

**NOVEMBER 14, 1996**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 14, 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 Brad Eldredge  
Councilmember Larry Carlson  
Councilmember Melvin Erickson  
Councilmember Gary Mills

Also present:

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

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

The City Clerk read a summary of the minutes for the October 24, 1996 Regular Meeting, and the October 29, 1996 Special Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, that the minutes be approved as read. Roll call as follows:

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

Nay: None

Motion Carried.

**CONSENT AGENDA ITEMS**

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 a BEER TO BE CONSUMED ON THE PREMISES LICENSE to Stamper's Lounge; BARTENDER PERMITS to Elizabeth A. Burns, Rachele M. Colson, Thomas D. Herman, Charles D. Johnson, Thomas A. Marshall, Leon O. Noel, Donald L. Schurman, and Andrea Smith, 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 November 14, 1996.

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The City Clerk presented the following Expenditure Summary dated October 1, 1996 through October 31, 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 &amp; SEWER</u>
SERV/MAT	\$1,039,880.95	\$ 81,008.15	\$ 365,568.00	\$ 239,565.08
SALARY	<u>971,157.35</u>	<u>52,524.42</u>	<u>28,412.65</u>	<u>123,601.64</u>
TOTAL	\$2,011,038.30	\$ 133,532.57	\$ 393,980.65	\$ 363,166.72
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN SEW CAP IMP</u>
SERV/MAT	\$2,288,762.46	\$ 30,035.61	\$ 29,988.35	\$ 49,213.64
SALARY	<u>212,091.35</u>	<u>55,874.62</u>	<u>25,335.18</u>	<u>.00</u>
TOTAL	\$2,500,853.81	\$ 85,910.23	\$ 55,323.53	\$ 49,213.64
	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>WAT CAP IMPR</u>	<u>AMBULANCE</u>
SERV/MAT	\$ 61,880.38	\$ 2,000.00	\$ 18,121.32	\$ 63,864.44
SALARY	<u>41,295.56</u>	<u>.00</u>	<u>.00</u>	<u>60,969.52</u>
TOTAL	\$ 103,175.94	\$ 2,000.00	\$ 18,121.32	\$ 124,833.96
	<u>MUN EQUIP REPL</u>	<u>BPA WEATH LN FD</u>	<u>SURFACE DRAIN</u>	<u>TOTALS</u>
SERV/MAT	\$ 66.10	\$ 24,320.02	\$ 11,418.75	\$4,305,693.25
SALARY	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>1,571,262.29</u>
TOTAL	\$ 66.10	\$ 24,320.02	\$ 11,418.75	\$5,876,955.54

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

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

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Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the Annexation Proceedings for The Village Addition, Division No. 2. At the request of Councilmember Branson, the City Clerk read the following memos:

City of Idaho Falls  
November 12, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: FINAL PLAT AND ANNEXATION - THE VILLAGE, DIVISION NO. 2

Attached is a copy of the Final Plat, Annexation Ordinance, and Annexation Agreement. This is an extension of the existing construction in The Village Subdivision. It provides for 21 single-family lots to the north of the existing development. The requested zoning is R-3; however, the developer is restricted to single-family housing construction by a provision in the Annexation Agreement. The Planning Commission recently reviewed this matter and recommended approval. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

City of Idaho Falls  
November 13, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: THE VILLAGE, DIVISION NO. 2 - CORRECTION TO EARLIER MEMO

The developer is restricted to single-family construction in the requested R-3 zoning by a provision in the City Code, not the Annexation Agreement as stated in the earlier memo.

s/ Rod Gilchrist

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

Councilmember Mills clarified that this Final Plat is different from the original Preliminary Plat that was presented for this subdivision, in that where there was once a large lot, it has been turned into a cul-de-sac with single-family housing. The Assistant Planning and Building Director stated further that a new Preliminary Plat has been submitted to the Planning Commission, who in turn approved the small lots instead of the large lot.

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Larry Reinhart, 1740 Bramble Lane, appeared as the Developer of this subdivision. He explained that the original Preliminary Plat had some large lots located within this subdivision because there had been some discussion with the School District for a proposed school, along with some discussion with a church for a proposed church. Neither of these proposals has materialized, so they wish to provide single-family residential in Division No. 2.

There being no further discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Final Plat for The Village Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Annexation Agreement for The Village Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2218**

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.

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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:

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

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 Branson, seconded by Councilmember Carlson, to establish the initial zoning of The Village Addition, Division No. 2 as R-3 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 Hardcastle  
Councilmember Branson  
Councilmember Eldredge  
Councilmember Carlson  
Councilmember Erickson  
Councilmember Mills

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct a public hearing, as legally advertised, in relation to the rezoning from PT-2 (High-Density Residential and Commercial) to GC-1 (General Commercial) of Lots 1-23, Block 19, South Park Addition, located generally on the south side of West Seventeenth Street, west of Curtis Avenue. At the request of Councilmember Branson, the City Clerk read the following memo:

City of Idaho Falls  
November 12, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: REZONING - SOUTH PARK ADDITION, LOTS 1-23, BLOCK 19

This property is located adjacent to the south side of West Seventeenth Street, between Curtis and Rollandet. It is currently zoned PT-2. The petitioner is requesting the property be returned to GC-1 to facilitate the construction of

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commercial office buildings on the property. Several years ago, there was a request for similar zoning on the north side of Seventeenth Street in this area. At this time, the Planning Commission amended the Comprehensive Plan on both sides of Seventeenth Street in this area. The Planning Commission recently reviewed this request, and after some discussion, recommended denial of the request by a 5-4 vote. This Department feels this request should be granted inasmuch as the Comprehensive Plan was changed to provide for this type of zoning. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Councilmember Carlson questioned as to when the north side of Seventeenth Street in this area was rezoned to GC-1. The Assistant Planning and Building Director stated that this occurred in 1989.

Councilmember Hardcastle stated that if this zone was changed to GC-1, the City Council would lose control of how this project could be completed. The Assistant Planning and Building Director further explained that both zones allow for commercial uses. The primary difference is that the PT-2 zone allows for site plan review by the Planning Commission and the City Council, along with providing for 30% of the area to be landscaped. The GC-1 zone does not have landscape requirements.

Steve Westergard, 1860 Cabellaro Drive, appeared as the Developer of this area. He stated that he is proposing to change the zone back to the GC-1 for the following reasons:

1. There is no way that property owners can put together a development plan that would conform to the PT-2 zone.
2. Because of the restrictions of the PT-2 zone, the requirements for landscaping and parking could not be met.

Mr. Westergard further explained that he is proposing to beautify this section of property. He has a rental piece of property that is becoming an eyesore. He would remove this building to put in a commercial building, and further, would provide some landscape to beautify this area. Mr. Westergard passed out drawings of his proposal to the City Council.

Councilmember Erickson questioned Mr. Westergard as to how many owners would be affected by this zone change. Mr. Westergard stated that there are four owners that would be affected. Councilmember Erickson further questioned as to whether all owners are in agreement with this zone change. Mr. Westergard stated that he has not contacted all of them, but he has received no opposition to this proposal at this time.

Councilmember Mills asked Mr. Westergard to explain what type of business would be located in this area. Mr. Westergard stated that he would build the building and would be very selective as to what type of business he would allow there.

Following a brief discussion as to required accesses along West Seventeenth Street, Mr. Westergard stated that he proposes 2 accesses on West Seventeenth Street and 1 along Curtis Avenue.

Councilmember Mills stated that the site plan before the Council at this time cannot enter into the decision-making process of this rezoning request. The City Council has no authority to consider this site plan at this time, but must consider only the rezone.

Councilmember Hardcastle questioned Mr. Westergard as to what his objection is to the existing zone. Mr. Westergard restated his previous reasoning.

Mr. Westergard stated that he would like to have fair treatment with regard to this rezoning request, as the north side of West Seventeenth Street has been changed to GC-1. An adjacent property owner has approached him several times regarding the rental house that is located on this property now, as it is an eyesore. He further stated that he should not be penalized for the traffic that already exists on Seventeenth Street.

Councilmember Erickson questioned as to whether Mr. Westergard had given any thought to a development that would be allowed in a PT-2 zone. Mr. Westergard stated that the landscaping requirement is too restrictive. Councilmember Mills stated that he is concerned with the traffic generated by businesses at this location. Mr. Westergard stated that the PT-2 overlay has been removed from across the street. He was concerned that the north side of West Seventeenth Street could develop a larger business than what he is proposing.

David Collette, 2695 Tipperary, appeared to state that he is in favor of changing the zone to GC-1. He is the owner of the property just west of Mr. Carpet (Mr. Westergard's business). He stated further that he has no parking at his business and would share the parking lot with Mr. Westergard's proposal. He would in turn close his access on West Seventeenth Street.

Councilmember Erickson requested the Assistant Planning and Building Director to explain the uses in a GC-1 zone. The Assistant Planning and Building Director explained that the zone allows all of the commercial uses that are presently permitted in the RSC-1, C-1, HC-1 down to GC-1, from retail offices, automobile sales, automobile related, and heavy commercial use. Under the GC-1 zone, no setbacks are required to the public street.

Councilmember Eldredge requested a clarification of the PT-2 zone, regarding the possibility of issuing a variance from the landscaping requirements. The City Attorney stated that in order to justify a variance, a hardship or unusual condition must be shown. A brief discussion followed regarding the existing conditions and how Mr. Westergard would be able to make a commercial business work in this area under the PT-2 zone.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the rezone of Lots 1-23, Block 19, South Park Addition from PT-2 to GC-1, and that the City Planner be 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 Branson

Nay: Councilmember Erickson  
Councilmember Eldredge  
Councilmember Mills

Due to the lack of a Supermajority vote for this rezone, the zone stays at PT-2.

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.

Dawn Simpson, 1055 Bannock Drive, appeared regarding the siting of manufactured homes in residential areas. She requested the City Council to consider and adopt certain standards for these manufactured homes to be located in any residential area. The Assistant Planning and Building Director stated that Mrs. Simpson is referring to a State Law that says that manufactured homes will be recognized in any single-family

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neighborhood within a community. The State Law does allow municipalities to put certain restrictions on these manufactured homes, for example, that the manufactured home not be a single-wide, but a multi-sectional home with at least 1,000 square feet, backfilled foundation, and further, allow for some provision for a garage.

The Airport Director submitted the following memo:

City of Idaho Falls  
November 12, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jim Thorsen, Airport Director  
SUBJECT: ORDINANCES FOR THE SALE OF CITY PROPERTY

The City Attorney has prepared two ordinances to offer for sale to the public two small parcels in Esquire Acres Park. This sale has been requested by the neighboring landowners.

The Parks and Recreation Director has received the approval of the Idaho Department of Parks and Recreation for this sale. The conversion of these parcels to private use is more than offset by the addition to the park of a full size lot purchased by the Airport Division last year.

The Airport Division requests that the two ordinances be adopted on all three readings.

s/ James H. Thorsen

Following a brief discussion regarding the conversion of this property to private use, Councilmember Carlson requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2219**

AN ORDINANCE PROVIDING FOR THE SALE OF A PARCEL OF REAL PROPERTY OWNED BY THE CITY OF IDAHO FALLS, IDAHO, PURSUANT TO THE PROVISIONS OF TITLE 50, CHAPTER 14, IDAHO CODE; PARTICULARLY DESCRIBING SAID PARCEL; REQUIRING THAT SAID PROPERTY BE APPRAISED AND SOLD AT PUBLIC AUCTION FOR NOT LESS THAN THE APPRAISED VALUE THEREOF; SETTING DATE FOR A PUBLIC HEARING PRIOR TO SAID SALE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Carlson 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:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2220**

AN ORDINANCE PROVIDING FOR THE SALE OF A PARCEL OF REAL PROPERTY OWNED BY THE CITY OF IDAHO FALLS, IDAHO, PURSUANT TO THE PROVISIONS OF TITLE 50, CHAPTER 14, IDAHO CODE; PARTICULARLY DESCRIBING SAID PARCEL; REQUIRING THAT SAID PROPERTY BE APPRAISED AND SOLD AT PUBLIC AUCTION FOR NOT LESS THAN THE APPRAISED VALUE THEREOF; SETTING DATE FOR A PUBLIC HEARING PRIOR TO SAID SALE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Carlson 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:

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

Nay: None

Motion Carried.

The Electric Division Director submitted the following memo:

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City of Idaho Falls  
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MEMORANDUM

TO: Mayor and City Council  
FROM: Mark Gendron, Electric Division Director  
SUBJECT: NOVEMBER B.P.A. SURPLUS PURCHASE

Attached is an Agreement with B.P.A. revising the quantity only of power purchased in November as previously approved by the City Council at the special meeting of October 29, 1996. The City Attorney has reviewed the Agreement.

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

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, to approve this amended Agreement with Bonneville Power Administration and, further, give authorization for the Mayor to execute said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

City of Idaho Falls  
November 12, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Dennis D. Johnson, Fire Chief  
SUBJECT: FIRE FIGHTING AGREEMENT WITH DEPARTMENT OF ENERGY

Attached for your review is a "Reciprocal Fire Fighting Assistance Agreement" between the City of Idaho Falls Fire Department and the Department of Energy Idaho Operations. This document in essence defines a mutual aid agreement between these two entities exclusively. This Agreement has been reviewed by the City Attorney.

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The Fire Department would respectfully request the Council's consideration and approval of this Agreement and authorize the Mayor and City Clerk to execute the document.

s/ Dennis D. Johnson

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to approve this Reciprocal Fire Fighting Assistance Agreement between the City of Idaho Falls Fire Department and the Department of Energy Idaho Operations and, further, give authorization for the Mayor to execute said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
November 1, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-97-2, MOTOR FUEL AND LUBRICANTS

Attached for your consideration is the tabulation for Bid IF-97-2, Motor Fuels, Lubricants, and Services and the Fuel obtained through a computerized fuel dispensing system.

It is the recommendation of Municipal Services to accept the low bid of Wright Oil and Tire Company to furnish all required fuels, oil and services.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to accept the low bid of Wright Oil and Tire Company to furnish all required fuels, oil and services. Roll call as follows:

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

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Nay:           None

Motion Carried.

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MEMORANDUM

TO:           Honorable Mayor and City Council  
FROM:        S. Craig Lords, Municipal Services Director  
SUBJECT:     REDEMPTION DEED AND RESOLUTION - N. GRANT TOLMAN  
              AND JOANN TOLMAN

Attached for your consideration is the Redemption Deed and Resolution in favor of N. Grant Tolman and JoAnn Tolman for payment of a delinquent Local Improvement District Assessment.

Municipal Services respectfully requests Council approve and authorize the Mayor to execute said Resolution.

s/ S. Craig Lords

**RESOLUTION (Resolution No. 1996-15)**

WHEREAS, pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by Deed of the City Treasurer, dated the 11th day of May, 1990, and recorded as Instrument No. 850593 in the records of Bonneville County, Idaho, the City of Idaho Falls acquired title to and possession of the following-described real property, to-wit:

Lot 20, Block 4, Woodruff Park Addition, Division No. 5 to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, N. Grant Tolman and JoAnn Tolman have offered to pay to the City of Idaho Falls the amount for which such property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereof;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk are hereby authorized and directed, upon the payment of such sum of money, to execute and deliver to the such purchaser a Quitclaim Deed to the property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 14th day of November, 1996.

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APPROVED BY THE MAYOR this 14th day of November, 1996.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Resolution and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
November 12, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: CERTIFICATIONS AND ASSURANCES - FTA FUNDING

Attached is a copy of the annual list of Certifications and Assurances which must be approved in order to receive the CART grant monies for Fiscal Year 1997. This list of Certifications and Assurances is the same that has been approved annually to provide for the FTA assistance for CART. We respectfully request the Mayor be authorized to sign the necessary papers.

s/ Rod Gilchrist

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Certifications and Assurances to receive the CART grant monies for Fiscal Year 1997 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

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Nay:           None

Motion Carried.

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MEMORANDUM

TO:           Mayor and City Council  
FROM:       Rod Gilchrist, Planning and Building Director  
SUBJECT:   SITE PLAN APPROVAL - RUDD AND COMPANY

Attached is a copy of a site plan which provides for the expansion of the existing Rudd and Company building located adjacent to Woodruff Avenue, south of John Adams Parkway. This property is located in the Residential Shopping Center (RSC-1) zone and developments must receive review and approval of site plans by the Planning Commission and City Council. The Planning Commission recently reviewed this matter and recommended approval of the site plan. 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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MEMORANDUM

TO:           Mayor and City Council  
FROM:       Renee Magee, Assistant Planning Director  
SUBJECT:   SITE PLAN APPROVAL, RUDD AND COMPANY

The Idaho Falls Planning Commission approved the site plan for Rudd and Company at its regular meeting last evening. The site plan was approved with a buffer between the parking area and the adjacent assisted living center for the elderly. The buffer consists of ten feet of ground cover and a wood four foot fence.

Section 4.23.X of the Zoning Ordinance provides:

An effective buffer shall be provided between parking areas for more than five (5) vehicles and existing residential uses or undeveloped land shown as residential in the Comprehensive Plan. The minimum effective buffer shall include a seven (7) to ten (10) foot wide planting strip with trees and ground cover plus a masonry wall or opaque fence at least four (4) feet in height or a dense evergreen hedge that will attain a height of at least four (4) feet.

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Section 7-9-9.G, RSC-1 zone, provides:

Where a parking area abuts adjacent residential property, a masonry wall, ornamental fence, or planter strip shall be erected. Additional landscaping may be required to further protect abutting land use or zones.

At the Council Meeting, Rudd and Company may request the fence be deleted from the site plan. Ormond Builders, as the representative of Rudd and Company, feels the residential land use developed after the commercial use and zoning; therefore, the commercial use should not have to provide the buffer.

s/ Rod Gilchrist

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

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Site Plan for Rudd and Company as proposed. 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  
November 14, 1996

MEMORANDUM

TO: Honorable Mayor Milam and City Councilmembers  
FROM: Chief J. Kent Livsey, Police Department  
SUBJECT: FINDINGS OF FACT/CONCLUSIONS OF LAW

Attached is a copy of the Findings of Fact/Conclusions of Law regarding the denial of the Bartender Permit to Jonathan L. Alford which was considered at the October 24, 1996, City Council Meeting.

We are hereby requesting approval of this Findings of Fact/Conclusions of Law and further request authorization for the Mayor to execute said document.

s/ J. Kent Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to approve the Findings of Fact/Conclusions of Law for Jonathan L. Alford's denial of a

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Bartender Permit and, further, give authorization for the Mayor to sign said document. Roll call as follows:

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

Nay:           None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Eldredge, that the meeting adjourn at 8:30 p.m.

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CITY CLERK

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MAYOR

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