

**DECEMBER 18, 1997**

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The City Council of the City of Idaho Falls met in Special Council Meeting, Thursday, December 18, 1997, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Melvin Erickson  
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 and Councilmembers honored Don Holverson for having received the William D. Hatfield Award in recognition for outstanding performance in works operation, management, and advancement of knowledge in the field of Water Pollution Control in the year 1997, from the Water Environment Federation of the Pacific Northwest Pollution Control Association.

Mayor Milam and Councilmembers honored Municipal Services Director S. Craig Lords for having earned the Certificate of Achievement for Excellence in Financial Reporting, presented to the City of Idaho Falls, Idaho for its Comprehensive Annual Financial Report for Fiscal Year ended September 30, 1996. This award represents the 8<sup>th</sup> consecutive year in earning this award.

Mayor Milam and Councilmembers honored the Zoo for having received the Ambassador Award Trophy for the "Visions of Sugar Plums" Parade of Lights in Idaho Falls.

Mayor Milam presented a Notebook to the Council containing a self-evaluation report and transition plan for the City of Idaho Falls. This is an evaluation of every City facility and program for accessibility for those who have various disabilities. This information will serve as the base for the City to evaluate and prioritize needed changes, and be able to address them in the budgeting process each year.

The City Clerk read a summary of the minutes for the December 11, 1997 Regular Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, that the minutes be approved as read. Roll call as follows:

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

Nay:            None

Motion Carried.

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**CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation of the following appointments and re-appointments: Appointment of Tom Baird to the Shade Tree Committee (Term to expire in December, 1997); Re-Appointment of Pat Larkin to the Shade Tree Committee (Term to expire in December, 1998); Re-Appointment of Jim Dalton to the Golf Advisory Board (Term to expire in December, 1998); Re-Appointment of Wes Deist to the Golf Advisory Board (Term to expire in December, 2000); Re-Appointment of Fred Di Lorenzo to the Golf Advisory Board (Term to expire in December, 2000); Re-Appointment of Sharon Roh to the Golf Advisory Board (Term to expire in December, 1999); Appointment of Mike Lehto to the Parks and Recreation Commission (Term to expire in December, 1998); Appointment of Jeff Baker to the Parks and Recreation Commission (Term to expire in December, 1998); Appointment of Randy Drake to the Traffic Safety Committee (Term to expire in December, 1999); Appointment of Steve Elliott to the Traffic Safety Committee (Term to expire in December, 1999); Appointment of Tom Whyte to the Traffic Safety Committee (Term to expire in December, 1999); Appointment of Kent Magleby to the Traffic Safety Committee (Term to expire in December, 1999); Appointment of Police Chief Kent Livsey to the Traffic Safety Committee (Term to expire in December, 1999); Appointment of Kelly Wooley to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Steve Farnier to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Captain Bruce Jones to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Pete Beckman to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Bruce Lawrence to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Lieutenant Kay Edwards to the Traffic Safety Committee (Term to expire in December, 1998); Appointment of Roxanne Seville to the Historic Preservation Commission (Term to expire in December, 2000); Re-Appointment of Tony Huegel to the Historic Preservation Commission (Term to expire in December, 2000); and, Re-Appointment of Bill Shaw to the Historic Preservation Commission (Term to expire in December, 2000).

The City Clerk presented several license applications, including BEER LICENSES to Apple Athletic Club, Applebee's Neighborhood Grill and Bar, Ashley's Italian Restaurant, Beer Billie's, Bleacher's Sports Bar, Bleachers Too, Blue Bell Gas, Blue Room, Blues Bar, Bonneville Lounge, Bowlero, Choices, Inc., Common Cents Food Store (Broadway), Common Cents Food Store (Boulevard), Common Cents Food Store (17<sup>th</sup> Street), D. B.'s Steak House, Das Kinderhaus II, Diamond Concessions, Downtowner, Earl's Food Store, El King Kong, Filling Station (John Adams Parkway), Garcia's Mexican Restaurant, Golden Crown Lounge, Cavanaugh's, Holiday Market, J. B.'s Restaurant, Jakers of Idaho Falls, La Yaquesita, Littletree Inn, Loading Zone, Lorenzo's Broken Spoke Restaurant, Lost Arts Brew and Bread Works, Louie's Pizza and Italian Restaurant, Luxor Restaurant, Made in Idaho, Marcellar's Vintage Wines and Brews, Melina's Fine Mexican Food, Mi Casa, Inc., Morgan's Westgate Amoco, Newman's Gas and Go, O'Callahan's Restaurant, On The Go, The Outlaw, P. J.'s Food Fun and Spirits, Payless Drug Store (Broadway), Payless Drug Store (Northgate Mile), Plaza Lanes, Ritz d.b.a. Rocking Horse and Opie's, Rendezvous Restaurant, Sage Lake Café, Sam's Club, Saving Center (Memorial Drive), Sizzler Family Steak House, Smokehouse Café, Snake Bite, Sneeker's, Speedi Mart, Stamper's Lounge, Stardust Restaurant and Lounge, The Rock, Tom's Gyro and Burgers, Western Amusement Company, Wright Stop Texaco, and Nineteenth Hole Cafe; BARTENDER PERMITS to Karyn Boicelli, Francene D. Jamison, and Tara L. Kienlen, 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 December 18, 1997.

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The Airport Director submitted the following memo:

City of Idaho Falls  
December 18, 1997

MEMORANDUM

TO: Mayor and City Council  
FROM: Jim Thorsen, Airport Division Director  
SUBJECT: CHANGE ORDER NO. 1 TO THE H-K CONTRACTORS, INC.  
CONTRACT

The City's consulting engineers, Sverdrup Facilities, has submitted Change Order No. 1 to the Contract with H-K Contractors, Inc. for the Runway Rehabilitation Project.

These changes reflect the actual work accomplished under the unit price contract through Phases 1A and 1B. Phase 2 of the contract will be done during 1998.

Change Order No. 1 was inadvertently omitted from previous Council action.

The F. A. A. has approved the Change Orders.

The Airport Division requests authorization to accept the Change Order.

s/ James Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve Change Order No. 1 and, further, give authorization to execute the necessary documents. Roll call as follows:

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

Councilmember Erickson

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Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
December 12, 1997

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-98-7, WESTERN RED CEDAR POWER POLES

Attached for your consideration is the tabulation for Bid IF-98-7, Western Red Cedar Power Poles.

It is the recommendation of Municipal Services to accept the low bid of Poles Incorporated to furnish the required 45-foot poles for an amount of \$364.36 each.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to accept the low bid of Poles Incorporated to furnish the required 45-foot Western Red Cedar Power Poles. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls  
December 15, 1997

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FIRST AMENDED PLAT OF FRED MEYER – COUNTRY CLUB MALL SUBDIVISION

Attached is a copy of the First Amended Plat of Fred Meyer – Country Club Mall Subdivision. The Amended Plat contains Lot 3 of Block 1. Lot 3 is a 0.749 acre

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lot which is presently within the municipal boundaries and is zoned HC-1. The Planning Commission recently considered this replat and recommended approval. The Department concurs in this recommendation. The replat is 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.

There being no questions nor comments, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the First Amended Plat of Fred Meyer – Country Club Mall Subdivision and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
December 17, 1997

MEMORANDUM

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

Attached is the Open Container Ordinance as prepared by the City Attorney. The Public Safety Committee reviewed the proposed Ordinance and agrees with it's contents.

This Ordinance will give peace officers another tool in resolving an ongoing problem with liquor on the streets in the downtown area.

Therefore, it is respectfully submitted for your approval.

s/ J. K. Livsey

Councilmember Hardcastle explained the history behind this Ordinance, in that, the Police Department came to the Public Safety Committee to address concerns they had over bad

behavior spilling onto the sidewalks after the bars close. There is also a concern over the garbage that is left in doorways and parking lots from these open containers being taken out of the bars and left behind.

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A brief discussion revealed that the downtown events held during the day have not been a problem for the Police Department. These downtown events have provided their own security. This issue is brought to the City Council because of a problem that Police Officers were having after hours.

At the request of Councilmember Hardcastle, Lieutenant Smart came forward to explain the Police Department's concerns further. He stated that instances have occurred recently, and are becoming more prevalent, whereby officers are called to a disturbance. People start to move outside with the disturbance having beer bottles in hand. These beer bottles are becoming weapons used on the officers as they are trying to maintain peace. If this Ordinance becomes law, this will remove the beer bottles from being a concern or a hazard.

Councilmember Mills reviewed for Council that if someone has an open container after 10:00 p.m., in a parking lot or on public land, he will be against the law and can be cited. The City Attorney explained that the Ordinance makes an exception for an area covered by a permit that is issued by the State of Idaho. Those permits will designate the areas in which beverages may be consumed. If the consumption occurs outside the designated areas, then it will fall within the purview of the Ordinance.

Councilmember Eldredge stated that he was in favor of the new hours proposed, in that it would allow the citizen to be able to carry on with his daily actions without being illegal, such as someone who is a home brewer sharing his wares.

The City Attorney stated that he had received several concerns about the Ordinance, one of which was definition of benevolent, charitable, or public organizations. As the Ordinance is currently drafted, it allows an exception for charitable events that are sponsored by charitable, benevolent, or public organizations. This may be too narrowly defined, in that the Chamber of Commerce would not be allowed to sponsor such an event. The next concern was with regard to the permit requirement. The reasoning behind requiring a City permit would be to define a specific area where an exception to the open container ordinance could be provided. The City Attorney requested the Council's direction as to whether a permit should be issued for those events that would go after 10:00 p.m. or whether a City permit would be required at any time. A brief discussion followed regarding the necessity of requiring a City permit any time a public event is held.

Based upon the discussion by Council, it was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to direct the City Attorney to make the necessary amendments to the Ordinance as prescribed. Roll call as follows:

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

Nay:            None

Motion Carried.

The Public Works Director submitted the following memos:

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City of Idaho Falls  
December 15, 1997

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – FRED MEYER – COUNTRY CLUB MALL  
SUBDIVISION, FIRST AMENDED, LOT 1, BLOCK 1

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate a utility easement located in Fred Meyer-Country Club Mall Subdivision, First Amended, Lot 1, Block 1.

s/ Chad Stanger

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to give authorization for the City Attorney to prepare the necessary documents for an easement vacation in the Fred Meyer – Country Club Mall Subdivision, First Amended, Lot 1, Block 1. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
December 15, 1997

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – LOT 31, BLOCK 1, THE VILLAGE,  
DIVISION NO. 2

As previously authorized, the City Attorney has prepared the documents needed to vacate an easement located in Lot 31, Block 1, The Village, Division No. 2.

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

s/ Chad Stanger

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

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**ORDINANCE NO. 2261**

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

The foregoing Ordinance was presented by title only. Councilmember Erickson 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 Hardcastle  
Councilmember Branson  
Councilmember Eldredge  
Councilmember Carlson  
Councilmember Erickson  
Councilmember Mills

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Branson, that the meeting adjourn at 8:15 p.m.

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CITY CLERK

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MAYOR

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