

**SEPTEMBER 9, 1999**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 9, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

The City Clerk read a summary of the minutes for the August 26, 1999 Regular Council Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as printed. Roll call as follows:

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

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 Sandra Charboneau, Danna V. Clark, Chad D. Crosby, Patrick N. Dickinson, Jennifer Jacobson, Shari L. Pehrson, Phil Reeder, and Raudel E. Soto, 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 9, 1999.

The Public Works Director submitted the following memos:

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City of Idaho Falls  
September 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – IDAHO CANAL PEDESTRIAN CROSSING

Public Works requests authorization to advertise to receive bids for the Idaho Canal Pedestrian Crossing at 25<sup>th</sup> Street and South Holmes Avenue.

s/ Chad Stanger

City of Idaho Falls  
September 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – HITT ROAD BRIDGE AND STREET IMPROVEMENTS

Public Works requests authorization to advertise to receive bids for Hitt Road Bridge and Street Improvements.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The City Clerk presented the following Expenditure Summary dated August 1, 1999 through August 31, 1999, after having been audited by the Fiscal Committee and paid by the Controller:

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<b>FUND</b>	<b><u>SERVICE AND MATERIALS</u></b>	<b><u>GROSS PAYROLL</u></b>	<b><u>TOTAL EXPENDITURE</u></b>
General Fund	\$982,228.47	\$1,111,712.63	\$2,093,941.10
Street Fund	265,106.77	58,817.59	323,924.36
Airport Fund	104,928.89	28,474.05	133,402.94
Water and Sewer Fund	539,052.67	127,751.39	666,804.06
Electric Light Fund	2,272,391.09	228,722.27	2,501,113.36
Sanitation Fund	28,476.37	58,838.00	87,314.37
Recreation Fund	20,005.67	39,469.07	59,474.74
Library Fund	106,295.57	51,609.16	157,904.73
Street Capital Improvement Fund	274,475.85	.00	274,475.85
Water Capital Improvement Fund	1,679.60	.00	1,679.60
Ambulance Fund	32,652.72	60,254.10	92,906.82
Municipal Equipment Replacement Fund	97,094.00	.00	97,094.00
Energy Conservation Loan Fund	38,064.81	.00	38,064.81
Business Improvement District	20,195.00	.00	20,195.00
<b>TOTALS</b>	<b>\$4,782,647.48</b>	<b>\$1,765,648.26</b>	<b>\$6,548,295.74</b>

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to ratify the payment of the expenditures for the month of August, 1999. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of the modification of Assessment Rates in the Idaho Falls Business Improvement District. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Mayor and City Councilmembers  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: MODIFICATION OF ASSESSMENT RATES IN THE IDAHO FALLS  
BUSINESS IMPROVEMENT DISTRICT

Attached is an Amendatory Ordinance for the Business Improvement District. On August 12, 1999, the City Council passed a Resolution declaring its intention to reduce the levy for the Business Improvement District from seven

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mills to four mills in accordance with a request by the Idaho Falls Downtown Development Corporation. In addition to reducing the amount of the levy, the Council proposed to eliminate the minimum assessment of \$200.00 and to limit the maximum assessment of \$1,700.00 (now \$3,000.00) to three non-contiguous properties. Under this proposed Ordinance Amendment, the District will raise slightly less than \$63,000.00 to promote and improve downtown. This Ordinance is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Mills requested the President of the Idaho Falls Downtown Development Corporation to come forward to make a statement.

Greg Crockett, President of the Board of Directors of the Idaho Falls Downtown Development Corporation, 428 Park Avenue, appeared to state that they contract with the City of Idaho Falls to contract, manage, and carry forth the objectives of the Downtown Business Improvement District. He thanked the Mayor and City Council for the cooperative attitude that they receive in the goals and objectives of trying to revitalize Downtown Idaho Falls. Mr. Crockett stated that it was not his personal objective to appear before the Mayor and Council to reduce the levy assessment. The Board of Directors is made up, in a large part, of property owners in the Business Improvement District. The Board of Directors felt that they were hurting too many of the people in the downtown area with the levy as is. They have looked at their overall program and objectives, and believe that they can carry out their goals within the moneys that will be raised under the reduced levy. The Board of Directors continues to believe that the Business Improvement District is a good idea for the downtown area. Mr. Crockett stated that he hopes, personally, that the Board of Directors will be back before the Mayor and Council requesting that the levy be raised. He stated that the Idaho Falls Downtown Development Corporation needs to prove itself to the downtown property owners, that their money is being well spent. He stated that he supports the Ordinance as it is written, and thanked the City Attorney for his efforts in preparing the Ordinance.

Councilmember Carlson questioned Mr. Crockett as to why the larger property owners do not pay the full amount of the percentage.

Greg Crockett re-appeared to explain that conceptually that is how the program was presented in petitions to organize the Business Improvement District. The properties in the downtown area that will pay a maximum levy assessment in the Business Improvement District are banks. All of the banks have nice, attractive buildings in the downtown area, with adequate parking for their own patrons. It was thought that the benefit to these property owners, from the organization of a Business Improvement District, would be minimal. There are other properties in the downtown area that need more assistance than do these large property owners. This concept was presented to the property owners and was acceptable to the property owners.

The City Attorney explained that this issue was raised in the litigation in which the City of Idaho Falls was involved, as to whether this was in violation of the Equal Protection Statute. The Court ruled in favor of the City of Idaho Falls, on the grounds that in attempting to formulate an assessment levy rate, you try to tailor the levy to be proportionate to the amount of benefit received from each of the owners within the District. The evidence that was presented to the Court, was that the large property owners received a disproportionately smaller benefit, in that they already had parking facilities and would not benefit from any Business Improvement District monies to improve parking. The second reason that the Court upheld the method of assessment, was based upon the recognition that the owners of the larger properties, in general, consisted of professional offices and

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banks, which did not receive a proportionate benefit from the promotion of commercial retail activities.

Greg Crockett re-appeared to state that the problem is less dramatic with the lowering of the levy assessment rate.

The City Attorney stated that the Ordinance has one different feature that was not in the original Ordinance. The number of properties that may be included within the cap has, in this Ordinance, been limited to three (3). In the former Ordinance, there were an unlimited number of properties that could be placed under the cap. A number of the property owners felt that it was appropriate that there was a limit to the cap.

Councilmember Mills explained that it has also been proposed in this Ordinance, to eliminate the minimum assessment of \$200.00. Councilmember Mills questioned whether anything needed to be done with the Management Contract with the Idaho Falls Downtown Development Corporation.

The City Attorney stated that, eventually, changes would have to be made to the Management Agreement in order to appropriately reflect the reduction in the budgeted amounts. This does not have to be done at the present time.

Mayor Milam indicated that this is a Contract and is a separate issue from what is being considered at this Meeting.

Greg Crockett stated that he expected a revision of the Management Contract to reflect the decrease in revenues from the assessment of the Business Improvement District.

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

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

**ORDINANCE NO. 2344**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING, REPEALING AND RE-ENACTING CERTAIN SECTIONS OF ORDINANCE NO. 2245 RELATING TO THE CREATION OF A BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF IDAHO FALLS; ADDING NEW DEFINITIONS TO SECTION 1 OF SAID ORDINANCE; REDUCING THE SPECIAL ASSESSMENT FROM SEVEN MILLS TO FOUR MILLS; REDUCING THE MAXIMUM ANNUAL ASSESSMENT FROM \$3,000.00 TO \$1,700.00 AND ELIMINATING THE MINIMUM ASSESSMENT; REPEALING SECTION 7 OF SAID ORDINANCE AND AMENDING SECTIONS 9 AND 29; PROVIDING FOR SEVERABILITY AND PRESERVATION OF PRIOR ORDINANCE 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 Groberg  
Councilmember Hardcastle  
Councilmember Eldredge

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Councilmember Mills  
Councilmember Branson

Nay: Councilmember Carlson

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Melaleuca Addition, 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  
September 3, 1999

MEMORANDUM

TO: Mayor and City Councilmembers  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: MELALEUCA ADDITION, DIVISION NO. 1

The applicant, Melaleuca, has requested the public hearing be recessed until September 23, 1999, to allow the applicant time to increase the size of the Final Plat and to review the Annexation Agreement.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to recess the Annexation Proceedings for Melaleuca Addition, Division No. 1 to the September 23, 1999 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of a Zoning Ordinance Amendment, under Section 7-3-2 of the R-1 Zone of the Idaho Falls Zoning Ordinance to allow Single-Family Attached Housing up to three (3) units per structure as a Conditional Use Permit and clarifying wording in Sections 7-4-10 and 7-5-10, Special Provisions Regarding Single Family Attached Dwellings. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Mayor and City Councilmembers  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REVISION OF ZONING ORDINANCE, SINGLE-FAMILY ATTACHED HOUSING IN R-1 ZONE

Attached is an Amendment to the Zoning Ordinance which permits single-family attached housing in the R-1, Single-Family Residential Zone, as a conditional use. The purpose of the Amendment is to permit attached single-family homes on isolated or entry parcels in neighborhoods of detached single-family homes. The number of units is limited to three per structure and seven units per net acre. The Planning Commission considered this Amendment and recommended adoption of the text amendment. The Division concurs in this recommendation. The Amendment is being submitted for your consideration.

s/ Renée R. Magee

Councilmember Mills explained that there has become a greater demand for this single-family attached housing. Until now, this type of housing has only been allowed in the R-2 and R-3 Zones.

The Planning and Building Director appeared to further explain this request. Following is a list of exhibits used in connection with this Zoning Ordinance Amendment request:

- Slide 1 Existing Single-Family Attached Units – Skyline Condominiums  
Developed at 8.3 Units per Net Acre
- Slide 2 Existing Single-Family Attached Units – Thayer Bridge  
Developed at 5.6 Units per Net Acre
- Slide 3 Existing Single-Family Attached Units – Sunrise Addition  
Developed at 4.3 Units per Net Acre
- Slide 4 Existing Single-Family Attached Units – Cedar Ridge Addition,  
constructed immediately north of and adjacent to Sunnyside Road  
Developed at 6.3 Units per Net Acre  
These have a maximum of 3 units per structure

The Planning and Building Director explained, further, that Single-Family Attached Housing could presently be built in an R-1 zone; however, they have to be done as a Planned Unit Development. The financing has been an issue and 20% of the ground must be in common under the Planned Unit Development status. Not all developers want to approach single-family units as needing common ownership.

Councilmember Eldredge questioned whether any of the developments mentioned might want to have their developments rezoned under this Amendment. The Planning and Building Director stated that this might happen as owners could see some protections under the R-1 zone.

Councilmember Branson questioned what the limit on units per acre is now under the Zoning Ordinance. The Planning and Building Director stated that there is not one established at this time. The Ordinance Amendment being presented allows for 7 units per net acre.

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Councilmember Mills questioned what the process would be to apply for single-family attached housing through a Conditional Use Permit. The Planning and Building Director stated that the same process would be followed as with a Planned Unit Development. This would require a Site Plan and Public Hearing at the Planning Commission level. The Planning Commission would then make a recommendation. Then there would be a Public Hearing at a City Council Meeting.

Councilmember Eldredge stated that this would allow the same sort of development that would have to be done now as a Planned Unit Development, but allows it to be accomplished without the 20% common requirement. This is a very useful addition to the present Zoning Ordinance.

Councilmember Groberg requested the Planning and Building Director to explain to the City Council the criteria for approving the Conditional Use Permit if someone wanted to build single-family attached housing. The Planning and Building Director explained that they would be similar to the constraints under the Planned Unit Development. In both provisions, there are set back requirements, a requirement that elevations be presented to the public, and a requirement that the site plan be presented to the public.

The City Attorney stated that the Local Planning Act requires that there be specific conditions set forth whenever Conditional Use Permits are addressed.

Councilmember Groberg stated that he wanted to clarify for the members of the Council that there are certain standards required, and if they are met, these units could be built within this zone. Councilmember Groberg stated that this is a significant improvement to our zoning.

Councilmember Mills questioned whether the best solution to a Developer wanting only single-family detached housing in a new development, would be to request a different zone from the R-1. The Planning and Building Director stated that single-family attached housing could be built in an RP-A Zone if it is done as a Planned Unit Development. There are two solutions to this issue. One solution would be to covenant that only single-family detached homes will be built in the development, and another solution would be for the Developer to control the construction of the complete development.

Mayor Milam explained that this Ordinance Amendment does not delete any of the other provisions. It simply adds to the R-1 Zone. The Planning and Building Director stated that this provision is for an isolated parcel, where the neighbors felt that they needed the protection that is offered by a Conditional Use Permit.

Councilmember Mills gave an example of where this zone might be used.

Lyle Taggart, 1884 Camrose, appeared to explain that he is a realtor in Idaho Falls. At one time, he proposed a development called Troy Pond. The biggest concern of the neighbors was the zoning. If he did not develop what he said that he was going to develop, and this zone was established, apartments could be built in that location. He felt that he was strapped, because he could not build what he wanted to build under a more protective zone. Mr. Taggart stated that he is in favor of this Amendment to the Zoning Ordinance. He felt that there is a tremendous need for housing for semi-retired or retired persons on the west side of Idaho Falls.

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

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

**ORDINANCE NO. 2345**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-3-2, 7-3-5, 7-4-10, AND 7-5-10 OF ORDINANCE NO. 1941, CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR SINGLE-FAMILY ATTACHED HOUSING TO BE A CONDITIONAL USE

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IN THE R-1 RESIDENCE ZONE; PROVIDING FOR SPECIAL PROVISIONS IN THE R-1 ZONE FOR SINGLE-FAMILY ATTACHED HOUSING; REQUIRING SITE PLANS FOR SINGLE-FAMILY ATTACHED HOUSING; PROVIDING FOR VEHICULAR ACCESS TO A DEDICATED STREET FROM PARKING FACILITIES; PROVIDING THAT SINGLE-FAMILY HOMES DO NOT HAVE TO MEET AREA AND WIDTH REQUIREMENTS; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

Councilmember Mills pointed out that in single-family detached housing, there is no way to control who (owner or renter) lives in the home. This same thing applies to the single-family attached housing. The Building Code provides standards as to how they must be built, making them more expensive to build than apartment buildings. Due to this fact, these homes are generally owner-occupied.

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 Mills  
Councilmember Eldredge  
Councilmember Carlson  
Councilmember Branson  
Councilmember Hardcastle  
Councilmember Groberg

Nay: None

Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls  
August 9, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: DELTA AIRLINES TERMINATION AGREEMENT

Attached for City Council approval is the Delta Airlines Termination Agreement that was effective January 1, 1999 and terminates on December 31, 2004. This Agreement was recently received from the airlines and is the final closeout paperwork to their Operating Agreement. Delta Airlines has been paying for office rental space and a portion of the second floor boarding lounge since January.

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The Airport Division requests approval of this Agreement and authorization for the Mayor to sign this Agreement.

s/ Mike Humberd

Councilmember Groberg explained the benefits of this Agreement. It provides for Delta Airlines to have a specific liability for the term of their lease instead of the open-ended liability that they did have. It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Termination Agreement with Delta Airlines and, further, give authorization for the Mayor and City Clerk 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  
August 19, 1999

MEMORANDUM

TO: Honorable Mayor and Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: CHANGE OF ORDINANCES

Attached are two recommended changes to Section 8 of the City of Idaho Falls Code of Ordinances.

The first change concerns the fuel flowage fee of \$0.05 per gallon that was adopted by the City Council on August 12, 1999.

The second change concerns landing fees, which have been established through the current airline negotiations. The landing fee is \$1.26 per 1,000 pounds of gross landed weight for each aircraft.

These fees are used to supplement the costs of maintaining the runways, taxiways, ramps, and lighting.

The Airport Division requests approval of these Ordinance changes and requests waving the three readings and approve the changes on a single reading.

s/ Mike Humberd

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

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**ORDINANCE NO. 2346**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 8-2-3 AND 8-2-7 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, RELATING TO LANDING FEES AND FUEL FLOWAGE FEES COLLECTED AT THE IDAHO FALLS MUNICIPAL AIRPORT; INCREASING THE LANDING FEES FOR COMMERCIAL AIRCRAFT FROM NINETY-FIVE CENTS (\$.95) PER 1,000 POUNDS GROSS WEIGHT TO ONE DOLLAR TWENTY-SIX CENTS (\$1.26) PER 1,000 POUNDS GROSS WEIGHT; INCREASING THE FUEL FLOWAGE FEE FROM THREE CENTS (\$.03) TO FIVE CENTS (\$.05) FOR EACH GALLON OF AVIATION FUEL DISPENSED AT THE AIRPORT; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg 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 Carlson  
Councilmember Mills  
Councilmember Groberg  
Councilmember Branson  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Honorable Mayor and Council  
FROM: Mike Humberd, Director of Aviation  
SUBJECT: TABULATION OF PROPOSALS AND AWARD OF BID

Attached is the tabulation of bids received for the Olympia Service Road Project at the Airport. It is the recommendation of the Airport Director to award the bid to the low bidder, HK Contractors, Inc., in the amount of \$188,180.00.

The Airport Division requests approval from the City Council to award the bid and authorization for the Mayor to execute the Contract Documents.

s/ Mike Humberd

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Councilmember Groberg explained that this project would clean up the area between Foote Drive and Skyline Drive at the Airport. Councilmember Eldredge stated that this would provide access to the other side of the Airport for Airport employees, rather than having to use the taxiways.

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to accept the low bid of HK Contractors, Inc. to complete the Olympia Service Road 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.

The Electric Director submitted the following memo:

City of Idaho Falls  
September 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Electric Director  
SUBJECT: NORTH BOULEVARD SUBSTATION – BAY TWO ADDITION  
CHANGE ORDER NO. 1

Attached is Change Order No. 1 for the North Boulevard Substation, Bay Two Addition. The Electric Division respectfully requests approval of the Change Order and authorization for the Mayor to execute the document.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve Change Order No. 1 to HK Contractors, Inc. for the North Boulevard Substation, Bay Two Addition Project and, further, give authorization for the Mayor to execute the necessary documents. 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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The Municipal Services Director submitted the following memos:

City of Idaho Falls  
September 3, 1999

MEMORANDUM

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

Attached for your consideration are copies of the required "Notice of Election" and "Resolution" for the General Municipal Election to be held on November 2, 1999, with publication dates for the "Notice of Election" to be September 12 and October 17, 1999.

It is respectfully requested that the Mayor and Council proclaim the General Municipal Election, name Deputy Registrars, and designate Polling Places.

s/ S. Craig Lords

**NOTICE OF ELECTION**

NOTICE IS HEREBY GIVEN, that the Municipal Election for the City of Idaho Falls, Idaho, will be held Tuesday, November 2, 1999. The polls will be open from 8:00 a.m. to 8:00 p.m. at which time three Councilmembers will be elected to serve for a period of four years, or until the election and qualification of their successors.

The following are designated as the polling places for such election:

PRECINCT ONE	Airport Fire Station	2125 Federal Way
PRECINCT TWO	Eagle Rock Junior High School	2020 Pancheri Drive
PRECINCT THREE	Temple View School	1500 Scorpius Drive
PRECINCT FOUR	Ethel Boyes School	1875 Brentwood
PRECINCT FIVE	A. H. Bush School	380 West Anderson
PRECINCT SIX	Fox Hollow School	2365 Genevieve Way
PRECINCT SEVEN	A. H. Bush School	380 West Anderson
PRECINCT EIGHT	Bonneville Cnty Crthse Rotunda	605 N Capital Avenue
PRECINCT NINE	Clair E. Gale Junior High School	955 Garfield
PRECINCT TEN	Idaho Falls High School	601 S Holmes Avenue
PRECINCT ELEVEN	Emerson School Annex	335 5th Street
PRECINCT TWELVE	Hawthorne School	1520 S Boulevard
PRECINCT THIRTEEN	Idaho Falls Public Library	457 Broadway
PRECINCT FOURTEEN	Senior Citizens Community Center	535 West 21st Street
PRECINCT FIFTEEN	Longfellow School	2500 S Higbee Ave.
PRECINCT SIXTEEN	Sunnyside School	165 Cobblestone
PRECINCT SEVENTEEN	Lincoln Court	850 Lincoln
PRECINCT EIGHTEEN	Linden Park School	1305 9th Street
PRECINCT NINETEEN	Theresa Bunker School	1385 E 16th Street
PRECINCT TWENTY	Edgemont Garden School	1240 Azalea
PRECINCT TWENTY-ONE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-TWO	Dora Erickson School	850 Cleveland

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PRECINCT TWENTY-THREE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-FOUR	Parkwood Meadows	1885 Parkwood
PRECINCT TWENTY-FIVE	EITC Administration Building	1600 South Hitt Road
PRECINCT TWENTY-SIX	Grand Teton Mall Com. Room	2300 E 17 St, NE Ent
PRECINCT TWENTY-SEVEN	Fire Station No. 4	3180 S Woodruff Ave.
PRECINCT FORTY-ONE	Taylorview Junior High	350 Castlerock

RON LONGMORE, County Clerk, is Acting Registrar; ROSEMARIE ANDERSON, City Clerk, is Chief Elections Officer; and the following persons are Deputy Registrars: Precinct One, Debra Crusat; Precinct Two, Carol Neitzel; Precinct Three, Elaine Morehead; Precinct Four, Donetta Shewey; Precinct Five, LaVon Hammon; Precinct Six, Rhonda Schwartzenberger; Precinct Seven, JoAnn Laing; Precinct Eight, Ethel Rasmussen; Precinct Nine, Diane Treasure; Precinct Ten, Allison Cox; Precinct Eleven, Susan Van Orden; Precinct Twelve, Gloria Sue Perkes; Precinct Thirteen, Julianna Hendrix; Precinct Fourteen, Margie Jensen; Precinct Fifteen, Rayma Jean Argyle; Precinct Sixteen, Donna Mae Hahn; Precinct Seventeen, Bonnie Kay Killian; Precinct Eighteen, Lisa Pardonnet; Precinct Nineteen, Julie Olsen; Precinct Twenty, Debra Kay Bluth; Precinct Twenty-One, Annette Burger; Precinct Twenty-Two, Hazel Toole; Precinct Twenty-Three, Virgean Frederickson; Precinct Twenty-Four, Kathy Hendrix; Precinct Twenty-Five, Venna Kaye Smith; Precinct Twenty-Six, Floriene Oakey; Precinct Twenty-Seven, Nanette Bodily; Precinct Forty-One, Mary Call.

In order to vote in this election, each voter must:

1. Be at least 18 years of age by Election Day;
2. Be a citizen of the United States;
3. Be a BONA FIDE resident of this City for a period of 30 days prior to the election;
4. Be a registered elector within the time period provided by law; and,
5. Have no legal disqualifications.

**NOTE :** When once registered, an elector is not required to re-register so long as he or she continues to reside at the same address which he or she is registered and has voted in at least one (1) general election in the past four (4) years.

Electors may register at the Bonneville County Election Office or with their local Precinct Registrar. The last day for registration at the office of the local Precinct Registrar is Friday, October 8, 1999, and the last day for registration at the Bonneville County Clerk's Election Office is Friday, October 8, 1999. Registration at the Bonneville County Clerk's Election Office may be made during regular business hours on each day except, Saturday, Sunday, or Holidays, provided however, on the last day of registration, the Clerk's Election Office will remain open until 8:00 p.m.

Election Day Registration is provided under Idaho Code as follows:

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34-408A. Election Day Registration.

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the Secretary of State and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing a driver's license or Idaho identification card issued through the Department of Transportation;

(2) Showing any documentation which contains a valid address in the precinct together with a picture identification card; or,

(3) Showing a current valid student identification card from a post-secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

DATED this 9<sup>th</sup> day of September, 1999.

s/ Rosemarie Anderson  
Rosemarie Anderson, City Clerk

PUBLISH: September 12 and October 17, 1999.

**RESOLUTION (Resolution No. 1999-14)**

A RESOLUTION PROCLAIMING A GENERAL MUNICIPAL ELECTION, TO BE HELD ON NOVEMBER 2, 1999, DESIGNATING THE POLLING PLACES, DESIGNATING THE REGISTRAR AND DEPUTY REGISTRARS, AND ORDERING THE CITY CLERK TO GIVE NOTICE AND TO PRINT AND PUBLISH SAMPLE BALLOTS FOR SUCH ELECTION.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. The General Municipal Election will be held in and for the City of Idaho Falls, Idaho, on the 2<sup>nd</sup> day of November, 1999, at which time three (3) Councilmembers will be elected to serve for a term of four years, or until the election and qualification of their successors.

SECTION 2. The following are designated as the polling places for such election:

PRECINCT ONE	Fire Station at Airport	2125 Federal Way
PRECINCT TWO	Eagle Rock Junior High School	2020 Pancheri Drive
PRECINCT THREE	Temple View School	1500 Scorpius Drive
PRECINCT FOUR	Ethel Boyes School	1875 Brentwood
PRECINCT FIVE	A. H. Bush School	380 West Anderson
PRECINCT SIX	Fox Hollow School	2365 Genevieve Way

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PRECINCT SEVEN	A. H. Bush School	380 West Anderson
PRECINCT EIGHT	Bonneville Cnty Crthse Rotunda	605 N Capital Avenue
PRECINCT NINE	Clair E. Gale Junior High School	955 Garfield
PRECINCT TEN	Idaho Falls High School	601 S Holmes Avenue
PRECINCT ELEVEN	Emerson School Annex	335 5th Street
PRECINCT TWELVE	Hawthorne School	1520 S Boulevard
PRECINCT THIRTEEN	Idaho Falls Public Library	457 Broadway
PRECINCT FOURTEEN	Senior Citizens Community Center	535 West 21st Street
PRECINCT FIFTEEN	Longfellow School	2500 S Higbee Ave
PRECINCT SIXTEEN	Sunnyside School	165 Cobblestone
PRECINCT SEVENTEEN	Lincoln Court	850 Lincoln
PRECINCT EIGHTEEN	Linden Park School	1305 9th Street
PRECINCT NINETEEN	Theresa Bunker School	1385 E 16th Street
PRECINCT TWENTY	Edgemont Garden School	1240 Azalea
PRECINCT TWENTY-ONE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-TWO	Dora Erickson School	850 Cleveland
PRECINCT TWENTY-THREE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-FOUR	Parkwood Meadows	1885 Parkwood
PRECINCT TWENTY-FIVE	EITC Administration Building	1600 South Hitt Road
PRECINCT TWENTY-SIX	Grand Teton Mall Com. Room	2300 E 17 St, NE Ent
PRECINCT TWENTY-SEVEN	Fire Station No. 4	3180 S Woodruff Ave
PRECINCT FORTY-ONE	Taylorview Junior High	350 Castlerock

SECTION 3. RON LONGMORE, County Clerk, is hereby designated as Acting Registrar; ROSEMARIE ANDERSON, City Clerk, as Chief Elections Officer; and the following Deputy Registrars: Precinct One, Debra Crusat; Precinct Two, Carol Neitzel; Precinct Three, Elaine Morehead; Precinct Four, Donetta Shewey; Precinct Five, LaVon Hammon; Precinct Six, Rhonda Schwartzenberger; Precinct Seven, JoAnn Laing; Precinct Eight, Ethel Rasmussen; Precinct Nine, Diane Treasure; Precinct Ten, Allison Cox; Precinct Eleven, Susan Van Orden; Precinct Twelve, Gloria Sue Perkes; Precinct Thirteen, Julianna Hendrix; Precinct Fourteen, Margie Jensen; Precinct Fifteen, Rayma Jean Argyle; Precinct Sixteen, Donna Mae Hahn; Precinct Seventeen, Bonnie Kay Killian; Precinct Eighteen, Lisa Pardonnet; Precinct Nineteen, Julie Olsen; Precinct Twenty, Debra Kay Bluth; Precinct Twenty-One, Annette Burger; Precinct Twenty-Two, Hazel Toole; Precinct Twenty-Three, Virgean Frederickson; Precinct Twenty-Four, Kathy Hendrix; Precinct Twenty-Five, Venna Kaye Smith; Precinct Twenty-Six, Floriene Oakey; Precinct Twenty-Seven, Nanette Bodily; Precinct Forty-One, Mary Call.

SECTION 4. The City Clerk, for and on behalf of the Mayor and Council, shall give public notice of the time and place of holding such General Municipal Election by publishing such notice in at least two issues of the POST REGISTER, a newspaper printed and published in the City of Idaho Falls, Idaho, the first publication of such notice to be made not less than 45 days previous to the date of such Municipal Election and the last publication not less than 15 days prior to the election; the notice so published shall state the polling place in each precinct, the hours during which the polls shall be open for the purpose of voting; said notice to contain such information in accordance with the requirements of Section 50-436 of the Idaho Code.

SECTION 5. No later than twenty-one (21) days prior to the election, the City Clerk shall prepare ballots for the election, in accordance with Idaho Code Section 50-439. Not less than 15 days before the election, the City Clerk shall cause to be printed sample ballots containing the names of the

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candidates for each office and all measures to be submitted at the General Municipal Election. The City Clerk shall furnish a copy of such sample ballot to any person who requests a copy at the Office of the City Clerk. The City Clerk shall also publish the sample ballot in at least two issues of the POST REGISTER, a newspaper printed and published in the City of Idaho Falls, Idaho, the last publication to be within 5 days of the election. The form of the sample ballot shall be prescribed in Idaho Code Section 50-440.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 9th day of September, 1999.

s/ Linda M. Milam  
Linda M. Milam, Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson, City Clerk

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to adopt the Notice of Election and Resolution proclaiming the General Municipal Election, naming Deputy Registrars, and designating Polling Places 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.

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: RENEWAL OF BOILER AND MACHINERY AND PROPERTY  
COVERAGE FOR THE GEM STATE GENERATION PLANT

It is the recommendation of Municipal Services to bind Gem State Generation Plant Boiler and Machinery and Property coverage with Allendale Insurance Company. The premium is \$49,911.00 and the renewal date is October 29, 1999.

s/ S. Craig Lords

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It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to bind the Gem State Generation Boiler and Machinery and Property Coverage with Allendale Insurance Company. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: SURPLUS REAL PROPERTY

It is respectfully requested that City Council authorize the sale of surplus real properties and authorize the City Attorney to draft the necessary Ordinance preparatory to the public sale of the properties.

s/ S. Craig Lords

Councilmember Branson explained that one of the properties requested to sell is in Esquire Acres Addition and has an old well house on it. Councilmember Eldredge explained that another property is located by the Eastern Idaho Federal Credit Union across from Freeman Park.

Sharon Roh, General Services Administrator, appeared to explain that there was a holding tank for the well in Esquire Acres Addition before it was annexed into the City of Idaho Falls. Two property owners have taken the back portion of the property and divided it, using it as a garden area. The neighbors have also provided the lawn care for this piece of property. The General Services Administrator indicated that there was another individual who was interested in this property, not just the two adjacent property owners. The City of Idaho Falls no longer needs this parcel of ground.

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to authorize the sale of surplus real properties and, further, give authorization for the City Attorney to prepare the necessary Ordinance preparatory to the public sale of the properties. Roll call as follows:

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

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Nay: None

Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Honorable Mayor and City Councilmembers  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: DENIAL OF BARTENDER LICENSE

The application for a Bartender Permit for Kenny Jessie Stapleton is hereby resubmitted with the recommendation it be denied. This application was previously submitted for denial by the City Council on August 12, 1999. As this office had an incorrect address for the applicant, he did not receive notification of the Council Meeting and is now asking for an opportunity to appear before Council.

The recommendation for denial is based on Mr. Stapleton's criminal history and the nature of his convictions.

s/ J. K. Livsey

Councilmember Hardcastle requested Mr. Stapleton to appear if he was present. Mr. Stapleton did not appear. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Bartender Permit to Kenny Jessie Stapleton. 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  
September 3, 1999

MEMORANDUM

TO: Mayor and Council  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

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Attached please find an application for a Non-Commercial Kennel License submitted by Trish Bingham, 201 Garden Street, Idaho Falls, Idaho 83401.

The Animal Control Division conducted the required survey of the neighbors of Ms. Bingham that live within one hundred feet of her property. The survey reveals that the required 75 percent approval was not attained. Therefore, it is my recommendation that the license be denied.

s/ J. K. Livsey

Councilmember Hardcastle requested Trish Bingham to appear if she was present. Ms. Bingham did not appear. Councilmember Hardcastle indicated that she received 46% approval from her surrounding neighbors. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Non-Commercial Kennel License to Trish Bingham. Roll call as follows:

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

Nay:            None

Motion Carried.

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO:            Mayor and Council  
FROM:         J. K. Livsey, Chief of Police  
SUBJECT:      DENIAL OF NON-COMMERCIAL KENNEL LICENSE

Attached please find an application for a Non-Commercial Kennel License submitted by Ryan McIntire and Kristi McIntire, 1265 Garfield, Idaho Falls, Idaho 83401.

The Animal Control Division conducted the required survey of the neighbors of Mr. and Ms. McIntire that live within one hundred feet of their property. The survey reveals that the required 75 percent approval was not attained. Therefore, it is my recommendation that the license be denied.

s/ J. K. Livsey

Councilmember Hardcastle requested Mr. or Mrs. McIntire to appear if they were present. Mr. or Mrs. McIntire did not appear. Councilmember Hardcastle indicated that they received 60% approval from their surrounding neighbors. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Non-Commercial Kennel License to Ryan and Kristi McIntire. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
September 3, 1999

MEMORANDUM

TO: Mayor and Council  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

Attached please find an application for a Non-Commercial Kennel License submitted by Kimberly Toles, 1435 Elmore Avenue, Idaho Falls, Idaho 83402.

The Animal Control Division conducted the required survey of the neighbors of Ms. Toles that live within one hundred feet of her property. The survey reveals that the required 75 percent approval was not attained. Therefore, it is my recommendation that the license be denied.

s/ J. K. Livsey

Councilmember Hardcastle requested Kimberly Toles to appear if she was present. Ms. Toles did not appear. Councilmember Hardcastle indicated that Ms. Toles received 50% approval of her surrounding neighbors. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Non-Commercial Kennel License to Kimberly Toles. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
September 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – SCOTTS ADDITION DRAINAGE IMPROVEMENTS,  
PHASE I

**SEPTEMBER 9, 1999**

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On August 31, 1999, bids were received and opened for the Scotts Addition Drainage Improvements, Phase I. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to the low bidder HK Contractors, Inc., in the amount of \$629,849.50; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to accept the low bid from HK Contractors, Inc. to complete the Scotts Addition Drainage Improvements, Phase I and, further, give authorization for the Mayor and City Clerk to sign the Contract 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  
September 7, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY VACATION – TETON PLAZA, ROSE NIELSEN  
ADDITION, DIVISION NO. 107

The owners of property located adjacent to Teton Plaza street right-of-way in Rose Nielsen Addition, Division No. 107, are in the process of replatting the property. If the replat is approved, a portion of Teton Plaza street right-of-way will no longer be needed.

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate this right-of-way.

s/ Chad Stanger

Councilmember Eldredge requested when the replat will come before the City Council.

Steve Anderson, Engineering Administrator, appeared to explain that the Engineering Department has not seen anything on the replat as yet. He stated that the Engineer for the replat was present and should be able to address this issue.

Jeff Freiberg, Harper Leavitt Engineering, appeared to state that they are in the process of revising a Development Agreement for Grand Teton Mall. As soon as information is received from the City on this Agreement, the replat will be turned in with the Development Agreement revision.

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Mayor Milam stated that the vacation of this street right-of-way would not occur until the replatting process has been completed. The Engineering Administrator concurred with the Mayor, explaining, further, that the vacation documents would not be completed until the Development Agreement has been revised, been approved by the City Attorney, and the necessary Amendment to the Development Agreement has been prepared.

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 portion of Teton Plaza street right-of-way. Roll call as follows:

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

Nay:            None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Eldredge, that the meeting adjourn at 8:30 p.m.

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CITY CLERK

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MAYOR

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