

JULY 12, 2001

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 12, 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 presented Steve Anderson, Engineering Administrator for the Engineering Department, with a City Achievement Award to the City of Idaho Falls for "Storm Water Detention Pond" from the Association of Idaho Cities 2001 Annual Conference for the Idaho Falls High School Detention Pond. Mr. Anderson expressed his appreciation to the Mayor and City Council for their foresight in recognizing the flooding problem that existed along the Crow Creek Drainage, and for providing the funds to be able to rectify the situation. He also expressed his appreciation for a City Engineer who has the foresight and creativity to design a project of that magnitude and make it work as it was intended. He also stated that it was nice to work in this kind of an atmosphere.

The City Clerk read a summary of the minutes for the June 28, 2001 Regular Council Meeting. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes be approved 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 monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented several license applications, including BARTENDER PERMITS to Lois M. Cutler, Scott R. Duff, Melissa A. Nieves, Danny L. Raschke, and Raudel E. Soto, all carrying the required approvals, and requested authorization to issue these licenses.

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The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on July 12, 2001.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
July 9, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: STREET LIGHTS FOR DOWNTOWN AREA

Idaho Falls Power respectfully requests Council authorization to bid street lights for the downtown area.

s/ Mark Gendron

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated June 1, 2001 through June 30, 2001, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$651,956.47
Street Fund	116,404.86
Recreation Fund	30,469.18
Library Fund	39,113.05
Municipal Equipment Replacement Fund	326,771.40
Electric Light Public Purpose Fund	104,214.58
Business Improvement District	1,500.00
Municipal Capital Improvement Fund	428.48
Street Capital Improvement Fund	1,117.67
Airport Fund	149,825.97
Water and Sewer Fund	575,603.47
Sanitation Fund	1,189.07

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FUND	TOTAL EXPENDITURE
Ambulance Fund	16,112.55
Electric Light Fund	4,289,089.29
Payroll Liability Fund	1,685,351.40
TOTALS	\$7,989,147.44

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 61656 in the amount of \$584.70 and Check No. 21924 in the amount of \$664.91 both made payable to the American Red Cross. Roll call as follows:

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

Nay: None

Abstain: Councilmember Rose (As he is employed by the Red Cross)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 61419 in the amount of \$3,105.00 made payable to G. H. G. Investment, Inc. and Check No. 61480 in the amount of \$1,117.13 made payable to Richard Groberg. Roll call as follows:

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

Nay: None

Abstain: Councilmember Groberg (Due to Family relationships)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of the remainder of the expenditures for the month of June, 2001. Roll call as follows:

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

Nay: None

Motion Carried.

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Mayor Milam indicated that a request was made to recess Annexation Proceedings for Woodbridge at Ivan's Acres, Division No. 1 and requested a motion to that effect. It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to recess the Annexation Proceedings for Woodbridge at Ivan's Acres, Division No. 1 to the July 26, 2001 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a rezoning from RP-A (Single-Family Residential Park) to R-1 (Single-Family Residential) on property located generally east of and adjacent to Riverside Drive and Fremont Avenue, west of Jefferson Avenue, south of Shelly Street, and north of Temple Place, and legally described as Lots 1-11, Block 65; Lots 1-11 and Lots 38-48, Block 64; Lots 38-48, Block 63; Lots 25-48, Block 72; Block 71; Block 70; Block 81; Block 82, all in Highland Park Addition; Civitan Park; and, Lots 1-7, Block 7, Edgewater Heights Addition. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 9, 2001

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: LOTS 1-11, BLOCK 65; LOTS 1-11 AND LOTS 38-48, BLOCK 64;
LOTS 38-48, BLOCK 63; LOTS 25-48, BLOCK 72; BLOCK 71;
BLOCK 70; BLOCK 81; BLOCK 82, ALL IN HIGHLAND PARK
ADDITION; CIVITAN PARK; AND, LOTS 1-7, BLOCK 7,
EDGEWATER HEIGHTS ADDITION

Attached is the petition for rezoning from RP-A to R-1 of the above-described properties. This rezoning request includes residential blocks east of and adjacent to Riverside Drive and Fremont Avenue, west of Jefferson Avenue, south of Shelly Street, and north of Temple Place. At the June 5, 2001 Meeting of the Planning Commission, the Commission unanimously recommended approval of rezoning which is in accordance with the comprehensive plan. This rezoning request is 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 rezoning request:

Slide 1	Vicinity map showing surrounding zoning
Slide 2	Aerial Photo showing land uses
Slide 3	Map showing landowners who signed petition to rezone
Exhibit 1	Planning Commission Minutes dated June 5, 2001
Exhibit 2	Staff Report

The City Attorney requested the Planning and Building Director to state why the rezoning is being requested. The Planning and Building Director stated that the primary reason for this request is due to the number of Home Occupations that exist within the zoning west of Jefferson Avenue. In addition to that, the homes have developed over a period of 40 to 50 years and some meet the RP-A requirements regarding setbacks. Other homes were developed years ago and reflect a pattern found in R-1 zones. The City Attorney stated that the R-1 Zone is more consistent with the actual land use. The Planning and Building Director agreed.

Kiersten Holland, 1025 Iona Street, appeared to present the following statement:

Reasons to change RP-A zoning to R-1

7-2 RP-A Residential Park (current standards)

7-2-1 GENERAL OBJECTIVES AND CHARACTERISTICS

“...this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable Single Family residential conditions.” The Highland Park area does not have spacious yards and does have Multi-Family Dwellings. Neither of which comply with the characteristics of the RP-A zone.

7-2-3 AREA REQUIREMENTS

“An area of not less than eight thousand (8,000 square feet shall be provided and maintained for each one-family dwelling and uses accessory thereto.” Many of the lots are smaller than this and do not meet the requirements stated therein.

7-2-5 LOCATION OF BUILDINGS AND STRUCTURES

A. “Setbacks. All buildings shall be set back a minimum distance of thirty (30) feet from any public street...” Several of the houses in this area are not set back this far and therefore do not meet this requirement.

B. “Side Yards. For main buildings there shall be a side yard of not less than eight (8) inches for each foot of building height, except that no side yard shall be less than ten (10) feet.” Again, some of the existing homes do not comply with this requirement.

C. “Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five (25) feet on all lots...” Once again, not all homes in this area meet this standard.

7-3 R-1 Residence Zone

7-3-1 GENERAL OBJECTIVES AND CHARACTERISTICS

“The objective in establishing the R-1 Zone is to provide a residential environment within the City which is characterized by somewhat smaller lot widths, and a somewhat denser residential environment than is characteristic of the RP-A Residence Park Zone.”

Our main reasons for requesting the change in zoning is two-fold:

- 1) To allow those, so desiring, to adopt through the State of Idaho.

As it stands now, you must become a foster parent before you can adopt through the State of Idaho. In an RP-A zone this is not allowed because the Foster Parents receive payments from the State. Due to these payments, it is considered a home based business even though this is not the intent. The intent is to be able to adopt and have children. An R-1 zone will allow this to take place.

- 2) Home businesses are growing and becoming an essential part of our neighborhood and economy.

RP-A zoning does not allow us to have home based businesses. Idaho Falls is a prime location for people called “Humming Birds”. These people look for adequately sized towns in close proximity to outdoor recreation with easy access to airports. These people work out of their homes using computers with E-mail and fax machines. Technology has made it possible for people to do this. Women, especially, want to be able to stay home with their children in a society experiencing extreme moral decline paralleled with increased economical pressure. In an RP-A zone we are not free to have home businesses such as: teaching piano lessons, having a lawn mowing business, Mary Kay/Avon/Beauty Control, providing day care, cutting hair, doing bookkeeping, or even computer work. By changing the zoning from RP-A to R-1 we will be able to do these things. All of our neighbors outside of this two block radius are zoned R-1 and already have the freedom to do this. Many people in our area already have home businesses and we would just like to make it legal for them. Thank you for taking the time to consider this proposal.

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

Councilmember Eldredge stated that he applauded the petitioners for coming before the Council a second time. He stated that this is a much better proposal and expressed that he was grateful that they were willing to work with the Council.

Councilmember Groberg stated that he believed that the RP-A Zone would allow for foster homes. The Planning and Building Director clarified that foster homes are not considered a home occupation.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the zone change from RP-A to R-1 on Lots 1-11, Block 65; Lots 1-11 and Lots 38-48, Block 64; Lots 38-48, Block 63; Lots 25-48, Block 72; Block 71; Block 70; Block 81; Block 82, all in Highland Park Addition; Civitan Park; and, Lots 1-7, Block 7, Edgewater Heights Addition and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Rose

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Councilmember Groberg
Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Planned Unit Development (PUD) to build a senior apartment building on property located generally south of Sunnyside Road, west of Washington Parkway, and east of 15th Street, and legally described as Lot 1, Block 12, St. Clair Estates, Division No. 8. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 6, 2001

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ELK CREEK COMMUNITY - LOT 1, BLOCK 12, ST. CLAIR ESTATES, DIVISION NO. 8

Attached is the Planned Unit Development application for Elk Creek Senior Community on the above-described property. The application is for a three-wing senior citizen apartment building on 2.25 acres southeast of the intersection of Martha Avenue and Potomac Way. The Planning Commission reviewed this Planned Unit Development at its June 5, 2001 Meeting and recommended approval with several conditions which have been addressed by the Developer. The Department concurs with this recommendation. This application 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 Planned Unit Development request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo indicating the area under consideration
Slide 3	Site Plan
Slide 4	Site Plan - Plant Schedule
Slide 5	Partial Front Elevation of Complex
Slide 6	Full Front Elevation of Front of Complex
Exhibit 1	Planning Commission Minutes dated June 5, 2001
Exhibit 2	Staff Report
Exhibit 3	Site and Landscape Plan
Exhibit 4	Table of conditions and Developer's response

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Councilmember Lehto requested to know whether enough parking stalls were planned for this development. The Planning and Building Director stated that under the Zoning Ordinance, if an elderly housing complex is proposed, one space per three units is required. The developer has proposed more parking stalls than what is required. She explained, further, that if this complex were ever converted to family housing, more parking would be required.

Glen Levy, 989 West Sherwood, Boise, Idaho, appeared as a representative of the applicant in the capacity of Developer and Architect. He explained the recommendations from the Planning Commission have been followed. There will be a Deed restriction on this property for people 62 years of age and over only. To further enhance that factor, it is a condition of their federal financing if they fail to meet that age requirement. This runs with the life of the property. Mr. Levy stated that the experience that he has had with the Planning and Building Director, the Planning Staff, and the Planning Commission has been an enjoyable experience for him.

There being no further comment either in favor of or in opposition to this Planned Unit Development request, Mayor Milam closed the public hearing.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Planned Unit Development for a senior housing complex on Lot 1, Block 12, St. Clair Estates, Division No. 8, which includes the recommendations from the Planning Commission incorporated into the Site Plan. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 28, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: ELECTRIC RATE INCREASE

Attached for your consideration is an Ordinance amending retail rates for retail customers and providing for effective date.

Idaho Falls Power recommends adoption of the Ordinance.

s/ Mark Gendron

Councilmember Eldredge explained that final numbers on the increase from Bonneville Power Administration were not available at the last City Council Meeting. Idaho Falls Power

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estimated the increase from Bonneville Power Administration to be 45%. Bonneville Power Administration since that time has stated that their increase would be 46%.

Councilmember Groberg questioned the statement from the Acting Director of the Bonneville Power Administration, "the increase by the Bonneville Power Administration would have to be answered by its customers at 40%-50%". Councilmember Groberg stated that the City's rate increase is 54% of the BPA increase. He wondered whether the Acting Director was wrong in his calculations or whether the City of Idaho Falls is an exception.

Councilmember Eldredge stated that the cost of power is not the full cost of doing business for Idaho Falls Power. It is about half of the cost. If the Acting Director was speaking of a straight pass-through percentage increase without any additional cost for retail delivery, this figure might be appropriate. Idaho Falls Power also has costs for distribution and maintenance. Those costs increase the amount that is charged to the customers.

Mayor Milam explained that the increase would vary from utility to utility, i. e., on bonds that have to be paid.

Councilmember Eldredge explained that several years ago, Idaho Falls Power developed a spreadsheet model used for rate setting purposes. This spread sheet includes the cost of distribution, maintenance, and wholesale power. Idaho Falls Power has been making steps toward a true cost of service rate schedule. If deregulation happens, a cost of service rate schedule would be conducive for the City to keep its customers.

Mayor Milam explained that many of the utilities have generating resources. Idaho Falls Power's resources are young by comparison to others. These are not debt-free at this time, which adds to the cost of doing business.

Councilmember Rose expressed his appreciation for all of the comments given at the public comment session and at the public hearing.

There being no comments either in favor of or in opposition to this electric rate increase, Councilmember Eldredge commended the Idaho Falls Power Director and his staff for their hard work.

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

ORDINANCE NO. 2422

AN ORDINANCE AMENDING SECTION 8-5-30 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING ELECTRICAL RATES FOR CUSTOMERS OF THE ELECTRIC LIGHT DIVISION; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Eldredge moved, and Councilmember Klingler 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 the second and third 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

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Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
July 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-20, TRAFFIC SIGNAL EQUIPMENT

Attached for your consideration is the tabulation for Bid IF-01-20, Traffic Signal Equipment.

It is the recommendation of Municipal Services to accept the low bid on Items 1-19 as listed on Attachment "A". It is also recommended that all bids for Item 20 be rejected.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low bid on Items No. 1-19 as listed on Attachment "A" for Traffic Signal Equipment and, further, reject all bids for Item No. 20. 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
July 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-25, WATER LINE MATERIALS

Attached for your consideration is the tabulation for Bid IF-01-25, Water Line Materials.

It is the recommendation of Municipal Services to accept the low evaluated proposal meeting specifications as per Attachment "A". As per the bid

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specifications, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low evaluated proposal meeting specifications per Attachment "A" for Water Line Materials. 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
July 9, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AMENDMENT TO LEASE AGREEMENT – BONNEVILLE COUNTY HISTORICAL SOCIETY

Attached for your consideration are copies of an Amendment to Lease Agreement between the City of Idaho Falls and Bonneville County Historical Society regarding the renovations and additions to the existing museum.

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

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the Amendment to the Lease Agreement with Bonneville County Historical Society 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

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Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
July 9, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOTS 1 AND 2, BLOCK 2, HOOPES
ADDITION, DIVISION NO. 2

The owner of Lots 1 and 2, Block 2, Hoopes Addition, Division No. 2 has requested vacation of an easement which lies along the lot line common to these two lots.

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate this easement.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to give authorization for the City Attorney to prepare the necessary documents to vacate an easement in Lots 1 and 2, Block 2, Hoopes Addition, Division No. 2. Roll call as follows:

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

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
