

MAY 23, 1996

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 23, 1996, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Larry Carlson, Melvin Erickson, Ida Hardcastle, Brad Eldredge, Gary Mills, and Beverly Branson. Also present were: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Mayor Milam requested Boy Scout Adam Schanz come forward and lead those present in the Pledge of Allegiance.

Mayor Milam and Councilmembers honored City Library Retiree Janet Clark for her years of service to the City by presenting her with a gold watch.

The City Clerk read a summary of the minutes for the May 9, 1996 Regular Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, that the minutes be approved as read. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation of the Appointments of Brad Eldredge and Jake Cordova to serve on the Regional Transportation Authority (RTA) Governing Board, along with Sharon Roh serving as an Ad Hoc, on a temporary basis, to that same Board.

The City Clerk presented several license applications, including BEER TO BE CONSUMED ON THE PREMISES LICENSE TRANSFERS to The Hitching Post (Owner Change) and Godfather's Pizza (Owner Change); BEER NOT TO BE CONSUMED ON THE PREMISES LICENSE to Western Amusement Company; and, BARTENDER PERMITS to Doug R. Bennion, Robert J. Birch, Cheryl A. Mullins, Gina L. Smith, and James L. Thomas, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification of the publishing of legal notices calling for public hearings on May 23, 1996.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
May 27, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK TENNIS COURT RENOVATION PROJECT

The Parks and Recreation Division respectfully requests authorization to receive bids to renovate the Tautphaus Park Tennis Courts. This project is currently budgeted for Fiscal Year 1995-1996.

s/ Dave Christiansen

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: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

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REGULAR AGENDA ITEMS:

Mayor Milam declared open a public hearing to consider an appeal from the Board of Adjustment decision concerning a request for a variance to encroach 6 feet 4 inches into the required 10-foot side yard for the purpose of retaining an existing non-conforming boat port on property located at 2292 Darah Street, Idaho Falls, Idaho, legally described as Lot 16, Block 9, Alice Dickson Estates Addition, Division No. 7.

At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 20, 1996

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: APPEAL FROM DECISION OF THE BOARD OF ADJUSTMENT

Attached is a copy of an appeal from a decision of the Board of Adjustment. The property owner at 2292 Darah constructed a carport for the purpose of storing a boat on his property, which is legally described as Lot 16, Block 9, Alice Dickson Estates Addition, Division No. 7. This property is in an RPA zone. The structure was built without the benefit of a building permit and encroaches 6 feet 4 inches into the required 10-foot side yard. This matter was submitted to the Board of Adjustment. The petitioner requested a variance to retain the boat port as constructed. The Board of Adjustment denied the request. This Department concurs with that decision. The property owner is appealing this decision and the matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

The Planning and Building Director further explained the request and passed to the Council pictures of the existing boat port.

Scott Archibald, 2292 Darah, owner of this property, appeared to further explain his request. He stated that after he had constructed the boat port, he received signatures of approval from his surrounding neighbors. He at that time tried to obtain a building permit, but could not as this would have required a variance to encroach into the side yard. Mr. Archibald further stated that this is not an eyesore and does not create a hardship for his neighbors.

Councilmember Carlson explained that the RPA Zone is the most strict zone in the Zoning Ordinance.

Mr. Archibald stated that after he completed his boat port, he found out how restrictive the zone is. He went on to explain the construction of his boat port.

Councilmember Hardcastle questioned Mr. Archibald as to whether he purchased his house completed or whether he had this home built for him. Mr. Archibald stated that he moved in after the home was completed. Councilmember Hardcastle further questioned as to whether Mr. Archibald knew what the zoning was when he moved in. Mr. Archibald stated that he did not. Councilmember Hardcastle stated that there are only four RPA zones in the City of Idaho Falls, those being Home Ranch Addition, Stonebrook

Addition, Rose Nielson Addition, and Alice Dickson Estates Addition. Mr. Archibald stated that the home was not positioned properly on the lot when it was built. He would have been

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able to put the boat port on the house if his home had been centered on the lot. Councilmember Hardcastle clarified that Mr. Archibald went to the Building Department to take out a Building Permit after the boat port was already constructed.

Councilmember Carlson questioned Mr. Archibald as to how many people signed the petition approving the boat port. Mr. Archibald stated that everyone around his home signed this petition approving the boat port. Councilmember Carlson stated that if the City Council approves this variance for the boat port, a precedent will be set and anyone in an RPA Zone is entitled to the same privilege.

Mr. Archibald explained how he has developed his yard. He stated that this is not an eyesore.

Councilmember Mills questioned whether the structure itself is built according to the Uniform Building Code. Mr. Gilchrist stated that some modifications would have to take place with the structure, for example, a one (1) hour fire wall would have to be put on the outside of this structure because it is so close to the neighbor's home. Mr. Archibald explained that there are no walls on the boat port, it is totally open. Councilmember Mills stated that the structure does not conform to the Uniform Building Code. The Council cannot modify the Building Code. Mr. Archibald questioned as to what he could do to make it conform to the Uniform Building Code. Mr. Gilchrist stated that the only solution to this issue would be to build a one (1) hour firewall on the side of the boat port closest to the neighbor's home.

There being no one to speak in favor or in opposition of this request, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to deny the appeal for a variance and, further, give Mr. Archibald 30 days to remove the structure. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

Mayor Milam declared open a public hearing to consider the proposed Amended 1995-1996 Fiscal Year Budget. At the request of Councilmember Eldredge, the City Clerk read the following memo from the Municipal Services Director:

City of Idaho Falls
May 10, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADOPTION OF THE AMENDED 1995-1996 FISCAL YEAR
BUDGET

Attached for your consideration is a copy of the proposed amended 1995-1996 Fiscal Year Budget that was tentatively approved on May 9, 1996, by the Mayor and City Council and has been advertised as required by Idaho Code.

Municipal Services respectfully requests the adoption of the amended 1995-1996 Fiscal Year Budget in the amount of \$82,172,640.00, and the attached appropriation ordinance, appropriating the monies to and among the various funds.

s/ S. Craig Lords

This being a public hearing, Councilmember Eldredge requested those in favor or opposing this item to come forward at this time. There being no response, Councilmember Eldredge

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explained the reasons for making this amendment to the 1995-1996 Fiscal Year Budget. Councilmember Eldredge requested the City Attorney to read the Ordinance title:

ORDINANCE NO. 2201

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING ORDINANCE NO. 2184, BEING THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1995, AND ENDING SEPTEMBER 30, 1996; APPROPRIATING ADDITIONAL MONIES RECEIVED BY THE CITY IN THE FORM OF FEDERAL GRANTS AND FROM PREVIOUSLY UNAPPROPRIATED FUND BALANCES; PROVIDING FOR EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Eldredge moved, and Councilmember Mills seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with and the Ordinance be passed on all three readings. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
May 20, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUCTION SALE TO DISPOSE OF IMPOUNDED, UNCLAIMED,
AND SURPLUS MERCHANDISE

Municipal Services respectfully requests authorization to conduct a City Auction Sale for impounded, unclaimed and City surplus merchandise. The sale is scheduled for Saturday, June 15, 1996, at 11:00 a.m.

Municipal Services also respectfully requests to retain Great Western Auction International to set up said auction, tag merchandise, and provide accounting of sales and proceeds at the cost of ten percent (10%) of net proceeds if auction total is over \$5,000.00, or twelve (12%) of net proceeds if the auction total is under \$5,000.00.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Auction Sale and, further, give authorization to retain Great Western Auction International to conduct auction as requested. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

The Planning and Building Director submitted the following memos:

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT - COUNTY PLAT

Attached is a copy of the Final Plat of St. Leon Industrial Park, Division No. 1. This property is located on the westerly side of St. Leon Road, north of the City. It is proposed as a six-lot industrial subdivision. It is within one mile of the City limits and requires approval of the City Council prior to recording. This matter was recently considered by the Planning Commission and, at that time, was recommended for approval. 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 questions or comments, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Final Plat of St. Leon Industrial Park, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT - COUNTY PLAT

Attached is a copy of the Final Plat of Ione-Simpson Subdivision. This property is located adjacent to and on the south side of Township Road, just east of Holmes Avenue. It is a three-lot, large-lot residential subdivision. It is within one mile of the City limits and requires approval of the City Council prior to recording. This matter was recently considered by the Planning Commission and, at that time, was recommended for approval. 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 questions or comments, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Final Plat of Ione-Simpson Subdivision and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: NATIONAL ELECTRICAL CODE, 1996 EDITION

Attached are copies of an Ordinance adopting the latest edition of the National Electrical Code. This Ordinance has been prepared by the City Attorney's Office. The National Electrical Code has been reviewed by the Building Department staff. There are no major changes from the version of the Code we are currently using. This Department respectfully requests the Ordinance be adopted.

s/ Rod Gilchrist

The Planning and Building Director further explained the Ordinance. At the request of Councilmember Branson, the City Attorney read the following Ordinance title:

ORDINANCE NO. 2202

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-8-1 AND 7-8-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: ORDINANCE MODIFYING THE UNIFORM BUILDING CODE

Attached is a copy of an Ordinance which provides for modification of the definitions of Class B construction. The new version of the Uniform Building

Code changes the definitions of occupation groups within the Code. This Ordinance modifies our Licensing Ordinance as far as Class B construction, to

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bring it into conformity with the new occupant classes within the Uniform Building Code. This Ordinance has been prepared by the City Attorney's Office. We respectfully request this Ordinance be adopted on all three readings.

s/ Rod Gilchrist

The Planning and Building Director further explained the modifications to the Uniform Building Code, in that it is a change in the nomenclature of the Code. At the request of Councilmember Branson, the City Attorney read the following Ordinance title:

ORDINANCE NO. 2203

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 4-7-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; AMENDING THE DEFINITIONS USED IN TITLE 4, CHAPTER 7; PROVIDING FOR PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 17, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: AERIAL PHOTOGRAPHY SERVICES AGREEMENT

Attached is a proposed Agreement with Intermountain Aerial Surveys to provide professional services related to providing aerial photographs of the City and adjacent areas. The cost to provide these services is \$41,039.43 and will be shared by various City Departments and BMPO.

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

s/ Chad Stanger

Councilmember Erickson further explained this request and stated that aerial photography is done every four (4) years. It was moved by Councilmember Erickson, seconded by

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Councilmember Mills, to approve the Agreement with Intermountain Aerial Surveys and, further, give authorization for the Mayor to sign said Agreement. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls
May 21, 1996

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD - PINECREST GOLF COURSE PARKING LOT
RESURFACING

On May 14, 1996, bids were received and opened for resurfacing Pinecrest Golf Course Parking Lot. A tabulation of the bid results is attached. The apparent low bidder was BECO Construction Company in the amount of \$55,471.70.

This matter is being submitted to the City Council for consideration.

s/ Chad Stanger

Councilmember Erickson further explained the request and stated that the golfers have been paying into a Capital Improvement Fund for such improvements. Councilmember Carlson questioned why so much money was being put into a Golf Course Parking Lot, when some of the City's streets are in such poor repair. After a brief discussion, it was explained that this money is in the Golf Course Improvement Fund and has to be used for such improvements. The money cannot be allocated to other projects in the City. It was moved by Councilmember Erickson, seconded by Councilmember Mills, to accept the low bid of BECO Construction Company to resurface the Pinecrest Golf Course Parking Lot and, further, give authorization for the Mayor and City Clerk to sign said Contract. Roll call as follows: Ayes, Councilmembers Erickson, Hardcastle, Eldredge, Mills, and Branson; No, Councilmember Carlson; Motion Carried.

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - RIDGEWOOD PARK ADDITION,
DIVISION NO. 1

The owner and developer of Lot 2, Block 1, Ridgewood Park Addition, Division No. 1 has requested vacation of a 20' utility easement which runs through the middle of the described lot.

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Public Works requests authorization for the City Attorney to prepare the documents for City Council consideration of this request.

s/ Chad Stanger

At the request of Councilmember Erickson, the Public Works Director explained that the owner/developer wants to construct a building in the center of this large lot, so the easement for utilities would have to be relocated. It was moved by Councilmember Erickson, seconded by Councilmember Mills, to give authorization for the City Attorney to prepare the necessary documents for the Easement Vacation in Ridgewood Park Addition, Division No. 1. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Mills, that the meeting adjourn at 8:10 p.m.; Motion Carried.

CITY CLERK

MAYOR

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