

JULY 22, 1999

The City Council of the City of Idaho Falls met in Regular Council Meeting, Tuesday, July 22, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam recognized the long history of Charlie White with the City of Idaho Falls. He sat in the front row, center seat for a lot of years, at every Planning Commission Meeting and every City Council Meeting. If he was not in attendance, he was out of town or was not feeling well. Charlie White passed away Monday and will be greatly missed.

The City Clerk read a summary of the minutes for the July 1, 1999 Special 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 Groberg
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including a BEER LICENSE to Jacksons Food Store (Transfer Only from Circle K Stores); BARTENDER PERMITS to Lois Mae Cutler, Kolleen Gallagher, Becky K. Gardner, April McBride, Mark M. Moorefield, Sindy M. Moorefield, William J. Waters, and DeeJay Weeks, 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 July 22, 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:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Hodson Addition. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION REQUEST - EAST 25 FEET, LOT 5, HODSON
ADDITION

Attached is the annexation request from Overland Enterprise, Inc. for 0.13 acres within the Hodson Addition. This strip will be a part of the land recently annexed into the City for used car sales. The initial zoning requested is HC-1 (Highway Commercial). The Planning Commission considered this request at its June Meeting and recommended approval. This Department concurs. The request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map and Zoning
Slide 2 Aerial Photo
Slide 3 Plat Map with Annexation Illustrated
Slide 4 Site Photo - Northern Portion looking back to the South at Lincoln Road
Exhibit 1 Staff Report

There being no further discussion or comment either in favor of or in opposition to this request, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for Hodson Addition, Block 5, East 25 Feet and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson

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Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

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

ORDINANCE NO. 2335

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

The foregoing Ordinance was presented by title only. Councilmember 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.

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 the east 25 feet of Lot 5, Hodson Addition as HC-1 (Highway Commercial) 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 Branson
Councilmember Hardcastle
Councilmember Mills
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg

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Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct the rezoning request from R-1 (Single-Family Residential) and PT-1 (Planned Transition 1) to PT-2 (Planned Transition 2) of Lots 1 through 20, North Half of Block 9, Martin Addition, located generally on the south side of 16th Street, north of 17th Street, east of Holmes Avenue, and west of Cranmer Avenue. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Mayor and City Council
FROM : Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST, LOTS 1-20, BLOCK 9, MARTIN ADDITION

Attached is the request from Hawkins-Smith Development Company to rezone the northern half of Block 9, Lots 1 through 20, Martin Addition, from R-1 and PT-1 to PT-2. This request was heard by the Planning Commission on April 20, 1999, and the Commission recommended approval of the request. The recommendation is in accordance with the City's Comprehensive Plan. The request for rezoning 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 rezoning request:

Slide 1 Vicinity Map and Zoning
Slide 2 Aerial Photo
Slide 3 Photo at Cranmer and 16th Street, looking west
Slide 4 East 16th and Holmes Avenue, looking east
Exhibit 1 Planning Commission Minutes

Gary Hawkins, Hawkins-Smith Development Company, 8645 West Franklin Road, Boise, Idaho, appeared to state that Staff has done an excellent job in explaining the rezoning request. He stated that, in the last several months, they have spent a great deal of time working with the neighborhood, with the Planning Staff, and with the Planning Commission. They felt that they had accomplished a number of things. They enhanced the overall traffic situation at the corner of Holmes Avenue and 17th Street. Mr. Hawkins stated that they have reached a win-win situation with the City and the neighborhood, where everyone can benefit from this development. It is necessary to request this rezoning in order to be able to complete the improvements.

Bruce Huffaker, 610 East 16th Street, appeared to state that he lives adjacent to the property that has been requested to be rezoned. He requested that the Mayor and Council not rezone this property for a number of reasons:

1. At the Planning Commission Hearing, it was determined that property should be looked at as to what it should be zoned, but the zoning has been concentrated on this one block. This is unfair to the remainder of the residents in the Martin Addition, in that the Martin Addition is under a great deal of pressure from retail developers to change.
2. He stated that all changes are made piecemeal. The whole area needs to be looked at in general. A Comprehensive Plan needs to be developed for this area, in a way that would protect the residents remaining in the area and would also protect the property values.
3. The Martin Addition has undergone a number of zoning changes in the past few years. He stated that the south side of 16th Street was originally rezoned to PT-1. The neighborhood requested a rezoning to R-1 to protect the neighborhood from encroachment by developers. This was also done to protect the residential nature of this neighborhood, thereby allowing property owners to be able to refinance their property or sell their property and be able to receive financing.

Mr. Huffaker stated that the developers have done a good job in the development of this area, but he is not sure that this development makes sense for the Martin Addition. He commented that he would much rather see a comprehensive plan for the whole neighborhood considered, instead of one part of the neighborhood being pitted against the other.

David Hart, 686 East 16th Street, appeared to state that he lives down the block from the area being affected by this rezoning request. He stated that, in speaking for him and his wife, this is the end of a very long and torturous road. Hawkins-Smith has done an outstanding job with the surrounding neighborhood. He commended the Planning Commission for the work that they have done. They were really looking at how this development can be accomplished and still leave the surrounding neighborhood protected. Mr. Hart stated that the rumor mill is saying that first the drug store will be built and then a "Burger King" will be placed on the vacant pad right next door. He stated that this is not true, because the Planning Commission and City Council will have the opportunity to review the site plans for the vacant pad. He commented, also, that this is an out for the people living along 17th Street, to be able to sell their homes and move on. Again, Mr. Hart stated that he appreciated what the Planning Commission and the City Council have done. He recommends approval for this development.

Richard McAtee, 646 East 16th Street, appeared to state that for 35 years he has appeared before this Council regarding irresponsible development in the Martin Addition. He reviewed for the Mayor and Council the history of the development of his neighborhood. He understood that this area was a transitional area for development, but assumed that this would provide for office buildings. He did not believe that Wal-Mart, Blockbuster Video, or a Goodyear Tire Store were transitional developments. Mr. McAtee stated that the Walgreen's development is not a transitional development. The Zoning Ordinance was developed to protect the citizens of the City from erratic and irresponsible development. Recently, this Ordinance has not offered a lot of protection from this irresponsible development. Mr. McAtee requested the Mayor and Council to reinstate the Zoning Ordinance to the residents of Idaho Falls so that they have protection from the irrational development of their neighborhoods.

Jared Fuhriman, 595 East 16th Street, appeared to state that they live directly across the street from this proposed development. He stated that he does not have many concerns about the Walgreen's Drug Store being built at this location. Hawkins-Smith has done a fine job in meeting all of the demands from the neighbors. He does agree with Mr. Huffaker about the piecemeal development of the Martin Addition. He made two requests of the City Council:

1. If the Walgreen's development is approved, a contingency for the remainder of the Martin Addition should be provided. If other developers look to this area for development, a permanent solution for the remainder of the Martin Addition should be considered.
2. Once the houses are removed to begin construction of the Walgreen's Drug Store, could the developers build the wall first to keep the noise and dirt in their neighborhood to a minimum.

Fred Dewey, 625 East 17th Street, appeared to state that he has lived in this area for 30 years. He gave a brief history of the development of 17th Street in this area, beginning with the two-lane street to a five-lane roadway, and, further, the removal of their parking in front of their homes to provide for parking in the rear of their homes. Mr. Dewey stated that his objection to this development is the closing of Cranmer Street. Councilmember Mills stated that this issue would be considered with the Land Use Change being discussed later in this meeting. Mr. Dewey stated that he would appear at that time.

Roger Wheeler, 1575 South Holmes Avenue, appeared to state that something has to change at the corner of South Holmes Avenue and 17th Street. Hawkins-Smith has worked well with the neighborhood in developing a good plan for this development.

Councilmember Mills requested the Planning and Building Director to come forward to define the purpose of the Planned Transition Zone, to address the piecemeal zoning of this area, to define the buffering or tiered aspects of the Planned Transition Zone, and how the Planned Transition Zone provides protection for residential property.

The Planning and Building Director re-appeared to state that 17th Street, from Rollandet to approximately Woodruff Avenue, was zoned either PT-2 or PT-1. The northern half of those blocks were zoned PT-1, which allows for high density residential. The southern half of the blocks north of 17th Street were zoned PT-2, which allows for high density residential and commercial. Performance standards of this zone require 50% landscaping on the high density residential and 30% landscaping on the commercial developments. This zone is difficult to live with, because of the landscaping and buffering requirements. If half of a block were considered for development, oftentimes there was not enough land to provide for the internal circulation that is needed for a commercial development. Over the years, the requests for commercial development were numerous. The Mayor and Council were hoping that the Planned Transition Zone provided for protection to the single-family residential next to the commercial development. The purpose of the PT zone is to limit access to the arterial streets and to provide improvements that are needed to move the traffic on the arterial streets.

Councilmember Eldredge requested the Planning and Building Director to review the requirements that would have to be met for the development of the vacant pad that will be adjacent to the Walgreen's Drug Store.

The Planning and Building Director explained that there is a 6,100 square foot pad that would be located east of the Walgreen's Drug Store. Generally, when a pad site is approved, it does not go back to the Planning Commission or to the City Council. Because of the sensitivity of this area, the Planning Commission requested that the pad site comes back to the Planning Commission for consideration, and then on to the City Council for consideration. With consideration of this pad site, land use cannot be addressed. The Planning Commission felt that design issues would have to be considered when the pad site is developed.

Councilmember Mills requested the Planning and Building Director to address how this development can be precedent setting.

The Planning and Building Director stated that this development is unique in that there will be a 30-foot landscape on the south side of East 16th Street, along with an 8-foot wall. This cannot be found elsewhere in the City. This pattern would be extended east on 16th Street if this works effectively as a buffer.

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There being no further discussion either in favor of or in opposition to this rezoning request, the public hearing was closed. It was moved by Councilmember Mills, that the zone be changed from PT-1 and R-1 to PT-2 as requested, and that the City Planner be instructed to reflect said zoning change on the Official Zoning Map located in the Planning Office. Councilmember Groberg seconded that motion with the understanding that if the Site Plan is not approved, the rezoning will be revisited. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of a Land Use Change in the Planned Transition Zone for the purpose of constructing a drug store and an 11,000 square foot pad site on property located generally on the south side of 16th Street, north of 17th Street, east of Holmes Avenue, and west of Cranmer Avenue, legally described as Block 9, Martin Addition. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: LAND USE CHANGE, BLOCK 9, MARTIN'S ADDITION

Attached is the request from Hawkins-Smith Development Company for a land use change on Block 9, Martin Addition. The site plan contains a 15,200 square foot drug store and a 6,100 square foot pad. Cranmer Street has been closed between 16th Street and 17th Street. The Planning Commission considered this request at its June Meeting and recommended approval with the following conditions: 1) a right and left hand turn be added to 17th Street exit; 2) the masonry buffer indicated currently on the east side of the property be deleted and an acceptable opaque fence be constructed along the outside of the service drive on Cranmer Street; 3) Cranmer Street be closed as proposed; 4) a right and left hand turn on the exit to Holmes be added; 5) a seven foot landscaped buffer be provided adjacent to 17th Street; and, 6) the development of the 6,100 square foot site pad be reviewed by the Commission and Council prior to development. The site plan and Development Agreement reflect these conditions. The request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map and Zoning
Slide 2	Aerial Photo
Slide 3	Site Plan
Slide 4	Landscape Plan
Slide 5	Lighting Plan
Slide 6	Light Pole Configuration
Slide 7	Elevation, South
Slide 8	Elevation, West
Slide 9	Elevation, Intersection
Slide 10	Cranmer Avenue
Slide 11	17 th Street, Looking West
Slide 12	17 th Street from Intersection with Holmes Avenue, Looking East
Slide 13	Holmes Avenue, Looking North
Slide 14	Holmes Avenue, Looking South towards Site and Intersection
Exhibit 1	April 20, 1999 Planning Commission Minutes
Exhibit 2	June 8, 1999 Planning Commission Minutes

Following a brief explanation of each of the slides, the Planning and Building Director stated that a Traffic Engineering Study was completed for this area. The level of service at 17th Street and Holmes Avenue is a Level "F". This development will not change that level of service. The right hand turn lane will, hopefully, improve the movement of traffic through the intersection.

Councilmember Eldredge commented that there is a traffic island that is not noted on the landscaping plan. He assumed that this would be asphalt. The Planning and Building Director stated that this will be asphalt, but it is not noted due to last minute logistics in receiving the landscape plan from Boise.

Councilmember Carlson questioned whether the homeowner at the corner of Cranmer Street and 16th Street will have access from his driveway. The Planning and Building Director stated that this homeowner does not have a driveway onto Cranmer Street.

Councilmember Groberg questioned how a drive-in restaurant would be affected by the restrictions placed on the 6,100 square foot site pad. The Planning and Building Director stated that the size of this site would only provide for a very small drive-in restaurant. The issue would be enough parking for such a facility and how the traffic would move through the drive-through lane and the circulation of traffic through the development itself. The Planning Commission, upon consideration of Phase 2 of this development, would also take into consideration whether additional buffering would be required.

Councilmember Mills commented that the 17th Street access complies with the Bonneville Metropolitan Planning Organization's Access Management Plan. He questioned whether the Holmes Avenue access complies with the Access Management Plan. The Planning and Building Director stated that the Holmes Avenue access does not comply with B.M.P.O.'s Access Management Plan. The Plan requests that the access point be approximately 360 feet from the intersection of 17th Street and Holmes Avenue. The access point on Holmes Avenue is approximately 200 feet from this intersection. Councilmember Mills questioned why the access point on 17th Street is a lesser amount. The Planning and Building Director explained that 17th Street has been classified as a minor arterial street, as opposed to a principle arterial. She explained that 17th Street does not function very well in moving traffic across town. Seventeenth Street functions, at this time, to provide access to the properties that are adjacent to it.

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Councilmember Carlson questioned how much traffic would back up if he were driving on 17th Street, heading east, turning into Walgreen's from the center lane on 17th Street. The Planning and Building Director stated that the City Engineer has asked Earth Tech (who completed the traffic study) to review the cueing needed on 17th Street and Holmes Avenue, to improve the situation. During the two previous public hearings, it was discussed that Cranmer Street would provide another access point, especially through heavy traffic times along 17th Street.

Gary Hawkins, Hawkins-Smith Development Company, 8645 Franklin Road, Boise, Idaho, appeared to state that Hawkins-Smith currently has 27 projects under construction in 9 states. There is not one of those projects that are completing 30% landscaping requirements. There is not one project that has an 8-foot in height, 500 foot in length wall. Hawkins-Smith is completing 800 feet of road improvements at this location. These improvements will enhance the overall traffic flow, enhance the compatibility of the neighborhood, and they are trying to be very good citizens. Mr. Hawkins stated that they do not have any additional plans to do anything to the east or west of this development. He has appeared before the Planning Commission and stated that a Burger King or McDonald's will not be built on the 6,100 square foot pad. He stated that it could be traditional shops of some type, a financial institution, a video store, or maybe even a Subway Sandwich. They do not have plans to come before the Planning Commission or City Council to request a high volume, drive-through restaurant at this location. Mr. Hawkins stated that there is no problem with making sure that the wall is one of the first things that will be constructed on this site. He stated that they have had the traffic consultant, Gary Funkhouser, in Idaho Falls. Mr. Hawkins sat with Mr. Funkhouser at the intersection of Cranmer Street and 17th Street for approximately 1 hour 15 minutes, from approximately 4:30 p.m. to 5:45 p.m. one evening. The interesting thing that they noted was that approximately 18 cars could be cued back to Cranmer Street. There were only a couple of times, during this time frame, that cars were backed up that far, and it was usually because a car was in the right-hand lane going straight blocking all right-hand turn traffic on Holmes Avenue to the north. Mr. Hawkins stated that he believes that by putting in the additional right-turn lane on 17th Street, this intersection will work better. Councilmember Branson requested to know whether the additional landscaping was needed to accommodate the existing trees. Mr. Hawkins stated that the 30% landscaping requirement is a requirement of the City through the Zoning Ordinance.

Councilmember Carlson questioned Mr. Hawkins whether his firm would be maintaining the 30 feet of landscaping on 16th Street. Mr. Hawkins stated that this is his company's responsibility and it is covered in the Development Agreement. He stated that in most instances, they are keepers of their developments.

Councilmember Hardcastle questioned what the business hours would be for the Walgreen's Drug Store. Mr. Hawkins stated that there are provisions set forth in the Development Agreement for the business hours, and Walgreen's has approved those hours. Mayor Milam stated that the business hours, as addressed in the Development Agreement, are 6:00 a.m. to 11:00 p.m.

Councilmember Mills stated that Hawkins-Smith Development Company is cognizant for making quality developments without being required to. As an example, the trees being planted at another development east of Idaho Falls are very mature and good-looking.

Councilmember Mills requested those who wished to express their views in favor of the requested development and land use change to appear at this time.

Fred Dewey, 625 East 17th Street, appeared to state that he is opposed to closing Cranmer Street. He is not opposed to the development and feels that the developer has done a good job. Mr. Dewey stated that closing Cranmer Street is setting a precedent. Several people appeared at the Planning Commission Meeting to oppose the closing of Cranmer Street. He expressed his concern over trying to make a left-hand turn onto 17th

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Street from that area. Mr. Dewey stated that the closing of Cranmer Street needs more study.

Don Whitaker, 525 East 17th Street, appeared to state that he has been out in his front yard watching the traffic. Three out of five cars make the right-turn onto Holmes Avenue. If the front car does not make the turn, traffic backs up. He believed that the new right-turn lane from 17th Street onto Holmes Avenue would alleviate this problem. Mr. Whitaker commented that the closing of Cranmer Street is not the first street that the City has closed. He shared an example.

David Hart, 686 East 16th Street, appeared to express his concerns over leaving Cranmer Street open. They have a certain amount of traffic, especially when school is in session, of young people from Idaho Falls High School trying to cut the light at 17th Street and Holmes Avenue, and using 16th Street to get to some of the fast food places on 17th Street. There will always be some degree of this type of traffic. Mr. Hart stated that if Cranmer Street were left open, more of this type of traffic would occur in their neighborhood. Mr. Hart questioned whether the blue spruce trees that are planned could be a little larger than the 7-foot ones that are provided and, also, could additional fir or pine trees be added along the landscaping strip on 16th Street, to cut down noise and light.

Bruce Huffaker, 610 East 16th Street, appeared to commend the developer on the plans that have been developed for this area. If this area needs to be developed, they have gone the extra mile in trying to put together a plan that will work with the neighborhood. Mr. Huffaker stated that he did not believe that the 30% landscaping requirement has been met. He did not believe that the City Council would want to set a precedent by allowing part of the right-of-way to be used to meet the 30% landscaping requirement. Mr. Huffaker stated that he supports the closing of Cranmer Street. The reason for closing Cranmer Street is to isolate the development as much as possible from the surrounding neighborhood.

Roger Wheeler, 1575 South Holmes Avenue, appeared to state that by closing Cranmer Street, this will stop a lot of the high school students from using their neighborhood as a short cut.

Lynn Fuhriman, 530 East 16th Street, appeared to state that he is in favor of this development. The closing of Cranmer Street was proposed by a majority of the neighborhood. He stated that he is happy with the plan, with the way that traffic will be handled at this corner, and with how his family will be protected from the traffic.

Councilmember Mills requested those in opposition to this development to come forward at this time.

Harold Heydt, 149 12th Street, appeared to state that he is uneasy with this development. He wanted to know how someone was going to get into and out of this development safely, without causing an accident. Mr. Heydt wanted to know if this issue has been addressed.

Councilmember Mills questioned the Planning and Building Director whether the 30% landscaping requirement in the Planned Transition Zone can include the public right-of-way or should that 30% be required within the ownership of the development. The Planning and Building Director stated that this should, generally, be based upon the ownership of the site. Part of Walgreen's landscaping is on public property. In the past, portions of the landscaping requirements have been fulfilled on public property. The Planning and Building Director stated that 9% of the required 30% landscaping requirement is on public property. Ninety percent (90%) of the landscaping requirement is fulfilled on Walgreen's site. The Planning Commission discussed this issue and felt that based upon the right-hand turn lane and deceleration lanes being provided for both entrances to the site, and the Cranmer area being used for landscaping, the intent of the Ordinance was fulfilled. Councilmember Mills stated that this provided for a small trade-off, considering what will be given in return.

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Councilmember Mills requested the Planning and Building Director to summarize what the Traffic Study concluded. The Planning and Building Director stated that the study indicated that a left-hand turn out of the site onto 17th Street would operate at a Level "F". At Cranmer, along 17th Street, the level of services changes to above "F". On Holmes, a left-hand turn will be at a level of service "C". The Traffic Engineering Firm, Entranco, who reviewed the results of the study, indicated that if a full access was allowed on 16th Street, 300 people would go through that residential neighborhood per day.

Mayor Milam stated that there are both right-hand and left-hand turns at the Albertson's Food Store, which is directly across the street from this proposed development. The Planning and Building Director stated that, during the peak hours, there are still sufficient gaps in traffic to negotiate 17th Street.

Gary Hawkins, Hawkins-Smith Development Company, re-appeared to state that his company does not have a problem making a change to the landscaping plan to include some pine trees and fir trees. At Cranmer Street, the City requested that the trees not become too large, due to utilities in the area.

Councilmember Branson commented that her daughter does not seem to have problems in negotiating left-hand turns on 17th Street.

Mr. Hawkins commented that a Level "F" in service means that a person will have several seconds of "stop", before being able to move through the area. It does not indicate that the area cannot be negotiated. Mr. Hawkins stated that he appreciated all of the hard work and effort that has gone into the planning of this proposed project. He respectfully requested approval of this Land Use Change and Site Development Plan.

Councilmember Mills commented on an experience he had with the Cranmer Avenue area. He stated that peak hours for retail business are often different than the peak hours for the street. When the traffic is heavy on the street, usually businesses are slower.

Councilmember Branson commented that, oftentimes pine trees become very large. Mayor Milam stated that the developers will look at this issue and will plan changes to the landscaping accordingly.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Mills, seconded by Councilmember Groberg, that the Site Plan, including the Lighting and Landscape Plan, be approved for the Land Use Change on Block 9, Martin Addition. Roll call as follows:

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

Nay: None

Motion Carried.

Further, it was moved by Councilmember Mills, seconded by Councilmember Groberg, that the Development Agreement for Block 9, Martin Addition, be approved and, further, give authorization for the Mayor and City Clerk to sign said Agreements. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Groberg
 Councilmember Hardcastle

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Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

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

Councilmember Eldredge commented that Charlie White will be sorely missed. Mr. White worked with Councilmember Eldredge on his election campaign. Councilmember Eldredge stated that his sympathies and prayers are with Mr. White's family at this time.

The Airport Director submitted the following memos:

City of Idaho Falls
July 15, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: RESTATED LEASE AGREEMENT

The Airport has received an Assignment of Lease from Doug McFall to Kent Linsenmann.

Attached is a Restated Lease Agreement from the City Attorney's Office for Mr. Linsenmann.

The Airport Division requests approval for the Mayor to execute the Agreement.

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Assignment of Lease from Doug McFall to Kent Linsenmann and, further, give authorization for the Mayor and City Clerk to execute the Restated Lease Agreement with Mr. Linsenmann. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
July 19, 1999

MEMORANDUM

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

Attached is a tabulation of bids received for the partial re-roofing project at the Airport. It is the recommendation of the Airport Director and the Architect to award the bid to the low bidder Robison Roofing in the amount of \$73,809.00.

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

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to accept the low bid of Robison Roofing to complete the re-roofing of a portion of the Airport Terminal Building 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
July 16, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: AIRPORT LEASE AGREEMENT

The City Attorney has drawn up a new Airport Lease Agreement for an airplane hangar. The lessees are Centurion Enterprises, Inc., Roger Ball, Marsha Ball Family Trust, Skylane, Inc. and Dave Kingston Produce, Inc.

The Airport Division requests authorization for the Mayor to approve the Lease Agreement.

s/ Mike Humberd

JULY 22, 1999

The Airport Director appeared to state this that particular hangar is down on the south end of the General Aviation Site off of Foote Drive. They have been in this facility since the 1970's. This agreement represents a five-year Consumer Price Index increase, that was completed before he reported as Airport Director.

There being no further discussion either in favor of or in opposition to this issue, it was moved by Councilmember Groberg, seconded by Councilmember Eldredge to approve the Airport Lease Agreement with Centurion Enterprises, Inc., Roger H. Ball, Marsha Ball Family Trust, Skylane, Inc., and Dave Kingston Produce, Inc. and, further, give authorization for the Mayor and City Clerk 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.

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: ADOPT A RESOLUTION FOR NEW AIRPORT RATES AND CHARGES AND CHANGES OF CITY CODE OF ORDINANCES

Attached for City Council approval is a Resolution for the new rates and charges at Idaho Falls Municipal Airport. The current rates and charges were established and adopted in 1979.

A Rates and Charges Study was conducted in conjunction with the Master Plan Update by Leibowitz Airport Management Consultants. They, further, identified the need for a market value study of the airport land lease area, industrial park and farm leases.

The new recommended rates and charges were identified by two separate market value appraisals. One market value appraisal was conducted by Kelley Real Estate Appraisers and the other by Airport Business Solutions.

Terminal rates and charges and landing fees will be addressed separately in the airline operating agreements which are currently being negotiated.

In conjunction with this Resolution, the City Attorney has recommended the attached changes to the City Code of Ordinances.

JULY 22, 1999

The Director of Aviation strongly recommends approval of the Rates and Charges Resolution and changes to the City Code of Ordinances.

s/ Mike Humberd

R E S O L U T I O N (Resolution No. 1999-10)

WHEREAS, the City of Idaho Falls owns, operates, and maintains a publicly-operated Airport within the City of Idaho Falls, Bonneville County, Idaho;

WHEREAS, the capital cost and the cost of operation and maintenance of the Municipal Airport must be derived from rates and charges based upon their market value; and,

WHEREAS, the City desires to establish an equitable method of apportioning such costs in a manner that is proportionate to the demand or impact each user has upon the Airport facilities;

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

That the rates be established as listed on Exhibit "A" attached and shall be effective to all new accounts billed on or after July 22, 1999.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THE 22ND DAY OF JULY, 1999.

s/ Linda M. Milam

Linda M. Milam

Mayor

ATTEST:

s/ Rosemarie Anderson

Rosemarie Anderson

City Clerk

(SEAL)

EXHIBIT "A"

RATES AND CHARGES

Hangar Land Lease (per square foot per year)

Current

.091/2

Recommended

<10,000 square feet = .15

>10,000 square feet = .12

>1 acre = .10

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Industrial Park (per acre per year)

Current

\$311.68/acre

Recommended

Skyline Drive \$8,700.00/Acre
Foote Drive \$1,800.00/Acre

Agricultural Land (per acre)

Current

\$42.25

Recommended

\$80.00

FBO Area/Ramp (per square foot per year)

Current

None

Recommended

Land Area = .08
Ramp Area = .12

Councilmember Groberg explained that the Airport Division has adopted rates and charges by Resolution, as opposed to separately negotiated lease rates with each party. This will affect hangar land leases, industrial park land leases (that are up for renewal or have not been leased, as opposed to those that have an existing lease), agricultural land which adjoins the Airport, and a use of the ramp (which has not existed in the past). These rates were last modified in 1979. They are significantly out of date. The Airport Director would like to have the new rates in place prior to any new leases or lease renewals. Councilmember Groberg stated that the objective is to obtain market rate rent on everything within the Airport, recognizing that some things benefit the Airport.

The Airport Director appeared to explain that he asked that Airport Business Solutions not consider the farm leases. He believed that a local man could do a better job. Both firms looked at the Airport Hangar Leases and Airport Industrial Park, as well as some of the other property (such as the ramp property, tree farm, etc.). Both firms were given the same information and independently prepared their information. The Airport Director explained how he arrived at the reasonable market rates and charges based upon the current market value of all of the Airport property, indicated on Exhibit "A".

Councilmember Carlson questioned whether the rates shown were comparable to rates in Boise, Lewiston, and Pocatello. Councilmember Groberg stated that the rates can be viewed from two different perspectives. The comparisons can be made with local airports or they can be made from national standards for airports of Idaho Falls' size.

Mayor Milam stated that the new rates and charges will only effect the new leases or renewed leases, not for leases that are existing. There followed a general discussion regarding the types of leases and the arrangements that are made on existing leases at the Airport.

Councilmember Mills stated, that from Exhibit "A", it is easy to tell which properties have frontage on Skyline Drive or on Foote Drive. He requested to know how fees will be calculated if the frontage is on one of the other side streets. The Airport Director stated that the FedEx Building and Scientech Building are both considered to have frontage onto Skyline Drive. The peninsula between Skyline Drive and Foote Drive has been, basically, divided in half as to which frontage will be considered for their fees.

Councilmember Groberg questioned the City Attorney as to whether this Resolution could be changed if it is determined that the new rates are not working. The City Attorney stated that the Resolution could be changed as required. He also stated that two options for rates and charges were discussed. The first option was not to prepare a

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Resolution at all, with the rates to be established on a case by case basis as the leases come in. This option would allow for greater flexibility. The downside to this option, would be less uniformity of the rates and charges. By adopting a Resolution, the rates are amended easily and less complicated than providing the rates by Ordinance.

The Airport Director stated that every five years, the rates and charges need to be reviewed to make sure that the market value is still being met. If this review is made regularly, then the market value would reflect gradually in the rates and charges.

Councilmember Branson questioned how the Airport hangar lease rates compared to those of Pocatello. Mayor Milam explained that Boise and Idaho Falls are the only self-supporting Airports in the State. In the current year budget, the City of Pocatello puts \$275,000.00 from the General Fund monies into the operation of their Airport.

Councilmember Groberg commented that due to the method used to calculate the rates and charges, the City of Idaho Falls may be on the high end for local Airports, but they will be approximately average for the nation of Airports of the same size.

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to adopt the Resolution for Rates and Charges at the Airport understanding that it can be revisited at any time and, further, give authorization for the Mayor and City Clerk to sign said Resolution. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2336

AN ORDINANCE REPEALING SECTION XII OF ORDINANCE NO. 1024 OF THE CITY OF IDAHO FALLS, IDAHO; AND REPEALING SECTION 3 OF APPENDIX A OF ORDINANCE NO. 1024 OF THE CITY OF IDAHO FALLS, IDAHO; AND REPEALING SECTION 4(d) OF APPENDIX B OF ORDINANCE NO. 1024 OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING THAT THE FEE RATES AND CHARGES FOR LESSEES AT THE IDAHO FALLS MUNICIPAL AIRPORT SHALL NO LONGER BE GOVERNED BY ORDINANCE; 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:

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

Nay: None

Motion Carried.

The memo from the Electric Division Director regarding the Firm Power Supply Agreement with UAMPS was withdrawn by the Division Director.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
July 14, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-99-28, ONE (1) NEW 1999 ARTICULATED FRONT END
LOADER RATED AT APPROXIMATELY ONE (1) CUBIC YARD

Attached for your consideration is the tabulation for Bid IF-99-28, One (1) New 1999 Articulated Front End Loader rated at approximately One (1) Cubic Yard.

It is the recommendation of the Municipal Services Division to accept the low bid of Arnold Machinery Company to furnish a new 1999, JCB Model 409B, Front End Loader for an amount of \$47,780.00. This price includes options for a Loading Fork and a Snow Plow Blade, and trade-in allowance for Unit No. 69.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the low bid of Arnold Machinery Company to furnish the required articulated front end loader rated at approximately one cubic yard, including options and trade-in allowance for Unit No. 69. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

JULY 22, 1999

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT

Attached for your consideration is a Professional Services Agreement between the City of Idaho Falls and Yarger Associates, Inc. from St. Louis, Missouri. The purpose of this Agreement is to conduct a feasibility study for a possible community recreation center for the City of Idaho Falls. The study is scheduled to begin in early August and have the initial phases of the study completed by September 30, 1999. Based on the findings and recommendations of the initial phases of this study, the City will then have an option to enter into a second Professional Services Agreement to conclude the study. The City Attorney has prepared and reviewed this Agreement. It is, therefore, submitted for your approval and to have the Mayor sign and execute the attached Agreement.

s/ David J. Christiansen

It was moved by Councilmember Mills, seconded by Councilmember Carlson, to approve the Professional Services Agreement with Yarger Associates, Inc. and, further, give authorization for the Mayor 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 memo from the Planning and Building Director regarding the Resolution to consider modifying Special Assessment Rates within the Business Improvement District was withdrawn by the Division Director.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
July 20, 1999

MEMORANDUM

TO: Mayor and City Council
FROM: René R. Magee, Planning and Building Director
SUBJECT: FIRST AMENDED PLAT OF LOT 3, BLOCK 4, GRANT M. BOWEN
ADDITION, DIVISION NO. 1

JULY 22, 1999

Attached is the Final Plat for the above-referenced property. This amended plat will create two lots, one 1.17 acres in size and the second 0.68 acres in size, from one large lot located at the southeast corner of the intersection of Lincoln Road and Hollipark Drive. Access will be limited to South Hollipark Drive. The Planning Commission considered this request at its July Meeting and recommended approval with the conditions that there be no access to Lincoln Road. This Department concurs. The request is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

Following is a list of exhibits used in connection with this Final Plat request:

Slide 1	Vicinity Map and Zoning
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Site Photo

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the First Amended Plat of Lot 3, Block 4, Grant M. Bowen Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Plat. 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
July 20, 1999

MEMORANDUM

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

Attached are the Findings of Fact, Conclusions of Law, and Decision on the Final Plat entitled, "Teton Apartments, Division No. 1". This Department is respectfully submitting this draft for adoption by the Mayor and Council.

s/ Reneé R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Findings of Fact, Conclusions of Law, and Decision for the Final Plat entitled, "Teton

JULY 22, 1999

Apartments, Division No. 1” and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 1, VALENCIA PARK
ADDITION, DIVISION NO. 1

The owners of Lot 1, Block 1, Valencia Park Addition, Division No. 1 have requested vacation of a portion of an easement located across this property. The portion of the easement requested for vacation is no longer needed by the City.

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

s/ Chad Stanger

Following a brief description of the location of this subdivision, it was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to give authorization for the City Attorney to prepare the necessary documents needed to vacate a portion of an easement in Lot 1, Block 1, Valencia Park Addition, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – MOODY DITCH

As previously authorized, the City Attorney has prepared documents needed to vacate a portion of an easement in which the Moody Ditch is located. This easement was acquired by the developer and is no longer needed at this width because the developer is piping the ditch underground.

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

s/ Chad Stanger

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

ORDINANCE NO. 2337

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Councilmember Mills questioned whether the vacation of a portion of this easement would still allow for a bicycle lane in the future. Councilmember Hardcastle stated that this was correct. The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Mills 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 Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: Councilmember Carlson

Motion Carried.

JULY 22, 1999

City of Idaho Falls
July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: OUTSIDE-THE-CITY WATER SERVICE AGREEMENT – BILL MUIR

Mr. Bill Muir, 4484 North 5th West, has requested connection to City water through an Outside-the-City Water Service Agreement. This residence is located within a 1,000' radius of the County Landfill, an area in which the City previously agreed to serve.

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

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the Outside-the-City Water Service Agreement with Bill Muir 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
July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: OUTSIDE-THE-CITY SEWER SERVICE (BONNEVILLE COUNTY L.I.D. NO. 2) ELDON HALFORD

Attached is a proposed Outside-the-City Sewer Service Agreement for Eldon Halford at 1585 Lincoln Road. This property is located in the Bonneville County L.I.D. No. 2.

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

s/ Chad Stanger

JULY 22, 1999

It was moved by Councilmember Carlson, seconded to Councilmember Hardcastle, to approve the Outside-the-City Sewer Service Agreement with Eldon Halford 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.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Mills, that the meeting adjourn at 10:05 p.m.

CITY CLERK

MAYOR
