

NOVEMBER 24, 1998

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, November 24, 1998, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam presented George Klomp, Building Official, with a plaque regarding the Energy Code Excellence Award presented to the City of Idaho Falls for progressive adoption and enforcement of energy codes from the Association of Idaho Cities, Idaho Association of Counties, and Idaho Department of Water Resources, Energy Division.

The City Clerk read a summary of the minutes for the November 12, 1998 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 Carlson
Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including BEER LICENSES to Albertson's, Inc. (East Anderson Street), Albertson's, Inc. (17th Street), Albertson's, Inc. (West Broadway), Boozer Quick Stop, Broadway 66, Chicks Lounge, Circle K (West Broadway), Eagle's Lodge, Fastway Car Wash, Gas 'N Grub, Garcon's, Get 'N Go Convenience Store, Holiday Oil, K C's Food Mart, Kwik Shops, Inc., Mark and Sindy's First Street Saloon, R & R Bar, Seventeenth Gas and Wash, and, T.L.C. Pizza; BARTENDER PERMITS to Ambur A. Ashby, Chris O. Bird, Brent D. Chase, Elizabeth M. Olsen, Ronald F. Olsen, Sandra L. Rogerman, Andrea Smith, Brian P. Tario, Coty L. Tyacke, Marie A. Ward

and Lindy L. Williamson, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on November 24, 1998.

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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 Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Groberg
Councilmember Mills

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Canterbury Park Addition, Division No. 3. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 19, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CANTERBURY PARK ADDITION, DIVISION NO. 3

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Canterbury Park Addition, Division No. 3. Division No. 3 is a one-lot plat of 0.84 acres. The northern portion of the Plat is already within City boundaries and is zoned RP-A. The requested initial zoning for the southern portion is RP-A. The Planning Commission recommended approval of the Final Plat, Annexation, and initial zoning of RP-A. The Department concurs in the recommendation. This annexation 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
Slide 2 Final Plat
Exhibit 1 Planning Commission Minutes
Exhibit 2 Staff Report

At this time, Councilmember Groberg declared a possible conflict of interest to this annexation request and stated that he would be abstaining from the vote.

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Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that Holmes Avenue is being annexed with this Ordinance and there will be no access to Holmes Avenue.

There being no further discussion either in favor of in opposition to this annexation request, it was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to accept the Final Plat for Canterbury Park Addition, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Abstain: Councilmember Groberg

Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Canterbury Park Addition, Division No. 3 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

Motion Carried.

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

ORDINANCE NO. 2296

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.

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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

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 Canterbury Park Addition, Division No. 3 as RP-A (Single-Family Residential Park) 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 Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle

Nay: None

Abstain: Councilmember Groberg

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for one parcel of land, formerly owned by the Hatch Estate, located at the Southeast Corner of Section 17, Township 2 North, Range 38 East of the Boise Meridian, located generally south of Garfield Avenue, east of the Idaho Canal, and north of First Street. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 19, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION OF HATCH PROPERTY

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Attached is the Annexation Ordinance for four acres formerly owned by the Hatch Estate. The property is south of Garfield Street, north of First Street, east of the Idaho Canal, and west of Easy Street. It has been purchased by the City to use for a substation and open space. The proposed initial zoning is R-3. The Planning Commission considered this request for annexation at its October Meeting and recommended approval of annexation and initial zoning of R-3. The Department concurs in the recommendation. This annexation 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
Slide 2	Aerial Photo
Slide 3	North of site from Garfield Street
Slide 4	Northern end of site
Exhibit 1	Planning Commission Minutes
Exhibit 2	Staff Report

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

ORDINANCE NO. 2297

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 Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

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

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by Councilmember Groberg, to establish the initial zoning of this parcel of land located in the Southeast Corner of Section 17, Township 2 North, Range 38, East of the Boise Meridian as R-3 (Apartments) 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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of a rezoning request from PB (Professional Business) to R-3A (Apartments and Office Buildings) of Lots 25 through 36, Block 25, Capitol Hill Addition. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 19, 1998

MEMORANDUM

TO: Mayor and City Council
FROM : Renée R. Magee, Planning and Building Director
SUBJECT: LOTS 25-36, BLOCK 25, CAPITOL HILL ADDITION

Attached is the request to rezone twelve lots in Block 25, Capitol Hill Addition from PB (Professional Business) to R3-A (Apartments and Office Buildings). The property is located on the northeast corner of the intersection of Freeman Avenue and Lomax Street. The Planning Commission considered this request for rezoning at its October Meeting and recommended approval of the rezoning to R3-A. The Department concurs in this recommendation. This rezoning 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 rezoning request:

Slide 1 Vicinity Map
Slide 2 Aerial Photo
Slide 3 Corner of Freeman and Lomax

Slide 4	Middle of site
Slide 5	Eastern end of site
Exhibit 1	Planning Commission Minutes

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Exhibit 2 Staff Report
Exhibit 3 Petition from neighborhood

The Planning and Building Director submitted the following petition regarding this rezoning and requested that it be made a part of the record:

We, the petitioners below, vote against the rezoning of the Capitol Hill Addition, Lots 25-36, for the following reasons:

1. Traffic impact on Freeman, Wabash, and the alleyway between Lomax and Gladstone.

Since Lomax is a one-way street. The only access now is from the alleyway between Lomax and Gladstone. With an apartment complex already at the east end of this block on Lomax, the residence on the other side of that alley complain of the traffic they now encounter and the dust that it raises. The only garages facing into the alley are the garages to this apartment complex. All residential homes on both sides have their access to garages facing the street. Even if they did not have access from Lomax, cars coming from the west would have to use Freeman or Wabash. We quote one resident, Mr. Wolf, that they barrel down it all the time and the dust flies. We also know that there has been at least one complaint about the traffic on Freeman and others have complained only to their neighbors. If you live on Freeman, you cannot enjoy your yards in the summer time because of the traffic noise, and if your bedroom is toward the street, traffic noises prevent you from sleeping. If people obeyed the traffic laws, it would cut the noise dramatically. The speed limit is 25 mph, but very few observe it. We don't need added traffic in this area. We know of several car accidents on the corners of Freeman and Cleveland, Freeman and Gladstone, Freeman and Lomax, with at least one fatality there. The traffic seems to pick up speed as they turn off East Elva and start down Freeman. This is supposed to be a quiet residential area. It is not.

2. The impact on the area itself. Not just the noise and traffic.

If we can learn a lesson from the past, we would like you to realize how this area was before the City started rezoning. From Yellowstone to Holmes, all was residential. Lomax was not a one-way street. People's property value dropped dramatically, widows and senior citizens have been isolated by businesses on both sides of them. One widow is quoted as not being able to sell her home because her nice brick home was of no value to them. It was only her lot they want and were willing to pay for. And as rentals came in, with absentee ownership, homes were not kept up. That area has deteriorated dramatically, and we don't want it to happen to our area. We realize that old areas have a natural deterioration, but many people have fixed up their home and are trying to make this a better area. It is mainly the absentee ownership that impacts our area.

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3. The impact of a higher crime rate.

We inquired about the impact of apartment dwellings in a lower income area. Lt. Mark McBride said, "Generally speaking, the crime rate is higher in that type of area." Please, please don't make it worse than it is already.

If this is passed, other absentee owners will want to change other areas close by and gradually this area will be trashed. We live here and care about this area.

Thank you,
33 Signatures from
Residents of the area

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To Whom It May Concern:

I am Margaret Fowler and live at 661 Lomax. I am vehemently against rezoning the Capitol Hill Addition, Lots 25-36. I have Lots 37-40 and would be locked in between 2 apartment housing projects. I also have apartments behind me and my property is always getting flooded. I am 81 years old and do not want to move. The Ferguson's have tried to buy me out in the past. I get discouraged because I feel the people with money always win out and they should not. I have lived here 60 years and want to continue living here.

Thank you,
s/ Margaret Fowler
s/ Richard D. Fowler

To: The Planning and Building Division of Idaho Falls, Idaho

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I am against the rezoning of the Capitol Hill Addition, Lots 25-36.

Thank you,
s/ Maurine O. Homer
180 Marjacq Avenue
Idaho Falls, Idaho

To: The Planning and Building Division of Idaho Falls, Idaho

November 17, 1998

I am against the rezoning of the Capitol Hill Addition, Lots 25-36.

Thank you,
s/ Shirley Keele
619 Cleveland

Jack Shaw, 4215 South 4300 West, Rexburg, Idaho, appeared to state that he purchased this property approximately 6 months ago. He was planning on finishing the

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garages into apartments. At the present time, this property is not zoned to be able to do that. Mr. Shaw explained that there are apartments on all sides of this property. The land under this rezoning request is presently under two ownerships.

Shirley Higham, 370 North Freeman, appeared to state that she owns the property directly behind the Shaw property. She reviewed, for the Mayor and City Council, the information contained in the petition printed above. Further, she presented 15 photographs, as listed below, which she took on Tuesday, November 17, 1998:

Photograph 1	Shaw Property
Photograph 2	Shaw Property – Notice new apartments where 2-car garage once was.
Photograph 3	Shaw Property looking down from her lots. Notice parking on her property and car blocking sidewalk.
Photograph 4	Back of Shaw and Ferguson Property on alley.
Photograph 5	Alley erosion.
Photograph 6	Alleyway – entering from Wabash Avenue.
Photograph 7	Only garages on alley, for apartments at east end of Lomax, Block 25 – Wabash Entrance.
Photograph 8	Church, from her property (4 Lots).
Photograph 9	Duplex directly across from her lot.
Photograph 10	Wolf Homes – 2 brick (6 Lots).
Photograph 11	Ryner Home directly across from her lot.
Photograph 12	Leavitt Property at corner of Freeman and Gladstone.
Photograph 13	Fowler Property, next to Ferguson Property and apartments on other side (4 Lots).
Photograph 14	Buildings on Ferguson Property.
Photograph 15	More Buildings on Ferguson Property.

Mrs. Shaw requested the City Council to care about what develops in this area.

Terrie Campbell, 640 Garfield, appeared to state that Freeman Avenue is a very busy street. There are small children that live along this street. It would not be a good idea to allow more traffic in this area.

Councilmember Mills requested the Planning and Building Director to come forward to explain how public notices are sent to property owners. The Planning and Building Director explained that public notices are sent to property owners within 300 feet of the property being requested to rezone. Those property owners are found on Bonneville County Tax Records. She also explained that alley accesses are permitted. In fact, on arterial streets, alley use is encouraged. The Planning and Building Director stated, further, that 5 off-street parking spaces would be needed to accommodate the apartments in this location. If the zone were allowed to remain PB, office buildings would generate more traffic to this area than the proposed apartments would.

Councilmember Eldredge stated that rezoning this property to R3-A would bring this area more in line with the Comprehensive Plan.

Mr. Shaw re-appeared to state that the State of Idaho wanted to use this location for handicapped people. He also stated that he would have been happy to show his plan to Mrs. Higham.

At the request of Councilmember Mills, Police Chief Livsey appeared to explain that generally a lower economic base creates crime.

Mrs. Higham re-appeared to state that, since she has been listening to her scanner, she has noticed that crime in her area has increased.

A brief discussion followed among Council regarding the highest and best use for this area. There being no further discussion, it was moved by Councilmember Mills,

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seconded by Councilmember Groberg, to approve the zone change from PB to R3-A as requested and that the City Planner be instructed to reflect said zoning change on the Official Zoning Map located in the Planning Office. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of an appeal from a decision of the Board of Adjustment for a variance from Section 7-14-8-D of the Zoning Ordinance in which the required front setback cannot be used for automobile parking on property located at 1795 International Way, legally described as Lot 3, and the west 85 feet of Lot 2, Block 2, International Plaza. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
November 19, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: APPEAL, VARIANCE REQUEST, 1795 INTERNATIONAL WAY

Attached is an appeal from the decision of the Board of Adjustment on property located at 1795 International Way. The applicant is requesting a variance from the provisions of Section 7-14-8.D., in which parking in the setback is prohibited in the M-1 zone. The Board of Adjustment voted four to two to grant the variance; however, five concurring votes are required to grant a variance under Section 5-8.J. The Department recommends granting the variance for the following reasons:

1. A majority of the Board of Adjustment voted for the variance.
2. Landscaping is provided in the interior of the parking areas and in the rear of the property thereby creating a park-like environment, which is the intent in the M-1 zone.
3. Ethel's Lane is a side street. The required setback of thirty feet will be landscaped along the frontage on International Way.

This variance request is now being submitted to the Mayor and City 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 appeal:

Slide 1	Vicinity Map
Slide 2	Aerial Photo
Slide 3	Site Plan
Exhibit 1	Board of Adjustment Minutes
Exhibit 2	Staff Report
Exhibit 3	Letters from Dawn Fringley (October 26, November 23, and November 24, 1998)

Following are three letters from Dawn Fringley, as presented to be made a part of the record:

October 26, 1998

Dawn R. Fringley
1758 Peggy's Lane
Idaho Falls, Idaho 83402

RE: Variance Request – 1795 International Way

To the City of Idaho Falls
Planning and Building Division:

I will not be able to attend the public hearing to be held on October 27, so I am writing this letter to express my concern on the subject variance request. I live on Peggy's Lane with the first building by Gary Voigt being right in my back yard. I have been pleased to see that the landscaping around the first building is acceptable. My concern is he is requesting that the required 30 foot buffer area on Ethel's Lane be decreased to only 7 feet. I feel that there should be a larger transition between this property and the residential area and that a compromise should be agreed upon with the largest workable buffer being agreed upon. I feel that a minimum of 10 feet should be imposed and hopefully more. In my opinion, this will benefit the homeowners and the continued good reputation of Mr. Voigt.

I request that the hearing please consider my thoughts on this matter.

Sincerely,
s/ Dawn R. Fringley
Dawn R. Fringley
Homeowner

November 23, 1998

Dawn R. Fringley
1758 Peggy's Lane
Idaho Falls, Idaho 83402

RE: Appeal to Variance Request Decision (1795 International Way)

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To the City of Idaho Falls Mayor and City Council:

I will not be able to attend the public hearing to be held on November 24 so I am writing this letter to express my concern on the subject variance decision appeal. I live on Peggy's Lane with the first building by Gary Voigt being right in my back yard and the second adjacent one being built as we speak. My original opinion and concern remains that there should be a large enough transition between this property and the residential area. My previous letter stated that a minimum of 10 feet should be imposed and hopefully more. I still hold that opinion especially after seeing the second building structure now standing and the stakes in place for paving. It also appears that access from Ethel's will also be added fairly close to the existing home which is unfortunate. I feel that they are making an effort to shield the residential area with cedar fence that I assume will be continued across the back property line, but feel that the parking lot should not be that close to the road and the houses on that side. I would like those requesting the appeal to imagine themselves living in this neighborhood or in the house right next to the property on Ethel's. I am assuming that they are claiming that they will not have enough parking to accommodate this new building. Well, I blame that on them. This zoning was in place when the property was purchased and should have been accommodated in their plans. I do not feel the existing residential neighborhood should suffer for this.

I feel that if a good compromise can not be reached for providing a large transition between the road and building (at least 10 feet) that the board's decision should remain and that the original 30-foot buffer should be imposed.

I request that the hearing please consider my thoughts on this matter.

Sincerely,
s/ Dawn R. Fringley
Dawn R. Fringley
Homeowner

Attachment: Letter, D. R. Fringley to City of Idaho Falls, "Variance Request",
October 26, 1998

November 24, 1998

Dawn R. Fringley
1758 Peggy's Lane
Idaho Falls, Idaho 83402

RE: Appeal to Variance Request Decision (1795 International Way)

To the City of Idaho Falls Mayor and City Council:

This letter is in follow-up to my one from yesterday after seeing that concrete curbing has already been poured at the subject site with a zone variance not being granted. This is very upsetting and frankly I am rather pissed off that Mr.

Voigt assumes that his request will automatically be appealed and granted. It appears that the curbing for the parking lot is less than 10 feet from the street curbing including space for a sidewalk. I feel that this is unacceptable. And,

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yes, the entrance/access is already poured from Ethel's which, yes, is very close to a homeowner's driveway. I feel that the Mayor and City Council should make a visit to this site prior to granting any appeal and agreeing on such a limited amount of landscaping from the road to the parking lot. Again, I appeal to those who can imagine themselves living next to this building and parking lot.

Again, I request that the hearing please consider my thoughts on this matter.

Sincerely,
s/ Dawn R. Fringley
Dawn R. Fringley
Homeowner

Eric Guanell, representative from G. L. Voigt Construction, Inc., 1908 Jennie Lee Drive, appeared to explain that U. S. West would be the tenant of this building. The tenant wanted to provide more off-street parking, rather than having its employees parking on the street. He stated that he is only requesting the variance for approximately 200 feet, as they are trying to provide 20 additional parking spaces for the tenant. Mr. Guanell explained, further, that there are landscaped islands throughout the interior of this development, which should make up for any loss of landscaping on the Ethel's Lane side.

A brief discussion was held among Council regarding the M-1 zone and uses allowed within that zone. The Planning and Building Director stated that assembly plants and light manufacturing are allowed within this zone. The Council was concerned about not setting a precedent if this variance was approved. The Planning and Building Director explained that similar buildings were planned for the site to the west of this development. The City Attorney explained that this is an office building and does not produce the noise, dust, etc. normally associated with the M-1 zone.

There being no further discussion, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to grant the variance request as the intent of the Ordinance has been followed and additional interior landscaping has been provided. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Hardcastle to conduct the public hearing for consideration of the expenditure of the Local Law Enforcement Block Grant Funds. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Police Chief:

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City of Idaho Falls
November 9, 1998

MEMORANDUM

TO: Honorable Mayor Milam and City Councilmembers
FROM: J. K. Livsey, Chief of Police
SUBJECT: PUBLIC HEARING FOR LOCAL LAW ENFORCEMENT BLOCK GRANT

The Police Department respectfully requests the opportunity to conduct a public hearing for consideration of the expenditure of the Local Law Enforcement Block Grant Funds, as per the attached list.

Following the public hearing, the Police Department respectfully requests approval of the Mayor and City Council to purchase those items listed.

s/ J. K. Livsey

Police Chief Livsey appeared to explain that the list of items to be purchased totals approximately \$76,000.00.

There being no one to appear either in favor of or in opposition to this request, it was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to approve the expenditures, as listed, for the Local Law Enforcement Block Grant Funds. Roll call as follows:

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

Nay: None

Motion Carried.

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.

Tom Herron, 780 7th Street, appeared to request an update on the status of the insurance claims and what the process is to resolving flooding in the future. Mr. Herron passed the following handout to the Mayor and Council:

City Council Meeting
November 24, 1998

Questions: Homeowners concerned about the condition of the storm and sewer system in Idaho Falls.

1. Please give us an update as to the status of insurance claims.

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2. Will the City make corrections and repairs to the sewer and storm water drain systems as proposed by the City Engineer as he described in the October 8th and 14th reports?
3. What is the sequence of work to make the necessary changes and repairs and will homeowners input concerning the work be considered? If you will allow homeowners input, what will the procedure be?
4. When will the decision be made to open the budget so that work may commence and what is the proposed starting date for work to begin?

The Municipal Services Director appeared to state that the insurance company is still proceeding with the review of these claims. He invited anyone interested to call his office directly for further information. Further, the insurance company has been instructed to respond in a timely manner. Documents are continuing to be reviewed.

The Public Works Director appeared to state that the indication from the Mayor and Council is to correct the situation along with the City Engineer's recommendations. Prior to opening the budget, good figures are needed for budget preparation. He stated that the work cannot be completed all at once. After the first of the year, the budget will be opened and the work will begin as soon as the weather allows in spring.

Sandy Albaugh, 665 8th Street, stated that all of her neighbors are really nervous that another flood will take place. Every time it rains, they are up checking their basements for water and sewage. She requested a specific date for construction work to begin. Mayor Milam explained that the budget would have to be opened first. That would happen in January. Construction work cannot begin until the weather allows in spring.

The Public Works Director stated that the City Council will make their decision at an open Council Meeting and items will be prioritized at that time.

Scott Stoddard, 1346 South Boulevard, appeared to question whether the City could use moneys from the sewer fees collected monthly for any of this construction work. Mayor Milam stated that the sewer fees were used for Citywide sewer maintenance and could not be used for this construction. Further, it would take many more dollars than what is available from those funds.

Roger Friesz, 797 7th Street, appeared to state that the situation at 7th Street and Safstrom needs to be eliminated.

Larry Smith, 915 7th Street, appeared to state that at the corner of 7th Street and Fanning Avenue, water just runs into the drain. He does not believe that the storm drain pond at the high school will help with this corner.

The Fire Chief submitted the following memo:

City of Idaho Falls
November 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Don Gosswiller, Fire Chief
SUBJECT: ADOPTION OF 1997 EDITION OF THE UNIFORM FIRE CODE

Attached for your review is a copy of the Ordinance adopting the 1997 Edition of the Uniform Fire Code (U.F.C.). Adopting this Ordinance will allow us to

update to the latest edition of the U.F.C. The State of Idaho adopted it in July of this year, and other jurisdictions either have adopted it already, or will be adopting it over the next few months.

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

s/ Don Gosswiller

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

ORDINANCE NO. 2298

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-10-1, 7-10-4 AND 7-10-7 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE ADOPTION OF THE UNIFORM FIRE CODE, 1997 EDITION; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

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 Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
November 18, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IF-99-5, TWO (2) NEW 27 KV VACUUM-IN-OIL RECLOSERS WITH A MICROPROCESSOR CONTROL

Attached for your consideration is the tabulation for Bid IF-99-5, Two (2) New 27 kV Vacuum-in-Oil Reclosers with a Microprocessor Control.

It is the recommendation of the Municipal Services Division to accept the low bid meeting specifications of Cooper Power Systems for the total amount of \$34,596.00.

NOVEMBER 24, 1998

The low bid submitted by D & S Electric was invalid because they submitted a copy with no original signatures. The next low bid submitted by Royal Utility Supply as an alternate did not meet our specifications because it is not a "Vacuum-in-Oil" Recloser – it does not use oil.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the low bid meeting specifications of Cooper Power Systems to supply the Two (2) New 27 kV Vacuum-in-Oil Reclosers with a Microprocessor Control as specified. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
November 9, 1998

MEMORANDUM

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

The application for Bartender for Cory James Hix is hereby submitted with a recommendation it be denied due to his criminal history.

s/ J. K. Livsey

There being no one to appear on behalf of this recommendation, it was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Bartender Permit to Cory James Hix. Roll call as follows:

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

Nay: None

Motion Carried.

NOVEMBER 24, 1998

The Public Works Director submitted the following memos:

City of Idaho Falls
November 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: TASK ORDER NO. 8 – AMENDMENT NO. 1

Attached is a proposed Amendment to Task Order No. 8 of the Engineering Services Agreement the City has with CH2M Hill for Wastewater Treatment Facilities. This Amendment increases the scope of services to include pre-design work associated with a biosolids dewatering facility. Inclusion of this work will coordinate the process and structure as they relate to the thickening process currently approved for pre-design.

Public Works recommends approval of this Amendment; 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 Amendment No. 1 to Task Order No. 8 of the Engineering Services Agreement with CH2M Hill for Wastewater Treatment Facilities and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
November 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: PANCHERI DRIVE PROJECT NO. 2.37.24.4.STR.88.01 – CHANGE ORDER NO. 13

Attached is proposed Change Order No. 13 to the Pancheri Drive Project. This Change Order provides for an additional curb cut to the Meikle property at an additional cost of \$500.00.

NOVEMBER 24, 1998

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

s/ Chad Stanger

The Public Works Director explained that this curb cut is located between the Porter Canal and Crane Drive. Mayor Milam stated that the City extended an offer to purchase this property. The Meikles gave no response. She stated, further, that Bonneville County Officials approved the curb cut. The State has expressed some concern for funding for Phase II. There being no further discussion, it was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve Change Order No. 13 to Idaho Construction Company, Inc. for the Pancheri Drive Project and, further, give authorization for the Mayor and City Clerk to execute 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
November 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION – WEST 14TH STREET AND ALLEY,
BLOCKS 4 AND 5, SOUTH PARK ADDITION

As previously authorized, the City Attorney has prepared the documents necessary to vacate that portion of the 14th Street and alley right-of-way located in Blocks 4 and 5, South Park Addition.

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

s/ Chad Stanger

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

ORDINANCE NO. 2299

AN ORDINANCE VACATING A PORTION OF 14TH
STREET BETWEEN BLOCKS 4 AND 5 AND ALLEY IN
BLOCK 4, SOUTH PARK ADDITION, WITHIN THE
CITY OF IDAHO FALLS, IDAHO; PARTICULARLY

NOVEMBER 24, 1998

DESCRIBING THE PORTION OF SAID STREETS;
AUTHORIZING AND DIRECTING THE MAYOR AND
CITY CLERK TO EXECUTE AND DELIVER ON
BEHALF OF THE CITY A QUITCLAIM DEED
CONVEYING THE VACATED STREETS TO THE
OWNER OF THE ADJACENT LAND, AND NAMING
IT; PROVIDING FOR EFFECTIVE DATE OF THE
ORDINANCE.

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 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 Eldredge, that the meeting adjourn at 9:35 p.m.

CITY CLERK

MAYOR
