

FEBRUARY 13, 1997

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 13, 1997, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Beverly Branson
Councilmember Larry Carlson
Councilmember Melvin Erickson
Councilmember Gary Mills

Absent were:

Councilmember Ida Hardcastle
Councilmember Brad Eldredge

Also present:

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

Mayor Milam and Council honored Police Chief Kent Livsey by presenting a plaque for the American Automobile Association's Pedestrian Safety Commendation Award noting the City's 13th consecutive year without a pedestrian fatality.

The City Clerk read a summary of the minutes for the January 23, 1997 Regular Meeting. It was moved by Councilmember Mills, seconded by Councilmember Erickson, that the minutes be approved as read. Roll call as follows:

Aye: Councilmember Branson
Councilmember Carlson
Councilmember Erickson
Councilmember Mills

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation of the appointment of Karen Leibert as Trustee to the Library Board.

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

The City Clerk presented several license applications, including BEER LICENSES to Lorenzo's Broken Spokes Restaurant, Sand Creek Golf Course Cafe (Norman A. Helderman), Sage Lakes Golf Course Cafe (Renee Walsh and Dick and Mary Kay Jenkins), and 19th Hole Cafe (Renee Walsh); BARTENDER PERMITS to Bradley S. Beseris, Michelle L. Brooker, Kimberly J. Couch, Christine A. Curtis, Ted E. Fox, Ena M. Harris, Shere Hill, Maxine Klossner, Lance Labrum, Susan K. Poole, and Joe K. Standley; all carrying the required approvals, and requested authorization to issue these licenses.

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The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on February 13, 1997.

The Public Works Director submitted the following memo:

City of Idaho Falls
January 27, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - WELL NO. 5 ELECTRICAL UPGRADES

Public Works requests authorization to advertise to receive bids for Well No. 5 Electrical Upgrades as budgeted.

s/ Chad Stanger

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

Aye: Councilmember Erickson
Councilmember Mills
Councilmember Branson
Councilmember Carlson

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated January 1, 1997 through January 31, 1997, after having been audited by the Fiscal Committee and paid by the Controller:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER & SEWER</u>
SERV/MAT	\$2,234,595.78	\$ 235,588.88	\$ 199,819.44	\$ 238,376.04
SALARY	<u>909,815.01</u>	<u>60,255.44</u>	<u>29,604.19</u>	<u>115,975.87</u>
TOTAL	\$3,144,410.79	\$ 295,844.32	\$ 229,423.63	\$ 354,351.91
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY</u>
SERV/MAT	\$2,616,855.31	\$ 72,143.19	\$ 45,129.82	\$ 78,276.06
SALARY	<u>205,369.92</u>	<u>58,456.35</u>	<u>31,231.56</u>	<u>41,829.32</u>
TOTAL	\$2,822,225.23	\$ 130,599.54	\$ 76,361.38	\$ 120,105.38

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	<u>BRIDGE/ART ST</u>	<u>AMBULANCE</u>	<u>MUN EQUIP REPL</u>	<u>BPA WEATH LN FD</u>
SERV/MAT	\$ 12,599.95	\$ 65,269.82	\$ 28,745.77	\$ 22,538.63
SALARY	<u>.00</u>	<u>50,757.95</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 12,599.95	\$ 116,027.77	\$ 28,745.77	\$ 22,538.63

	<u>SWIM POOL G.O. BD</u>	<u>TOTALS</u>
SERV/MAT	\$ 158,447.50	\$6,008,386.19
SALARY	<u>.00</u>	<u>1,503,295.61</u>
TOTAL	\$ 158,447.50	\$7,511,681.80

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to ratify the payment of the January, 1997 expenditures as presented. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Mills
Councilmember Erickson
Councilmember Branson

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct Annexation Proceedings for Fairway Estates Addition, Division No. 3. At the request of Councilmember Branson, the City Clerk read the following memo:

City of Idaho Falls
February 10, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT AND ANNEXATION - FAIRWAY ESTATES ADDITION,
DIVISION NO. 3

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance of the Final Plat of Fairway Estates, Division No. 3. This is a 16-lot subdivision which provides for an extension of the existing street system. The Developer has requested initial zoning of RP-A. The Planning Commission recently considered this matter and, at that time, recommended approval of the Final Plat, annexation to the City, and initial zoning of RP-A. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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The Planning and Building Director located the subject area on a map and further explained the request. Councilmember Mills questioned as to whether a school would be built in this location in the future. Mr. Gilchrist stated that, at the present time, no school is planned. Councilmember Mills further commented that a footpath would be a good addition to this area.

There being no one to appear in favor of or in opposition to this request, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Final Plat for Fairway Estates Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Erickson
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Annexation Agreement for Fairway Estates Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign the necessary document. Roll call as follows:

Aye: Councilmember Branson
Councilmember Carlson
Councilmember Erickson
Councilmember Mills

Nay: None

Motion Carried.

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

ORDINANCE NO. 2225

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 Branson moved, and Councilmember Carlson 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:

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Aye: Councilmember Erickson
Councilmember Mills
Councilmember Branson
Councilmember Carlson

Nay: None

Motion Carried.

Mayor Milam declared open a public hearing to consider the initial zoning of the newly annexed area.

There being no discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to establish the initial zoning of Fairway Estates Addition, Division No. 3 as RP-A 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 his office. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Mills
Councilmember Erickson
Councilmember Branson

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.

Police Chief Kent Livsey appeared to express his appreciation for the Fire Department and the Paramedic Program. One of the reasons that the City of Idaho Falls receives the Pedestrian Safety Award each year is due to the fine work of the paramedics and firemen.

The Airport Director submitted the following memos:

City of Idaho Falls
February 11, 1997

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: RENEWAL OF LEASE, MS. MARY GARNER

Ms. Mary Garner has submitted a signed Agreement to extend the Lease for the Barber Shop to the end of 1997.

The City Attorney has prepared the Agreement.

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

s/ James H. Thorsen

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It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the renewal of the Lease Agreement with Ms. Mary Garner for the Barber Shop at the Airport and, further, give authorization for the Mayor to execute the said Lease Agreement. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Erickson
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

City of Idaho Falls
February 11, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: RENEWAL OF LEASE, GLOBAL TRAVEL

Global Travel, Inc. has submitted a signed Agreement to extend the Lease for the Travel Agency space to the end of 1997.

The City Attorney prepared the Agreement.

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

s/ James H. Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the renewal of the Lease Agreement with Global Travel, Inc. for space at the Airport and, further, give authorization for the Mayor to execute said Lease Agreement. Roll call as follows:

Aye: Councilmember Branson
Councilmember Carlson
Councilmember Erickson
Councilmember Mills

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

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City of Idaho Falls
February 10, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHARGE OFF - UNPAID UTILITY ACCOUNTS 1992

Municipal Services respectfully requests authorization to charge off as uncollectable, all utility accounts that have not had a transaction since 1992, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$95,475.21, which is .26% of sales for that year.

s/ S. Craig Lords

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the charge off of unpaid utility accounts for 1992. Roll call as follows:

Aye: Councilmember Erickson
Councilmember Mills
Councilmember Branson
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
January 2, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADDITION OF THREE MONTHS TO CURRENT YEAR INSURANCE POLICY

It is respectfully requested that Mayor and Council approve extending the City's insurance coverage for General Liability, Property, Vehicle Liability, E & O of Public Officials, Police Professional, Fidelity, Excess Liability, and Boiler and Machinery Insurance. This policy would be effective January 1, 1997 to March 31, 1998, and the premium will stay on a pro rata basis.

s/ S. Craig Lords

Councilmember Mills explained that the purpose for this extension would be to make the time table more equitable with the City's fiscal year. It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the three month addition to the current year's insurance policy as requested. Roll call as follows:

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Aye: Councilmember Carlson
Councilmember Mills
Councilmember Erickson
Councilmember Branson

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
January 21, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Director of Parks and Recreation
SUBJECT: TAUTPHAUS PARK AND TAUTPHAUS PARK ZOO/WESTERN
AMUSEMENT CONCESSION CONTRACTS

The Division of Parks and Recreation recommends that the Tautphaus Park and the Tautphaus Park Zoo/Western Amusement Contracts be approved for the upcoming year, commencing January 1, 1997, and terminating December 31, 1997.

s/ Dave Christiansen

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the Concession Contracts with Western Amusement Company for the Tautphaus Park Arcade Concession and the Tautphaus Park Zoo Concession and, further, give authorization for the Mayor to execute the necessary Agreements. Roll call as follows:

Aye: Councilmember Mills
Councilmember Erickson
Councilmember Carlson
Councilmember Branson

Nay: None

Motion Carried.

City of Idaho Falls
February 6, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Parks and Recreation Director
SUBJECT: LEASE AGREEMENT - SAND CREEK CAFE AT SAND CREEK
GOLF COURSE

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Attached is a copy of a proposed Lease Agreement between the City of Idaho Falls and Norman Helderman for the Sand Creek Cafe at Sand Creek Golf Course.

The Lease Agreement has been prepared by the City Attorney and the Parks and Recreation Division does not anticipate that said property will be needed for public purpose during the term of this Agreement.

The Director of Parks and Recreation respectfully requests City Council approval and authorization for the Mayor to execute the documents.

s/ Dave Christiansen

Councilmember Erickson explained the history behind those operating this concession. It was moved by Councilmember Erickson, seconded by Councilmember Mills, to approve the Lease Agreement with Norman Helderman for the operation of the Sand Creek Cafe at Sand Creek Golf Course and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Erickson
 Councilmember Mills
 Councilmember Branson

Nay: None

Motion Carried.

City of Idaho Falls
February 11, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Director of Parks and Recreation
SUBJECT: LEASE AGREEMENT - SAGE LAKES CAFE

Attached is a copy of a proposed Lease Agreement between the City of Idaho Falls and Renee Walsh and Dick and Mary Kay Jenkins for the Sage Lakes Cafe.

The Lease Agreement has been prepared by the City Attorney and the Parks and Recreation Division does not anticipate that said property will be needed for public purpose during the term of this Agreement.

The Director of Parks and Recreation respectfully requests City Council approval and authorization for the Mayor to execute the document.

s/ Dave Christiansen

Upon a brief explanation of this Lease Agreement, it was moved by Councilmember Erickson, seconded by Councilmember Mills, to approve this Lease Agreement with Renee

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Walsh and Dick and Mary Kay Jenkins for the Sage Lakes Cafe at the Sage Lakes Golf Course and, further give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Branson
Councilmember Carlson
Councilmember Erickson
Councilmember Mills

Nay: None

Motion Carried.

The Planning and Building Director submitted a memo regarding the permitted uses in the R-3A Zone. It was moved by Councilmember Branson, seconded by Councilmember Carlson, to recess this issue to the February 27, 1997 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Erickson
Councilmember Mills
Councilmember Branson
Councilmember Carlson

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
February 3, 1997

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: Police Chief Kent Livsey
SUBJECT: DENIAL OF TAXI OPERATOR LICENSE

The application for Taxi Operator License for Anthony P. Burnett is hereby submitted with the recommendation it be denied. The reason for denial is based upon his criminal history which includes being charged with Aggravated Battery on a Police Officer.

A copy of the police report is attached for your review.

s/ Kent Livsey

Anthony Burnett, 525 Walnut, No. 31, appeared to explain that he has worked for Easy Way Taxi Company for approximately 2-1/2 months, and is very well liked for the job that he does. He understands the Police Chief's concern of his criminal history. He stated further

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that he has not been in trouble for 2 years. Mr. Burnett commented that his Probation Officer stated that this is a good job for him. He requested the Mayor and Council to give him a chance, through a probationary period, to prove that he is not the person he was two years ago.

Police Chief Livsey appeared to explain that there were two issues concerning public safety on Mr. Burnett's record, and reviewed those with the Council. Chief Livsey stated that the Police Department's issue is that Mr. Burnett has a history of violence, along with a history of violence involving a vehicle. He stated that his concern is for public safety.

Mr. Burnett re-appeared to explain some of the charges against him. He commented that he has come a long way in two years. Mr. Burnett stated that his Probation Officer is Dan Doogan. He stated further that this is his only job and he has two daughters to support.

Following a brief discussion regarding the applicant's qualifications, it was decided that the Police Chief should visit with Mr. Burnett's Probation Officer to determine his progress.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to recess this issue to the February 27, 1997 Regular Council Meeting, to allow for a discussion to be held with Mr. Burnett's Probation Officer to determine if he is qualified to hold a Taxi Operator's License. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Erickson
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Branson, that the meeting adjourn at 8:00 p.m.

CITY CLERK

MAYOR
