

AUGUST 8, 1996

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 8, 1996, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Beverly Branson
Councilmember Ida Hardcastle
Councilmember Gary Mills
Councilmember Brad Eldredge
Councilmember Larry Carlson
Councilmember Melvin Erickson

Also present:

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

Mayor Milam introduced Phil Niedzielski-Eichner, Executive Director of the Energy Communities Alliance, and further explained the functions of the Alliance. Mr. Niedzielski-Eichner appeared to thank the City of Idaho Falls for continued support of his organization. He further explained that the Mayor has been a key member of the Board and stated that the City of Idaho Falls is well-represented.

Mayor Milam and Council honored Melanie Bird by presenting her with an "Outstanding Community Service" medallion, for her part in saving her 8-month-old nephew by performing CPR on him when she found him suffocating, pinned between the wall and his bed.

The City Clerk read a summary of the minutes for the July 25, 1996 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 Carlson
Councilmember Erickson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation of the appointment of Bruce Lawrence (Engineering Department, with term to expire on December 31, 1996) and Pete Beckman (Citizen-At-Large, with term to expire on December 31, 1997) to the Traffic Safety Committee.

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.

AUGUST 8, 1996

The City Clerk presented several license applications, including LIQUOR CATERING PERMITS to Holiday Inn (Westbank) and Sneekers; BARTENDER PERMITS to Wendy K. Fell, Ann Layland, Clint Mori, Shari L. Pehrson, Roger S. Sargent, David A. Stamper, Loretta J. Stamper, and Vernon R. Stamper, 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 August 8, 1996.

The Municipal Services Director submitted the following letter:

City of Idaho Falls
August 2, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for a Handicap Lift Device used to assist in boarding and deplaning disabled passengers from commuter aircraft.

s/ S. Craig Lords

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:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated July 1, 1996 through July 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 & SEWER</u>
SERV/MAT	\$ 888,349.89	\$ 54,425.85	\$ 207,112.60	\$ 407,986.23
SALARY	<u>1,012,625.80</u>	<u>52,147.29</u>	<u>28,944.06</u>	<u>115,232.30</u>
TOTAL	\$1,900,975.69	\$ 106,573.14	\$ 236,056.66	\$ 523,218.53

AUGUST 8, 1996

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAP IMP</u>
SERV/MAT	\$2,262,142.99	\$ 80,638.41	\$ 34,159.50	\$ 4,021.00
SALARY	<u>218,754.29</u>	<u>54,192.51</u>	<u>39,419.13</u>	<u>.00</u>
TOTAL	\$2,480,897.28	\$ 134,830.92	\$ 73,578.63	\$ 4,021.00

	<u>LIBRARY</u>	<u>AMBULANCE</u>	<u>MUN EQUIP REPL</u>	<u>BPA WEATH LN FD</u>
SERV/MAT	\$ 43,587.55	\$ 33,523.07	\$ 4,784.00	\$ 22,402.30
SALARY	<u>41,297.13</u>	<u>49,834.93</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 84,884.68	\$ 83,358.00	\$ 4,784.00	\$ 22,402.30

	<u>TOTALS</u>
SERV/MAT	\$4,043,133.39
SALARY	<u>1,612,447.44</u>
TOTAL	\$5,655,580.83

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

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the public hearing in relation to the rezoning of Lot 10, Block 7, Fairmont Park Addition, Division No. 3 on property located generally on the east side of Woodruff Avenue, south of 12th Street, and is currently owned by the First Christian Church. At the request of Councilmember Branson, the City Clerk read the following memo:

City of Idaho Falls
August 5, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING REQUEST - LOT 10, BLOCK 7, FAIRMONT PARK
ADDITION, DIVISION NO. 3

This property is located on the east side of Woodruff Avenue, south of 12th Street and is currently owned by the First Christian Church. The subject property is located adjacent to and south of the church property. Currently, the frontage adjacent to Woodruff is zoned R-3A and the property to the east is

AUGUST 8, 1996

R-1. The request is to rezone the R-1 property to R-3A so this parcel can be utilized for the construction of multi-family housing for the elderly. This matter was recently heard by the City Planning Commission. At that time, several residents in the area appeared to protest the proposal. The Planning Commission, after some discussion, recommended by a vote of 5 to 1, to deny the request. The petitioner is appealing 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.

Councilmember Branson requested those present who wished to speak in favor of this issue to come forward at this time.

Earnest Hill, 855 Seventh Street, appeared to state that he is with the First Christian Church. He explained his zoning request and stated that this project will be subsidized senior housing. Mr. Hill indicated that there is a need for this type of housing for the elderly. The original plan of 40 units to be constructed, has now been reduced by the Department of Housing and Urban Development to 27 units. The National Benevolent Association, a Division of the First Christian Church, will be constructing this housing addition. Mr. Hill explained that other units have been built in Burley and Twin Falls. For senior housing, vehicle traffic and parking is limited. He explained further that the First Christian Church has enough property on Woodruff Avenue, zoned R-3A, that would allow these units to be constructed. This zone change is being requested by the Church to allow for a larger set-back for these units.

Councilmember Mills questioned Mr. Hill with regard to the Department of Housing and Urban Development's classification of a senior. Mr. Hill stated that he understood that to be 65 years of age. He explained further the cost per unit to seniors, along with what items will be provided to them.

Councilmember Carlson questioned Mr. Hill as to how the building would be situated on this property. Mr. Hill stated that the engineering firm would assist them in determining the placement of this building, due to the amount of lava rock in this area.

Councilmember Branson questioned Mr. Hill as to whether this will be a 2-story building. Mr. Hill stated that a 2-story building is being considered.

Councilmember Branson requested those in opposition to come forward to testify at this time.

Allen Gray, 1149 South Woodruff Avenue, appeared to question whether a market analysis has been conducted for this Department of Housing and Urban Development-sponsored facility. He also wanted to know if there was anything stipulated in the contract with HUD that this facility must remain for senior citizens. If HUD could not fill this facility with elderly, he was concerned that it would be open to anyone qualified for HUD housing. Mr. Gray wanted to know who would be responsible for caring for the landscaping in the summer months and who would be responsible for the snow removal in the winter months. He was concerned that no plans have been submitted for this facility. When it was considered by the Planning Commission, the residents in the area were assured that it would be a 1-story facility. Further, there would be no exit or entrance on Woodruff Avenue. He wanted to know if it was legal to have only one exit or entrance to this facility. Mr. Gray was concerned that the Council is being asked to vote on blind faith. He wanted the City Council to vote "No" on this proposal, until such time that these issues are addressed.

Gerald Hammer, 1876 12th Street, appeared to state that he had an opportunity to sit on a Master Planning Board at the time that the 12th Street area was reviewed. It was determined that this property should remain R-1. His main concern was

AUGUST 8, 1996

the traffic in the area. Mr. Hammer commented that there are several other subsidized facilities for the elderly in Idaho Falls. He stated that the elderly in this facility will have visitors, further complicating the traffic in the area. Mr. Hammer shared a portion of the Zoning Ordinance with the Mayor and Council regarding the general characteristics of the R-1 zone. He stated that he is opposed to this zone change.

Barbara Hammer, 1876 12th Street, appeared to request information as to who will own and operate this facility. She reviewed the zoning of the area with Council. Mrs. Hammer was concerned that no plan was submitted for this facility and for the traffic that will be generated in this area. She stated that she is opposed to this zone change.

Earnest Hill re-appeared to address the concerns voiced by the residents of the area. He stated that this facility will remain as subsidized housing under a contract with the Department of Housing and Urban Development. This will not be changed to a multi-family unit. HUD has guaranteed that. The appearance of this area will be greatly improved by the building as compared to the weed patch that exists now. A caretaker will be provided for this facility, also guaranteed by HUD. The National Benevolent Association is headquartered in St. Louis, Missouri. A Local Board of 10-12 members will be established. Mr. Hill stated that the traffic will not be a problem, as there will not be enough cars to concern anyone. He commented further that he has visited with Eastern Idaho Special Services regarding the need for subsidized housing for the elderly. The Board of E.I.S.S.A. has indicated that there is a long waiting list for the other facilities in Idaho Falls.

Mayor Milam questioned Mr. Hill as to whether there would be any access to the R-1 lot adjacent to the church, if this zoning request is not granted and the units are placed along Woodruff Avenue. Mr. Hill stated that there would not be any access.

The Planning and Building Director explained that there is a Final Plat to be considered later this evening, that makes the southerly portion of this property one lot and will allow for access along Woodruff Avenue, should it be approved. If the Final Plat is not approved, a permit could not be granted as it has no access.

Councilmember Carlson questioned the Planning and Building Director whether the R-1 zone would allow for a parking lot for the complex along Woodruff Avenue, should the zone change not be granted. The Planning and Building Director stated that a parking lot is not an R-1 use and would not be allowed.

Councilmember Hardcastle questioned Mr. Hill regarding the design of the building. Mr. Hill clarified that this will be a brick building similar to the facility in Burley, Idaho.

Councilmember Eldredge questioned Mr. Hill as to the access for the building. Mr. Hill stated that the Church has an access along 12th Street and there is an access on Woodruff Avenue.

Councilmember Branson questioned the City Attorney with regard to how this affects the Comprehensive Plan.

The City Attorney requested the Planning and Building Director to come forward to answer that question.

The Planning and Building Director stated that this project is consistent with the Comprehensive Plan.

Mrs. Hammer re-appeared to question where the R-1 zone is. Mayor Milam stated that the Church is in an R-1 zone and has been issued a Conditional Use Permit for the Church itself to be in that R-1 zone. It was further clarified for Mrs. Hammer that the Local Board of the National Benevolent Association would own and govern this facility.

There being no further discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the zone change from R-1 to R-3A as requested, 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:

AUGUST 8, 1996

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the public hearing in relation to the rezoning of Lot 2, Block 4, Fairmont Park Addition, Division No. 1 on property located generally at the corner of Austin and Seventeenth Street (1653 Austin). At the request of Councilmember Branson, the City Clerk read the following memo:

City of Idaho Falls
August 5, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING REQUEST - LOT 2, BLOCK 4, FAIRMONT PARK
ADDITION, DIVISION NO. 1

This property is located generally at the corner of Austin and Seventeenth Street and is currently zoned PT-2. The owner and petitioner currently owns the property at the corner of Seventeenth Street and Austin and operates the Tall Family Dentistry at that location. They are requesting a rezoning of the property to PB for the purpose of constructing a dental office on the subject property. This matter was recently considered by the Planning Commission at a public hearing. At that time, the Planning Commission recommended approval of the request. 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.

Councilmember Branson requested those present who wished to speak in favor of this rezoning to come forward at this time.

Richard Kelly, 2325 Baltic, appeared as representative for the Tall Family Dentistry Office. Mr. Kelly explained that the Talls are trying to improve this corner. The building as it now stands does not function properly for their practice. He stated that there will be no change in the business. Mr. Kelly explained further that the new building will be constructed first. At that time, the old building will be torn down and a parking lot will be put in that place. Landscaping will be included. Mr. Kelly explained the ingress/egress to the parking area.

Councilmember Carlson questioned Mr. Kelly as to how big the existing office is now. Mr. Kelly answered that the main floor is 48' X 22" (approximately 1,000 feet on one

AUGUST 8, 1996

level). He further explained that the new building will be 2,975 square feet on one level. Mr. Kelly explained that accessibility to the old building is difficult for those with mobility problems.

Councilmember Erickson questioned Mr. Kelly as to whether the driveway from the old house would be utilized as an egress/ingress for the dental office. Mr. Kelly stated that this would become a sidewalk to the City sidewalk.

Dr. Michael Tall, 1285 Pebble Creek Court, appeared to state that he did not wish to have a problem with the surrounding community. He wanted to let the neighbors know that the dental office wishes to continue to make the neighborhood better than it was before.

Councilmember Branson requested those who wished to speak in opposition of this rezoning to come forward at this time.

Kelly Thompson-Miller, 1583 Stanger Drive, appeared to state that the Talls have been good neighbors. She further explained her feelings about the Planning Commission meeting in which this was considered. Mrs. Thompson-Miller presented the following petition with 47 signatures from the surrounding neighborhood, which reads:

As members of our neighborhood, in order to protect the quality of our residences by petitioning the City Council to deny the request to building professional and commercial businesses down Austin. Also, we would like to insure the safety of our children by prohibiting exits and entrances on Austin.

Mrs. Thompson-Miller expressed her concerns over the traffic on Seventeenth Street and, further, her concerns for the many accidents that have happened in close proximity to their neighborhood recently. She expressed her concerns for the noise levels, the dirt, and the parking lots that are being installed close to their neighborhood. Mrs. Thompson-Miller stated that the neighbors are in agreement with the Talls staying in the building that they are in presently.

Norman Kane, 1579 Stanger Drive, appeared to explain the map of his neighborhood that was passed to the City Council for their review. This map is highlighted to indicate those neighbors who are concerned with the proposal of the Tall Family Dentistry Office and the rezoning. Mr. Kane explained that he has lived in this neighborhood for 18 years and stated that this neighborhood has changed drastically over the past years. Due to this change, the Kanes have installed a 6'6" fence to eliminate noise levels, garbage and dust. Mr. Kane hung a copy of the map showing the Idaho Falls Comprehensive Plan. He reviewed some of the purposes of that plan. He was also concerned for the loss of one of the mature trees located on the Tall's property. Mr. Kane reviewed the Zoning Ordinance regarding traffic generation that decreases the level of service on Seventeenth Street. Mr. Kane stated that some neighbors have had patients from Tall Family Dentistry Office parking in front of their residences. He stated further that he and the residents of the area are in opposition to this rezoning proposal.

Dan Killigrew, 1571 Stanger Drive, appeared to state that they have a considerable amount of garbage coming into their back yard. He stated that he was concerned about the traffic and noise levels of Seventeenth Street. Mr. Killigrew compared the PT-2 Zone to the PB Zone. He stated that the PB Zone will lower the standards by which the Talls will construct this building. Mr. Killigrew stated that there are other areas that are zoned PB already, that would make a good location for this dentistry office. He further reviewed the traffic pattern of Seventeenth Street and Woodruff Avenue, along with areas of new development. Mr. Killigrew stated that if the zone is changed and the dentistry office is allowed to go in, there will be more access on Austin, which means more traffic, and the

AUGUST 8, 1996

children attending Theresa Bunker will be in jeopardy. He stated that he would like to have this rezoning denied.

Marsha Morrissey, 1597 Stanger, appeared to pass out a map showing traffic volumes throughout the City of Idaho Falls, which was found in the "Managing Change: A Planning Strategy for the Areas Along Idaho Falls Arterial Streets" booklet that she received from the Assistant Planning and Building Director. She further stated that she is opposed to this zone change. Mrs. Morrissey read several quotes from the booklet with regard to arterial streets. She stated that the intersection of Austin and Seventeenth Street is very busy. As an outlet from the Fairmont Addition, it has become more and more unusable and has been the site of several automobile accidents. She presented the "Police Log" from the Post Register for the previous two nights, showing the accidents on Seventeenth Street alone. Mrs. Morrissey displayed a map showing the route that children use to get to Theresa Bunker Elementary School. She stated further that if the new building is allowed at this location, patients will park on Austin. These parked vehicles hinder the sight distance at the corner of Austin and Seventeenth Street. Mrs. Morrissey expressed a concern over the possibility of the dental office being sold to another business at some time. There would be no control over what type of a business that could be.

A general discussion was held by Council with regard to the size of the two lots being used for the dental office and the parking lot. The Planning and Building Director stated that medical facilities and offices require 5 spaces per 1,000 square feet. It was decided that the parking lot would be of sufficient size to accommodate those requirements.

Councilmember Hardcastle told the residents from the Fairmont Park Addition that the traffic issue on Austin and Seventeenth Street will be referred to the Traffic Safety Committee for review and comment.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to recess this rezoning issue to the September 12, 1996 Council Meeting, to provide an opportunity for those involved in this issue to sort out what is applicable to land use and what does not apply to this rezoning issue. Roll call as follows:

Aye: Councilmember Erickson
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge

Nay: Councilmember Mills
 Councilmember Carlson

Motion Carried.

Mayor Milam presented the following Resolution regarding the Settlement Agreement between the Governor of the State of Idaho, the Department of the Navy, and the Department of Energy, as follows:

RESOLUTION (Resolution No. 1996-12)

WHEREAS, the Governor of the State of Idaho, the United States Department of the Navy, and the United States Department of Energy have entered into a Settlement Agreement which has been issued as a Federal Court Order; and,

WHEREAS, the Agreement limits the types and amounts of spent nuclear fuel that can be shipped into the State, prohibits the shipment of

AUGUST 8, 1996

commercial spent nuclear fuel, and provides a timetable for shipments out of Idaho; and,

WHEREAS, the Agreement provides an accelerated timetable for the treatment and removal of transuranic wastes from the State of Idaho; and,

WHEREAS, the Agreement is enforceable and specifies penalties, including fines and cessation of further shipments, should provisions of the Agreement not be met; and,

WHEREAS, the Agreement recognizes that steady progress on the clean-up mission will effect employment levels at the Idaho National Engineering Laboratory, and thus the economic base of the State of Idaho, and provides funds for economic transition away from dependence on the I.N.E.L.; and,

WHEREAS, we recognize the budgetary pressures on the Federal Government, and the relative low risks at the Idaho National Engineering Laboratory when compared to other Department of Energy facilities in the United States.

NOW, THEREFORE, be it resolved that the Mayor and City Council of the City of Idaho Falls, Idaho express their support for the Settlement Agreement between the Governor of the State of Idaho, the Department of the Navy, and the Department of Energy. Further, be it resolved that the Mayor and City Council of the City of Idaho Falls, Idaho express their opposition to Initiative No. 3.

s/ Linda Milam
Linda Milam
Mayor
City of Idaho Falls
August 8, 1996

Mayor Milam explained that this Settlement Agreement dramatically affects not only this part of the State, but the entire State. There has been considerable support for the Settlement Agreement expressed by organizations in this area of the State. The Eastern Idaho Economic Council has pledged \$50,000.00 in the effort to defeat Initiative No. 3. The Mayor felt that it was important for this Community, through its elected officials, to take a position on this issue. It was moved by Councilmember Hardcastle, seconded by Councilmember Carlson, to approve this Resolution and, further, give authorization for the Mayor to execute said Resolution. Roll call as follows:

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

Nay: None

AUGUST 8, 1996

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.

C. E. White, 3280 Chapparral, appeared to state that it was commendable for the Mayor and City Council to issue this Resolution. Mr. White believes that the people who have signed the petitions for Initiative No. 3 do not understand what they are signing.

The Airport Director submitted the following memos:

City of Idaho Falls
August 6, 1996

MEMORANDUM

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

Global Travel has submitted a new Lease Agreement which has been prepared by the City Attorney.

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

s/ James Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve this Lease Agreement with Global Travel 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.

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: TABULATION OF INFORMAL BIDS - RUNWAY FOG SEAL

Informal bids were solicited for the application of Fog Seal to Runway 17-35. Four construction firms were solicited and the low bid was Asphalt Maintenance in the amount of \$14,590.63.

AUGUST 8, 1996

The Airport Division requests authorization to award the contract to Asphalt Maintenance.

s/ James Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to award the bid for Runway Fog Seal to Asphalt Maintenance and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Electric Division Director submitted the following memo:

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Division Director
SUBJECT: SERVICE SCHEDULE NO. 1 TO POWER SALES AND PURCHASE
 AGREEMENT WITH UAMPS

Attached for your consideration is Service Schedule No. 1 to the Power Sales and Purchase Agreement with UAMPS. The Service Schedule provides for the sale of the Gem State Project output to UAMPS and the purchase of supplemental resources from UAMPS. The City Attorney has reviewed the Agreement.

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

s/ Mark Gendron

Councilmember Eldredge commended Mark Gendron, Electric Division Director, and Bob Mooney, Consultant, for their work with UAMPS. The City Attorney explained that the Agreements that the City Council has approved previously, have not been approved by the UAMPS Board as yet. They will be discussed at the UAMPS Meeting scheduled for the later part of August. This Agreement being considered tonight will also have to be formally approved by UAMPS and the Attorney General. It was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, to approve Service Schedule No. 1 to the Power Sales and Purchase Agreement with UAMPS and, further, give authorization for the Mayor to sign same. Roll call as follows:

AUGUST 8, 1996

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR
IMPOSITION OF NEW FEES AND FEE INCREASES GREATER
THAN 105% FOR FISCAL YEAR 1996-1997

Municipal Services respectfully requests the Mayor and Council to authorize the publication of the attached "Notice of Public Hearing" regarding the imposition of new fees and fee increases greater than 105% for fiscal year 1996-1997, with publication dates set for August 11, 1996 and August 18, 1996.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 22, 1996, in the Council Chambers in the Electric Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the publication of the "Notice of Public Hearing" regarding the imposition of new fees and fee increases greater than 105% for fiscal year 1996-1997, with the public hearing to be held Thursday, August 22, 1996 at 7:30 p.m. in the Council Chambers at 140 South Capital Avenue. Roll call as follows:

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

Nay: None

Motion Carried.

AUGUST 8, 1996

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" 1996-1997
FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 1996-1997 Fiscal Year Budget in the amount of \$84,468,524.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 1996-1997 Fiscal Year Budget with publication dates set for August 11, 1996 and August 18, 1996.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 22, 1996, in the Council Chambers in the Electric Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

Councilmember Erickson stated that he commended the Fiscal Committee for the fine budget that has been prepared for the 1996-1997 Fiscal Year. It is one of the finest budgets that this Administration has presented. He further stated that there are 10 police cars in the budget that will initiate the One-Car-Per-Officer Program, and wanted to go on record as opposing this Program. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to tentatively approve the 1996-1997 Fiscal Year Budget and, further, approve the publication of the "Notice of Public Hearing" on August 11, 1996 and August 18, 1996, with the public hearing to be held on Thursday, August 22, 1996, at 7:30 p.m. in the Council Chambers at 140 South Capital Avenue. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CONSENT TO ASSIGNMENT OF AIRPORT INDUSTRIAL PARK
LAND LEASE

AUGUST 8, 1996

Attached for your consideration is the Assignment and Consent of Assignment of Scientech's Airport Industrial Park Land Lease with the City of Idaho Falls.

It is respectfully requested that Council approve the Lease Assignment and approve the Mayor to execute the documents.

s/ S. Craig Lords

The City Attorney stated that this Assignment was received early this week. The owner was apprised of the need to have the City approve the Assignment of the Lease in May, 1996. As this is normally a routine item, the City Attorney stated that he would approve the Assignment from his office without seeing a signed copy of the Assignment. The Developer was also advised that a signed copy would be required prior to this being placed on the Council Agenda. The Attorney did not receive this signed copy until he was walking out of the door of his office this evening. He further stated that there were changes on this document from the original document that was approved.

Paul Fife, 803 Pescadero, appeared to state that he represents Scientech in this transaction, and that the document that he brought with him this night was the original document that was reviewed by the City Attorney. It was not the same as the one received by fax at the City Attorney's Office.

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Assignment of Lease Agreement subject to review and approval by the City Attorney. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
August 2, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Christiansen, Parks and Recreation Director
SUBJECT: COMMUNITY FORESTRY ORDINANCE

Attached for your consideration is an Ordinance repealing and re-enacting Chapter 9 of Title 8 adopting a new chapter of the City Code regulating the planting, trimming, and removal of certain trees within the City and establishing a City Shade Tree Committee and setting forth their duties. This Ordinance has been prepared and reviewed by the City Attorney. The

AUGUST 8, 1996

Southeast Chapter of the Idaho Falls Nursery Association has also reviewed and endorsed the proposed Ordinance. It is, therefore, submitted for your approval.

s/ Dave Christiansen

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

ORDINANCE NO. 2207

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 9 OF TITLE 8 OF THE CITY CODE OF THE CITY OF IDAHO FALLS; ADOPTING A NEW CHAPTER OF THE CITY CODE REGULATING THE PLANTING, TRIMMING AND REMOVAL OF CERTAIN TREES WITHIN THE CITY; ESTABLISHING A CITY SHADE TREE COMMITTEE AND SETTING FORTH THEIR DUTIES AND RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; PRESERVING PROSECUTION OF PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINDINGS OF FACT/CONCLUSIONS OF LAW

The Sunnyside Industrial and Professional Park is a proposed County Plat adjacent to the City Limits. This request was recently considered by the Mayor

AUGUST 8, 1996

and City Council and, at that time, they recommended denial of the proposed development. The Findings of Fact and Conclusions of Law are now being submitted for your consideration

s/ Rod Gilchrist

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Findings of Fact and Conclusions of Law regarding the Sunnyside Industrial and Professional Park (County Plat) and, further, give authorization for the Mayor to sign said document. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT - FAIRMONT PARK ADDITION, DIVISION NO. 3

Attached is a copy of the First Amended Plat of Fairmont Park Addition, Division No. 3. This is a replat of Lot 10 of the original Fairmont Park Addition, Division No. 3. This property is located at the southeast corner of Woodruff and 12th Street. It is currently in the City and a portion of it is occupied by the First Christian Church. It is being replatted into three lots to facilitate the sale of excess property which the church owns. The Planning Commission recently reviewed this matter and, at that time, recommended approval of the Plat. 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. It was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the First Amended Plat of Fairmont Park Addition, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign said Final Plat. Roll call as follows:

AUGUST 8, 1996

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:

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SEAL COATING - 1996 - PROJECT NO. 0.00.00.0.STR.96.03

On July 30, 1996, bids were received and opened for Seal Coating, 1996. A tabulation of those bid results is attached.

Public Works recommends award of this bid to the low bidder, Kloepfer, Inc. of Paul, Idaho, in the amount of \$102,022.50; and, authorization for the Mayor to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to accept the low bid of Kloepfer, Inc. to complete the Seal Coating - 1996 Project and, further, give authorization for the Mayor to execute said Contract Documents. Roll call as follows:

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

Nay: None

Motion Carried.

AUGUST 8, 1996

City of Idaho Falls
August 6, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - LOT 17, BLOCK 4, WESTLAND HEIGHTS
ADDITION, DIVISION NO. 3

Public Works requests authorization for the City Attorney to prepare documents necessary to vacate a portion of an irrigation ditch easement, formerly used for storm drainage, located in Lot 17, Block 4, Westland Heights Addition, Division No. 3.

s/ Chad Stanger

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to authorize the City Attorney to prepare the necessary documents for the easement vacation in Lot 17, Block 4, Westland Heights Addition, Division No. 3. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director appeared to state that the Western Planners Conference was being held in Idaho Falls this week, co-sponsored by the Idaho Planning Association. Every year, the Idaho Planning Association grants an award to an association or individual who has done something noteworthy in the field of Planning. This year's award was presented to the Eastern Idaho Economic Development Council.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Carlson, that the meeting adjourn at 9:45 p.m.

CITY CLERK

MAYOR
