

DECEMBER 12, 1996

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 12, 1996, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Ida Hardcastle
Councilmember Beverly Branson
Councilmember Larry Carlson
Councilmember Gary Mills

Absent were:

Councilmember Brad Eldredge
Councilmember Melvin Erickson

Also present:

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

The City Clerk read a summary of the minutes for the November 26, 1996 Special Meeting. It was moved by Councilmember Mills, seconded by Councilmember Branson, that the minutes be approved as read. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Hardcastle
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation of the following: Appointment of Julie Braun to the Historic Preservation Commission; Appointment of Paula Peterson to the Historic Preservation Commission; Appointment of Americus John Lewis as Chairman to the Mayor's Committee on Cultural Awareness and Human Relations; Appointment of Mark Heckenbach to the Shade Tree Committee (Term to Expire in December, 1999); Re-Appointment of Virginia Reavill to the Parks and Recreation Commission (Term to end in December, 1997); Re-Appointment of Bill Combo to the Parks and Recreation Commission (Term to end in December, 1999); Re-Appointment of Jerry Foss to the Golf Advisory Board (Term to expire in December, 1998); and, Appointment of Fred DiLorenzo to the Golf Advisory Board (Term to expire in December, 1997).

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.

DECEMBER 12, 1996

The City Clerk presented several license applications, including BEER LICENSES to Albertson's (Anderson Street), Albertson's (Broadway), Albertson's (Seventeenth Street), Circle K (Broadway), Classic Bar, Doc's Broadway Lounge, Eagle's Lodge, Flying J, Ford's Bar, Inc., Fred Meyer, Gas 'N' Grub, Get-N-Go Convenience Store, Happy's Chinese Restaurant, Jakers of Idaho Falls, Inc., Jiffy Mart, K. C.'s Food Mart, Kwik Shops, Inc., Leo's Place (Broadway), Leo's Place (First Street), Loading Zone, Louie's Pizza and Italian Restaurant, Mama Inez, Maverick Country Store (Broadway), Maverick Country Store (Woodruff Avenue), McFarlane's IGA, Midget Market, Morgan's Westgate Amoco, O'Callahan's, Payless Drug Store (Broadway), Payless Drug Store (Northgate Mile), Pizza Hut (Anderson Street), Pizza Hut (Broadway), Pizza Hut (Seventeenth Street), R & R Bar, Ray's Western Bar, Rutabaga's, S & K Convenience Stores, Save Fast Gas (Broadway), Save Fast Gas and Grocery (First Street), Skipper's Fish and Chips (Seventeenth Street), Skipper's Fish and Chips (Yellowstone Avenue), Sizzler Family Steak House, Smith's Food and Drug, Snake Bite, Stucki's Quick Stop, TLC Pizza, Weston's Lamplighter, and Wright Stop Texaco; BARTENDER PERMITS to Cynthia J. Green, Machele S. Gunderson, Shawn R. Pierce, Linda Jo Sanda, Roger Sanders, Kenneth L. Stensland, Wanda Walton, and Price Worrell; all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on December 12, 1996.

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

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Carlson
Councilmember Mills

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated November 1, 1996 through November 30, 1996, 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	\$ 628,535.26	\$ 29,405.76	\$ 433,141.20	\$ 377,186.55
SALARY	<u>1,637,736.65</u>	<u>97,351.00</u>	<u>54,851.87</u>	<u>229,744.85</u>
TOTAL	\$2,226,271.91	\$ 126,756.76	\$ 487,993.07	\$ 606,931.40
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAP IMP</u>
SERV/MAT	\$ 935,642.05	\$ 1,553.34	\$ 9,227.30	\$ 128,660.10
SALARY	<u>380,551.29</u>	<u>115,588.64</u>	<u>46,183.38</u>	<u>.00</u>
TOTAL	\$1,316,193.34	\$ 117,141.98	\$ 55,410.68	\$ 128,660.10

DECEMBER 12, 1996

	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>WAT CAP IMPR</u>	<u>AMBULANCE</u>
SERV/MAT	\$ 34,419.34	\$ 10,128.74	\$ 1,445.00	\$ 17,661.50
SALARY	<u>75,781.05</u>	<u>.00</u>	<u>.00</u>	<u>93,842.74</u>
TOTAL	\$ 110,200.39	\$ 10,128.74	\$ 1,445.00	\$ 111,504.24

	<u>BPA WEATH LN FD</u>	<u>SURFACE DRAIN</u>	<u>TOTALS</u>
SERV/MAT	\$ 12,817.43	\$ 25,718.85	\$2,690,268.87
SALARY	<u>.00</u>	<u>.00</u>	<u>2,731,631.47</u>
TOTAL	\$ 12,817.43	\$ 25,718.85	\$5,421,900.34

It was moved by Councilmember Mills, seconded by Councilmember Branson, to ratify the payment of the November, 1996 expenditures as presented. Roll call as follows:

Aye: Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Carlson

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Carlson to conduct the public hearing, as legally advertised, for the purpose of receiving comments or objections to the proposed sale of a parcel of land lying within Lot 46, Block 3, Esquire Acres Addition, Division No. 2. At the request of Councilmember Carlson, the City Clerk read the following memo from the Airport Director:

City of Idaho Falls
December 10, 1996

MEMORANDUM

TO: Mayor and Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: PUBLIC HEARING FOR SALE OF CITY REAL PROPERTY

A public hearing, duly advertised, is necessary to hear any objections or comments regarding the proposed sale of real property as called for in Ordinance No. 2220, adopted by the Council on November 14, 1996.

The real property consists of 6291.21 square feet located within Lot 46, Block 3 of Esquire Acres subdivision.

As called for in the Ordinance, this property will be offered for sale at a public auction set for January 21, 1997.

The minimum acceptable bid is the appraised value of \$8,493.13.

s/ James Thorsen

DECEMBER 12, 1996

There being no comments either for or against this proposed sale, it was moved by Councilmember Carlson, seconded by Councilmember Branson, to give authorization to conduct the sale of this property at public auction set for January 21, 1996 at 2:00 p.m. in the City Council Chambers. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Carlson to conduct the public hearing, as legally advertised, for the purpose of receiving comments or objections to the proposed sale of a parcel of land lying within Lot 7, Block 6, Esquire Acres Addition, Division No. 2. At the request of Councilmember Carlson, the City Clerk read the following memo from the Airport Director:

City of Idaho Falls
December 10, 1996

MEMORANDUM

TO: Mayor and Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: PUBLIC HEARING FOR SALE OF CITY REAL PROPERTY

A public hearing, duly advertised, is necessary to hear any objections or comments regarding the proposed sale of real property as called for in Ordinance No. 2219, adopted by the Council on November 13, 1996.

The real property consists of 1695.29 square feet located within Lot 7, Block 6 of Esquire Acres subdivision.

As called for in the Ordinance, this property will be offered for sale at a public auction set for January 21, 1997.

The minimum acceptable bid is the appraised value of \$2,288.64.

s/ James Thorsen

There being no comments either for or against this proposed sale, it was moved by Councilmember Carlson, seconded by Councilmember Branson, to give authorization to conduct the sale of this property at public auction set for January 21, 1996 at 2:00 p.m. in the City Council Chambers. Roll call as follows:

Aye: Councilmember Mills
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle

DECEMBER 12, 1996

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the public hearing, as legally advertised, in relation to the rezoning from HC-1 (Highway Commercial) to GC-1 (General Commercial) of a portion of Section 8, Township 2 North, Range 38, East of the Boise Meridian, located generally on the north side of East Lincoln Road, between Lincoln Road and North Yellowstone Highway. At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING - FRIEDMAN BAG COMPANY

Attached is a copy of a request to rezone a portion of property located on the north side of East Lincoln Road, between Lincoln Road and North Yellowstone Highway. The property is currently zoned HC-1 (Highway Commercial) and the request is for GC-1 (General Commercial). The request is being made to facilitate the sale of a portion of the property and to bring the remaining portions of the property into zoning compliance.

The Planning Commission recently considered this matter at a public hearing and at that time, recommended approval of the rezoning request and also recommended establishment of a 30-foot overlay zone across the property. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. There being no discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the rezone from HC-1 (Highway Commercial) to GC-1 (General Commercial) as requested and, further, include the establishment of a 30-foot overlay zone across the property, along with the City Planner being instructed to reflect said zoning change on the official zoning map located in his office. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Hardcastle
 Councilmember Mills
 Councilmember Branson

Nay: None

Motion Carried.

DECEMBER 12, 1996

Mayor Milam requested Councilmember Branson to conduct a public hearing, as legally advertised, to consider a proposed amendment to the Comprehensive Plan for addition of the following components: (1) an appendix addressing private property rights; (2) design guidelines for development of storm water retention basins as neighborhood parks; and, (3) a map of transmission corridors to be added to the public facilities inventory. Also, the Planning Commission recommended that the amendment designating bike paths, lanes, and routes on the bikeway plan and five- and twenty-year priorities be adopted as a part of the Comprehensive Plan. At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: AMENDMENTS TO THE COMPREHENSIVE PLAN

At the July 11, 1995 meeting of the Idaho Falls Planning Commission, the Commission recommended that three components be added to the Comprehensive Plan: (1) an appendix addressing private property rights; (2) design guidelines for development of storm water retention basins as neighborhood parks; and, (3) a map of transmission corridors to be added to the public facilities inventory.

The appendix addressing private property rights is in response to an amendment made to the Local Land Use Planning Act in 1995 which mandates the Comprehensive Plan is to contain an analysis to assure that private property rights are not violated. It is essentially a checklist developed by the Attorney General's Office.

The design guidelines for storm water retention basins were discussed at a Council Work Session on October 31, 1995. The study is being proposed as part of the Comprehensive Plan to provide policy support for a change in retention pond requirements and to address neighborhood parks, a goal of the Comprehensive Plan.

Under the Local Land Use Planning Act, the Comprehensive Plan is to address utility transmission corridors. After the controversy over the corridor near Ivan's Acres, the Mayor asked the Division to include the corridor in our Comprehensive Plan.

The Planning Commission, on August 8, 1995, recommended that the amendment designating bike paths, lanes, and routes on the bikeway plan and five- and twenty-year priorities be adopted as a part of the Comprehensive Plan. The map and priorities were prepared by the BMPO and answer one of the questions we received during the public hearing process: what are our priorities and how much will it cost. On July 2, 1996, the City Council held a Work Session on this amendment.

s/ Rod Gilchrist

DECEMBER 12, 1996

The Planning and Building Director further explained the request. There being no discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the amendments to the Comprehensive Plan as proposed. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Carlson
Councilmember Mills

Nay: None

Motion Carried.

The Electric Division Director submitted the following memo:

City of Idaho Falls
December 5, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: CHANGE ORDER NO. 1 TO THE GILBERT COMPANIES FOR THE SAND CREEK SUBSTATION CONTRACT

Attached is Change Order No. 1 to The Gilbert Companies for the Sand Creek Substation Contract in the amount of \$2,785.69. The City Attorney has reviewed this Change Order.

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

s/ Mark Gendron

Councilmember Hardcastle commended Scott McBride, Electric Division Engineer, for the manner that this project was handled. It was moved by Councilmember Hardcastle, seconded by Councilmember Carlson, to approve Change Order No. 1 to The Gilbert Companies for the Sand Creek Substation Contract and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

DECEMBER 12, 1996

City of Idaho Falls
December 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-97-5, VEHICLES

Attached for your consideration is the tabulation for Bid IF-97-5, New 1997 Vehicles. It is the recommendation of Municipal Services that the bid be awarded to the low bidder as per Attachment I - Item Numbers I through VI.

The trade-in units will go to the Dealers with the exception of Unit No. 439 which will be sold to the Development Workshop, who agreed to meet the amount bid by the Dealer.

s/ S. Craig Lords

It was moved by Councilmember Mills, seconded by Councilmember Branson, to accept the low bidder as per Attachment I, Item Numbers I through VI, as requested. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Mills

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT - HARVEY'S PLACE

Attached is a copy of the Final Plat for the above-described property. This property is located on the north side of and adjacent to Lincoln Road. This property is currently within the City, but has never been platted. The proposed Plat is approximately 2-1/2 acres in size. The plat is being processed in order to facilitate the sale of the property.

The Planning Commission recently considered this matter at a public hearing and, at that time, recommended approval of the Final Plat. This Department

DECEMBER 12, 1996

concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

There being no discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Final Plat and, further, give authorization for the Mayor and City Clerk to sign said Plat. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Hardcastle
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: POLICY REGARDING NON-DISCRIMINATION ON THE BASIS OF
DISABILITY

Attached is a copy of a proposed Resolution regarding non-discrimination on the basis of disability. The Resolution is a necessary requirement to be an eligible recipient of Idaho Community Development Block Grant funds. It is required to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. This proposed Resolution has been reviewed by the City Attorney and the Personnel Office. This Department respectfully requests the City Council authorize the Mayor to sign the Resolution.

s/ Rod Gilchrist

**POLICY REGARDING NON-DISCRIMINATION ON THE BASIS OF
DISABILITY (Resolution No. 1996-16)**

A Resolution of the City of Idaho Falls, Idaho, adopting a policy of non-discrimination on the basis of disability.

WHEREAS, the Congress of the United States has passed Section 504 of the Rehabilitation Act of 1973, which requires that "no otherwise qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program, services, or activities receiving federal assistance"; and,

DECEMBER 12, 1996

WHEREAS, the City of Idaho Falls has received an Idaho Community Development Block Grant and is required to comply with Section 504 of the Rehabilitation Act of 1973; and,

WHEREAS, the failure to comply with the terms and conditions of Section 504 of the Rehabilitation Act may cause the City to lose its grant or eligibility for future grants;

NOW, THEREFORE, be it resolved by the Mayor and the Council of the City of Idaho Falls, Idaho, the following:

Section I. It is the policy of the City that all programs and activities shall be accessible to, and useable by, qualified persons with disabilities, in accordance with Section 504 and the Americans with Disabilities Act (ADA).

Section II. That the City shall conduct a self-evaluation, with the assistance of a Citizen Review Committee involving individuals with disabilities, of its programs, policies, procedures, and facilities to determine those areas where discrimination may occur.

Section III. The City shall, upon completion of the self-evaluation plan, make revisions, modifications, or other changes so as to fully comply with the letter and intent of Section 504 and the ADA.

Section IV. Further, the City shall, where building modifications are required, develop and implement a transition plan for eliminating structural barriers in a timely manner in accordance with Section 504 and ADA.

Citizens may contact Randy Allen, 380 Constitution Way, 529-1248, or Renee' Magee, 529-1276, for assistance, or to answer questions regarding this policy, during the hours of 8:00 a.m. to 5:00 p.m.

Passed by the City of Idaho Falls, Idaho.

s/ Linda Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
City Clerk

Dated: December 12, 1996

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve this Resolution Policy Regarding Non-Discrimination on the Basis of Disability and, further, give authorization for the Mayor and City Clerk to execute said document. Roll call as follows:

DECEMBER 12, 1996

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Carlson
Councilmember Mills

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION - BENNETT AVENUE

In 1985, the City entered into an Agreement with adjacent property owners to vacate portions of Bennett Avenue in exchange for property needed to realign Vernon Avenue. The agreed to vacation was never accomplished.

Public Works requests authorization for the City Attorney to prepare documents to vacate portions of Bennett Avenue as previously agreed upon.

s/ Chad Stanger

It was moved by Councilmember Mills, seconded by Councilmember Branson, to give authorization for the City Attorney to prepare the necessary documents to vacate portions of Bennett Avenue as previously agreed upon. Roll call as follows:

Aye: Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
December 9, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BLACK AND VEATCH ENGINEERING SERVICES CONTRACT -
WELL NO. 5

DECEMBER 12, 1996

Attached is a proposed Contract between the City and Black and Veatch for engineering design and construction services in an amount of \$35,202.00 for electrical and mechanical upgrades to Well No. 5. The Agreement is similar to the Agreements the City has had with Black and Veatch to perform these services at other wells throughout the City.

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

s/ Chad Stanger

It was moved by Councilmember Mills, seconded by Councilmember Branson, to approve this Agreement with Black and Veatch for engineering design and construction services for electrical and mechanical upgrades to Well No. 5 and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Mills
 Councilmember Branson
 Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, that this meeting adjourn at 7:55 p.m.

CITY CLERK

MAYOR
