

**FEBRUARY 25, 1999**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 25, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

The City Clerk read a summary of the minutes for the February 11, 1999 Regular Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as read. Roll call as follows:

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

Nay:            None

Motion Carried.

**CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation for the Appointment of Daniel Yurman to serve on the Planning Commission (Term to expire on December 31, 2001).

The City Clerk presented several license applications, including BARTENDER PERMITS to Sean G. Godfrey, Karen L. Ingelstrom, Linda L. Jones, Kristal A. Kremin, Lisa A. Porraz, and Danny L. Raschke, 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 February 25, 1999.

The Public Works Director submitted the following memos:

**FEBRUARY 25, 1999**

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City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – ENGINE GENERATOR FOR SEWAGE  
TREATMENT PLANT

Public Works requests authorization to advertise to receive bids for an engine/generator to be used at the Sewage Treatment Plant.

s/ Chad Stanger

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – IDAHO FALLS HIGH SCHOOL  
DETENTION POND PROJECT

Public Works requests authorization to advertise to receive bids for the Idaho Falls High School Detention Pond Project.

s/ Chad Stanger

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – SAND CREEK GOLF COURSE PARKING  
LOT PAVING PROJECT

Public Works requests authorization to advertise to receive bids for the Sand Creek Golf Course Parking Lot Paving Project.

s/ Chad Stanger

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – SAGE LAKES GOLF COURSE LAKE “J”  
SEALING PROJECT

**FEBRUARY 25, 1999**

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Public Works requests authorization to advertise to receive bids for the Sage Lakes Golf Course Lake "J" Sealing Project.

s/ Chad Stanger

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Channing Way Addition, Division No. 4. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: CHANNING WAY ADDITION, DIVISION NO. 4

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Channing Way Addition, Division No. 4, a two-lot plat located west of Sand Creek Canal and north of Sunnyside Road. The requested initial zoning is R3-A, Apartments and Offices. The Planning Commission reviewed this annexation request at its January Meeting and recommended approval of the annexation, final plat, and initial zoning of R3-A. This Department concurs with this recommendation. The annexation request is now being submitted to the Mayor and Council for consideration.

s/ Reneé R. Magee

Councilmember Groberg stated that he has a potential conflict of interest and requested to be excluded from the discussion on this annexation request. The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

Slide 1 Vicinity Map  
Slide 2 Final Plat

**FEBRUARY 25, 1999**

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Slide 3      Aerial Photo  
Slide 4      End of DeSoto, looking east  
Slide 5      Looking northeast across site  
Slide 6      Looking west  
Exhibit 1    Planning Commission Minutes  
Exhibit 2    Staff Report

Richard Groberg, Developer for this property, appeared to state that he was available for any questions that the Mayor and Council may have.

There being no further discussion either in favor of or in opposition to this annexation request, it was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to accept the Final Plat for Channing Way Addition, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay:            None

Abstain:       Councilmember Groberg (Potential Conflict of Interest)

Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Channing Way Addition, Division No. 4 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay:            None

Abstain:       Councilmember Groberg (Potential Conflict of Interest)

Motion Carried.

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

**ORDINANCE NO. 2307**

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

**FEBRUARY 25, 1999**

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WITH THE APPROPRIATE COUNTY AND STATE  
AUTHORITIES; AND ESTABLISHING EFFECTIVE  
DATE.

The foregoing Ordinance was presented by title only. Councilmember Mills moved, and Councilmember Hardcastle 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 Carlson  
Councilmember Hardcastle  
Councilmember Eldredge  
Councilmember Mills  
Councilmember Branson

Nay: None

Abstain: Councilmember Groberg (Potential Conflict of Interest)

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 Hardcastle, to establish the initial zoning of Channing Way Addition, Division No. 4 as R3-A (Multi-Family and Office) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Abstain: Councilmember Groberg (Potential Conflict of Interest)

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for The Village Addition, Division No. 4. At the request of Councilmember Mills, the City Clerk read the following Ordinance from the Planning and Building Director:

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Mayor and City Council  
FROM: Reneé R. Magee, Planning and Building Director  
SUBJECT: THE VILLAGE ADDITION, DIVISION NO. 4

**FEBRUARY 25, 1999**

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Attached are the Final Plat, Annexation Agreement, and Annexation Ordinance for The Village Addition, Division No. 4. The requested initial zoning is R-3, Single-Family Homes and Apartments. The Village Addition, Division No. 4 consists of thirty single-family lots west of Old Butte Road and the soccer complex. The Planning Commission reviewed this annexation request and recommended approval of the annexation, final plat, and initial zoning of R-3 with the stipulation a pedestrian access from Clarence Drive to the soccer complex be provided. Lot 35-A provides such access on the Final Plat. The annexation request is now being submitted to the Mayor and Council for consideration.

s/ Reneé 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
Slide 2	Final Plat
Slide 3	Looking across parking area
Exhibit 1	Planning Commission Minutes
Exhibit 2	Staff Report

Larry Reinhart, 1740 Bramble Lane, appeared representing Rosewood Development as Developers of this property. He stated that he was present to answer any questions from the Mayor and City Council.

Jake Hill, 809 Buckboard Lane, appeared to question when the pedestrian walkway on Broadway and Old Butte Road will connect to the walkway in The Village Addition. Mr. Hill questioned whether the pedestrian walkway on Broadway could be made a part of this annexation.

The Parks and Recreation Director appeared to explain that there is a Resolution that will be considered by City Council later in the meeting, that will allow the Parks and Recreation Director to apply for grant monies to allow for the construction and beautification of the West Broadway Bike/Pedestrian Pathway to be connected to the soccer complex. If the monies are received, the construction will begin in the year 2002.

Councilmember Groberg told Mr. Hill that he appreciated his observation and suggestion for the bike/pedestrian pathway development.

Councilmember Mills stated that he appreciated the partnership that Rosewood Development has had in working with the City of Idaho Falls.

There being no further discussion either in favor of or in opposition to this annexation request, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for The Village Addition, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye:	Councilmember Groberg Councilmember Mills Councilmember Branson Councilmember Hardcastle Councilmember Eldredge Councilmember Carlson
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Nay:	None
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Motion Carried.

**FEBRUARY 25, 1999**

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It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for The Village Addition, Division No. 4 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2308**

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 Groberg  
Councilmember Carlson  
Councilmember Branson  
Councilmember Hardcastle  
Councilmember Eldredge

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 Village Addition, Division No. 4 as R-3 (Multi-Family Residential) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

**FEBRUARY 25, 1999**

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

Nay: None

Motion Carried.

The memo from the Planning and Building Director regarding the public hearing for consideration of amending the City of Idaho Falls Zoning Ordinance to provide definitions for wireless telecommunications facilities; to list telecommunications facilities as permitted or conditional uses in each zone; to provide development standards for such facilities; to provide application procedures; and, to set height limitations for building and structures in various zones, was withdrawn by the Division Director.

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.

Thomas Snouffer, 392 Sykes, appeared to state that he approves 100% of the increase in the Councilmembers salaries. He compared for the Mayor and Council various salaries of individuals around the City of Idaho Falls. Mr. Snouffer stated that the Mayor's salary is way above what most of the people work for in Idaho Falls. He told the Mayor that this was not a personal issue with her. Mr. Snouffer stated that he did not believe that the Mayor needed a raise.

The Electric Division Director submitted the following memo:

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Electric Division Director  
SUBJECT: POWER PURCHASE AGREEMENT WITH BONNEVILLE POWER  
ADMINISTRATION

Attached for your consideration is an Agreement to purchase power from BPA during July and August 1999 only. This Agreement is for 16 megawatts.

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

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Power Purchase Agreement with Bonneville Power Administration and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Mills  
Councilmember Branson  
Councilmember Hardcastle

**FEBRUARY 25, 1999**

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Councilmember Eldredge  
Councilmember Carlson

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

City of Idaho Falls  
February 17, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Bob Drake, Fire Chief  
SUBJECT: ORDINANCE ADOPTION

Attached for your review is a copy of an Ordinance repealing and re-enacting Sections 7-10-3 and 7-10-4, concerning the storage of flammable or combustible liquids. The current Ordinance, subject to repeal, differentiated between public and private dispensing stations, which created a hardship for commercial (but private) enterprises that desired a system to refuel their fleet. The original intent of the Ordinance was to avoid storage and dispensing of flammable and combustible liquids in residential areas; the re-enacted Ordinance will meet that intent, and together with the Uniform Fire Code will provide the needed control.

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

s/ Bob Drake

The Fire Chief appeared to further explain this Ordinance. Councilmember Mills stated that the City of Idaho Falls has residential zones that are adjacent to commercial zones. He wanted to know if the Fire Code addresses a certain distance from residential zones for the storage of flammable or combustible liquids. The Fire Chief stated that the Fire Code addresses distances, both from structures and adjacent property. He explained, further, that a permit needs to be purchased from the Fire Department in order to install, modify, or move a storage tank within the City limits.

There being no further discussion either in favor of or in opposition to this request, Councilmember Hardcastle requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2309**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-10-3 AND 7-10-4 OF THE CITY CODE OF IDAHO FALLS, IDAHO; CHANGING THE LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS IS PROHIBITED; PROVIDING FOR PROSECUTION UNDER PRIOR

**FEBRUARY 25, 1999**

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ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Branson 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.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
February 17, 1999

MEMORANDUM

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

It is respectfully requested that Council approve the enclosed Resolution and authorize the Mayor to sign the Quitclaim Deed.

s/ S. Craig Lords

**R E S O L U T I O N (Resolution No. 1999-01)**

WHEREAS, pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by Deed of the City Treasurer, dated the 9<sup>th</sup> day of November, 1971, and recorded as Instrument No. 424335 in the records of Bonneville County, Idaho, the City of Idaho Falls acquired title to and possession of the following described real property, to-wit:

Lot 12, Block 8, South Hillcrest Addition to the City of Idaho Falls, Bonneville County, Idaho.

WHEREAS, Maxine Tapp has offered to pay to the City of Idaho Falls the amount for which such property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereof;

**FEBRUARY 25, 1999**

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NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk are hereby authorized and directed, upon the payment of such sum of money, to execute and deliver to the such purchaser a Quitclaim Deed to the property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 25<sup>th</sup> day of February, 1999.

APPROVED BY THE MAYOR this 26<sup>th</sup> day of February, 1999.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the Resolution and Quitclaim Deed for South Hillcrest Addition, Block 8, Lot 12 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  
February 17, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 1994

Municipal Services respectfully requests authorization to charge off as uncollectable, all utility accounts that have not had a transaction since 1994, which includes, but not limited to, bankruptcies, skips, deceased persons, and

**FEBRUARY 25, 1999**

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those with no assets. These accounts total \$145,076.52, which is .34% of sales for that year.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to give authorization for the Municipal Services Division to charge off as uncollectable, all utility accounts that have not had a transaction since 1994. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ORDINANCE FOR MAYOR AND COUNCIL SALARIES

Attached for your consideration is the Ordinance to establish salaries of the Mayor and Councilmembers.

It is respectfully requested that Council approve and authorize the Mayor to sign said Ordinance.

s/ S. Craig Lords

Councilmember Groberg stated that the salary proposed for the Mayor was a reasonable salary based on the level of supervision. He did not feel that this salary matches the level of increases that have been given to other City employees over the past 8 years. He commented, further, that the Council salaries should be reduced to \$346.16 bi-weekly, as this represents an average salary of comparable Cities within the State of Idaho.

Councilmember Carlson stated that a 40% increase in one lump sum is too much of an increase for the Councilmembers salaries. He questioned the City Attorney as to whether there were any laws or rules that would regulate how much a Mayor and Council can pay themselves, or can they simply pull a number out of the air.

The City Attorney answered Councilmember Carlson by stating that the wage increases are a matter of discussion and reasonable consideration by the City Council. He stated that he would not want to characterize the process as "simply pulling a number out of the air". From his observation of the process, the Councilmembers have considered this at great length and have put a great amount of consideration into it.

Councilmember Carlson questioned how the Council could justify giving a pay raise to the City employees of only 3% and a pay raise to the Council of 40%.

**FEBRUARY 25, 1999**

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Councilmember Mills stated that the Council has not taken a pay increase over the last 15 years, while the City employees have been given cost of living increases each year.

Councilmember Eldredge stated that the City holds contracts with two bargaining agencies that lock the City into certain cost of living increases for multiple years. He stated that there has been a lot of talk about comparisons in salary and how much other people make. He does not believe that this is relevant. The Mayor's job covers a \$90,000,000.00 per year corporation, which has one of the largest public utilities in the State of Idaho. Further, the Mayor is the Chief Executive Officer of that utility. The City's work force carries over 500 employees. When this type of job is compared to a job in private industry, the salaries do not even compare. The positions in private industry would make far more than what the Mayor and Council are making at this time. Councilmember Eldredge stated that it is a matter of fairness to compensate people, fairly, for what they do. The Mayor and Council have had a lot of discussions about what the fair amount would be. The amounts determined have been considered a fair amount of compensation for the Mayor and for the City Council. Councilmember Eldredge stated that he did not believe that the amounts should be changed now. The Ordinance should be considered as it is now written.

Councilmember Hardcastle agreed with Councilmember Eldredge. She stated that raising the Mayor's and Council's salary has been difficult. It has been particularly difficult for the Mayor. Councilmember Hardcastle commented that the Mayor is not her boss, the public is her boss. She stated that there was not a person in the room that could imagine the amount of hours that Mayor Milam puts in. Councilmember Hardcastle is very comfortable with the wage that has been requested for Mayor Milam. She is uncomfortable with the public setting of determining wages. Councilmember Hardcastle stated that, when determining wages, future Mayors and Councilmembers need to be thought of. It has been 9 years since the Mayor's wages have been increased, and it has been 15 years since the Councilmembers' wages have been increased. She stated, further, that several of the Division Directors (which she supervises) make more money than the Mayor does.

Councilmember Branson stated that if the Council passes this Ordinance, the wages would not be effective until January 1, 2000. She, further, clarified that a wage increase for the Mayor and Council can only take place during an election year.

Councilmember Mills stated that every day that he took as vacation in the last year was used for City business, not for personal use, so that he could better serve the community.

Councilmember Branson stated that all Councilmembers serve on various Boards throughout the community. This allows the City to be involved on many levels. The Mayor and Council endeavor to keep this community a quality community. Councilmember Branson stated that the Mayor does not initiate the wage increases, nor do the other Councilmembers. The Municipal Services Council Committee is responsible for initiating this effort.

It was moved by Councilmember Groberg, to pass the Ordinance with a salary change for the Councilmembers to \$346.16 bi-weekly to become effective on January 1, 2000. The motion failed, due to a lack of a second.

There being no further discussion either in favor of or in opposition to this request, Councilmember Branson requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2310**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING AND RE-ENACTING SECTIONS 1-5-8 AND 1-6-5, CITY CODE; ESTABLISHING SALARIES OF THE MAYOR AND CITY COUNCILMEMBERS; PROVIDING FOR EFFECTIVE DATE.

**FEBRUARY 25, 1999**

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

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

Nay: Councilmember Carlson

Motion Carried.

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AIRPORT VENDING MACHINE CONTRACT WITH GARTH WILCOX

Attached for your consideration are copies of a proposed Vending Machine Contract with Garth Wilcox to sell prepaid phone cards through a vending machine located in the Airport Terminal.

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

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the Vending Machine Contract to sell prepaid phone cards between the City of Idaho Falls and Garth Wilcox and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

**FEBRUARY 25, 1999**

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City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: IDAHO FALLS PUBLIC LIBRARY COOLING TOWER  
REPLACEMENT - CHANGE ORDER NO. 1

Attached for your consideration is the Change Order No. 1 in the amount of \$2,560.00 for factory applied Baltibond Coating on the Cooling Tower. Baltibond is an anti-corrosion coating and will extend the life of the Cooling Tower.

It is respectfully requested that Council approve and authorize the Mayor to execute the document.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve Change Order No. 1 to Atlas Mechanical, Inc. for the Idaho Falls Public Library Cooling Tower Replacement Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-99-11, REMOVAL OF TWO (2) FRAME HOUSES AND A SHED

It is the recommendation of Municipal Services to accept the sole bid of Harold Croucher to purchase both houses at the locations and amount listed below:

Bid "A" Frame House, 243 Eighth Street	\$500.00
Bid "B" Frame House and Shed, 251 Eighth Street	\$500.00

s/ S. Craig Lords

**FEBRUARY 25, 1999**

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It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the sole bid from Harold Croucher to purchase both houses and shed located on Eighth Street. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Municipal Services Director regarding the Cable Franchise Ordinance was withdrawn by the Division Director.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: IDAHO TRANSPORTATION DEPARTMENT ENHANCEMENT FUNDS RESOLUTION

Attached for your consideration is a Resolution for the purpose of authorizing the Director of Parks and Recreation to submit a Grant Request to the Idaho Transportation Department. The Grant requests monies to construct a bike/pedestrian pathway on West Broadway from the pedestrian tunnel to Old Butte Road Soccer Complex and, also, landscape the north side of the bike/pedestrian path located on West Broadway. It is, therefore, submitted for your approval and to allow the Mayor and City Clerk to sign.

s/ David J. Christiansen

**R E S O L U T I O N (Resolution No. 1999-02)**

WHEREAS, the Idaho Transportation Department (the "ITD") has a program to provide Enhancement Funds for certain municipal projects;

WHEREAS, the City of Idaho Falls wishes to construct a bike/pedestrian pathway on West Broadway from the pedestrian tunnel to Old Butte Road Soccer Complex and, also, to landscape the north side of the bike/pedestrian tunnel located on West Broadway;

WHEREAS, the City of Idaho Falls wishes to present this project for submittal to the ITD for Enhancement Funds to pay for a percentage of the cost of this project.

NOW, THEREFORE, be it hereby resolved:

**FEBRUARY 25, 1999**

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1. That Mr. David Christiansen, Parks and Recreation Director, of the City of Idaho Falls be and hereby is authorized to make application to the ITD for grant monies to construct a bike/pedestrian pathway on West Broadway from the pedestrian tunnel to Old Butte Road Soccer Complex and, also, to landscape the north side of the bike/pedestrian tunnel located on West Broadway to the Idaho Transportation Department for Enhancement Funds.

2. That the City of Idaho Falls fully support, assist, and undertake such construction project and otherwise undertake all reasonable means to ensure completion of the same.

DATED this 26<sup>th</sup> day of February, 1999.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

The Parks and Recreation Director appeared to explain that the submittal date for this grant is March 1, 1999. Funding for this project will be during the year 2002. The Parks and Recreation Director, further, explained that this project would connect the bike/pedestrian pathway from West Broadway down Old Butte Road to Clarence Drive.

Councilmember Groberg questioned why it would take 3 years to complete this bike/pedestrian pathway. He also questioned whether the tunnel would be available for use prior to that time

The Parks and Recreation Director stated that the funds would not be available until 2002, but at this time, the tunnel is useable.

Councilmember Mills stated that two other projects have been given a higher priority with the Idaho Transportation Department. The Parks and Recreation Director explained that two projects have been granted for the year 2001. One project is the widening of Johns Hole Bridge and the other will be an enhancement project that will deal with U. S. Highway 20 and Fremont Avenue (pathway and landscaping).

Councilmember Groberg commented that ways should be looked at to open the northern access to the soccer complex. He wanted to make sure that pedestrians could cross West Broadway from the south and be able to move down to the soccer complex. Following a brief discussion regarding ways that may be used to move pedestrians and bicyclists from the south side of West Broadway to the soccer complex, Mayor Milam stated that these alternatives should be considered by the Parks and Recreation Council Committee. The Parks and Recreation Director stated that he would place this item on the Agenda.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Mills, seconded by Councilmember Carlson, to approve the Resolution authorizing the Parks and Recreation Director to submit a grant request to the Idaho Transportation Department for construction of a bike/pedestrian pathway on West Broadway from the pedestrian tunnel to Old Butte Road Soccer Complex and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

**FEBRUARY 25, 1999**

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: APPEAL OF SUZANNE H. MESSENGER, ATTORNEY IN FACT FOR  
EMMA H. HENSON, BUSINESS IMPROVEMENT DISTRICT

Attached is the written appeal request of Suzanne H. Messenger, Attorney in Fact for Emma H. Henson. Mrs. Henson is appealing the minimum assessment of \$200.00 for condominium unit 221 in the Idaho Professional Building, 482 Constitution Way. The assessment is based on the provision of Ordinance 2245, which states:

**Section 6.** ...Furthermore, the special assessment for each parcel of Assessable Property shall not be less than Two Hundred Dollars (\$200.00) per year, provided, however, assessments for two or more contiguous parcels for which there is a common ownership may be assessed less than such minimum assessment for each such parcel, as long as the aggregate assessment therefor exceeds Two Hundred Dollars (\$200.00).

Emma H. Henson owns one condominium unit within the Business Improvement District. The unit is not used for residential or charitable purposes. Therefore, staff recommends the appeal be denied since the assessment for one property is not to be less than \$200.00 annually under the Ordinance. This appeal is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Following is the letter of appeal from Suzanne H. Messenger:

December 15, 1998

Idaho Falls Business Improvement District  
City of Idaho Falls Treasurer's Office  
308 Constitution Way  
Idaho Falls, Idaho 83405

**FEBRUARY 25, 1999**

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RE: Unit No. 221 Idaho Professional Building  
Your Reference No. 396 ALL

GENTLEMEN:

This is a letter of protest and appeal regarding the \$200.00 minimum assessment per parcel of property for the City of Idaho Falls BID.

Per the attached 1998 property tax statement (Item A), the full year's taxes for this parcel are not even \$200.00. Also, the 7-mil assessment for this property based on its 1998 value would be less than \$40.00.

Also, attached (Item B) is a copy of an "As Built" drawing showing the parcel's dimensions: Unit No. 221 = 9' 5" by 17'8" – a total of less than 170 square feet.

Because the actual property taxes are less than the BID assessment and because of the very small size of this parcel, I find the assessment to be excessive and unfair.

Most sincerely,

s/ Suzanne H. Messenger

Suzanne H. Messenger

Attorney in Fact for Emma H. Henson and

Personal Representative for Howard M. Henson Estate

The Planning and Building Director appeared to state that the Business Improvement District assessments are based on tax evaluations from the 1995 year, and that there is a minimum assessment of \$200.00 and a maximum assessment of \$3,000.00. The properties that can have a reduced assessment or no assessment are those properties that are used for charitable purposes or those properties that are entirely residential. The appeal represents one condominium unit within the Idaho Professional Building that is being rented by an accounting office in the building. This unit is not being used for actual office purposes, but is being used for storage. This parcel represents one of three that have the lowest assessments in the District, with the taxes being lower than the assessment for the Business Improvement District. At the time the Business Improvement District was formed, it was believed that every parcel would receive at least \$200.00 benefit per year from the creation of the Business Improvement District.

Councilmember Mills questioned the City Attorney what criteria the Council has to base this on and what process can be taken.

The City Attorney stated that there is not a framework within the Ordinance, as it is presently drafted, for adjustment of the amount of the minimum assessment. The appeal process was really designed to give people an opportunity to insure that the property is properly classified and that the existing exemptions are properly applied. When the Council considers the merits of what this appeal brings forward, the Council ought to look at an area from an equity perspective. The City has received a request from the Idaho Falls Downtown Development Corporation to reduce the assessment across the board. The City Attorney did not feel that this would go far enough. He would recommend that as the City considers the request from the Idaho Falls Downtown Development Corporation, this issue is looked at and addressed for any inequity in the Ordinance.

Councilmember Groberg questioned whether Mrs. Messenger was appealing the 1998 assessment or the 1999 assessment.

The City Attorney stated that she was appealing the 1999 assessment. If there were a modification made to Ordinance No. 2245, it would affect the 2000-year assessment.

**FEBRUARY 25, 1999**

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Councilmember Eldredge stated that this is a result of the way that the assessments were originally set up. He stated that he is encouraged to hear that the Idaho Falls Downtown Development Corporation is considering a change, as there are problems with the way the Business Improvement District is now set up.

There being no one to appear in favor of or in opposition to this appeal, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to deny the appeal of Suzanne H. Messenger, Attorney in Fact for Emma H. Henson and, further, instruct the City Planner and City Attorney to prepare the necessary Findings of Fact and Conclusions of Law. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: SANITATION RATE CHANGES

Attached for your consideration is an Ordinance providing for rates and changes for sanitary waste removal service within the City. In addition to numerous City Council Work Sessions, a public hearing on this matter was held on February 11, 1999, during which public comment was received.

Public Works recommends adoption of this Ordinance; and, authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

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

**ORDINANCE NO. 2311**

AN ORDINANCE REPEALING AND RE-ENACTING  
SECTION 8-6-17 OF THE CITY CODE OF THE CITY  
OF IDAHO FALLS, IDAHO; ESTABLISHING  
SANITARY WASTE REMOVAL CHARGES;  
PROVIDING FOR SEVERABILITY AND  
ESTABLISHING EFFECTIVE DATE.

**FEBRUARY 25, 1999**

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The foregoing Ordinance was presented by title only. Councilmember Carlson moved, and Councilmember Hardcastle 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 Branson  
Councilmember Hardcastle  
Councilmember Mills  
Councilmember Eldredge  
Councilmember Carlson  
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls  
February 23, 1999

MEMORANDUM

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

Attached for your consideration is a Sewer Ordinance providing for amendments to the sewer connection fee and sewer main connection charges. In addition to numerous City Council Work Sessions, a public hearing on this matter was held on February 11, 1999, during which public comment was received.

s/ Chad Stanger

Councilmember Carlson stated that the Sewer Connection Fee was reduced from \$900.00 to \$600.00 per hook-up. At the request of Councilmember Carlson, the City Attorney read the following Ordinance by title:

**ORDINANCE NO. 2312**

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-1-23 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, SAID SECTION BEING A PORTION OF THE SEWER ORDINANCE OF THE CITY OF IDAHO FALLS; ESTABLISHING CONNECTION FEES AND SEWER MAIN CONNECTION CHARGES; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Carlson moved, and Councilmember Hardcastle 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:

**FEBRUARY 25, 1999**

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

Nay: None

Motion Carried.

City of Idaho Falls  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: SEWER RATE RESOLUTION

Attached for your consideration is a Resolution establishing sewer rates for domestic and commercial customers of the City. In addition to numerous City Council Work Sessions, a public hearing on this matter was held on February 11, 1999, during which public comment was received.

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

s/ Chad Stanger

**RESOLUTION (Resolution No. 1999-03)**

ESTABLISHING DOMESTIC AND COMMERCIAL  
RATES FOR USE OF SANITARY SEWER FACILITIES  
INSIDE THE CITY OF IDAHO FALLS.

WHEREAS, the City of Idaho Falls owns, operates and maintains a publicly-operated waste water treatment and collection work (the "POTW"); and,

WHEREAS, the capital cost and the cost of operation, maintenance and replacement of the POTW must be derived from user fees based upon their proportionate share of use; and,

WHEREAS, the City desires to establish an equitable method for apportioning such costs in a manner that is proportionate to the demand or impact each user has upon the public sewer and waste treatment facilities;

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

1. Establishment of Rates. The following monthly use rates are established for use of the POTW:

**FEBRUARY 25, 1999**

<b>DOMESTIC RATES - INSIDE CITY</b>	
<b>Nature of Use</b>	<b>Rate</b>
Single family dwellings, including condominium units and mobile homes	\$12.50 plus \$9.40 for each functionally separate apartment located within such dwelling
Large multi-family dwelling units	\$9.40 for each functionally separate dwelling unit
Small multi-family dwelling units	\$12.50 for each functionally separate dwelling unit
Mobile home court	\$12.50 per mobile home court, plus \$9.40 per occupied space
Commercial buildings and professional offices	\$3.75 per each 1,000 square feet of floor space
Laundromats	\$6.25 per washing machine upon the premises
Barber or beauty shops	\$2.00 for each sink
Hotels, motels, boarding houses	\$4.00 for each room
Restaurants and fast-food establishments	\$33.25
Elementary Schools	\$5.20 per each 50 enrolled students or fraction thereof
Secondary Schools, colleges and universities	\$6.60 per each 50 enrolled students or fraction thereof
All other non-metered customers	\$12.50 per each fully enclosed structure connected to the POTW

<b>METERED COMMERCIAL RATES - INSIDE CITY</b>	
<b>Nature of Use</b>	<b>Rates</b>
Commercial User	\$1.91 per month base charge, plus \$1.22 per 1,000 gallons of metered water

<b>EXTRA-TERRITORIAL RATES - DOMESTIC AND COMMERCIAL USERS</b>	
<b>Nature of Use</b>	<b>Rates</b>
All domestic and commercial structures	110% of the domestic and commercial rates set forth above for City residents

2. **Definitions:** For the purposes of this Resolution, the following terms shall have the meanings ascribed below:

**SINGLE FAMILY DWELLING:** Any functionally separate dwelling used primarily for human habitation.

**LARGE MULTI-FAMILY DWELLING:** Any dwelling structure in which three or more functionally separate dwelling units are used primarily for human habitation.

**SMALL MULTI-FAMILY DWELLING UNIT:** Any dwelling structure in which less than three functionally separate dwelling units are used primarily for human habitation.

**FEBRUARY 25, 1999**

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3. **Determination of Metered Use:** For the purposes hereof, the City may at any time, in its sole discretion, require any user to meter his or her flow into the sewer system.

4. **Effective Date:** This Resolution shall be effective with respect to all customer accounts billed on or after July 1, 1999.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 25<sup>th</sup> day of February, 1999.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the Resolution establishing domestic and commercial rates for use of sanitary sewer facilities inside the City of Idaho Falls and, further, give authorization for the Mayor and City Clerk to sign said 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  
February 23, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD - SOUTH HOLMES AVENUE STREET IMPROVEMENTS (25<sup>TH</sup> STREET TO SUNNYSIDE ROAD)

On February 17, 1999, bids were received and opened for the South Holmes Avenue Street Improvement Project (25<sup>th</sup> Street to Sunnyside Road). Attached is a tabulation of those bid results.

**FEBRUARY 25, 1999**

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Public Works recommends award to the low bidder, HK Contractors, Inc. in the amount of \$1,322,455.25; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

Councilmember Hardcastle commented that this project includes the intersections of Sunnyside Road and Holmes Avenue, and Sunnyside Road and 25<sup>th</sup> Street, along with signalization.

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to accept the low bid of HK Contractors, Inc. to complete the South Holmes Avenue Street Improvements (25<sup>th</sup> Street to Sunnyside Road) Project and, further, give authorization for the Mayor and City Clerk to sign the Contract 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  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: LICENSE AGREEMENT – SCIENTECH, INC.

Public Works requests authorization for the City Attorney to prepare a License Agreement between the City and Scientech, Inc., for the purpose of locating a fiber optic cable in public right-of-way.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to give authorization for the City Attorney to prepare a License Agreement between the City of Idaho Falls and Scientech, Inc. for the purpose of locating a fiber optic cable in public right-of-way. Roll call as follows:

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

**FEBRUARY 25, 1999**

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Nay: None

Motion Carried.

City of Idaho Falls  
February 22, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BUREAU OF DISASTER SERVICES GRANT ACCEPTANCE AND AGREEMENTS – 8<sup>TH</sup> STREET DETENTION POND, 14<sup>TH</sup> STREET DETENTION POND, AND IDAHO FALLS HIGH SCHOOL DETENTION POND

Attached are copies of the Bureau of Disaster Services Grant Agreements for the 8<sup>th</sup> Street Detention Pond, the 14<sup>th</sup> Street Detention Pond, and the Idaho Falls High School Detention Pond. These Agreements have been reviewed by Municipal Services and the City Attorney.

Public Works requests authorization for the Mayor to sign these Agreements.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the Bureau of Disaster Services Grant Agreements for the 8<sup>th</sup> Street Detention Pond, 14<sup>th</sup> Street Detention Pond, and the Idaho Falls High School Detention Pond and, further, give authorization for the Mayor to sign said Agreements. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam acknowledged that the week of February 21 through February 27 is National Engineering Week. Councilmember Eldredge explained a few of the activities that were going to take place to celebrate this week.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, that the meeting adjourn at 8:50 p.m.

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CITY CLERK

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MAYOR

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