

SEPTEMBER 10, 1998

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 10, 1998, 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 Larry Carlson
Councilmember Joe Groberg

Absent was:

Councilmember Brad Eldredge

Also present:

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

The City Clerk read a summary of the minutes for the August 27, 1998 Regular Council Meeting. It was moved by Councilmember Branson, seconded by Councilmember Mills, that the minutes be approved as read. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented several license applications, including BEER LICENSES to D. B. Steak and Brew House (Transfer to New Owners Only); BARTENDER PERMITS to Jason W. Anderson, Teresa M. Clark, Scott A. Donathen, Jack B. Farnes, Douglas P. Hoover, Bea L. Moyer, and Patti J. Payne, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 10, 1998.

The Municipal Services Director submitted the following memo:

SEPTEMBER 10, 1998

City of Idaho Falls
September 3, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISEMENT FOR BID – PUMP STATION UPGRADE

Municipal Services respectfully requests authorization to advertise and receive bids for upgrading the pump station at Sand Creek Golf Course.

s/ S. Craig Lords

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated August 1, 1998 through August 31, 1998, after having been audited by the Fiscal Committee and paid by the Controller:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER & SEWER</u>
SERV/MAT	\$ 327,518.96	\$ 43,456.58	\$ 187,325.46	\$ 230,126.91
SALARY	<u>1,044,325.22</u>	<u>57,224.20</u>	<u>25,484.21</u>	<u>127,631.29</u>
TOTAL	\$1,371,844.18	\$ 100,680.78	\$ 212,809.67	\$ 357,758.20
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAP IMPR</u>
SERV/MAT	\$2,173,164.91	\$ 1,097.84	\$ 21,024.46	\$ 47,686.05
SALARY	<u>223,295.08</u>	<u>57,948.96</u>	<u>38,178.43</u>	<u>.00</u>
TOTAL	\$2,396,459.99	\$ 59,046.80	\$ 59,202.89	\$ 47,686.05
	<u>LIBRARY</u>	<u>AMBULANCE</u>	<u>MUN EQUIP REPL</u>	<u>BPA WEATH LN FD</u>
SERV/MAT	\$ 33,355.95	\$ 3,108.55	\$ 8,237.70	\$ 42,952.39
SALARY	<u>48,805.58</u>	<u>55,442.52</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 82,161.53	\$ 58,551.07	\$ 8,237.70	\$ 42,952.39

SEPTEMBER 10, 1998

	<u>BUS IMPR DIST</u>	<u>TOTALS</u>
SERV/MAT	\$ 1,651.00	\$3,120,706.76
SALARY	<u>.00</u>	<u>1,678,335.49</u>
TOTAL	\$ 1,651.00	\$4,799,042.25

It was moved by Councilmember Branson, seconded by Councilmember Hardcastle, to approve Check No. 39742 in the amount of \$139.96 made payable to Barnes and Noble Bookstore. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle
Councilmember Carlson

Nay: None

Abstain: Councilmember Mills (As he is employed by Barnes and Noble Bookstore)

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Hardcastle, to ratify the payment of the remainder of the expenditures for the month of August, 1998. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for the purpose of considering a rezoning request from R-2 (Apartments, not to exceed 4-plexes) to R-3A (Multi-Family Offices) of Lots 12-24, Block 32, Capitol Hill Addition, located generally south of and adjacent to Lomax Street and east of North Freeman Street. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST, LOTS 12-24, BLOCK 32, CAPITOL HILL ADDITION

SEPTEMBER 10, 1998

Attached is the request to rezone Lots 12-24, Block 32, Capitol Hill Addition, from R-2 to R3-A. The purpose of the application is to permit the establishment of a professional office at 624 Lomax. The area covered by the request is shown to be commercial on the land use plan map. The Planning Commission considered this application recently and recommended approval. The Department concurs in the Commission's recommendation, and the request is now being submitted to 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, Capitol Hill Addition
- Slide 2 Aerial Photo
- Slide 3 Photo of 624 Lomax and south of Lomax
- Slide 4 Slide of southern portion of Lomax Street
- Exhibit A Minutes of Planning Commission Meeting

Councilmember Mills requested those in favor of this rezoning request to come forward at this time.

Matt Cleverly, 590 Hickory Lane, appeared as the requestor of this zone change. He explained that the purpose of this request is to allow for a law office to be located in this area. Mr. Cleverly, further, stated that the impact on this location will be minimal and the response from the local residents has been positive.

Councilmember Carlson questioned whether there would be adequate parking at this location.

The Planning and Building Director explained that there is parking available on the site. With any Site Plan Review process, staff will look at compliance with Building Code, compliance with ADA accessibility, and parking requirements.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Mills, seconded by Councilmember Groberg to grant the zone change from R-2 to R-3A of Lots 12-24, Block 32, Capitol Hill Addition, and that the City Planner be instructed to reflect said zoning change on the Official Zoning Map located in her office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct a public hearing for consideration of a zoning text amendment, specifically adding Section 4-30, Structures Over Seventy Feet in Height, Supplementary Regulations, to require a Conditional Use Permit for

SEPTEMBER 10, 1998

any structure or building over seventy feet in height. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: PUBLIC HEARING FOR ZONING TEXT AMENDMENT

I am requesting that this public hearing be recessed until September 24, 1998.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to recess the public hearing for a zoning text amendment to the September 24, 1998 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Mills
Councilmember Groberg
Councilmember Carlson
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.

C. E. White, Jr., 3280 Chaparral, appeared to request the Mayor to make a brief statement of her trip to Washington. Mayor Milam stated that she was unable to join the Chamber of Commerce on this trip and that Councilmember Eldredge was able to go. Councilmember Eldredge will have to make a report when he returns. Mayor Milam, further, explained that this was the annual trip by the Chamber of Commerce to visit a variety of officials in Washington, particularly the Department of Energy.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
September 4, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-98-28, NEW NETWORK EQUIPMENT AND MATERIALS

Attached for your consideration is the tabulation for Bid IF-98-28, New Network Equipment and Materials.

SEPTEMBER 10, 1998

It is the recommendation of Municipal Services to accept the lower evaluated bid item or section meeting specifications per Attachment "A". It is also recommended that we reject all bids for Item 15 of Section I and all Items of Section III. We will revise the specifications of these items and request authorization to purchase them through the quote process.

s/ S. Craig Lords

Councilmember Branson requested Thane Sparks, Personal Computer Coordinator, to come forward and explain this bid. Mr. Sparks stated that there is a newer model for Item 15 that would be a greater savings than purchasing the one that was bid. He also explained that in reviewing the bids, Section III specifications were confusing enough to the vendors that the City was not assured of the quality of cable needed by the City.

Councilmember Mills requested Mr. Sparks to identify what would be accomplished with this project. Mr. Sparks stated that, with this project, the Police Department, Bonneville County Courthouse, Recreation Center, Electric Building, Public Library and Attorney's Office would be connected. This will be done with fiber optic cables, allowing the City and County to communicate as a wide area network, a local area network, and have e-mail capabilities. This will bring the City and County up to a level with the rest of the industry.

It was moved by Councilmember Branson, seconded by Councilmember Mills, to accept the lower evaluated bid item or section meeting specifications per Attachment "A"; reject all bids for Item 15 of Section I and all items of Section III; and, authorize the purchase of same through the quote process. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PARK, DIVISION
 NO. 1, BONNEVILLE COUNTY

Attached is the Final Plat for Sunnyside Industrial and Business Park, Division No. 1, Bonneville County. This property is located south of Sunnyside Road, immediately east and adjacent to the Union Pacific Railroad right-of-way, and east of Yellowstone Highway. The Final Plat consists of 27.92 acres and 16 industrial lots. Access is provided by a public right-of-way easement, according to the Plat. The Planning Commission recently considered this request for

SEPTEMBER 10, 1998

approval of the Final Plat and recommended approval pending staff review of the legal documents creating access to the property. Such access is within the Union Pacific Railroad right-of-way and municipal boundaries.

After reviewing the documentation provided by the applicant, the comprehensive plan, and the City's subdivision ordinance, this Department recommends the request for approval of the Final Plat, as presently submitted, be denied. The easement provided from the south for access to Sunnyside Industrial and Professional Park is not an appropriate access road to a subdivision. There is an existing private drive which intersects with Sunnyside Road; however, such access is too close to the Union Pacific Railroad crossing and Yellowstone Highway to function effectively.

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 Final Plat approval request:

- | | |
|-----------|----------------------------------------------------------------------|
| Slide 1 | Vicinity Map |
| Slide 2 | Aerial Photo |
| Slide 3 | Final Plat – Sunnyside Industrial and Professional Park |
| Slide 4 | Access point at Jameston Road |
| Slide 5 | At northern end of subdivision, looking towards Sunnyside Road |
| Slide 6 | Private drive access with Sunnyside Road |
| Exhibit A | Final Plat – Sunnyside Industrial and Professional Park |
| Exhibit B | Lease Agreement between Bonneville County and Union Pacific Railroad |
| Exhibit C | June 9, 1998 Staff Report |
| Exhibit D | Aerial Photo |

The Planning and Building Director addressed the history of this Final Plat. It has been through the City Council and the Planning Commission in 1996. Previously, it was a larger subdivision plat. There were 21 lots, with an access point that went to Sunnyside Road. This access point was to be along a dedicated public street. The Plat was denied by the City Council on the basis that the access point for Professional Way onto Sunnyside Road was too close to Yellowstone Highway. There was not a second dedicated access to the subdivision. The Planning and Building Director stated, also, there were issues regarding the wastewater treatment and the length of Professional Way. The City's review authority is found under Idaho Code Section 50-1306, which provides that communities will review subdivision plats within one mile of their boundaries if there is no "Area of Impact" Agreement.

The Planning and Building Director summarized why this Final Plat was being denied at this time. The issues are as follows:

1. The nature of the access provided to this subdivision plat is through a Lease Agreement between Bonneville County and the Union Pacific Railroad. Staff does not believe that this is a legal instrument that creates a dedicated street.
2. The width of the access, according to the Lease Agreement between Bonneville County and the Union Pacific Railroad, is 50 feet. If the subdivision were being approved under the City of Idaho Falls rules, a 60-foot width would be required as a minimum.
3. The length of Professional Way (3500 feet) is essentially a dead-end street. The City's Subdivision Ordinance states that the maximum dead-end street in an industrial zone will be 400 feet. There are provisions under which, if you have a Preliminary Plat, a temporary dead-end street would be allowed. The Developer has showed Staff a sketch plan that proposes access to the east. The problem with this proposed access is that it is currently under two separate owners, neither one of which is the Developer. The emergency access that is proposed is along Professional Way, south of Sunnyside Road, down into the Plat; however, the emergency access runs across a private drive. The Developer has proposed that a crash gate be located in the vicinity northeast of the subdivision plat. This crash gate would mean that traffic cannot go north to Sunnyside Road. This would still provide for a private drive, and not a public access. Staff requests that the design of the crash gate be changed, to a swing gate.
4. The proximity of the accesses to Yellowstone Highway and to the Railroad. The Access Management Plan recommends that 360 feet be allowed between the Yellowstone Highway and an access into the subdivision on Sunnyside Road. Previously proposed was approximately 260 feet. The Jameston Road access should be 175 feet from the Yellowstone Highway, and it is approximately 125 feet.
5. The lack of a traffic impact study recommending how the traffic should move through the subdivision, onto Sunnyside Road, and onto Jameston Road in a smooth and efficient manner.
6. The lack of two dedicated access points to this subdivision plat to assure that emergency vehicles can serve this area.

Councilmember Mills questioned whether the City of Idaho Falls would approve or disapprove this Plat were it being annexed to the City of Idaho Falls. The Planning and Building Director stated that as it is presented, under the City's Subdivision Ordinance, this Final Plat would not be approved.

The City Attorney questioned whether the access onto Jameston Road is included on this Final Plat. The Planning and Building Director stated that the access road is not included in this plat but that a notation indicates "Public Right-of-Way Easement". The boundary of the Plat does not include this easement. The City Attorney questioned how long the roadway was from the southern boundary of the plat to where it enters Jameston Road. The Planning and Building Director stated that it is 1200 feet to 1300 feet. This road alone exceeds the City's requirement under the Subdivision Ordinance, of approximately 600 feet on a dead-end street. The City Attorney questioned whether any provisions have been made with respect to the maintenance of the private access road. The Planning and Building

SEPTEMBER 10, 1998

Director stated that there is a Draft Development Agreement with Bonneville County. Under that Agreement, there is a provision for a Lighting District within the Sunnyside Industrial and Professional Park and, also, a provision for a Road Maintenance District giving reference to the annual rent that is due under the Lease Agreement between Bonneville County and Union Pacific Railroad. The Planning and Building Director stated that she understood, from Bonneville County Staff, that the Final Plat for this development has been signed by the County, but the Draft Development Agreement has not been signed by the County. The City Attorney questioned as to what assurance the City has that the access road is going to be maintained by Bonneville County. The Planning and Building Director answered that, with the development of a Road Maintenance District, those dollars will be used to maintain the access road. The City Attorney observed that Bonneville County is agreeing to maintain a private road at public expense.

Councilmember Carlson questioned whether Union Pacific Railroad would allow for a new crossing somewhere in this area. The Planning and Building Director stated that the City has not discussed this with Union Pacific Railroad.

Marvin Smith, Representative of Developer Kirk Wolf, appeared to state that Mr. Wolf first submitted this to City Council in 1996. The matter was again submitted to the Planning Commission in April, 1997. The Planning Commission recommended approval of the project by an 8-0 vote, with certain conditions being applied. The conditions were outlined in an April 30, 1997 letter from the Planning and Building Director, with the following four conditions:

1. The status of the access road to Jameston Road;
2. The relocation of a power pole in the access road to Jameston Road;
3. The design of a crash gate; and,
4. A sketch plan for an access stub road to the east.

On June 9, 1998, the Planning Commission considered certain submissions from Mr. Wolf which consisted of the following:

1. The Easement Agreement between Union Pacific Railroad and Bonneville County. The road is constructed to County specifications and provides access from Jameston Road to the project.
2. A letter from Kevin Eckersell, Bonneville County Right-of-Way Agent, which establishes the relocation of the power pole that is located near the edge of the access road from Jameston Road.
3. The design of the requested crash gate;
4. A sketch plan showing access to the stub road to the east; and,
5. The requisite number of copies of the plat that has been introduced by the Staff.

Mr. Smith stated that the Plat has been approved and certified by all necessary parties and agencies, with the exception of Bonneville County Recorder's Office and the City of Idaho Falls. The Planning Commission, after considering these submissions, recommended approval of the Plat, with the condition that the Staff review the legality of the Easement Agreement between Bonneville County and Union Pacific Railroad. After waiting a month for contact from the Staff as to the legality question, Mr. Wolf requested a setting before the City Council for approval of this Plat. Mr. Wolf has completed each and every one of the items that the Planning Commission outlined for him to complete in 1997. The land is zoned for the uses contemplated under Mr. Wolf's Plat. Mr. Smith explained that Mr. Wolf has requested not to be annexed at this time, but has provided for water and sewer that has been accepted by the Health Department. He stated that another fact that bears upon this

SEPTEMBER 10, 1998

submission to the City Council, is the fact that there is no Area of Impact Agreement between Bonneville County and the City of Idaho Falls. This fact is critical inasmuch as the Attorney General's Office has issued an opinion that is implying that Idaho Code Section 50-1306 is unconstitutional as being violative of Article 12, Section 2, Idaho State Constitution. Mr. Wolf has complied with all conditions set by the Planning Commission. Mr. Smith stated that this Council should find and conclude that the City does not have jurisdiction in this request pursuant to the Idaho State Constitution.

Mayor Milam stated that it is the Council's job to make decisions based upon the Idaho Code as it currently stands.

The City Attorney questioned Mr. Smith why the City was being asked to approve a road that appears to be a safety hazard, in the sense that the Council is being asked to approve something on the basis of access via a private road with an unsigned Development Agreement, for a road that runs through City boundaries. The proposed roadway is far in excess of anything that the City Council would approve were it in the City.

Mr. Smith stated that Bonneville County has already approved this Final Plat. The roadway is built to Bonneville County's specifications. The City Attorney stated that the total roadway is not in the Final Plat, so how is the City to know that Bonneville County has approved the roadway. He also asked Mr. Smith whether this Final Plat complies with City Standards. Mr. Smith stated that he would not represent that it meets City Standards.

Councilmember Mills questioned whether the sewer system provided for treatment. Mr. Smith stated that it is a treatment system with provided septic system.

The City Attorney questioned as to how the people who buy lots in this development would have the right to use a private road. Mr. Smith stated that this road is a perpetual easement. The City Attorney commented that assuming that Bonneville County is willing to operate and maintain that private road at public expense. A brief discussion was held regarding how the maintenance of the private road would be handled. In conclusion, Mr. Smith stated that a payment from the developer will be made to Bonneville County for the maintenance of the road through a Highway District.

Councilmember Groberg requested the Planning and Building Director to review for Council what was recommended by the Planning Commission in order to make this Final Plat comply. The Planning and Building Director reviewed for Council the four items mentioned previously.

There being no further discussion, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to deny the Final Plat for Sunnyside Industrial and Professional Park, Division No. 1 based upon the concerns listed in the memo from the City Planner, and that the City Planner and City Attorney be instructed to prepare Findings of Fact and Conclusions of Law in accordance with this motion. Roll call as follows:

Aye: Councilmember Hardcastle
 Councilmember Branson
 Councilmember Groberg
 Councilmember Mills

Nay: Councilmember Carlson

Motion Carried.

SEPTEMBER 10, 1998

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MEMORANDUM OF UNDERSTANDING, CITY OF IDAHO FALLS
AND TARGHEE REGIONAL PUBLIC TRANSPORTATION
AUTHORITY

Attached is a copy of the Memorandum of Understanding between the City of Idaho Falls and Targhee Regional Public Transportation Authority (TRPTA). Under the Memorandum, the City of Idaho Falls provides administrative services and overall public transportation grant management until TRPTA has its own administrative organization. This Department respectfully requests approval of the Memorandum of Understanding and authorization for the Mayor and City Clerk to sign the Memorandum.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Memorandum of Understanding between the City of Idaho Falls and Targhee Regional Public Transportation Authority (TRPTA) be approved 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
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT – THE MEADOWS
SUBDIVISION, DIVISION NO. 1

Attached is a copy of the Amendment to the Annexation Agreement, the Meadows Subdivision, Division No. 1. This Amendment provides for maintenance by the Developer of a fence, landscaping, or buffer along the Sunnyside Road entrance way into Summit Run, Shadow Mountains, and The Meadows subdivisions in accordance with the City's Subdivision Regulations. In consideration of such maintenance, the City shall convey its landscape easement rights. This Department respectfully requests approval of the

SEPTEMBER 10, 1998

Amendment to the Annexation Agreement and authorization for the Mayor and City Clerk to sign the Agreement.

s/ Renée R. Magee

The Planning and Building Director appeared to further explain this request. There being no further discussion, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Amendment to the Annexation Agreement for The Meadows Subdivision, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: GRANT AMENDMENT TO FISCAL YEAR 1998 FEDERAL TRANSIT
ADMINISTRATION GRANT

Attached is a copy of the Grant Amendment to the Fiscal Year 1998 Federal Transit Administration Grant for public transportation in the Idaho Falls area. The Amendment is for \$174,000.00 in Federal monies to purchase two buses, fare boxes, and radios. C. A. R. T. will provide the local match of \$43,500.00. This Department respectfully requests approval of the Grant Amendment and authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Grant Amendment to the Fiscal Year 1998 Federal Transit Administration Grant for public transportation in the Idaho Falls area and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

SEPTEMBER 10, 1998

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESOLUTION AND ASSOCIATED DOCUMENTS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION –
O. E. BELL JUNIOR HIGH SCHOOL

Attached is a copy of the Resolution authorizing the filing of an application for a grant for rehabilitation of the O. E. Bell Junior High School building with the Department of Commerce. The application is for \$500,000.00 in Community Development Block Grant monies, which will be matched by approximately \$630,000.00 in private investment. The monies, if approved, will be used for correction of code violations and exterior facade improvements.

Also, accompanying the Authorizing Resolution is a Resolution which declares O. E. Bell Junior High to be spot slum and blight under the rules and regulations governing Community Development Block Grants. This Department requests that the Resolutions be approved and the Council authorize the Mayor and City Clerk to sign the necessary documents to complete the application.

s/ Renée R. Magee

AUTHORIZING RESOLUTION (Resolution No. 1998-07)

“Authorizing Resolution for Mayor of the City of Idaho Falls to Submit an Application for, and to Accept, an Economic Development Grant from the Idaho Department of Commerce.”

RESOLUTION

BE IT RESOLVED by the City Council of the City of Idaho Falls, Bonneville County, Idaho:

WHEREAS, on the 10th day of September, 1998, the Council of the City of Idaho Falls was duly convened upon notice properly given and a quorum was duly noted;

WHEREAS, the City deems it necessary to apply to the Idaho Department of Commerce for an Economic Development Grant under the Idaho Community Development Block Grant Program which will assist to make certain exterior facade improvements and remove code violations at the O. E. Bell Junior High School located in Idaho Falls;

SEPTEMBER 10, 1998

WHEREAS, the estimated project cost is \$1,231,000.00 and the City is applying for an estimated \$500,000.00 Idaho Community Development Block Grant and the private business will provide local match of \$731,000.00, and the City will provide for the audit of the Grant which is estimated to represent a value of \$3,000.00.

NOW, THEREFORE, by Resolution duly adopted on the date first written above,

The Mayor is hereby authorized to make application to the Idaho Department of Commerce for grant funds for the above noted project, to accept and award and to sign all documents as are required therefore.

RESOLVED this 11th day of September, 1998.

s/ Linda Milam
Mayor
City of Idaho Falls

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls

(SEAL)

“A Resolution to Establish a Downtown Redevelopment Area”

BE IT RESOLVED by the City Council of the City of Idaho Falls, Bonneville County, Idaho:

WHEREAS, a geographic area exists in the City of Idaho Falls in which the following slum and blight conditions exist: risks to public safety; substantial numbers of deteriorating, dilapidated or abandoned buildings; undeveloped and unmaintained properties; unsanitary and/or unsafe conditions; deterioration of sites and sidewalks; defective and/or inadequate street layout or design; deteriorating curb and gutter; inadequate infrastructure; faulty lot layout in relation to size adequacy, accessibility, or usefulness – all of which are impediments to sound community growth and are considered economic liabilities to the community; and,

WHEREAS, the approximate boundaries of this geographic area are the legally formed boundaries of the “Business Improvement District” as delineated on Attachment A affixed hereto, which is a map of the subject area defining the limits and boundaries of said District; and in addition spot areas of slum and blight designated by the City Council and delineated on the attached map labeled Attachment B also affixed hereto – these two attachments together defining the “Idaho Falls Downtown Redevelopment Area”; and,

WHEREAS, the City of Idaho Falls desires to eliminate and prevent slum and blight conditions within this stated geographic area through assistance provided by the City and through an Idaho Community Development Block Grant; and,

WHEREAS, activities planned to eliminate or prevent slum and blight conditions will likely include land acquisition, demolition, clearance, infrastructure improvements, and commercial rehabilitation; and,

SEPTEMBER 10, 1998

WHEREAS, all land activities planned to eliminate slum and blight conditions involved in the planned revitalization project will be governed by the following provisions:

- (1) No specific site or property needs to be acquired, although the City of Idaho Falls may limit its search to a general geographic area.
- (2) Any property to be acquired is not part of an intended, planned or designated project area where all or substantially all of the property within the area is eventually to be acquired.
- (3) All acquisition activities shall be consistent with the City's "Anti-Residential Displacement / Relocation Plan" adopted on September 10, 1998.

NOW, THEREFORE, it is resolved by the Mayor and City Council of Idaho Falls, Idaho, that the City shall designate the above-stated geographic area as a redevelopment area which boundaries shall form the project area for a Downtown Revitalization Project.

RESOLVED this 11th day of September, 1998.

s/ Linda Milam
Linda Milam, Mayor
City of Idaho Falls
Bonneville County, Idaho

The Planning and Building Director explained that Community Development Block Grant monies are awarded to local governments, municipalities and counties. They are awarded for two objectives: 1) To create job opportunities for low or moderate income individuals, as well as housing opportunities; and, 2) To eliminate slum and blight. Under the Community Development Block Grant Program, there is a provision by which a private "for profit" business can receive monies. Under this provision, the monies can be used under very limited ways. One of those ways would be to improve the exterior facade. This is important for O. E. Bell Junior High School because it is listed on the National Register. Another provision would be to remove code violations, which O. E. Bell Junior High School is in need of.

Councilmember Groberg questioned whether this Grant was ready to be submitted. The Planning and Building Director stated that the person who is drafting the application believes that they are ready to submit this application. If this application is submitted on September 21, the Department will review the application, rate it, evaluate it and rank it. If the ranking is low, they will make suggestions as to how the rank may be raised. The application may then be submitted again in November.

Councilmember Groberg commented that he was concerned that the submission of this application might affect the approval of the Grant Application for the Idaho Falls Downtown Revitalization Program. The Planning and Building Director stated that both applications will be to some degree in competition. The Department of Commerce will look at how the improvement of O. E. Bell Junior High School will benefit the downtown area. She stated, further, that the Department of Commerce is looking at both applications as complimentary projects.

SEPTEMBER 10, 1998

C. E. White, Jr., 3280 Chaparral, appeared to state that they will have a good application put together to submit to the Department of Commerce by September 21, 1998.

A general discussion was held regarding the grant application process and how the City's Resolutions begin that process.

It was moved by Councilmember Mills, seconded by Councilmember Carlson, to approve the Resolution authorizing the filing of an application for a grant for rehabilitation of the O. E. Bell Junior High School building with the Department of Commerce; approve the Resolution which declares O. E. Bell Junior High to be spot slum and blight under the rules and regulations governing Community Development Block Grants; and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Hardcastle
Councilmember Mills
Councilmember Branson

Nay: Councilmember Groberg

Motion Carried.

City of Idaho Falls
September 6, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESOLUTION AND ASSOCIATED DOCUMENTS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION -
DOWNTOWN REVITALIZATION

Attached is a copy of the Resolution authorizing the filing of an application for a grant for Downtown Revitalization with the Department of Commerce. The application is for \$500,000.00 in Community Development Block Grant monies, which will be matched by approximately \$1,900,000.00 in private investment, on-going municipal projects in the downtown area, and the Business Improvement District funding.

The Fair Housing Resolution, the Citizen Participation Plan, and the Anti-Displacement and Relocation Assistance Plan also accompany the authorizing Resolution. All have been passed by the Council previously; however, newly adopted documents are needed for the application.

This Department requests that the Authorizing Resolution be approved and the Council authorize the Mayor and City Clerk to sign the necessary documents to complete the application.

s/ Renée R. Magee

SEPTEMBER 10, 1998

CITY OF IDAHO FALLS, IDAHO

AUTHORIZING RESOLUTION (Resolution No. 1998-08)

“A Resolution to Submit an Application for an Idaho Department of Commerce Economic Development Block Grant to Assist with the Implementation of a Downtown Revitalization Project.”

WHEREAS, the City Council desires to provide economic stability and jobs for the residents of Idaho Falls; and,

WHEREAS, the City Council desires to submit an Economic Development Block Grant Application to the Idaho Department of Commerce to assist in implementation of a Downtown Revitalization Project; which will include intersection improvements, downtown lighting, pedestrian access to the downtown from the Greenbelt, pedestrian walkways, parking lots and other improved parking areas, sidewalks, elimination of slum and blighted conditions; as well as other associated downtown improvements;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The City Council of the City of Idaho Falls hereby authorizes the submission to the Department of Commerce a Grant Application for funds to assist in the aforesaid improvements. The City Council also authorizes Linda Milam, Mayor of Idaho Falls and Robert Holm, City Controller, to sign and execute the Application and associated documents.

RESOLVED this 11th day of September, 1998.

City Council
City of Idaho Falls

s/ Linda Milam
Linda Milam, Mayor

s/ Robert Holm
Robert Holm, Controller

FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the City of Idaho Falls that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex, or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Idaho Falls to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U. S.

SEPTEMBER 10, 1998

Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: (1) printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distributing posters, flyers, and any other means to bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and, (3) preparing an analysis of impediments to fair housing choice and actions to mitigate such impediments.

EFFECTIVE DATE

This Resolution shall take effect September 15, 1998.

s/ Rosemarie Anderson
ATTEST

s/ Linda Milam
Linda Milam, Mayor

(SEAL)

CITY OF IDAHO FALLS, IDAHO

RESOLUTION COMMITTING MATCH

“A Resolution to Commit Local Funds for an Idaho Community Development Block Grant to Assist in the construction of a Downtown Revitalization Project.”

WHEREAS, the City Council desires to provide the residents of Idaho Falls with adequate downtown infrastructure which includes lighting, parking, and pedestrian access to the downtown from the Greenbelt, and revitalize the designated Idaho Falls Downtown Redevelopment Area; and,

WHEREAS, the City Council desires to submit an Idaho Community Development Block Grant Application to the Idaho Department of Commerce for an Economic Development Grant of \$500,000.00 to assist in the construction of a Downtown Revitalization Project;

WHEREAS, the City Council is committed to this project and desires to commit City cash in the amount of \$150,000.00. This funding is in addition to \$356,870.00 from the Idaho Department of Transportation to be used for improvement of Broadway Avenue, and \$160,000.00 from the Downtown Development Corporation.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

SEPTEMBER 10, 1998

The City Council of the City of Idaho Falls hereby commits local funds in the amount of \$150,000.00 City cash to assist in constructing the Downtown Revitalization Project.

RESOLVED this 10th day of September, 1998.

City Council
City of Idaho Falls

s/ Linda Milam
Linda Milam, Mayor

Councilmember Mills gave a brief explanation regarding all of the work that has proceeded this request for filing the application for a Community Development Block Grant.

There being no further discussion, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Resolutions associated with the filing of the application for a Grant for Downtown Revitalization with the Department of Commerce and, further, give authorization for the Mayor, City Controller, and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Mills, that the meeting adjourn at 8:55 p.m.

CITY CLERK

MAYOR
