

MARCH 26, 1998

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 26, 1998, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

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

The City Clerk read a summary of the minutes for the March 12, 1998 Regular Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as read. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including a BARTENDER PERMIT to José A. Soto, 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 March 26, 1998.

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 Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Groberg

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Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Mills to conduct the Annexation Proceedings for Safari 66 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
March 23, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING FOR SAFARI 66 ADDITION

Attached is a copy of the Annexation Agreement, Annexation Ordinance, and Final Plat for Safari 66. This two-lot plat is located at the southwest corner of Skyline and Pancheri Drives and consists of 2.91 acres. The requested zoning is C-1 on Lot 1, Block 1, and PB on Lot 2, Block 1. The Planning Commission reviewed this request for annexation in February after receiving the traffic impact study. The Commission recommended annexation to the City, approval of the Final Plat, and initial zoning of C-1 and PB. This Department concurs with the Commission's recommendation. The annexation request is now being submitted to the Mayor and City Council for approval.

s/ Renée R. Magee

The Planning and Building Director located the subject area on the map and further explained the request. The following three slides were presented and made a part of the record:

- Slide 1 – Final Plat for Safari 66 Addition, Division No. 1.
- Slide 2 – Map showing the zoning surrounding the property requesting annexation.
- Slide 3 – Aerial photo of proposed annexation.

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

Karl Kolbet, 3659 West 35 West, Idaho Falls, Idaho, appeared to express his appreciation for the time and effort spent by the Mayor and City Council in reviewing this annexation request.

There being no one to appear in favor of or in opposition to this development, Mayor Milam closed the public hearing. It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for Safari 66 Addition, Division No. 1 and,

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further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for Safari 66 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 Carlson
Councilmember Groberg

Nay: None

Motion Carried.

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

ORDINANCE NO. 2268

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

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

Aye: Councilmember Mills
Councilmember Groberg
Councilmember Carlson
Councilmember Branson

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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 Lot 1, Block 1, Safari 66 Addition, Division No. 1 as C-1 and to establish the initial zoning of Lot 2, Block 1, Safari 66 Addition, Division No. 1 as PB 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 Carlson
Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct the public hearing for the Business Improvement District Assessments, Findings of Fact and Conclusions of Law for the Appeal of John and Janice Nelson (recessed from the February 12, 1998 Regular Meeting). At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
March 9, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; APPEAL OF JOHN AND JANICE NELSON

Attached is a draft of the Findings of Fact and Conclusions of Law for the above mentioned appellants under Section 30 of Ordinance No. 2245. After hearing the arguments of the appellants on February 12, 1998, the Council moved to take the appeal under advisement. Further research indicates the Nelsons have a homeowners' exemption on the condominium. Approximately seventy percent of the square footage of the floor space is used for commercial purposes and thirty percent of the square footage is used for residential purposes. The Bonneville County Tax Assessor's Office has determined a value of \$19,566.00, or 30% of the value of the improvements, for the homeowner's value. However,

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staff recommends the appeal be denied since the property is not used exclusively for residential purposes and the differing uses have not been legally separated. This Department respectfully submits these Findings and Conclusions for your consideration and adoption.

s/ Renée R. Magee

There being no comments either in favor of or in opposition to this Findings of Fact and Conclusions of Law, Mayor Milam closed the public hearing.

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to deny the appeal of John and Janice Nelson, to accept the Findings of Fact and Conclusions of Law and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

The Planning and Building Director appeared to explain that she wanted to submit "Exhibit A – Evaluation Summary Sheet" from the Bonneville County Assessor's Office regarding the John and Janice Nelson appeal, as part of the record. She explained further that the Summary Sheet shows that the total valuation on the Nelson condominium as \$85,286.00. The valuation on the homeowner's portion of that condominium is \$19,566.00 or 30% of the value. The value was determined upon the square footage.

Mayor Milam requested Councilmember Carlson to conduct the public hearing to consider the Local Improvement District No. 57. Prior to turning the meeting over to Councilmember Carlson, Mayor Milam commented on several issues. As a result of requests that came to the Mayor's Office, to Councilmembers, and to the Public Works Division Office, the City agreed to go forward with an exploration of the possibility of establishing a Local Improvement District for a number of blocks on Crowley Street, Shelley Street, Iona Street, and Canyon Avenue. Two public meetings were held over the last 1-1/2 years, to try to assess the interest of the residents and property owners on those streets. Letters were sent to all property owners notifying them of these meetings. The Engineering Department was able to compile firm estimates of how much the assessments would be for Local Improvement District No. 57, and also presented those figures to the property owners. At the end of the first meeting, an informal poll was taken as to whether the City should proceed with plans for this District. At that time, approximately 2/3 of those present indicated that they wanted the City of Idaho Falls to proceed with the design phase. At the second meeting, the design was presented and better assessment estimates were available. Again, the property owners were asked if they wanted the City to proceed with the Local Improvement District. Again, the majority of those present, indicated that they wanted the City to move forward. As defined in State Law, an opportunity is provided at a public hearing, to hear those who wish to protest the establishment of a Local Improvement District. Those protests were to be submitted in writing and then to appear before the City Council at a public hearing. Mayor Milam indicated that 120 protests were received in writing, with a total of 207 property owners being notified of the creation of the Local Improvement District. Mayor Milam explained that

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a number of the property owners expressed a very real fear that should they be unable to pay their assessment under the Local Improvement District, that their homes would be taken away. Mayor Milam stated that, to her knowledge, the City has never taken a home away from anyone. She also assured those present that there is no one on the Council at this time that would ever propose that that be done. There are other ways to work with property owners to make sure that their homes are not threatened. A second issue was the concern for why a Local Improvement District was needed to pave those streets. In Idaho Falls, residential streets are put in by the developer at the time of the construction of the homes. The streets are put in at the developer's cost, which is passed on to the homeowner of the development. In the case of this neighborhood, houses were built prior to those standards, then the area was annexed into the City, with the streets being gradually improved through Local Improvement Districts. Mayor Milam, further, explained that the tax dollars that are collected for streets are accumulated in a Capital Improvement Budget in order to construct new arterials, contribute on constructing collector streets, and for resurfacing streets. She stated that the Council has received the protests and has heard the protests against the Local Improvement District No. 57. She did not believe that there is any member of the Council that is inclined to impose a Local Improvement District when a majority are not in favor of it.

Councilmember Carlson stated, for those present, that this has been one of the toughest decisions that the Council has had to make. At the request of Councilmember Carlson, the City Clerk read the following memo from the Public Works Director:

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: LOCAL IMPROVEMENT DISTRICT NO. 57 PUBLIC HEARING

As earlier instructed, the Public Works Division has prepared for your consideration a proposed Local Improvement District No. 57 which, if approved, would consist of street improvements to be constructed upon portions of Crowley Street, Shelley Street, Iona Street, and Canyon Avenue. This is the time, date and location scheduled to hold a public hearing for the purpose of considering protests to the formation of this local improvement district; and, the Engineering Department is prepared to assist in providing information with respect to this hearing.

s/ Chad Stanger

Kent Magleby, City Engineer, appeared to state that it is his responsibility to ensure that this project does not threaten the health and safety of the public. It is also his responsibility to ensure that the plans, specifications, and design of the project meet a certain professional engineering standard. He is further required, by City Ordinance, to file some reports regarding the definition of the boundaries, give some cost estimates, and to prepare the assessment roll. He stated, for those present, that he has no pre-disposition regarding this project. He proceeded with his presentation, in that: 1) He showed the boundaries for the Local Improvement District; 2) He gave a description of what the proposed improvements might be; 3) He described how the costs were determined for those improvements; and, 4) He gave a brief outline as to how the costs were determined for each property owner.

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Councilmember Carlson requested those in opposition to Local Improvement District No. 57 to come forward at this time.

Brian Hyde, 1175 Jefferson Avenue, appeared to state that he is a representative of the people who want to protest the creation of the Local Improvement District. He presented to the Mayor and Council a map indicating those he has found to be opposed to the creation of this Local Improvement District and indicating those that approve of the Local Improvement District. This map was presented and made a part of the record. He stated that there are several property owners that cannot afford the assessments for this Local Improvement District. He wanted to know from City Council what will happen to those who are not able to pay for their assessment. Mr. Hyde, further, asked if the City of Idaho Falls has exhausted all efforts at receiving grants to build these streets. He requested that the City Council take more time to discuss the improvements with the people of this area, and possibly, come up with alternative solutions to the paving, curb, gutter, and sidewalk designed by the Engineering Department, so that the costs will be more in alignment with what the citizens of this area can afford. Mr. Hyde presented two more sheets with signatures opposing the creation of the Local Improvement District, to be added to those already protesting.

Julie Waddell, 1195 Jefferson Avenue, appeared to express her concern for the public sewer line serving her home. She stated if blasting occurs with regard to the street improvements proposed, this sewer line will be damaged. Mrs. Waddell was further concerned that the structural integrity of her home and others will be compromised during the project construction. If the streets are widened and sidewalks are put in as planned, pavement will run abutted to front doors of homes. This not only gives a poor appearance because of the removal of landscaping, but it adds to invasion of privacy and makes many homes vulnerable to vandalism. She does not see the value of their property increasing with the Local Improvement District. Mrs. Waddell requested the City to give each property owner an accurate figure as to how much each property will increase with the Local Improvement District being completed. She requested the City of Idaho Falls to reconsider Local Improvement District No. 57 as it now stands, to lower the cost to those who cannot afford the assessment, and to pave the streets and place the curbs so as not to disturb the neighborhood properties, especially to the point of endangering home privacy and protection. She thanked the Mayor and Council for listening to the concerns from the residents of this area.

Roger Danielson, 1009 Cassia Avenue, appeared to state that in addition to the property owners who will benefit from this Local Improvement District, the public will also benefit from these improvements. He wanted to know if the general public could pay for some of these improvements. Mayor Milam stated that 1/3 of the total will come from public monies.

William W. Robinson, 995 Blaine Avenue, wanted the Mayor and Council to consider the incomes of those in the Local Improvement District area. They have purchased the small homes because they could not afford any better or larger ones. He did not believe that the retaining wall that was proposed for his property was going to be an improvement. He stated that he could not afford these improvements. Mr. Robinson, further, stated that there are not many young families in this area, and requested Council's consideration in not creating this Local Improvement District.

David Heath, 475 West Anderson Street, appeared to question whether blasting will be used as a part of this Local Improvement District. He stated that he lives along a lava rock hill and if blasting is used, he will be in a hole. He stated that he has paid for part of a Local Improvement District that took place on Bingham Avenue. He commented, further, that he is against this Local Improvement District as it now stands.

Gayle Lang, 820 West Crowley Street, appeared to state that she is very much affected by this Local Improvement District assessment, because her house is on a corner lot. She was concerned that the construction of the Local Improvement District would raise her

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property taxes. Mrs. Lang stated that she is on a fixed income and is not able to afford the assessment. This Local Improvement District is unacceptable.

Joseph Muffler, 1029 Boise Avenue, appeared to state that he is a truck driver. His wife does not work outside the home. He explained for Council his finances and what was left over at the end of the month. Their family would not be able to afford the assessment for the Local Improvement District, unless his wife went to work outside of the home. Due to the nature of his job, the Federal Government would not allow him to have a second job on the weekend.

Hope Barnes, 1150 Blaine Avenue, appeared to state that if these improvements are to benefit the whole neighborhood, then the whole neighborhood should be affected by paying the assessments. She does not believe that the assessment process is a fair process.

Mayor Milam stated that the streets that have been paved in this area, have been paved through Local Improvement Districts. Those people have paid for those Local Improvement Districts already.

Nellie Virginia Bate, 1178 Cassia Avenue, appeared to state that most of the people in this area are in the 70-90 years of age range. They cannot afford to pay the assessments for the Local Improvement District. Mrs. Bate stated that her husband passed away in November, 1997 and her Social Security pension dropped as a result of his death. She cannot afford to pay her assessment.

Teresa Holverson, 970 West Shelley Street, appeared to state that her assessment is too high. The State Law needs to be changed. She does not believe that she receives more benefit than a person living in the middle of the block. Ms. Holverson stated that she believes that everyone should pay the same assessment.

Councilmember Carlson requested those in favor of the Local Improvement District to come forward at this time.

Lowell Lee, 1215 Bear Avenue, appeared to state that he has lived in this area for 20 years. He explained that at one time, this area was included in a Local Improvement District. Due to opposition from others in his neighborhood, Bear Avenue was excluded at that time. He explained that at the time of the last Local Improvement District, his assessment would have been less than \$1,000.00. The new assessment will be approximately \$3,000.00. Mr. Lee explained that air quality in this neighborhood needs to be considered. There is always so much dust in the air. He stated that the roads have not been graded as regularly as they used to be. Mr. Lee stated that he believes that the assessments for this Local Improvement District are too much. Monies can be raised from other areas to help the elderly in this neighborhood. He suggested that monies can be taken from the Parks Department to pay for some of these assessments.

Gail Landon, 1065 Canyon Avenue, appeared to state that she wanted to change her vote in opposition of the Local Improvement District to being in favor of the Local Improvement District. She said that she spent 1-1/2 hours at the Engineering Department that afternoon to discuss the financing of this Local Improvement District. She went home and started talking with her neighbors. Some of their houses are being flooded when it rains. A storm sewer system needs to be installed to alleviate that flooding. Mrs. Landon stated that even though this seems expensive now, if you wait another 10 years to complete the work, it will be so much more expensive then. She questioned the Engineering Department as to how the people living on Social Security will pay for their assessments. She was told that, if they could not pay for it, they could live in their homes until they passed away. The money would then come from their estate. She stated, further, that she does not have a lot of money either, that she will have to sacrifice to pay the assessments. This is a sacrifice that she is willing to make.

Dave Snarr, 1145 Canyon Avenue, appeared to state that it is time to pave their streets. If they have to wait any longer, the prices will go even higher. He stated that it is time that every street in the City of Idaho Falls be upgraded and paved.

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Janet Orchard, 985 Boise Avenue, appeared to state that she appreciates those that sit on the City Council. She stated that she signed a protest letter, with her main concern being for those that cannot afford the Local Improvement District. She would like to include her vote in favor of the Local Improvement District, but wanted to see help for those on fixed incomes. The community needs to work together to make this improvement take place.

Lowell Lee re-appeared to state that there is not one City in the State of Idaho, with a population over 10,000, that has a dirt street in the City limits. The City of Idaho Falls is the only one.

Phillip Hoehn, 1190 Canyon Avenue, appeared to state that he is 84 years old and his assessment is \$18,740.00. He asked the City Council how he was going to pay for this assessment as he is on Social Security. He can not pay this assessment.

Mayor Milam closed the public hearing and turned the time back over to Councilmember Carlson.

Councilmember Eldredge commented that this project was started approximately 3 years ago. This was done in response to a petition submitted by people in this area to complete the streets. He stated, further, that this project was not designed and considered, to try to "ram down anyone's throat". It was something that was done by their request. The Council needs to take into consideration the fact that some people cannot afford this. The Council also needs to consider that costs will only increase with time.

The City Attorney clarified for Council the process that is taken to create a Local Improvement District.

Councilmember Hardcastle commented on some of the statements made by Brian Hyde. With regard to Mr. Hyde's comments indicating that so many of the issues involved with this Local Improvement District were not considered by the staff and City Council. She wanted to go on record as stating that each issue has been considered carefully. The City Council does understand the cost issues involved with the creation of Local Improvement District No. 57.

Mayor Milam stated that the City cannot go to bid and cannot go to the Bond market until the Local Improvement District is established. The City has only educated estimates to work with at this time.

Brian Hyde re-appeared to question the Council if the Local Improvement District could be stopped when the assessments are actually figured and those figures still remain high.

Mayor Milam explained that a second public hearing would be conducted to consider the actual assessments after the bids for construction are received.

Councilmember Mills requested the Mayor to review for those present, the process that the City used to find available grant monies for a Local Improvement District. Mayor Milam stated that there are grants that are available, but they are available for specific uses. Generally, these grants are Community Development Block Grants and the Economic Development Administration grants. The types of grants needed for a Local Improvement District are either no longer available, or are not available to this City. Mayor Milam stated that if there were some easy way to accomplish this, the City would have taken the easy way.

Councilmember Branson explained that the policy of the City of Idaho Falls has been that when an area is developed, it will be developed to the Plans and Specifications adopted by the City for development. These standards cannot be changed.

Ken Radford, 1050 Canyon Avenue (property effected), appeared to state that he lives at 1060 Iona Street. He questioned why another development, Stonebrook Addition, was allowed to develop without sidewalks. Mayor Milam stated that Stonebrook does have sidewalk, but that the sidewalks are not put in until the property has been developed, so as not to damage the newly placed sidewalk. Mr. Radford was in the neighborhood of the development of Happyville, when new water and sewer lines were installed. Mayor Milam stated that the Happyville development was put in with Community Development Block Grant monies for the water and sewer lines.

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There being no further discussion, it was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to deny the creation of Local Improvement District No. 57. Roll call as follows:

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

Nay: Councilmember Branson

Motion Carried.

Mayor Milam thanked all of the residents and property owners for their participation in this project. She thanked the Engineering Department for their hard work in designing Local Improvement District No. 57. She stated that these plans will not be destroyed, they will be shelved for future use. Mayor Milam, further, commented that this public hearing is an example of the fact that the system works. The Mayor and Council have heard the requests for improvements, put the process in motion in response to those requests, heard the concerns, and made a decision.

Following a brief recess, the Airport Director submitted the following memos:

City of Idaho Falls
March 23, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: HANGAR GROUND LEASE AGREEMENT

Mr. Eldon Corry has requested a land lease to construct a private hangar. The lease is for the standard amount \$324.00 per year.

The City Attorney prepared the Lease Agreement.

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

s/ James H. Thorsen

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Hangar Lease Agreement with Eagle Vision (Eldon Corry) and, further, give authorization for the Mayor and City Clerk to execute said Agreement. Roll call as follows:

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

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Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: FEDERAL GRANT OFFER

The Federal Aviation Administration has offered a grant in the amount of \$913,326.00 for completion of the Emergency Runway Rehabilitation Project.

The City Attorney has reviewed the grant.

The grant also includes an FAA-mandated Change Order for safety-required lighted signage.

The contractor, HK Contractors, has reviewed and accepted the Change Order and is prepared to begin Phase II of the project.

The Airport Division requests authorization to accept the FAA Grant, the related Change Order, and authorize the Mayor to execute the Grant Agreement.

s/ James H. Thorsen

It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to accept the Grant from the Federal Aviation Administration and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Electric Division Director submitted the following memos:

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: TRANSACTION ENABLING AGREEMENT WITH POWEREX

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Attached for your consideration is a Transaction Enabling Agreement between British Columbia Power Exchange Corporation (Powerex) and the City of Idaho Falls. Execution of this Agreement will allow for power purchase/sale between the City and Powerex. The City Attorney has reviewed the Agreement.

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

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Transaction Enabling Agreement with British Columbia Power Exchange Corporation (Powerex) and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: POWER SALE TO POWEREX

Attached for your consideration is a Confirmation Agreement with Powerex to purchase power from the City during the period of May 1, 1998 through August 31, 1998.

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

s/ Mark Gendron

Councilmember Eldredge stated that the City has been purchasing surplus power from the Bonneville Power Administration for approximately one year. Under the terms of that Agreement, if the City buys a certain block of power from Bonneville Power Administration for resale to others, then the City receives diversification rights from Bonneville Power Administration. The City is taking the block of power from Bonneville Power Administration and reselling it to Powerex at the same price the City purchased it from Bonneville Power Administration. The benefit accruing to the City, is that the City will be able to take advantage of the diversification that Bonneville Power Administration is giving the City. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the

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Confirmation Agreement with British Columbia Power Exchange Corporation (Powerex) and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
March 19, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF INSURANCE COVERAGE

It is respectfully requested that Mayor and Council ratify the renewal of the City's insurance coverage for General Liability, E & O, Vehicle Liability, Fidelity, Boiler and Machinery and Property Insurance. The premium for the year beginning April 1, 1998 is \$309,201.00 with St. Paul Companies and Hartford Steam Boiler. Fred A. Moreton and Company is the Broker.

s/ S. Craig Lords

Councilmember Branson explained that this represented a savings of \$3,700.00 over last year's premium. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to ratify the renewal of the City's insurance coverage for General Liability, E & O, Vehicle Liability, Fidelity, Boiler and Machinery and Property Insurance with St. Paul Companies and Hartford Steam Boiler with Fred A. Moreton and Company as the Broker. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
March 19, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-98-14, ONE (1) NEW 1998 LINEBED/DIGGER DERRICK MOUNTED ON 1998 CAB AND CHASSIS

Attached for your consideration is the tabulation for Bid IF-98-14, One (1) New 1998 Linebed/Digger Derrick mounted on 1998 Cab and Chassis (Electric Truck).

It is the recommendation of Municipal Services to accept the low bid of Hirning Truck Center to furnish one new 1999 GMC, Model C7H064 Cab and Chassis to be mounted with one (1) new 1998 Terex-Telect, Commander 4047 Linebed, Hydraulic Digger Derrick and Related Accessories for an amount of \$159,800.00 with trade-in No. 354.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the low bid of Hirning Truck Center to furnish the Linebed/Digger Derrick mounted on a 1999 Cab and Chassis as requested. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 19, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-98-16, WATER LINE MATERIALS

Attached for your consideration is the tabulation for Bid IF-98-16, Water Line Materials.

It is the recommendation of Municipal Services to accept the low evaluated proposal meeting specifications as per Attachment "A". As per bid

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specifications, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the low bid meeting specifications as per Attachment "A" for Water Line Materials. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
March 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PURCHASE OF HOT AND COLD ASPHALT

The State of Idaho recently awarded the contract for Bituminous (Asphalt) Plant Mix for 1998 to BECO Construction Company for 3/4", 1/2", and 3/8" AC Grade, and 3/8" MC or SC Grade. In BECO's response to our letter requesting authorization to purchase from the State Contract, they added a stipulation that the plant (bituminous) mix will need to be purchased in truck load quantities (Minimum 7 ton) unless BECO is producing for other vendors. If they are producing for other vendors, there is no minimum requirement.

The State also awarded HK Contractors, Inc. the contract for the 3/4" and 1/2" MC or SC Grade and the Winter Patch Mix.

Municipal Services respectfully requests authorization to purchase the City's requirements for aforementioned product per State Contract No. 56-M159-01-1 for BECO Construction Company and No. 56-M158C-01-1 for HK Contractors (Bid No. 97-0993-AW).

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to purchase Hot and Cold Asphalt Plant Mix under the State of Idaho Contract from BECO Construction Company and HK Contractors, Inc. as requested. Roll call as follows:

MARCH 26, 1998

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

Nay: None

Motion Carried.

City of Idaho Falls
March 20, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PINECREST GOLF COURSE KITCHEN REMODEL – CHANGE
ORDER NO. 3 TO NBA QUALITY CONSTRUCTION

Attached for your consideration, the Change Order in the amount of \$1,874.75 for the Pinecrest Kitchen Remodel Project is for the following:

\$195.75 for additional subfloor.

\$1,679.00 for furnishing and installing a wet chemical fire system that meets the Fire Code.

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

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve Change Order No. 3 to NBA Quality Construction for the Pinecrest Golf Course Kitchen Remodel Project and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

MARCH 26, 1998

City of Idaho Falls
March 23, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RESOLUTION DESIGNATING TARGHEE REGIONAL PUBLIC
TRANSPORTATION AUTHORITY AS RECIPIENT FOR SECTION
5307 FUNDS

Attached is a copy of the Joint Resolution between the City of Idaho Falls and the Targhee Regional Public Transportation Authority (TRPTA). The Resolution requests the Idaho Transportation Department to recognize TRPTA as the recipient of Section 5307 public transportation funding for fiscal year 1999. This Resolution has been reviewed by the City Attorney and is now being submitted to the Mayor and City Council for approval.

s/ Renée R. Magee

**JOINT RESOLUTION (Resolution No. 1998-04)
BETWEEN THE CITY OF IDAHO FALLS AND
THE TARGHEE REGIONAL PUBLIC TRANSPORTATION AUTHORITY**

WHEREAS, the Targhee Regional Public Transportation Authority (hereinafter referred to as the TRPTA) was duly formed on May 1, 1996 under Title 40, Chapter 21 of the Idaho Code to "...provide public transportation services, encourage private transportation programs and coordinate both public and private transportation programs, services and support functions..." (IC 40-2104) by a vote of the electorate of Bonneville County; and,

WHEREAS, TRPTA is charged by the Idaho Code to have "...exclusive jurisdiction over all publicly funded or publicly subsidized transportation services and programs except those transportation services and programs under the jurisdiction of public school districts and law enforcement agencies..." (IC 40-2109); and,

WHEREAS, Federal Transit Administration Circular 9030.1B, Chapter II, Section 1, recognizes the State of Idaho as the primary recipient for Section 5307 funds in areas under 200,000 population and authorizes the Governor of Idaho or his designee, the Idaho Transportation Department, to designate recipients in such areas; and,

WHEREAS, the current designated recipient, the City of Idaho Falls, therefore has voted to relinquish its designated recipient status as made by the State of Idaho on May 6, 1993; and,

WHEREAS, the Governing Board of TRPTA has voted to request the designation by the State of Idaho of TRPTA as recipient of Section 5307 funding under 49 USC 53 dealing with mass transportation;

NOW, THEREFORE, BE IT RESOLVED by the City of Idaho Falls and by the Governing Board of TRPTA that:

MARCH 26, 1998

1. The Idaho Transportation Department be requested to recognize TRPTA as the recipient for Section 5307 funds under 49 USC 53 effective with the beginning of fiscal year 1999 (October 1, 1998 through September 30, 1999).

2. The Idaho Transportation Department be requested to coordinate with the TRPTA Governing Board or its designated agents any federal or state funding for public transportation provided to services involving residents of or destinations within the boundaries of TRPTA.

By: s/ Linda Milam 3-27-98
Linda Milam, Idaho Falls Mayor

By: s/ Jake Cordova 3-27-98
Jake Cordova, TRPTA Governing Board
Chair

By: s/ Rosemarie Anderson 3-27-98
Rosemarie Anderson, City Clerk

By: s/ Susan Barnes 3-27-98
Susan Barnes, TRPTA Governing Board
Secretary

(City Seal)

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Resolution designating Targhee Regional Public Transportation Authority (TRPTA) as recipient for Section 5307 Funds and, further, give authorization for the Mayor and City Clerk to sign said Resolution. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Planning and Building Director regarding the request for ruling of similar use in the HC-1 Zone was withdrawn by the Division Director.

City of Idaho Falls
March 9, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: APPEAL OF PAUL K. OLSEN, BUSINESS IMPROVEMENT
DISTRICT ASSESSMENTS, FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Attached is a copy of the Findings of Fact and Conclusions of Law for the appeal of Paul K. Olsen, Bonneville Apartments, 635 Park Avenue, filed under Section 30 of Ordinance No. 2245. After hearing Mr. Olsen's appeal on February 12, 1998, the Council moved to deny the appeal and authorized the

MARCH 26, 1998

drafting of the attached Findings and Conclusions. This Department respectfully submits the Findings and Conclusions for your consideration and adoption.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Findings of Fact and Conclusions of Law for the appeal of Paul K. Olsen and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

City of Idaho Falls
March 9, 1998

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS, FINDINGS OF FACT AND CONCLUSIONS OF LAW, APPEAL OF FORMAL WEAR AND BRIDAL CENTER, INC., LUI WING YOU, KEN AND SUI PING LIU, HISTORICAL FEDERAL BUILDING DEVELOPMENT PARTNERSHIP, WILLIAM T. DENNING, DORSAL AND JACQUELINE CATMULL, RONALD PEDERSON, NICK VRONTIKIS, DONALD LEYMASTER, ROBERT AND ARVA WUTHRICH, JOHN AND DIXIE DIXON, DAVID AND MARILYN NYGARD, ANTIQUE GALLERIES, INC., KOON LAP AND MEL WAN CHIU, AND J. HARRISON DENNIS AND SPENCER DAW

Attached is a copy of the Findings of Fact and Conclusions of Law for the above mentioned appellants under Section 30 of Ordinance No. 2245. After hearing the arguments of the appellants on February 12, 1998, the Council moved to deny the appeals and authorized the drafting of the attached Findings and Conclusions. This Department respectfully submits these Findings and Conclusions for your consideration and adoption.

s/ Renée R. Magee

It was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Findings of Fact and Conclusions of Law for Formal Wear and Bridal Center, Inc., Lui Wing You, Ken and Sui Ping Liu, Historical Federal Building Development Partnership, William T. Denning, Dorsal and Jacqueline Catmull, Ronald Pederson, Nick Vrontikis, Donald Leymaster, Robert and Arva Wuthrich, John and Dixie Dixon, David and Marilyn Nygard,

MARCH 26, 1998

Antique Galleries, Inc., Koon Lap and Mel Wan Chiu, and J. Harrison Dennis and Spencer Daw and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
March 23, 1998

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: J. K. Livsey, Chief of Police
SUBJECT: AMENDMENT TO WINE ORDINANCE

Enclosed is an Ordinance amending Chapter 4 of Title 4 of the City Code relating to the licensing of wine for consumption upon the premises. This adds a new section restricting the hours of sale to the same hours within which beer may be sold. This Ordinance does not change existing law or practice; rather, it brings our Ordinance into conformity with the State Code.

This Amendment is respectfully submitted for your consideration.

s/ J. K. Livsey

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

ORDINANCE NO. 2269

AN ORDINANCE ADDING A NEW SECTION 4-4-13 TO THE CITY CODE OF IDAHO FALLS, IDAHO, RESTRICTING THE HOURS WITHIN WHICH LICENSEES MAY SELL OR DISPENSE WINE FOR CONSUMPTION ON THE PREMISES; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

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

MARCH 26, 1998

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: VETERANS MEMORIAL REPAIR – CHANGE ORDER NO. 1

Attached is proposed Change Order No. 1 to the Veterans Memorial Repair contract. This Change Order, if approved, will add approximately \$11,922.50 and thirty-seven (37) calendar days to the contract. This addition to the contract provides a new backing wall for the facing specified in the original contract documents, a condition not known until the existing facing was removed by the contractor.

Public Works recommends approval of this Change Order and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve Change Order No. 3 to Ferguson 4T Construction, Inc. for the Veterans Memorial Flood Damage Repair Project and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

MARCH 26, 1998

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SCIENCE CENTER DRIVE – FREEMAN PARK

Attached is a proposed Ordinance which, if approved, will dedicate that portion of Science Center Drive which extends through Freeman Park as public right-of-way.

Public Works recommends approval of this Ordinance and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

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

ORDINANCE NO. 2270

AN ORDINANCE OF THE CITY OF IDAHO FALLS,
IDAHO, DEDICATING AS A PUBLIC STREET WITHIN
THE CITY A STREET KNOWN AS SCIENCE CENTER
DRIVE; PROVIDING FOR SEVERABILITY AND
ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

City of Idaho Falls
March 24, 1998

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENGINEERING SERVICES – WELL NO. 12 ELECTRICAL
UPGRADE

MARCH 26, 1998

Attached are contract documents with Black and Veatch for providing engineering services to upgrade the control and electrical system at Well No. 12. The contract includes fees for design and construction phase services in the amount of \$39,182.00.

Public Works recommends approval of these contracts and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the Contract Documents with Black and Veatch for providing engineering services to upgrade the control and electrical system at Well No. 12 and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Mills, that the meeting adjourn at 9:30 p.m.

CITY CLERK

MAYOR
