

**SEPTEMBER 27, 2001**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 27, 2001, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Mary Klingler  
Councilmember Ida Hardcastle  
Councilmember Bruce Rose  
Councilmember Brad Eldredge  
Councilmember Mike Lehto  
Councilmember Joe Groberg

Also present:

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

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

Mayor Milam and Councilmembers honored Brooke Snyder and Mary Lynn Micklich on their retirement from the Idaho Falls Public Library.

The City Clerk read a summary of the minutes for the September 13, 2001 Regular Meeting. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the minutes as printed. Roll call as follows:

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

Nay:            None

Motion Carried.

**CONSENT AGENDA ITEMS**

The City Clerk presented several license applications, including a BARTENDER PERMIT to Matthew W. Webster, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 27, 2001.

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

Aye: Councilmember Lehto  
Councilmember Groberg  
Councilmember Hardcastle

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Councilmember Eldredge  
Councilmember Rose  
Councilmember Klingler

Nay:           None

Motion Carried.

**REGULAR AGENDA ITEMS**

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

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO:           Mayor and City Council  
FROM:       Renée R. Magee, Planning and Building Director  
SUBJECT:   ANNEXATION REQUEST FOR VICKERS ADDITION, DIVISION  
              NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Vickers Addition, Division No. 1. This is a one-lot plat immediately west and adjacent to Lewisville Highway (5<sup>th</sup> East) and south of U. S. 20. The requested initial zoning is I & M -1. The Planning Commission reviewed this annexation request at its September 4, 2001 Meeting and recommended approval of the annexation, final plat, and initial zoning. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this Annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Slide 4	Site Photo looking at site from Lewisville Highway
Slide 5	Comprehensive Plan – Landscape entrance guidelines for commercial development – 30 feet of landscaping adjacent to Lewisville Highway
Exhibit 1	Planning Commission Minutes dated September 4, 2001
Exhibit 2	Staff Report dated September 4, 2001
Exhibit 3	Copy of Final Plat

Mark Kinghorn, Kinghorn Architecture, 850 Spyglass Point, Pocatello, Idaho, appeared as a representative for the Developer. He expressed his appreciation for the City of

Idaho Falls Planning and Building Department. They have been wonderful to work with. He stated that he was present to answer any questions that the Mayor and City Council may have regarding this annexation request.

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

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for Vickers Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay:            None

Motion Carried.

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

**ORDINANCE NO. 2429**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

Nay:            None

Motion Carried.

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

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of Vickers Addition, Division No. 1 as I & M-1 (Industrial and Manufacturing) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for Amherst, Division No. 2. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION REQUEST FOR AMHERST, DIVISION NO. 2

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Amherst, Division No. 2. This Final Plat contains 24 single-family lots and 2 lots to be used as a private park. The plat is located north and east of Londonderry Avenue and brings the "County island" in the Shamrock Park area into the City of Idaho Falls. The requested initial zoning is R-1. The Planning Commission reviewed this annexation request at its September 4, 2001 Meeting and recommended approval of the annexation, final plat, and initial zoning.

This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo
- Slide 3 Final Plat under consideration
- Slide 4 Site Photo looking south across retention pond toward Old Castle Lane
- Slide 5 Site Photo looking north at park extension
- Slide 6 Site Photo looking south at Old Castle Lane
- Slide 7 Site Photo looking west toward Londonderry Avenue
- Exhibit 1 Planning Commission Minutes dated September 4, 2001
- Exhibit 2 Staff Report dated September 4, 2001
- Exhibit 3 Copy of Final Plat
- Exhibit 4 Letter from Lane R. Archibald dated August 28, 2001, as follows:

Lane R. Archibald  
Attorney at Law  
497 North Capital Avenue  
Suite 100  
P. O. Box 51156  
Idaho Falls, Idaho 83405

Elaine Nelson, President  
Shamrock Park Homeowners Association, Inc.  
3200 Tipperary Lane  
Idaho Falls, Idaho 83404

RE: Amherst Subdivision, Division No. 2

Dear Elaine:

Over the course of several meetings and conversations with Larry Reinhart of River Front Properties, LLC, hereinafter referred to as "**Developer**", the parties have agreed as follows (Shamrock Homeowners' Association, Inc., hereinafter referred to as "**Association**"):

**Developer agrees to and shall:**

1. Plat and Deed to Association the areas marked on the attached Plat as Areas A and B. These areas will be platted and have lots/blocks as legal descriptions on the Final Plat (contains approximately 2.84 acres).
2. Remove all earthen berm/dike areas.
3. Design, excavate and place topsoil in the Storm Retention Pond.
4. Arrange for and obtain funding from the City of Idaho Falls to assist in the excavation and enlargement of the Storm Retention Pond and placement of topsoil therein. Note: In

the event the City does not agree to share in the costs of expansion of the Storm Retention Pond from the first conceptual drawing to the now intended size, the

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Association agrees the Storm Retention Pond would be built to the size and specifications shown and described in the Plat attached to my letter of August 15, 2001 (copy attached).

5. Fill in the Temporary Storm Drain Easement running from Londonderry to the Storm Retention Pond.
6. Install a fire hydrant in the area marked as Area E to provide to the Association a source of water connection for the Sprinkler System to be installed by the Association.
7. Pay the sum of \$10,000.00 to the Association as and for the properties described as Area C and D on the attached plat.
8. Pull out the soccer goal posts for the Association prior to the excavation of the Storm Retention Pond.
9. Place topsoil in the Areas A and B.
10. Place Protective Covenants on the Amherst Subdivision, Division No. 2, which are identical to Amherst Subdivision, Division No. 1, (except for the amount of the Annual Assessment amount) and similar to the Covenants of the Shamrock Subdivisions. The Amherst lots will be subject to the Shamrock Assessments when a Homeowner acquires the Lot (Lot by Lot basis). A copy of the Protective Covenants has been previously provided to you.

**The Association Agrees to and shall:**

1. Salvage the sprinkler heads and such equipment as desired in the Storm Retention Pond prior to excavation.
2. Landscape and install the Sprinkler System in the Storm Retention Pond, inclusive of the maintenance thereof. (The Association will continue to own the Storm Retention Pond subject to the City's easements for access and drainage).
3. Landscape and install the Sprinkler System in the Areas A and B, inclusive of maintenance thereof.
4. Convey to Developer Areas C and D (contains approximately .26 acres (.16 + .10 = .26). It is understood that if the Association fails to convey this property to the Developer, Developer will not pay the sum of \$10,000.00 as described in Paragraph 7 of Developers Covenants above.
5. Accept the Owners (Homeowners) of the Amherst lots into the Association as members with full voting rights subject to the provisions of the By-Laws of the Association.
6. Grant to the City an easement for access to the Lift Station located in the Storm Retention Pond in order for the City to maintain the Lift Station (from near the Southwest Corner of Lot 57, Block 4, Shamrock Park, Division No. 8 to the Lift Station).
7. Grant to the City the right to use the Storm System for collection, retention and pumping of storm drainage from

the Shamrock Park and Amherst Subdivisions, inclusive of easements for entry into and out of the Storm System.

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8. Make any and all arrangements with the City of Idaho Falls for connection to and for sprinkler system water and power service, including pay and all costs associated therewith.
9. Execute the necessary documents with the City for the City to recognize the Association's agreement to perform the covenants contained therein.

Please review the above agreements as soon as possible. If revisions need to be made, please let me know.

If the above is agreeable, please execute below and return to my office. We must have all documents ready for the meetings with the City, so your immediate attention would be appreciated. (It is expected that the Special Conditions of the Annexation Agreement will be submitted to the City and then returned with revisions, so you will need to plan on signing again once those changes are agreed to.)

If you have any questions or comments, do not hesitate to contact me.

Thank you.

Sincerely yours,

s/ Lane  
Lane R. Archibald

**Shamrock Park Homeowners Association, Inc.**, hereby agrees to the above covenants and conditions, and shall perform in accordance therewith.

Dated: 8-28-01

Shamrock Homeowners'  
Association, Inc.

By: s/ Elaine Nelson  
Elaine Nelson, President

By: s/ Barbara Frank  
Barbara Frank, Secretary

Exhibit 5 Letter from James H. Wolfram, Ph.D. dated September 9, 2001:

September 9, 2001

Dear Council Members:

My family purchased a house in Shamrock Park in 1980 and have lived there for our main residence for the past 21 years, although I have been on and am on an assignment now in Washington DC. I was the Homeowners Association President for several years when

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Mr. Flynn was still alive. It was his understanding and mine that a portion of what is now being considered the Amherst Division No. 2 was always to be kept as park land even though the Church (L.D.S.) owned it at the time. The time frame of this was about 1982-85. I am referring to the portion north of Wicklow Court, which now looks like it is Lot 27, 28, 29, 30 and 32. Although lines were not formally drawn, the Agreement was as more of the total area was developed into Shamrock Park this portion would be purchased and remains as park land – undeveloped.

I believe there are some minutes to meetings, which I held that contain some information as to that intent. Therefore, I request that **not** all of the intended property be **rezoned** that I notice on the back of your letter undated (by the way) informing us of a Notice of Public Hearing. Unfortunately I will be in Russia when your meeting is scheduled and cannot while on this assignment return nor do I have access to the stored records of the meeting minutes that took place at that time.

I'm not sure what legal rights I as a homeowner have or the Park residents but this action that is being proposed for Amherst, Division No. 2 should be delayed until the Park members consider several of the following routes of action.

- Present archival material stating the desires of the initial intent of the Church and Mr. Flynn for said property. The church played a major role in what and how much could at any one time be developed and for what use. We even approached the Church representatives at that time to have more land for Park land use.
- Determine if the Park residents would like to purchase the property or some portion of it for Park land use only.
- Determine if there is a legal binding agreement in the words and promises of the former developer for the intended Shamrock Park total area.

I realize there are few of the original residents of the Park left in Shamrock, but we had to contest several issues with the City in order to have OUR Park as we wanted it. Let's not make this another one of those dividing arguments. Please read this into the record at the meeting.

Sincerely,

s/ J. H. Wolfram  
James H. Wolfram, Ph.D.  
1263 Londonderry

Exhibit 6 Letter from Renée R. Magee, Planning and Building Director, in response to James H. Wolfram, Ph.D.:

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City of Idaho Falls  
September 18, 2001  
RRM-162-01

James H. Wolfram, Ph.D.  
1263 Londonderry Avenue  
Idaho Falls, Idaho 83404

Dear Mr. Wolfram:

Thank you very much for your letter of September 9, 2001. As you noted, Old Castle Lane is extended to the northeast in this Final Plat and the park land is reduced. The last approved Preliminary or Development Plan in our files reflects the location of an elementary school, which reduced the private park. I have enclosed a copy of the Plan submitted for the elementary school.

I compared the Final Plat to the 1990 Preliminary Plat, and the results of that comparison are enclosed. Lots 5, 6, and 7, Block 6, and portions of other lots extend into the originally planned areas of the park. The 1990 Preliminary Plat proposed 35 lots within this area. In contrast, this Final Plat proposes 27 lots.

The minutes of the meeting are enclosed. I viewed Old Castle Lane as an extension of the originally platted lane and not a significant change, since the location of the elementary school significantly reduced the size of the private park, the number of single-family lots is reduced with this Final Plat, the walkways had been restored with this proposal as well as other portions of the park, and most importantly, the Shamrock Park Homeowners Association worked extensively with the developer and supports this Plat.

Your letter has been given to Councilmembers and will be entered into the record of the public hearing. I have researched the minutes of the Planning Commission from 1981 to 1986 and have not found any discussions addressing the extent of the park land, except discussions in 1986 concerning Division No. 5, which is located in the northeast corner on Tipperary Lane. The Planning Director states Division No. 5 includes 9 acres and 18 lots with some additional park land included. I did find copies of correspondence in 1980 files, which address Lot 13 and Lot 13A. The legal documents do not include the City as a party but do transfer ownership of the park land to a homeowners association.

Again, thank you for your letter. As I stated your letter will be entered into the public record. If you have any questions, please call me at 529-1276.

Sincerely,

s/ Renée R. Magee  
Renée R. Magee  
Director

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The Planning and Building Director stated that she has received letters of support for this annexation request. The only dissenting letter was from Mr. Wolfram.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to give a brief history of this area. He also explained how the storm retention pond system would work.

Councilmember Hardcastle commended Mr. Kofoed and Mr. Reinhart for the generous donation of park land for the backyard paths.

Elaine Nelson, 3200 Tipperary Lane, appeared to state that she is the President of the Shamrock Park Homeowners Association, Inc. She stated that the Association is very pleased with the development of Amherst Subdivision, Division No. 2.

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

Councilmember Lehto commented that this a good project and expressed his appreciation to the Developer.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Annexation Agreement for Amherst, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay:            None

Motion Carried.

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

**ORDINANCE NO. 2430**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Rose moved, and Councilmember Eldredge 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 Klingler  
Councilmember Hardcastle  
Councilmember Rose

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Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

Nay:           None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for Amherst, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay:           None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Eldredge, to establish the initial zoning of Amherst, Division No. 2 as R-1 (Single-Family Residential) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay:           None

Motion Carried.

Mayor Milam indicated that this was the time for citizens to appear who had issues for the City Council that are not otherwise listed on the Agenda.

Helen O'Neil, 615 Hansen Avenue, Apartment No. 3, appeared to state that a group of individuals have formed a group named "Concerned Citizens of Bonneville County". They met with Councilmember Hardcastle and Police Chief Livsey earlier in the day to address some of their concerns. They will work through the proper channels to address any issues they may have. She submitted the organization's mission statement as follows:

**CONCERNED CITIZENS OF BONNEVILLE COUNTY (CCBC)  
Mission Statement**

The mission of the CCBC is to improve the relations between the citizens of Bonneville County and law enforcement, legal and government agencies and

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help to protect all *Citizens' Civil Rights*. The CCBC will offer to citizens an independent organization that will hear, investigate and validate complaints and through proper channels, work with local agencies toward constructive solutions, as needed. As an independent organization, CCBC will offer anonymity to citizens with allegations. The organization shall be Non-Partisan in its support of any candidates in any political office or race. The CCBC will organize and perform its activities in accordance with the mission statement and By-laws. The CCBC will carry out the following objectives:

**Objectives:**

- (1) To promote an attitude of good will and respect toward authority and to promote respect for citizens by police and other government officials.
- (2) To identify and analyze problems and develop peaceful and constructive resolutions.
- (3) To enhance citizens understanding of the submitting, processing and responding to citizens complaints regarding the Administration and Judicial Departments.
- (4) To ensure that all actions will be reasonable and appropriate and will be implemented through proper channels and in cooperation with affected organizations.
- (5) To develop and maintain contacts with other citizen's organizations across the country, in order to share ideas that have worked in other communities.
- (6) To question political candidates about their views on police policies, *Citizens' Civil Rights*, and communicate this information to voters.

Steve Novak, 2244 Meppen Drive, appeared to answer any questions from the Mayor and City Council.

Councilmember Hardcastle stated that this group would be working with Lt. Mark McBride from the Police Department.

The Airport Director submitted the following memo:

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: RATIFICATION OF FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT

Attached for City Council ratification is an FAA Grant Application for \$379,800.00. The year-end additional funds will be used for a new snow plow and an additional approach lighting system.

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The City Attorney has seen the Grant Application.

The Airport Division recommends approval of this ratification request.

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to ratify the acceptance of the Grant Agreement with the Federal Aviation Administration in the amount of \$379,800.00. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
September 26, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: AMENDMENT TO THE BONNEVILLE POWER ADMINISTRATION  
SLICE CONTRACT

Attached for your consideration is Amendment No. 3 to the Bonneville Power Administration Block and Slice Power Sales Agreement.

Idaho Falls Power respectfully requests Council approval of this Amendment.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Klingler, to approve Amendment No. 3 to 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 Hardcastle  
Councilmember Klingler  
Councilmember Eldredge  
Councilmember Lehto  
Councilmember Groberg

Councilmember Rose

Nay: None

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Motion Carried.

The Fire Chief submitted the following memo:

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Bob Drake, Fire Chief  
SUBJECT: AMBULANCE SERVICES AGREEMENT RENEWAL

Attached for your review is the annual renewal of an Ambulance Services Agreement between the City of Idaho Falls and Bonneville County for Fiscal Year 2002. This Agreement provides for County-wide ambulance service and will be in effect until September 30, 2002.

The Fire Department respectfully requests approval and authorization for the Mayor and City Clerk to sign the document.

s/ Bob Drake

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Ambulance Services Agreement between the City of Idaho Falls and Bonneville County for Fiscal Year 2002 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
September 24, 2001

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.

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

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the 2001-2002 Salary and Benefit Increases as presented. Roll call as follows:

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

Nay:            None

Motion Carried.

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO:            Honorable Mayor and City Council  
FROM:        S. Craig Lords, Municipal Services Director  
SUBJECT:    BID IF-01-21, EQUIPMENT FOR HATCH SUBSTATION

Attached for your consideration is the tabulation for Bid IF-01-21, Equipment for Hatch Substation.

It is the recommendation of Municipal Services to accept the lowest valid bid meeting specifications per Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the lowest valid bid meeting specifications per Attachment "A" for Equipment for Hatch Substation. Roll call as follows:

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

Nay:            None

Motion Carried.



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City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-01-27, TWO (2) NEW CARDIAC MONITOR/  
DEFIBRILLATORS

Attached for your consideration is the tabulation for Bid IF-01-27.

It is the recommendation of Municipal Services to accept the sole bid of Medtronic Physio-Control Corporation to furnish two defibrillator/monitors for an amount of \$16,649.80 each. Total purchase price with trade-in is \$27,399.60.

s/ S. Craig Lords

Councilmember Klingler stated that there is a trade-in in the amount of \$5,900.00. Councilmember Hardcastle stated that the monies to purchase these defibrillator/monitors comes from the PERSI monies returned to the City. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the sole bid from Medtronic Physio-Control Corporation to furnish two defibrillator/monitors as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: PINECREST GOLF COURSE PARKING LOT – PHASE II  
PROJECT NO. 2-38-17-2-PRK-2000-11

On Tuesday, September 18, 2001, bids were opened for the above-referenced project. It is recommended that the apparent low bidder, HK Contractors, Inc. of Idaho Falls be awarded the Contract in the amount of \$23,506.76. The

Engineer's Estimate for this project was \$18,905.00. It is, therefore, submitted for your approval.

s/ David J. Christiansen

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It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to accept the low bid from HK Contractors, Inc. to complete the Pinecrest Golf Course Parking Lot – Phase II Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: ROSE HILL PARKING LOT IMPROVEMENTS – PHASE II  
PROJECT NO. 2-38-30-2-PRK-2000-31

On Wednesday, September 19, 2001, bids were opened for the above-referenced project. It is recommended that the apparent low bidder, TMC Contractors, Inc. of Idaho Falls be awarded the Contract in the amount of \$23,357.00. The Engineer's Estimate for this project was \$21,332.50. It is, therefore, submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to accept the low bid from TMC Contractors, Inc. to complete the Rose Hill Parking Lot Improvements – Phase II Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

**SEPTEMBER 27, 2001**

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City of Idaho Falls  
September 25, 2001

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINDINGS OF FACT AND CONCLUSIONS OF LAW – GALASAD  
ADDITION, DIVISION NO. 1

Attached is a draft of the Findings of Fact, Conclusions of Law, and Decision for the variance under the Subdivision Ordinance for access to Galasad Addition, Division No. 1, which was approved on September 13, 2001. This draft is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director briefly explained how this Findings of Fact, Conclusions of Law, and Decision were drafted. It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Findings of Fact, Conclusions of Law and Decision and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 25, 2001

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINAL PLAT – FIRST AMENDED PLAT FOR ST. CLAIR ESTATES,  
DIVISION NO. 3

Attached is the Final Plat for the First Amended Plat of St. Clair Estates, Division No. 3. This is a replat of 12 lots located generally east of 15<sup>th</sup> East (St. Clair Road), south of Sunnyside Road. The property is within the boundaries of Idaho Falls and is zoned R-1. The Planning Commission reviewed this Final Plat at its September 18, 2001 Meeting and recommended approval. This matter is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

**SEPTEMBER 27, 2001**

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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
Slide 3	Proposed new Final Plat
Exhibit 1	Planning Commission Minutes dated September 18, 2001
Exhibit 2	Staff Report dated September 18, 2001
Exhibit 3	Copy of Final Plat

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for the First Amended Plat of St. Clair Estates, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FINAL PLAT – CHAFFIN ADDITION, DIVISION NO. 9

Attached are the Development Agreement and Final Plat for Chaffin Addition, Division No. 9. This is a two-lot plat immediately east and adjacent to Woodruff Avenue, south of Lincoln Road, and north of Kearney Street. The parcel is within the boundaries of Idaho Falls and is zoned HC-1. The Planning Commission reviewed this Final Plat at its September 4, 2001 Meeting and recommended approval with the condition access to the two lots be limited to one driveway. The condition has been covered in the Development Agreement. 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 Development Agreement and Final Plat request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat

**SEPTEMBER 27, 2001**

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Slide 4	Final Plat before the Planning Commission
Exhibit 1	Planning Commission Minutes dated September 4, 2001
Exhibit 2	Staff Report, September 4, 2001
Exhibit 3	Copy of Final Plat

The Planning and Building Director explained that originally, this Final Plat appeared before the Planning Commission as a three-lot plat. The north edge of Lot 5 was a 7-foot lot in depth. Ownership issues were the reason for that lot development. This lot was split among the ownerships, with 3 feet being kept by the seller of the property. This is not a substantial change and should not have to be returned to the Planning Commission for consideration.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Development Agreement for Chaffin Addition, Division No. 9 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to accept the Final Plat for Chaffin Addition, Division No. 9 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
September 24, 2001

MEMORANDUM

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

SUBJECT: BID AWARD - WATER DEPARTMENT SCADA SYSTEM  
UPGRADES

**SEPTEMBER 27, 2001**

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On September 18, 2001, bids were received and opened for the Water Department SCADA (Supervisory and Data Acquisition) System upgrades. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to WETCO, Inc., in the amount of \$172,655.00; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the bid from WETCO, Inc. for Municipal Water System City-Wide Wells (SCADA) Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay:            None

Motion Carried.

City of Idaho Falls  
September 25, 2001

MEMORANDUM

TO:            Honorable Mayor and City Council  
FROM:        Chad Stanger, Public Works Director  
SUBJECT:    BID AWARD – WATER POLLUTION CONTROL PLANT,  
                  HEADWORKS PROJECT

On August 1, 2001, bids were received and opened for the Idaho Falls Water Pollution Control Plant, Headworks Project. A tabulation of the bid results is attached. The Engineer has evaluated the bid proposals and despite the discrepancy between the amount of the Engineer's Estimate and the amount of the low bid, concluded the project design to be adequately prepared.

Public Works recommends award to the low bidder, R. E. Beck Construction Company, in the amount of \$4,034,530.00; and authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

Councilmember Lehto explained that this project is the first step of the process to upgrade the Wastewater Treatment Plant. The Wastewater Treatment Plant is more than 30 years old

and has been excellently maintained. Much of the equipment downstream from this facility, that will come on in later phases are most in need. There being no further discussion, it was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bid

**SEPTEMBER 27, 2001**

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from R. E. Beck Construction Company to complete the Idaho Falls Water Pollution Control Plant Headworks Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – SEAL COATING, 2001

On August 21, 2001, bids were received and opened for the Seal Coating, 2001. A tabulation of the bid results is attached.

The satisfactory completion of this work depends upon the prospect of consistently favorable weather conditions. Those conditions do not currently exist.

Public Works recommends these bids be rejected.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to reject all bids for the Seal Coating, 2001 Project. Roll call as follows:

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

Nay: None

Motion Carried.

**SEPTEMBER 27, 2001**

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City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: UNION PACIFIC SUPPLEMENTAL LEASE AGREEMENT

Attached is a proposed Resolution and Supplemental Lease Agreement between the City and Union Pacific Railroad to add a parcel of railroad owned right-of-way to that property already being leased by the City for purposes of parking and landscape beautification. The cost of this Lease includes an administrative fee of \$500.00. Upon expiration of the original Lease Agreement in 2005, the rental rate for the entire amount of leased property will be re-evaluated.

Public Works recommends that the Resolution be passed and the Supplemental Agreement be approved; and, the Mayor and City Clerk be authorized to sign the documents.

s/ Chad Stanger

**RESOLUTION NO. 2001-09**

WHEREAS, the UNION PACIFIC RAILROAD COMPANY has tendered to the CITY OF IDAHO FALLS, IDAHO, a lease covering a parcel of ground on the Railroad Company's right-of-way, at Idaho Falls, Idaho for parking and beautification; and,

WHEREAS, the Council of the City of Idaho Falls, Idaho has said proposed agreement before it and has given it careful review and consideration; and,

WHEREAS, it is considered that the best interests of said City of Idaho Falls, Idaho will be subserved by the acceptance of said agreement;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

That the terms of the agreement submitted by UNION PACIFIC RAILROAD COMPANY as aforesaid be, and the same are hereby, accepted in behalf of said City;

That the Mayor of said City is hereby authorized, empowered and directed to execute said agreement on behalf of said City and that the City Clerk of said City is hereby authorized and directed to attest said agreement and to attach to each duplicate original of said agreement a certified copy of this Resolution.

STATE OF IDAHO )  
 ) ss.  
COUNTY OF BONNEVILLE )

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho, hereby certify that the above and foregoing is a true, full and correct copy of a

**SEPTEMBER 27, 2001**

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Resolution adopted by the Council of the City of Idaho Falls, Idaho, at a meeting held according to law on the 27<sup>th</sup> day of September, 2001, as the same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 28<sup>th</sup> day of September, 2001.

s/ Rosemarie Anderson  
City Clerk of the City of  
Idaho Falls, State of Idaho

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to adopt the Resolution and approve the Supplemental Lease Agreement with Union Pacific Railroad Company to add a parcel of railroad owned right-of-way to that property already being leased by the City for purposes of parking and landscape beautification and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 24, 2001

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY LICENSE AGREEMENT – EASTERN IDAHO  
REGIONAL MEDICAL CENTER, ONCOLOGY CENTER

Attached is a proposed Right-of-Way License Agreement between the City and Eastern Idaho Regional Medical Center, Oncology Center to install a fiber optic cable across the Channing Way right-of-way, connecting the Eastern Idaho Regional Medical Center and the Oncology Center.

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

s/ Chad Stanger

**SEPTEMBER 27, 2001**

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It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Right-of-Way License Agreement between the City and Eastern Idaho Regional Medical Center, Oncology Center to install a fiber optic cable across the Channing Way right-of-way, connecting the Eastern Idaho Regional Medical Center and the Oncology Center 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 Klingler  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Lehto

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the meeting adjourn at 8:35 p.m.

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CITY CLERK

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MAYOR

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