor ProTem Lehto, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2949

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 12 TO MAKE THE CITY'S JUVENILE CURFEW ORDINANCE MORE CONSISTENT WITH THE STATE CODE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

FEBRUARY 27, 2014

City of Idaho Falls
February 11, 2014

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: ORDINANCE AMENDING IDAHO FALLS CITY CODE, TITLE 5, CHAPTER 6, SECTIONS 1, 6, 7, 9, 10, 11, AND 12 (ANIMAL CONTROL)

Idaho Falls City Ordinance amending Sections 5-6-1, 5-6-6, 5-6-7, 5-6-9, 5-6-10, 5-6-11, and 5-6-12. This Ordinance would amend the City's current Animal Ordinance (Title 5, Chapter 6). The purpose of the amendment is to require spaying and neutering of a dog or cat adopted from the Animal Control Shelter. Additionally, licensing requirements for commercial and non-commercial kennels would be deleted. This amendment also calls for setting a limit on the number of dogs allowed on the premises of any one (1) household or upon the premises of any one (1) business property in the City and to allow impoundment of a nuisance animal.

Chief McBride would like the City Council to consider this Ordinance for approval.

s/ Mark McBride

Councilmember Lehto explained that this Ordinance Amendment was passed on the first reading only at the February 13, 2014 Regular Council Meeting.

The Police Chief appeared to further explain this Ordinance Amendment.

Councilmember Marohn requested to see how many complaints have been received and why the Police Department feels that this portion of the City Code needs to be amended. He requested to know what is wrong with the current Ordinance that needs to be changed.

The Police Chief stated that this began with a family who were not complying with the current ordinance regarding Kennel Licensing. The Police Department was demanding surrender of some of the animals that were on the premises. It came to light that there were some Federal Statutes, not under the City Code, that allows people under the ADA regulations or compassionate service to have these animals without complying with the City Code. The City Attorney and Shelter personnel started working on this amendment. Within the Kennel Licensing requirements, a survey is taken of their neighbors. The neighbors are actually the approving body to a Kennel License. The applicant is then able to get a copy of the survey that was taken of neighbors surrounding the address of the Kennel applicant. The applicant would go to the neighbors and puts pressure to change their vote, so that the Kennel License can be approved. Chief McBride stated that part of the reason for removing the Kennel Licensing provision is to remove the conflict with neighbors. The Non-Commercial Kennel License allowed between 3 and 5 dogs at one place of residence or at one business. The dogs all have to be spayed or neutered. No breeding or commercial sales can take place under the licensing provisions. The Zoning Ordinance does not allow for Kennels. Kennel Licensing is in direct conflict with the Zoning Ordinance. A compromise was reached to allow for 3 dogs at one residence or business.

FEBRUARY 27, 2014

The requirement for spaying and neutering is a new requirement. The Shelter personnel have worked hard over the years to reduce the euthanasia of animals. In 2008, the Shelter was euthanizing 73% of the dogs that were taken into the Animal Shelter, as there was not room to keep the dogs at the shelter for an extended period of time. To date, the shelter is down to 5% of the animals taken in being euthanized. Part of that decrease is the program that the Shelter has adopted to spay or neuter dogs as they leave the Shelter.

The City Attorney clarified that the current Animal Control Ordinance has a number of legal problems. Whenever the City Council gives its authority to the neighbors and creates a popularity contest between neighbors, then there is a due process problem. The government is not making the decision regarding the licensing. It is allowing a group of private citizens to determine what they want their neighborhood to look like, which decision obligates the City Council. In this case, a live claim from the Idaho Fair Housing Council of discrimination against a person who had assistance animals, but whose neighbors would not agree that she could have a Non-Commercial Kennel License. In addition, she had a personal claim against the City for discriminatory action with the ADA. The Zoning Code does not allow for kennels. In order to clean up the conflict within the City Code, the proposal was to handle home occupations in that portion of the Zoning Ordinance, rather than to allow an inconsistent commercial use in a residential zone that was not allowed. This proposal puts back to the Zoning Code those things that allow for household pets, but eliminates commercial enterprises that do not fit within the home occupation within the residential zones. Further, the amendment allows the City to make accommodations within the ADA requirements for companion animals. Most of this amendment was driven by the City Attorney's Office to comply with Federal and State Regulations.

Dan Hailey, 3019 Druvor Street, appeared to encourage the City Council to include cats within the Animal Control Ordinance.

Councilmember Whittier stated that if the City Council is going to set a number, most of the people that he has discussed this with, requested that the number should be 2 animals and not 3. He shared some examples of grandfathering certain circumstances, for example, someone moving into the City with 4 dogs should be allowed to keep the fourth dog until one of their animals is deceased.

Councilmember Lehto suggested that this item should be tabled and moved to a Work Session to have a further discussion on this Animal Control Ordinance Amendment.

A brief discussion was held regarding the options within the Ordinance Amendment. It was determined that this item would be considered at the next Council Work Session with more information to be provided regarding complaints, number of dogs, etc.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to table the Ordinance amending Idaho Falls City Code, Title 5, Chapter 6, Sections 1, 6, 7, 9, 10, 11, and 12 to the next available Council Work Session. Roll call as follows:

Aye: Councilmember Hally
 Councilmember Whittier
 Councilmember Lehto
 Councilmember Ehardt
 Councilmember Marohn
 Councilmember Parry

Nay: None

Motion Carried.

FEBRUARY 27, 2014

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Whittier, that the meeting adjourn at 9:20 p.m.

CITY CLERK

MAYOR
