APRIL 23, 1998

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 23, 1998, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Brad Eldredge
Councilmember Gary Mills
Councilmember Joseph Groberg
Councilmember Beverly Branson
Councilmember Ida Hardcastle

Absent was:

Councilmember Larry Carlson

Also present:

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

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

Mayor Milam and Councilmembers honored Treavor Stewart for rescuing an individual who jumped into the Snake River, just below the Broadway Bridge, by presenting him with an "Outstanding Community Service" Lapel Pin.

The City Clerk read a summary of the minutes for the April 9, 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 Mills
Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including BEER LICENSES to Short Stop Market and Laundry and D. D. Mudd; BARTENDER PERMITS to Tina M. Beard, Randall G. Copeland, Michael A. Martinez, Ervin J. Pannell, and Robert L. Rish, 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 April 23, 1998.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
April 17, 1998

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise and receive bids for One (1) New Walk-In Tool Trailer equipped with hot stick type line tools.

s/ S. Craig Lords

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 Mills
Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Mills to conduct the Annexation Proceedings for The Meadows Addition, Division No. 1. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING FOR THE MEADOWS ADDITION, DIVISION NO. 1

Attached is a copy of the Annexation Agreement, Annexation Ordinance, and Final Plat for The Meadows Addition, Division No. 1. The Final Plat consists of 14.63 acres and contains 35 lots. The property is located south of Shadow Mountain Addition, Division No. 1, and Summit Run Addition, Division No. 1 (which are south of Sunnyside Road), and west of Spring Creek Addition, Division No. 2. The requested zoning is R-1 (single-family residential). In

March, 1998, the Planning Commission reviewed this request and recommended annexation to the City, approval of the Final Plat, and initial zoning of R-1. This Department concurs with that recommendation. This

Annexation request is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

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

Slide 1 Exhibit B	Slide showing preliminary plat, The Meadows Addition, Division No. 1, and surrounding zoning.
Slide 2 Exhibit A	Final Plat of The Meadows Addition, Division No. 1
Exhibit C	Minutes, Planning Commission, March 10, 1998
Exhibit D	Staff Report for Planning Commission Meeting of March 10, 1998

Councilmember Mills requested the Developer to come forward to address the City Council regarding this annexation request.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative for the Developer. He stated that this annexation request is in compliance with the Preliminary Plat. He explained, further, that any storm water drainage problems will now be taken care of.

There being no one to appear in favor of or in opposition to this Annexation request, Mayor Milam closed the public hearing. It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for The Meadows Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for The Meadows Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign the Agreement. Roll call as follows:

Aye: Councilmember Branson
Councilmember Hardcastle
Councilmember Mills
Councilmember Eldredge

Councilmember Groberg

Nay: None

Motion Carried.

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

ORDINANCE NO. 2275

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

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 Meadows Addition, Division No. 1 as R-1 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 Mills
Councilmember Groberg
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct the Annexation Proceedings for Fairway Estates 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
April 20, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING FOR FAIRWAY ESTATES ADDITION, DIVISION NO. 4

Attached is a copy of the Annexation Agreement, Annexation Ordinance, and Final Plat for Fairway Estates Addition, Division No. 4. The Final Plat consists of 16.04 acres and contains 44 lots. The property is located east of East River Road, south of Tower Road, north of Fairway Estates Addition, Division No. 1, and west of Sage Lakes Golf Course. The requested zoning is R-1 (single-family residential). In March, 1998, the Planning Commission reviewed this request and recommended annexation to the City, approval of the Final Plat, and initial zoning of R-1. This Department concurs with that recommendation. This annexation request is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

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

Slide 1 Exhibit B	Slide showing Preliminary Plat, Fairway Estates, and surrounding zoning.
Slide 2 Exhibit A	Final Plat of Fairway Estates Addition, Division No. 4.
Exhibit C	Minutes, Planning Commission, March 10, 1998.
Exhibit D	Staff Report for Planning Commission Meeting of March 10, 1998.

Councilmember Mills requested the Developer to come forward to address the City Council regarding this Annexation request.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative to the Developer. He stated that this development was initially proposed with a Preliminary Plat with an island of R3-A, called the "North Island". The rest of the development was proposed as R-1, with the lots being rather large. Mr. Kofoed stated, further, that the Preliminary Plat has been modified a number of times. The modification made prior to this proposal had an area of high density residential, allowing for structured housing with security patrols while homeowners are away. The developer decided that type of development was not in the best interest of the neighborhood character and revised the preliminary plat to what is shown this night. Mr. Kofoed stated that the proposed Final Plat complies with R-1 zoning, with no lot being smaller than 8,000 square feet. The Developer, in concurrence with the neighbors of the area, has proposed installing an all-weather road to

provide for construction vehicles accessing this area during time of construction. This all-weather road will remain in place, until such time that further development is proposed to

the west. Mr. Kofoed stated that the developer has a responsibility to himself, as well as to the neighborhood, to keep this development equal to what has already been developed in quality and character.

Councilmember Hardcastle requested Mr. Kofoed to define what an "all-weather" road is. Mr. Kofoed explained that this roadway would be built out of gravel and cold-milled asphalt, rolled and re-conditioned.

Councilmember Mills requested the City Engineer to come forward at this time.

Kent Magleby, City Engineer, appeared to state that the Final Plat and proposal has been reviewed and meets Public Works standards.

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

Mike Walrath, 5605 Inverness Court, appeared to state that he is a representative of several homeowners in this area. They are in favor of this proposed annexation. He stated that there have been two homeowners meetings for Fairway Estates, of which he attended and participated in both. Mr. Walrath stated that he was one of a small group that volunteered to meet with the Developer to discuss the concerns expressed by 40 homeowners who attended the first homeowners' meeting. The following concerns were discussed with Mr. Jenkins, Developer for Fairway Estates:

1. Construction traffic on Gleneagles Drive;
2. A separate access route for construction traffic; and
3. Zoning for Fairway Estates Addition, Division No. 4.

Mr. Walrath read from Mr. Jenkins' responses to these concerns:

1. He would request that construction traffic not use Gleneagles Drive. As it is a public road, he has no authority to do more than that;
2. He stated that he is already arranging for a separate access road; and,
3. He would not move to rezone Division 4 as RP-A, since the issues that were being brought forth are addressed in the Division covenants.

Following their meeting with Mr. Jenkins, a second meeting was held, with only 30 of the homeowners attending. At this meeting, two concerns were expressed, the first of which addressed home based businesses being allowed in the R-1 Zone. Mr. Walrath stated that Mr. Jenkins has taken care of this issue in the covenants for the subdivision. The other concern was that some residents did not want to see smaller homes built in the new Division, like those that have been built at the south end. They wanted larger homes like those on the north end of this development. Mr. Walrath explained that the north end is R-1 zoning, and the south end is RP-A zoning.

Robert Skinner, 5545 Gleneagles Drive, appeared to state that the two major concerns were allowing home based businesses in the area and the size of the lots. He understood that under the RP-A zone, the lots have to be a certain size, but with the winding roadways, it is often difficult to achieve those measurements. Mr. Skinner stated that a lot of the homeowners are looking for a place to get together. There is a piece of land south of Pevero Drive, that was the old dump, that the City has responsibility for. He requested that some grass be planted in that area to make a gathering place for neighborhood get-togethers.

Councilmember Mills requested those in opposition of this Annexation request to come forward at this time.

Bob Seidel, 5590 Gleneagles Drive, appeared to state that the people that he represents are not against the annexation of Fairway Estates Addition, Division No. 4. He believes that their concerns can be handled by attaching Special Conditions to the Annexation Agreement. His comments were as follows:

April 23, 1998

Honorable Mayor, Councilmembers, Ladies and Gentlemen:

My name is Bob Seidel. I've been selected to speak for the homeowners of Fairway Estates. Some residents of Fairway Estates would like the opportunity to be recognized as supporting the remarks I'll be making for them. Neighbors, please rise and stand for a moment so we can see who is in support.

Most residents have elected to not make any further comments so I as spokesperson can present their wishes without repetition or duplication of comments in a reasonable time. Please appreciate their generosity in giving up their personal time and their opportunity to speak directly to you. I personally appreciate that these residents have come to show their support and not demand time to speak. In fact, I will welcome the time when one of them speaks in my place. Some residents with differing viewpoints may make additional comments.

In the time since the proposed annexation of Division 4 was reviewed by the Planning Commission on March 10, the homeowners of Fairway Estates have met with a group in two major meetings. Thirty-seven (37) residents attended the first meeting and 40 residents attended the second. Several other small group meetings of residents or their representatives were also held to discover the interests of the residents or to meet with the developers. We have sustained our commitment to be sensitive to each other's interests, to respect others' views and to be responsible residents. As you would expect, the residents' views were varied, as was the level of interest. However, tonight I represent the position held by a strong majority of the current residents of Fairway Estates.

Several residents have also met with members of the Planning Department and the Planning Commission. We have become much more informed and appreciate the assistance of the Planning Department in answering our many questions. We have also had two meetings with Tim Jenkins, one of the developers of Fairway Estates. Many of the residents know Mr. Jenkins personally and hold him in high regard while others do not share that opinion. I'm pleased to say that Mr. Jenkins has agreed to support some of the residents' requests.

Because the residents have additional concerns that the developers chose not to respond to nor negotiate further, we bring our concerns to you at this time. We respectfully request your support of three requests for special conditions to be included in the City's Annexation Agreement with the Developer.

Before I begin with specific items. I want to reiterate that my remarks tonight represent the majority of the residents of Fairway Estates. A total of 93 signatures of residents have been recorded on a petition supporting our request tonight. Residents in 53 occupied homes have signed in favor of our petition, 13 households have not yet decided on a position, 17 home sites remain empty, under construction or are yet to be occupied, 10 have declined to sign because

of potential conflict of interest which includes several of the builders who live in the neighborhood, and only 5 households have refused to sign.

I'd like to present you with the original signed petitions requesting your action tonight (Attached to this presentation). These signatures represent 65% of the

occupied homes in Fairway Estates. Several residents have not been available to sign and some feel that there is no need to sign even though they agree and support the petition.

The specific requests are summarized as:

1. Provision for year-round access from Division 4 to East River Road;
2. Provision for a common area; and,
3. A zoning designation of RP-A.

Access Road from Division 4 to East River Road. Let me begin with the need for an access road. This has been of utmost importance to the residents and has received near unanimous support.

As you can see in the letter I have provided along with my written statement, the developer in this letter to the homeowners of Fairway Estates has also acknowledged that an access must be provided. However, the residents strongly believe that real safety concerns must be acknowledged and therefore, specific statements must be included as special conditions to the annexation agreement.

The gravity of this concern results from the very likely possibility that a single event could block Gleneagles Drive to the north where there is no outlet. Adding 43 more homes onto the Gleneagles Drive extension aggravates the consequences of a blockage. A blockage could result from an accident, a fire hose crossing Gleneagles Drive while being used by firemen to fight a fire, or simply a single snowdrift. None of us even want to consider the consequences of an airplane. That is a real possibility. The flight path is directly overhead.

Anything that prevents escape by residents or prevents access by emergency vehicles could result in a disaster for which no one in Idaho Falls would want to accept responsibility. Such problems would readily be avoided by providing <u>year-round</u> access to East River Road and thereby prevent entrapment.

The developer has stated that an "improved" access road will be provided. Tonight, we residents, request the City Council include the following as special conditions for annexation of Division 4:

1. That the private road be adequate for normal city traffic, including resident, construction and emergency traffic;
2. That written notice of access be provided authorizing all acceptable traffic;
3. That construction vehicular traffic be routed away from Gleneagles Drive to minimize the hazards for accidents or blockage on Gleneagles Drive;
4. That any limits of liability associated with the access road be specifically defined;
5. That appropriate signs be installed, including a stop sign on East River Road;

6. That the City or the developer keep the road plowed of snow in the winter and free of all obstacles for free passage for all traffic at all times;
7. That Division 7 (or as designated) be required as the next annexation to be considered in Fairway Estates to assure completion of Sahalee Drive as a usable street at the earliest possible date; and, finally,

8. That Sahalee Drive be completed within one year of annexation of Division 4.

I'd like to take a moment now and show appreciation to the City for the quick response to our request for speed limit signs which were installed about two weeks ago. We are still resolving placing "No Outlet" or "Dead-End Street" signs.

Greenbelt (park, sports area or common area) needed. The Comprehensive Plan Policy requires that a park sufficient to meet neighborhood needs must be provided to serve the residential development. Although the Sage Lakes Golf Course provides an open area, access for any purpose other than golfing is prohibited. The residents have to think of it as being surrounded by chain link fence with no admittance allowed.

With a projected development size of 593 homes, our children do not have access to any open area. Most current residents have invested in this development with the expectation that a park would be provided as described in the model at the sales office and promotional literature that has been distributed.

A limited common area is proposed for Division 6 in the current Preliminary Plat. Until annexation is requested for Division 6, the scope and availability of that common area is unknown.

Therefore, we residents, request the City Council include the following as special conditions for annexation of Division 4:

1. That the City identify the area between Gleneagles Drive and Lake "J" from Lot 1 of Block 4 to Lot 1 of Block 5 within Division 1 as a Public Access and Use Area;
2. That this Public Access and Use Area be maintained by the City as is the current practice in association with maintenance of the golf course;
3. That the current Developer's Sales Office be removed within six months as per the covenant for Division 1; and, finally,
4. That the City provide a plan for the development of the City property south of Pevero Drive (former pit/dump area) as a potential greenbelt, park, or sports area within one year of annexation of Division 4.

RP-A Zoning instead of R-1. The current residents invested in Fairway Estates with the commitment of building one of the most attractive neighborhoods in the City of Idaho Falls. In a sense you could say we've come to love our neighborhood so much that we are even more committed to our dream of growing the best neighborhood in Idaho Falls. No other area remains available in Idaho Falls to provide the opportunity for building a neighborhood adjacent to a golf course that can become a real "gem" in the community.

The residents have three main concerns associated with the zoning:

1. Establishing the minimum lot width and size by a zoning decision;

2. Preventing re-platting without a public hearing and notification of neighbors; and,
3. Prohibiting home occupations.

Establishing the minimum lot width and size. We as current residents were sold on a neighborhood "above par" and remain committed to that goal. Unfortunately, no homeowner is willing to invest a large sum of money in a home if not all of the adjacent neighborhood holds to the same standard. Expensive homes maintain their standard of value when the neighboring homes are near or equal in value.

Of course, homes built in an R-1 zone can be comparable to homes in RP-A zoned divisions. However, the quality depends on what the developer allows to be built and the minimum requirements defined in the covenants and, of course, his associated level of enforcement. We, as residents, have no assurance that the covenant for Division 4 will maintain an equivalent standard. The developer has not shared those expectations with the current residents and likely will not know what is finally decided until the covenant is filed with the County Recorder.

Experience in Fairway Estates has shown that the covenants are not followed. For instance, the covenant for Division 2 requires a minimum 80-foot lot width even though it is zoned R-1. One lot on Gleneagles Drive is less than 80 feet in width. The residents have no faith that the quality and value of homes in Division 4 will meet the appropriate level that should be expected for this Sage Lakes neighborhood. Division 4 as platted for your review here tonight has 7 lots less than 80-feet wide.

The real value of the neighborhood to the City, in addition to the aesthetic value the golf course and the attractive neighborhood brings, is the tax benefits that accrue to the City. This neighborhood has the potential to significantly add to the City coffers. In the two years I've lived on Gleneagles Drive, I've paid $10,000 in real estate taxes. I would like to continue living in my home and I will commit to paying a fair share of taxes over that time. In fact, over the next few years, I will pay much more to the City in taxes that the cost of the lot on which I live. It is certainly in the best interests of the City to maintain large lots and the larger homes which large lots attract.

On the other hand, if smaller lots are allowed and lower-cost homes are built, future buyers of the larger lots will definitely think twice about investing in a location where the value will be decreased by the presence of lower cost lots and houses nearby. In fact, some of my neighbors have stated that they will put up "FOR SALE" signs to sell their homes before the value of the homes decrease if positive action is not taken by the Council tonight.

A Bonneville County Assessor has told us that the value of our homes will be determined by the value of the neighborhood. Thus far, our home values have been based on the majority of the homes in the neighborhood which have been custom built and are of appreciably higher value than what has been added recently. Unless the Council acts favorably tonight, additional smaller lots and homes in Division 4 will devalue our homes further.

Page 6 of the "Understanding Our Idaho Property Tax System" states that if the assessed value of our homes and properties goes down, the taxes do not

necessarily have to fall. If so, the current homeowners lose – both in property value and in inflated taxes. We, as homeowners, are very concerned that the taxes will become inequitable if large lots and homes are not maintained.

Preventing re-platting without a public hearing and notification of neighbors. The bottom line is that R-1 allows for a minimum lot width of 50 feet.

The developer has stated his intent to maintain as large a lot as will sell. He has deleted from the plat two lots on La Costa Drive to increase the size of the remaining lots on that street to more than an 80-foot width, which is the minimum for RP-A zoning. We, the homeowners, appreciate that commitment.

However, our concern is long term. We have been advised by the Planning Department that even if the Council approved R-1 zoning, this, or any future developer could replat lots within Division 4 without any public hearing required. No neighbors would be notified. Our goal of growing one of the best neighborhoods in Idaho Falls could be lost.

Other than requiring the RP-A designation now, what assurances can the Council give us that lot size will not be reduced? Since the residents strongly want the RP-A designation, it should be adopted now.

We already know that covenants are not reliable in maintaining lot size and value. The developer has demonstrated that he will not enforce them when it is his responsibility.

The covenants also pose a problem because the developer is responsible for enforcing the covenants until all the lots have been sold. The homeowners have no opportunity to enforce lot size or building plans before the sale. In fact, according to current covenants, the homeowners only receive jurisdiction over the enforcement of the covenants when all the lots in the division are sold. That is certainly too late to influence the lots and the homes that are built on them.

Prohibiting home occupations. The third concern deals with the potential of home occupations. Let's be frank. We, the neighbors, should not have to police the neighborhood and take our own neighbors to court every time someone wants to have a home occupation even though it may be in conflict with a covenant. No one wants a home occupation in the neighborhood or business trucks on the streets. Let's take care of the problem now by preventing it and save everyone the hassle and embarrassment by requiring the RP-A designation now. Why pursue legal action to demand it in the covenant and then again later to enforce it if the zoning is only designated R-1.

Therefore, we, the majority of current homeowners and residents in Fairway Estates, insist that the Council respect our wishes and reject the request to zone Division 4 as R-1 and require that all RP-A requirements and associated City ordinances be met.

For these reasons, the residents of Fairway Estates request the City Council to only approve annexation of Division 4 with RP-A zoning.

Closing. In closing, I will summarize the specific special conditions the City Council should require for the annexation of Division 4 and specifically include the City's Annexation Agreement with the Developer:

Regarding the access road:

1. That the private road be adequate for normal city traffic, including resident, construction and emergency traffic;
2. That written notice of access be provided authorizing all acceptable traffic;
3. That construction vehicular traffic be routed away from Gleneagles Drive to minimize the hazards for accidents or blockage on Gleneagles Drive;
4. That any limits of liability associated with the access road be specifically defined;
5. That appropriate signs be installed, including a stop sign on East River Road;
6. That the City or the developer keep the road plowed of snow in the winter and free of all obstacles for free passage for all traffic at all times;
7. That Division 7 (or as designated) be required as the next annexation scheduled in Fairway Estates to assure completion of Sahalee Drive as a usable street at the earliest possible date; and, finally,
8. That Sahalee Drive be completed within one year of annexation of Division 4.

Regarding the greenbelt/park area:

1. That the City identify the area between Gleneagles Drive and Lake "J" from Lot 1 of Block 4 to Lot 1 of Block 5 within Division 1 as a Public Access and Use Area;
2. That this Public Access and Use Area be maintained by the City as is the current practice in association with maintenance of the golf course;
3. That the current Developer's Sales Office be removed within six months as per the current covenant for Division 1; and, finally,
4. That the City provide a plan for the development of the City property south of Pevero Drive (former pit/dump area) as a potential greenbelt, park, or sports area within one year of annexation of Division 4.

Regarding the zoning of Division 4:

1. That the City annex Division 4 as RP-A.

If these special conditions are not acceptable to the developer, annexation should be rejected.

To put this in perspective, all this discussion of the RP-A zoning revolves around only ten feet of Sahalee Drive. That's about the length of one side of your table! An adjustment of only ten feet on the south side and 15 feet on the north side of Spyglass Circle is all we're talking about there! One would think that 35 total feet could easily be accommodated on two streets in Division 4.

Tonight, you will be making a water shed decision. The line has been drawn in the sand. You can require RP-A for Division 4 tonight and assure our support for all future divisions and our vote for planned development to enhance the City of Idaho Falls or you can defeat your – and the developers' – best

champions for an exceptional neighborhood leveraged on the investment you have already made in the Sage Lake Golf Course community.

In addition to the single original signed petitions, I've enclosed two items for your records. These are:

1. A sample petition form; and,
2. A letter from the developers of Fairway Estates to the homeowners of Fairway Estates.

Thank you for your support! (All pictures and attachments can be found in the Annexation documentation for Fairway Estates Addition, Division No. 4).

Pete Scobby, 4945 Gleneagles Drive, appeared to state that he and his family moved to Idaho Falls four years ago. They had a choice between the same house located in Stonebrook Addition or in Fairway Estates Addition. They chose Fairway Estates Addition because of its large lots, open spaces, lack of a business district nearby, and the golf course. The character of a City is defined by its diversity. The uniqueness of Fairway Estates ought to be considered. He basically supported the remarks of Bob Seidel. This issue is about a quality of life.

Bob Creed, Jr., 5617 Inverness Court, appeared to state that the Developer Tim Jenkins has been open and cooperative throughout most of the discussions held in regard to Fairway Estates Addition, Division No. 4. He commented that the open area requested by the Sales Office has a 6-foot lake at that location. That would not be a safe area for children, unless something was done about the lake. He requested the Council to consider developing a commons area for the children of Fairway Estates Addition. Mr. Creed expressed his concern for the impact on schools. Also, bike paths need to be developed on East River Road. He requested that the Airport adjust flight paths and approaches to avoid Fairway Estates Addition. All of these issues need to be considered before more homes are allowed to develop.

Mayor Milam requested the following e-mail be made a part of the record for this proceeding:

Thursday, April 23, 1998
4:33 p.m.

Mayor Linda Milam
Brad Eldredge
Gary Mills
City Council

Re: Request for Approval of Fairway Estates, Division 4

Dear Mayor and City Council:

Please deny the request for approval of Fairway Estates Division 4. I have attended one of the meetings of the homeowners of Fairway Estates. It is clear that there is a broad consensus among the existing homeowners that this new division is ill conceived and needs further development.

I agree with the position of the neighborhood that the new division ought to be zoned RP-A. I also agree with my neighbors' position that a common area is needed, especially because the golf course is off limits to children of the area.

My central concern is the danger created by the lack of an access road from Division 4 to East River Road and the fact that the over-length dead-end road is contrary to the City Ordinances.

I believe Division 4 is contrary to the City Ordinances. Particularly, Section 10-1-8(g) allows a developer to create an over-length dead-end road for a division, but only on the condition that the developer files a preliminary plat showing that an access road will be created with the next division and on the condition that the City can require the developer to create that access road even if the next division is never completed.

In this case, several years ago, the City allowed the developer to create an over-length dead-end road for Division 2. This met Section 10-1-8(g) because the preliminary plat showed that the next division would have an access road. However, when the developer submitted the Final Plat for the next division (Division 4), he deleted the access road, bringing him into violation of Section 10-1-8(g). Section 10-1-8(g) does not allow sequential over-length dead-end roads in the manner proposed by the developer for Division 4 here.

If the Council approves Division 4, it will be doing so in violation of Section 10-1-8(g) and its actions could be reviewable by the judiciary.

Based on 10-1-8(g), safety, and the need for improving the community, I urge the City Council to reject the developer's application for approval of Division 4.

s/ Lee Radford

P. S. Please place this note in the administrative record and pass it on to the other members of the City Council.

At the request of Councilmember Mills, the Planning and Building Director came forward to answer questions from Council. Councilmember Mills asked if there was ever a school or an open area shown on a Preliminary Plat. Renée R. Magee, Planning and Building Director, stated that on Preliminary Plats from the summer of 1990 to date, no school or open area has been planned. Mayor Milam requested Ms. Magee to address the School District's policy regarding schools. Ms. Magee stated that all plats are forwarded to the School District for review. There is also a member of School District No. 91 that sits on the Planning Commission as a representative of the School District. The policy of the School District, at this time, is not to request the City to limit growth or development, and that it is the School District's responsibility to respond to growth problems. Councilmember Mills requested the Planning and Building Director to explain how development takes place. Ms. Magee explained that the Subdivision Ordinance provides for phased development in a subdivision. This phased development is to be in accordance with an overall plan.

Councilmember Branson requested clarification as to who would be responsible for the access road. Ms. Magee explained that the access road is not actually a County Road, it is a roadway that is in the County but located on private property. This access road will not be annexed with this annexation request at this time.

Councilmember Eldredge requested information on how the City handles re-platting procedures. Ms. Magee stated that the new plat would go back before the Planning Commission for a recommendation on a re-plat, and then it would go before the City Council for final approval. This does not require a public hearing, because it is a plat.

Councilmember Hardcastle questioned Ms. Magee, as to how the public would become aware of a re-plat request. Ms. Magee stated that the Planning Commission Agendas are printed in the newspaper prior to meetings.

Councilmember Mills requested the Parks and Recreation Director to come forward to answer some questions. Councilmember Mills questioned whether any plans or drawings have been prepared for the property south of Fairway Estates. Mr. Christiansen stated that at the present time, no plans or drawings are prepared. Discussion has been

held regarding a green space to be placed at that location, but no plans have been formulated. Councilmember Mills stated for those present, that if a representative from the Homeowners Association for Fairway Estates would like to meet with the Parks and Recreation Council Committee, a meeting would be held at 11:00 a.m. on Tuesday, April 28, 1998, to allow for discussion of a green space area.

Councilmember Mills requested Police Chief Kent Livsey to come forward to discuss discouraging the use of construction equipment and vehicles on the streets of Fairway Estates, whether this would this be an enforceable item for the Police Department. Chief Livsey stated that at this time, this is not an enforceable item. He commented further, that truck traffic could be limited on a given street, but at this time it is not.

Councilmember Eldredge commented that although he is in favor of the development of parks, they are expensive items and are built with property taxes. He suggested the development of private parks.

The Parks and Recreation Director addressed the issue of the Lease Agreement that the City has with Tim Jenkins for a period of 3 years for their Sales Office. There was a trade-off for this Lease Agreement, that being a permanent easement from the maintenance area located on East River Road to the Golf Course.

Bob Creed, Jr., re-appeared to state that a commons area is proposed in the south island measuring approximately 50 feet wide and 150 feet long. He does not find this commons area acceptable because it is not large enough, it is surrounded by houses, and this particular area is intended for mature people. He suggested that a trade-off be made between the south island and the maintenance area. This would solve two problems. There would be an access from the maintenance facility to the golf course and the commons area would be increased for children.

Pat Trudell, 460 Tryall Circle, appeared to state that the Sales Office has been in the current location for approximately 3-1/2 years. He stated, further, that there is a canal running through Division No. 4. The Canal Company requires a 20-30 foot easement along the bank of the canal. If a house is built to specifications, there will be no easement for the Canal Company.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, re-appeared to address the easement for the canal. The canal exists in Division No. 2. They have worked with the Canal Company, and there will be plenty of room for an easement. He stated, again for City Council, that Division No. 4 is in compliance with the Preliminary Plat and are strictly in compliance with the R-1 Zone.

Councilmember Groberg questioned whether the stop sign would be on the access road or whether it would actually be stopping traffic on East River Road. The stop sign would be for the traffic on the private road to stop, not on East River Road.

Councilmember Eldredge clarified that there were indeed 44 lots with this Division.

Bob Seidel, 5590 Gleneagles Drive, stated that part of the problem is continual change. The original drawing that was sent out to property owners is not the one that is being considered on this night. That was changed last week. The property owners received a copy of those changes during this week.

Mayor Milam closed the public hearing. Councilmember Mills stated that he would be uncomfortable in dictating any time tables or demands upon the developer on future development. He did not think there was much to be gained by using the RP-A zone.

Councilmember Hardcastle stated that there is some confusion regarding Restrictive Covenants and what City regulations are. The City Council has no authority to enforce Restrictive Covenants.

Councilmember Branson questioned the Planning and Building Director as to whether Fairway Estates is included in the Bike Path Master Plan. The Planning and Building Director stated that East River Road is in the Bike Path Master Plan. Mayor Milam commented that the Bike Path Master Plan was developed by the Bonneville Metropolitan

Planning Organization, which included not only City streets, but County roads, and properties in other cities.

Councilmember Groberg thanked Mr. Seidel for distributing his information to the Council in advance of the meeting. This gave City Council the opportunity to reflect upon the issues. He sensed that the Annexation Agreement could reflect the access road, the park or commons area is not being considered at this time, and the Preliminary Plat has always had this land zoned R-1.

Councilmember Mills responded by comparing needs in this community with the expressed needs of the residents of Fairway Estates Addition.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for Fairway Estates 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 Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

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

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2276

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 Branson
Councilmember Hardcastle
Councilmember Mills
Councilmember Eldredge
Councilmember Groberg

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to establish the initial zoning of Fairway Estates Addition, Division No. 4 as R-1 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 Groberg
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

Following a brief recess, Mayor Milam requested Councilmember Mills to conduct a public hearing to consider the request for a Conditional Use Permit for a modular unit to be used as a temporary sales office on property located generally at 1200 Foote Drive (Western States Equipment Company), and legally described as Lot 1, Block 1, Western Estates Addition, Division No. 1. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MODULAR UNIT AS TEMPORARY SALES OFFICE

Attached is an application for a Conditional Use Permit and Site Plan for Western States Equipment Company, 1200 Foote Drive. Western States wishes to locate a twelve by sixty-foot modular unit on the southern portion of the site. The modular unit will be used as a construction office and temporary sales office. It is expected the construction of the permanent sales office will be

completed by October, 1998, at which time the temporary unit will be removed. The unit will meet setback and handicapped accessibility requirements. This matter 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. The following is a list of exhibits used in connection with this Conditional Use Permit request:

Slide 1 Slide showing the surrounding zoning.
Exhibit A

Slide 2 Site plan showing modular unit.
Exhibit B

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative for Alderson and Karst Architects. This modular unit meets the minimum requirements established for such commercial trailers.

As there was no discussion either in favor of or in opposition to this request, the Mayor closed the public hearing. It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Conditional Use Permit for placement of the 12' X 60' modular unit for the period of one year on Lot 1, Block 1, Western Estates Addition, Division No. 1. Roll call as follows:

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

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.

Jerry Jayne, 1568 Lola Street, appeared to comment about the next item on the Council Agenda, that being the Dworshak Participation Agreement. He gave a brief history of Dworshak Dam. When it was built, 53 miles of a wild river were lost, 15,000 acres of the best deer and elk winter habitat in northern Idaho were lost, and the Steelhead B run in the Clearwater River was lost. Mr. Jayne stated that the plan is to install another 50-megawatt generator into the slot that is already there. He stated that no studies have been conducted to allow for this new generator to be installed and the impact on the surrounding area.

Councilmember Eldredge stated that UAMPS is in the process of working on a preliminary permit. That only starts the process to get the environmental studies done. There will also be a public hearing process to go through, before any of this work can be completed. Councilmember Eldredge stated that his understanding for this project, is to use the water that is spilling over the top of the dam and sending that water through the

additional generator to capture some of the lost energy. At the same time, the environmental impact would be lessened because it would reduce the gas super-saturation process, because it would go through a turbine instead of over a spillway.

Mark Gendron, Electric Division Director, appeared to state that UAMPS has only started to look at this project. He commented further, that some positive reaction has been received from Federal Resource Agencies. No studies have been completed at this point. This is very early in the process. Mr. Gendron stated that the City would have to go through the Federal Energy Regulatory Commission licensing procedure.

The Electric Director submitted the following memos:

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: DWORSHAK PARTICIPATION AGREEMENT

Attached for City Council consideration is a Participation Agreement with UAMPS providing for payment of costs relating to the Dworshak Study Project. The City's share of costs is ten percent. The City Attorney has reviewed this Agreement.

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

s/ Mark Gendron

Councilmember Eldredge explained that this Agreement with UAMPS is a cost-sharing agreement. He explained that the Agreement has language in it that would limit the cost to the City to the budgeted amount. UAMPS could not spend more than the budgeted amount for this item without advance notification. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Dworshak Participation Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Mark Gendron, Electric Division Director
SUBJECT: POWER SUPPLY SOLICITATION

The Electric Division respectfully requests authorization to solicit power supply proposals for approximately 20 megawatts for up to two years.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to grant authorization to solicit power supply proposals for approximately 20 megawatts for up to two years. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
April 21, 1998

MEMORANDUM

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

Attached is a new three-year working agreement between the City of Idaho Falls and I. B. E. W. Local No. 57. It is respectfully requested that this agreement be formally ratified by the City Council and the Mayor authorized to execute the labor agreement.

It is further requested that all full-time, non-union Superintendents and Foremen of the Electric Division be given the same increase as Local 57.

s/ S. Craig Lords

Councilmember Branson commended Mark Gendron and Craig Lords for their work on the negotiations. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to ratify the 3-year working agreement between the City of Idaho Falls and I. B. E. W. Local No. 57, give authorization to give the full-time, non-union Superintendents and Foremen of the Electric Division the same increase as Local No. 57 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 Groberg

Nay: None

Motion Carried.

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF ELECTRIC LIGHT FUND AUDITORS

Attached for your consideration is the audit proposal from Deloitte and Touche for the audit of the City's Electric Light Fund for fiscal year ending September 30, 1998.

Municipal Services respectfully requests the approval of Deloitte and Touche to audit the Electric Fund for $38,000.00.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the audit proposal from Deloitte and Touche for the audit of the City's Electric Light Fund for fiscal year ending September 30, 1998 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

Nay: None

Motion Carried.

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF CITY AUDITORS

Attached for your consideration is the audit proposal from Rudd and Company/PLLC for the audit of the City for the fiscal year ending September 30, 1998.

Municipal Services respectfully requests the approval to have Rudd and Company/PLLC perform the annual audit for $29,750.00.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the audit proposal from Rudd and Company/PLLC for the audit of the City for fiscal year ending September 30, 1998 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
April 20, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – CARLYLE-ERMA SUBDIVISION, DIVISION NO. 2

Attached is a copy of the Final Plat for Carlyle-Erma Subdivision, Division No. 2, a County Plat located at the northeast corner of the intersection of Woodruff Avenue and Lincoln Road. The Final Plat consists of 1.18 acres. In April, 1998, the Planning Commission reviewed this request and recommended approval of the Final Plat. This Final Plat is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Final Plat (County Plat) for Carlyle-Erma Subdivision, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
April 20, 1998

MEMORANDUM

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

Attached is the application for a Non-Commercial Kennel License submitted by Doreen Jonak on March 13, 1998.

As the petitioner still does not meet the required 75% approval rating from our neighbors, it is recommended that this license be denied. The approval rating obtained by the City Animal Control Division was 64%.

Your consideration in this matter is appreciated.

s/ J. K. Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Non-Commercial Kennel License to Doreen Jonak. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
April 14, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: WESTSIDE GREENBELT FLOOD DAMAGE REPAIR

On April 7, 1998, bids were received and opened for the Westside Greenbelt Flood Damage Repair; a tabulation of the bid results is attached.

Public Works recommends acceptance of the low bid provided by H-K Contractors, Inc. in the amount of $13,269.00; and, authorization for the Mayor to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Hardcastle, seconded by Councilmember Mills, to accept the low bid from H-K Contractors, Inc. to complete the Westside Greenbelt Flood Damage Repair and, further, give authorization for the Mayor and City Clerk to execute the necessary Contract Documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 21, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: DEVELOPMENT AGREEMENT AMENDMENT – R & V PARK ADDITION, DIVISION NO. 3

Attached is a proposed Amendment to the Development Agreement for R & V Park Addition, Division No. 3 in which the City agrees to participate in the cost of installing a water line in 12th Street and waives the Developer's right to collect any future connection fees.

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

s/ Chad Stanger

It was moved by Councilmember Hardcastle, seconded by Councilmember Mills, to approve the Amendment to the Development Agreement for R & V Park Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 16, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ALLEY RIGHT-OF-WAY VACATION – BLOCK 23, HIGHLAND PARK ADDITION

As previously authorized, the City Attorney has prepared the attached documents to vacate the alley right-of-way located in Block 23, Highland Park Addition.

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

s/ Chad Stanger

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

ORDINANCE NO. 2277

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

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

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

Nay: None

Motion Carried.

City of Idaho Falls
April 17, 1998

MEMORANDUM

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

Attached is a proposed Ordinance which amends certain sections of the City Sewer Ordinance. As prepared by the City Attorney, the proposed Ordinance reflects changes to the Sewage Treatment Plant discharge limits which were recently approved by EPA and clarification with respect to sewer service line maintenance responsibilities.

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

s/ Chad Stanger

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

ORDINANCE NO. 2278

AN ORDINANCE AMENDING SECTIONS 8-1-2, 8-1-12, 8-1-22, 8-1-24, AND 8-1-25 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING THE SEWER ORDINANCE; REVISING CERTAIN DEFINITIONS; AMENDING THE LOCAL POLLUTANT LIMITS; CLARIFYING RESPONSIBILITY FOR SEWER SERVICE LINE REPAIRS; PROVIDING FOR SEVERABILITY, PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

City of Idaho Falls
April 17, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENGINEERING SERVICES AGREEMENT – CH2M HILL, TASK ORDER NO. 7

Attached is proposed Task Order No. 7 to the Engineering Services Agreement between the City and CH2M Hill. This Task Order provides for engineering services with respect to wastewater treatment permits as follows:

1.	Local Limits Assistance	$20,000.00
2.	NPDES Permit Assistance	$10,000.00
3.	Biosolid Application Review	$ 2,000.00
	TOTAL	$32,000.00

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

s/ Chad Stanger

It was moved by Councilmember Hardcastle, seconded by Councilmember Mills, to approve Task Order No. 7 to the Engineering Services Agreement between the City of Idaho Falls and CH2M Hill 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 Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Groberg, that the meeting adjourn at 9:35 p.m.

CITY CLERK MAYOR

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