

OCTOBER 28, 1999

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 28, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Larry Carlson
Councilmember Joe Groberg
Councilmember Ida Hardcastle
Councilmember Brad Eldredge
Councilmember Gary Mills
Councilmember Beverly Branson

Also present:

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

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

The City Clerk read a summary of the minutes for the October 14, 1999 Regular Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as printed. Roll call as follows:

Aye: Councilmember Mills
Councilmember Eldredge
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Groberg

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation of the appointment of Kris Stanger to serve on the Civil Service Commission (Term Ending January 1, 2003).

The City Clerk presented several license applications, including BARTENDER PERMITS to Sandy M. Brown, Cynthia M. Cook, Stacie J. Jenks, Jennifer A. Jensen, Christi L. Marshall, Jeannie A. Neidner, Ruby D. Pearrell, and Lindy L. Williamson, 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 October 28, 1999.

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

Aye: Councilmember Groberg
Councilmember Hardcastle

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Councilmember Mills
Councilmember Eldredge
Councilmember Carlson
Councilmember Branson

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Annexation Proceedings for Melaleuca Addition, Division No. 1 were withdrawn by the Division Director.

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for N.S.I. Business Park, Division No. 1. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 25, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: N.S.I. BUSINESS PARK, DIVISION NO. 1

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for N.S.I. Business Park, Division No. 1, a 3.9 acre one lot subdivision located at the southwest corner of Sunnyside and St. Clair Roads. The requested initial zoning is PB, Professional Business. The Planning Commission considered this request at its September 14 and October 12 Meetings. At its October 12 Meeting, the Commission recommended approval with the following conditions: (1) there be no access to Sunnyside Road; (2) landscape buffering be provided along the adjacent residential uses, including R-2; (3) only one access at least 240 feet from the existing roads be permitted on St. Clair; (4) such access to St. Clair be designed with curb returns; and, (5) the Engineering Department consider the need for a deceleration lane on St. Clair Road. The Engineering Department has reviewed these recommendations and they are incorporated into the Annexation Agreement. This Department concurs. The request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

For those present, Councilmember Mills gave a brief explanation of the process of annexing lands to the City of Idaho Falls. 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
Slide 2 Aerial Photo

Slide 3

Final Plat for N.S.I. Business Park, Division No. 1

Slide 4

Looking southwest from Intersection of St. Clair Road and
Sunnyside Road

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Exhibit 1	Planning Commission Minutes, September 14, 1999
Exhibit 2	Staff Report
Exhibit 3	Planning Commission Minutes, October 12, 1999
Exhibit 4	Copy of Plat

The Planning and Building Director explained that the Sunnyside Corridor Study, which is a part of the Comprehensive Plan, recommends that R-3A and PB be limited to the area that is east of St. Clair Road and north of Sunnyside Road. It is suggested that residential, either single-family or multi-family, be south of Sunnyside Road. In terms of general policies throughout the City, the Comprehensive Plan states that quasi-public services (such as churches, commercial centers, offices, or high-density housing) be located at the intersections of arterials. The Planning Commission felt that this request is within the recommendations of the Sunnyside Corridor Study, in that PB be between St. Clair Road and Hitt Road to reflect the needs of the hospital. In previous experience with neighborhoods, PB is preferred over the multi-family zoning at places that are difficult to develop or at the intersections of arterials.

Mayor Milam commented that the Planning and Building Director and she have discussed the Sunnyside Corridor Study, in that the whole purpose of this Study was to look at the development of Sunnyside Road during the time that Sunnyside was not developed into a major street. She stated that it is time to look at changing the Study as Sunnyside will be a fully developed street, and the Sunnyside Corridor Study would no longer be in effect.

Councilmember Mills questioned whether the Engineering Department agreed with the recommendation for a deceleration lane on St. Clair Road. The Planning and Building Director stated that the Engineering Department reviewed the need for the deceleration lane and felt that it was not necessary at this time. Part of that was based on the planned improvements to the intersection when Sunnyside Road is developed.

Paul Wareing, 2264 Enell Street, appeared to state that he is the owner and developer of this property. He stated that he also owns the building that is across the street from this proposed development. They lease to Green Giant at this time and are running out of space. He stated that he is a good neighbor, tries to keep an attractive building, and to keep it well lit. He is trying to expand his business here in Idaho Falls. This is where the Corporate Headquarters will be located.

Councilmember Hardcastle questioned whether the architectural design for the proposed development would be similar to the existing one across the street. Mr. Wareing stated that it would be similar. He stated, further, that his plan is to build one-story buildings, with a residential look to them. They do not want a heavy commercial look to their buildings.

Councilmember Branson questioned Mr. Wareing as to whether the access on St. Clair would be adequate for his business purposes. Mr. Wareing stated that this would be adequate.

Julie Collings, 3231 Merlin Drive, appeared to state that during the first meeting of the Planning Commission regarding this development, a good discussion was held regarding placing a Planned Unit Development (PUD) on this property. She stated that she believed that this would provide a better oversight to the future development of this property. At the second meeting of the Planning Commission, the PUD was discarded. Mrs. Collings expressed her concern over two-story buildings being built, which is allowed in the PB zone. She expressed her appreciation for how Sunnyside Square has been developed on the corner of Holmes Avenue and Sunnyside Road, especially with the parking being located on the interior of the property, rather than on Sunnyside Road. Just putting up lights is not always the answer, as lights can oftentimes be distracting as well as provide security. If Sunnyside

Road is going to continue with PB developments, the Council needs to make sure that they are well-developed and these need to be planned ahead in the future. Mrs. Collings stated that she is concerned about the traffic along Sunnyside Road now. She wants to be sure

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that the park on Sunnyside Road will remain a safe place for the users. She requested that the Mayor and Council not put a lot more commercial or PB zoning down Sunnyside Road on the south side. She also expressed her concern that the Sunnyside Corridor Study may not be a factor any longer in protecting the residential nature of this area.

Delwin L. Roberts, 3232 Merlin Drive, appeared to express his concern for planning of the Sunnyside Road area. The City adopted the Sunnyside Corridor Study to give some idea of where people should be building commercial or residential in that area. He stated that maybe the City has the cart before the horse, in that this development is being placed on the south side of Sunnyside Road, which is contradictory to the Sunnyside Corridor Study recommendations. He does not believe that there is a plan in place for development between Buck's and the new care facility going in on Sunnyside Road. Mr. Roberts expressed his concern that commercial will be developed along the south side of Sunnyside Road, where predominately residential was promised. He requested the Mayor and Council to amend the Comprehensive Plan to modify the Sunnyside Corridor Study before any more developments are allowed on the south side of Sunnyside Road.

Jim Johnson, 3267 Merlin Drive, appeared to state that he used to live on 15th Street, adjacent to the Wal-Mart property. He decided to move so that he did not have commercial adjacent to his property. He went to the City offices to locate an area that was predominately residential. He feels that he is now fighting the same battle that he did when he was on 15th Street, not to have commercial property adjacent to his residence. Mr. Johnson requested the Mayor and Council to stop this type of development. He believed that the adjacent property owners would lose property value. Residential property does not need to be taken up by commercial businesses.

The Planning and Building Director appeared to address some of the issues raised. She explained that Planned Unit Developments were created to allow a type of development in which the property owner purchases the building and the land is usually held in common. Planned Unit Developments are allowed in every zone. The Planning Commission changed their mind regarding the Planned Unit Development, because the PUD's allow two stories and the PB zone allows two stories. Requiring a public hearing, will not allow regulation of the height of the building. Another factor may be that the PUD allows a closer set back to both of the streets than the PB zone requires. The Planning and Building Director stated that Sunnyside Square and Millbrook Office Center were both developed under the PB zone without a Planned Unit Development overlay.

Councilmember Mills requested to know what other restrictions the PB zone provided compared to the R-3A zone. The Planning and Building Director explained that the set backs are more restrictive in the PB zone. R-3A zone has no height restrictions. The signage requirements are the same in both zones.

Councilmember Carlson requested to know what the rear yard set backs are in the PB zone. The Planning and Building Director stated that the PB zone requires a 10-foot rear yard set back. Councilmember Carlson questioned whether that zone required fencing. The Planning and Building Director explained that under the PB zone, there were no fencing or landscaping requirements. That is why the Planning Commission required that there be landscaping in the last 10 feet and a fence built.

Councilmember Mills requested the Planning and Building Director to clarify whether the Sunnyside Corridor Study was a guideline or policy. The Planning and Building Director explained that the Sunnyside Corridor Study is a policy document and a guideline, which was adopted by a Resolution. The Comprehensive Plan is a guideline when the City is looking at annexations, also. The City of Idaho Falls does not have jurisdiction outside of the City limits. The Planning and Building Director further explained that the Sunnyside

Corridor Study eludes to the fact that Sunnyside Road is not developed and that there is a great demand for new land uses along Sunnyside Road, but that road does not have the

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capacity to handle them. If the Study is read a little deeper, there is a land use policy that protects the carrying capacity of the road when it is improved. The Planning Commission asked staff to review the Sunnyside Corridor Study again, as there is still an issue of carrying capacity of roads.

Councilmember Carlson requested to know how many acres were involved in the Sunnyside Square development. The Planning and Building Director stated that it is approximately the same size as the development being considered. She explained, further, that a traffic impact study was done for a deceleration lane at Sunnyside Square. It was not warranted.

There being no further comment, Mayor Milam closed the public hearing.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for N.S.I. Business Park, Division No. 1 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 Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

Councilmember Groberg stated that the PB zone is an appropriate zone for this corner. The PB zone is a restrictive and limited zone for this area, including the additional restrictions placed from the Annexation Agreement.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for N.S.I. Business Park, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

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

ORDINANCE NO. 2348

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

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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 Mills moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with and the Ordinance be passed on all three readings. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Groberg
Councilmember Branson
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 Mills, seconded by Councilmember Groberg, to establish the initial zoning of N.S.I. Business Park, Division No. 1 as PB (Professional Business) 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 Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

Councilmember Hardcastle commented that she lives near the Sunnyside Square development on Sunnyside Road and Holmes Avenue. The surrounding neighborhood is so pleased with this development, compared with the high density residential that could have been placed at this corner. She hoped that the same type of development would occur at St. Clair Road and Sunnyside Road.

Councilmember Groberg agreed with Councilmember Hardcastle. He stated that the Planned Unit Development may appear as an additional safeguard, but as was pointed out by the Planning and Building Director, the public hearing review is a technical review of the location. The Annexation Agreement provides for the aesthetic type of

protection that the neighborhood is looking for. Councilmember Groberg stated that he has studied the Sunnyside Corridor Study. The proposed annexation and zoning fits the overall intent and spirit that is in that Study.

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Councilmember Hardcastle stated that the City needs to re-address the Sunnyside Corridor Study anticipating the five-lane highway that will be Sunnyside Road. Following a brief recess, the Airport Director submitted the following memos:

City of Idaho Falls
October 15, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: ASSIGNMENT OF LEASE

Roxine Stone would like to assign her aircraft hangar lease agreement to her company name, IAS AIR, LLC.

The City Attorney has reviewed the assignment.

The Airport Division respectfully requests authorization for the Mayor to execute the Consent to Assignment.

s/ M. R. Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Consent to Assignment of the Hangar Lease Agreement from Roxine Stone to IAS AIR, LLC and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
October 26, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: SKYWEST AIRLINE OPERATING AGREEMENT

Attached for City Council approval is the Skywest Airline Operating Agreement.

The term of this Agreement is for 3 years and will be effective January 1, 2000.
The estimated increase in the first year's revenue is 37%.

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The City Attorney has reviewed and approved this Agreement.

The Airport Division requests approval of the Skywest Airline Operating Agreement and authorization for the Mayor to execute the Agreement.

s/ Mike Humberd

Councilmember Mills questioned whether the rates in this Agreement are comparable to other markets. Councilmember Groberg stated that this Lease Agreement has been negotiated with Skywest. Councilmember Eldredge stated that Lease rates at the Airport have been significantly below market value for a long time. This rate increase will bring the City closer to market rates, but may not be right at market rates.

There being no further discussion either in favor of or in opposition to this Operating Agreement, it was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Skywest Airline Operating Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

The Electric Director submitted the following memos:

City of Idaho Falls
October 25, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Director
SUBJECT: PROJECT NO. 2-37-25-3-ELE-99-30 – OLD LOWER POWER
PLANT TAILRACE REFURBISHMENT

The Electric Division has evaluated the bid for the referenced project and respectfully requests rejection of the bid and authorization to advertise for new proposals. The bid tabulation is attached.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to reject the bid for the Old Lower Power Plant Tailrace Refurbishment Project and, further, give authorization to advertise and receive new proposals for same. Roll call as follows:

Aye: Councilmember Branson
Councilmember Hardcastle

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Councilmember Mills
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Director
SUBJECT: PROJECT NO. 1-37-3-1-ELE-99-42 - GEM LAKE BANK
STABILIZATION PROJECT

The Electric Division has evaluated the above referenced project. The bid tabulation is attached for your information.

The Electric Division respectfully requests award of this project to the low bidder, H-K Contractors, Inc. for the amount of \$69,950.00.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to accept the low bid from H-K Contractors, Inc. to complete the Gem Lake Bank Stabilization Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

City of Idaho Falls
October 27, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Director

SUBJECT: PROJECT NO. 3-37-25-4-ELE-99-31 – UPPER POWER PLANT
DAM NO. 1 ACCESS ROAD

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The Electric Division has evaluated bids for the above-referenced project. The bid tabulation is attached for your information.

The Electric Division respectfully requests award of this project to the low bidder, Silver Creek Construction Company, Inc. for the amount of \$115,211.45.

s/ Mark Gendron

Councilmember Branson requested to know where this new access road would be located. The Electric Director appeared to explain that this road would provide access below the big dam at the Upper Plant. There is a motor over the hydraulic ram that there is no access to.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Eldredge, seconded by Councilmember Mills, to accept the low bid from Silver Creek Construction Company, Inc. to complete the Upper Power Plant Dam No. 1 Access Road for Dam No. 1 Maintenance and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Mills
 Councilmember Eldredge
 Councilmember Carlson
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
October 26, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Director
SUBJECT: CONFIRMATION AGREEMENT WITH UAMPS

Attached for your consideration are two (2) Confirmation Agreements to exchange energy with UAMPS. Each Agreement is for 15 megawatts.

The Electric Division respectfully requests City Council approval of these Agreements and authorization for the Mayor to execute the same.

s/ Mark Gendron

Councilmember Eldredge explained that these Agreements provide for significant savings to the City, and will also allow for the balancing of each system's loads. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the two (2)

Confirmation Agreements to exchange energy with UAMPS and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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Aye: Councilmember Branson
Councilmember Hardcastle
Councilmember Mills
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
October 25, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF JUDGES AND CLERKS FOR GENERAL
MUNICIPAL ELECTION TO BE HELD NOVEMBER 2, 1999

Attached for your consideration is a list of names appointing and setting compensation for Election Judges and such other workers necessary for each voting precinct within the City.

It is respectfully requested that the Mayor and Council authorize each appointment as per the attached list and, further authorize compensation for such workers as indicated.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to appoint the listed Election Judges and such other workers necessary for each voting precinct within the City and approve the compensation requested for the General Municipal Election to be held on November 2, 1999. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

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City of Idaho Falls
October 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TWO (2) TEN CUBIC YARD DUMP TRUCKS - CITY OF
POCATELLO BID

It is the recommendation of Municipal Services to accept the bid of Hirning Truck Center, Pocatello, Idaho, to furnish Two (2) Ten Cubic Yard Dump Trucks per City of Pocatello's Bid of October 5, 1999. Hirning Truck Center has agreed to honor the price amounts bid at that time.

They would furnish Two (2) New 1999 Volvo ACL64B "Autocar" Conventional Truck Chassis for an amount of \$83,235.00 each including the option for an Automatic Transmission; and One (1) New Williamsen Model WDN145TS Dump Body for an amount of \$15,150.00 each. We would also like to include a heated water fuel separator for \$189.00 each and silicone coolant and heater hoses for \$103.00 each. With these additions the purchase price per truck will be \$98,677.00; Total for Two \$197,354.00.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the bid of Hirning Truck Center to furnish Two (2) Ten Cubic Yard Dump Trucks as specified per the City of Pocatello's Bid. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
October 25, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHANGE ORDER NO. 3 FOR ANIMAL CONTROL FACILITY

Attached for your consideration is Change Order No. 3 for the new Animal Control Facility in the amount of \$7,111.00 for the items specified on the documents and also for a twenty-one (21) day time extension to the substantial completion date. The new completion date will be November 25, 1999.

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

s/ S. Craig Lords

Councilmember Branson explained that this Change Order is for the ventilation system for the crematorium, which would provide for the safety of the people and animals at the new facility.

Councilmember Carlson questioned whether he should abstain from any discussion and vote on this item due to the fact that his son-in-law's plastering business is working on this project. The City Attorney stated that as long as those individuals are not residing within his home and he does not have a financial interest himself, it was not necessary to abstain.

Councilmember Eldredge explained that part of the reason for this Change Order, is that the facility had been designed and built prior to having all of the equipment specifications in hand. The cost involved in this Change Order is to adapt the building to the equipment that was received.

Mayor Milam explained that the total amount for all of the Change Orders is a small percentage of the original Contract amount. Councilmember Hardcastle explained that the Architect was challenged to keep any Change Orders under three percent (3%), and to date, he has done that.

There being no further discussion either in favor of or in opposition to this Change Order, it was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve Change Order No. 3 to Shook Construction for the Animal Control Facility and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
October 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ORDINANCE FOR CABLE FRANCHISE

Attached for your consideration is a Cable Franchise Ordinance. Also attached is a Summary for the Ordinance.

s/ S. Craig Lords

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Mayor Milam asked Mr. Dean Jones if he would like to make any further comments to this Ordinance.

Dean Jones from A T & T Cable Services, stated that he had no further comments. This has been reviewed over and over. He thanked the Mayor and Council for all of the consideration that has gone into this Ordinance process.

Councilmember Hardcastle stated that Mr. Jones is a gentleman. She stated, further, that it has been a pleasure to disagree with him.

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

ORDINANCE NO. 2351

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RELATING TO THE REGULATION OF CABLE TV FRANCHISES; ESTABLISHING SCOPE OF ORDINANCE, PROVIDING DEFINITIONS FOR CERTAIN TERMS; ESTABLISHING DISPUTE RESOLUTION PROCEDURE; ESTABLISHING REGULATIONS REGARDING DURATION OF FRANCHISES AND RENEWALS; DEFINING LIABILITY OF THE PARTIES AND PROCEDURES FOR CONSIDERATION OF CONSUMER COMPLAINTS; SETTING FORTH PROVISIONS FOR REGULATION OF RATES; ESTABLISHING REQUIREMENTS FOR PUBLIC ACCESS CHANNELS; REGULATING CONSTRUCTION OF CATV SYSTEMS; PROVIDING REPORTING REQUIREMENTS AND FOR SYSTEM TESTING AND PERFORMANCE EVALUATIONS; ESTABLISHING TECHNICAL REQUIREMENTS AND STANDARDS AND STATING PROVISIONS FOR FRANCHISE TERMINATION, TRANSFERS AND ASSIGNMENTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

Councilmember Branson explained that a couple of minor changes have been made to the Ordinance since the first reading on October 14, 1999, therefore this Ordinance will be considered fully. The foregoing Ordinance was presented by title only. Councilmember Branson 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 and the Ordinance be passed on all three readings. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle

Nay: Councilmember Carlson
Councilmember Groberg

Motion Carried.

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It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the Summary for the Cable Franchise Ordinance, give authorization for the Mayor and City Clerk to sign same and, further, give approval for the Summary of the Cable Franchise Ordinance to be published as required by Idaho Law. Roll call as follows:

Aye: Councilmember Mills
Councilmember Groberg
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

The memo from the Planning and Building Director regarding the Final Plat for Grand Teton Mall Addition, Division No. 1 was withdrawn by the Division Director. The Public Works Director submitted the following memos:

City of Idaho Falls
October 26, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – BLOCK 9, MARTIN’S SUBDIVISION

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate a 20-foot utility easement located in Block 9, Martin’s Subdivision.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to give authorization for the City Attorney to prepare the necessary documents to vacate a 20-foot utility easement located in Block 9, Martin’s Subdivision. Roll call as follows:

Aye: Councilmember Mills
Councilmember Groberg
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

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City of Idaho Falls
October 26, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT – SUNNYSIDE ROAD
(PROJECT NO. STP-7466(101); KEY NO. 7979)

Attached is a proposal for a Professional Services Agreement between the City and SERG, Inc. for the purpose of conducting a series of public information meetings and preparing the needed environmental documents and permits for Sunnyside Road street improvements from Yellowstone Highway to South Boulevard. These services are needed to fulfill Federal Highway Administration requirements; the cost of \$112,000.00 is reimbursable, consistent with the project agreement.

Public Works requests approval of the selection of SERG, Inc.; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

Councilmember Branson questioned whether another Agreement would have to be entered into with the remainder of the Sunnyside Road Project. The Public Works Director appeared to explain that this represents the Federal Highway Administration portion of the Sunnyside Road Project. It will not be required on the rest of the project. There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the proposal for a Professional Services Agreement with SERG, Inc. and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Groberg, seconded by Councilmember Carlson, that the meeting adjourn at 8:45 p.m.

CITY CLERK

MAYOR
