

**APRIL 30, 1996**

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The City Council of the City of Idaho Falls met in Recessed Council Meeting, Tuesday, April 30, 1996, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Brad Eldredge, Larry Carlson, Gary Mills, Melvin Erickson, and Ida Hardcastle. Absent was: Councilmember Beverly Branson. Also present were: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

The City Clerk read a summary of the minutes for the April 11, 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 Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

**CONSENT AGENDA ITEMS**

The City Clerk presented several license applications, including BARTENDER PERMITS to Paulette Botasso, Crystal A. Browning, Richard P. Clark, Crystal C. Coleman, Stuart R. Gokey, Renee R. Marsh, Teresa A. Nielson, Ben Porraz, David R. Richan, Jacqueline B. Richan, and Bill D. Tanner, all carrying the required approvals, and requested authorization to issue these licenses.

The Airport Director submitted the following memo:

City of Idaho Falls  
April 22, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jim Thorsen, Director of Aviation  
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS

The Airport Division requests authorization to advertise to receive bids for the enclosed ground level boarding gate walkway project.

s/ James H. Thorsen

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
April 11, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ADVERTISEMENT FOR BIDS - REROOFING OF THE BONNEVILLE MUSEUM

Municipal Services respectfully requests ratification of authorization to advertise and receive bids to re-roof the Bonneville Museum.

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.

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Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Hardcastle; No, none; Motion Carried.

**REGULAR AGENDA ITEMS:**

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
April 26, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: LEASE AGREEMENT - J M & S FARMS LEASE EXTENSION

Attached for your consideration is a proposed Lease Extension Agreement between the City of Idaho Falls and J M & S Farms. The Municipal Services Division does not anticipate that the property will be needed for public purposes during the term of this Agreement.

Said Agreement has been reviewed and approved by the City Attorney and the Parks and Recreation Director.

Municipal Services respectfully requests the City Council to approve and authorize the Mayor to sign said Lease Agreement.

s/ S. Craig Lords

Councilmember Eldredge stated that this property is located by the Sage Lakes Golf Course. On the original plot plan, the Sales Office was located on a corner lot that the Developer has since sold. This office is being moved across the street. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Lease Extension Agreement with J M & S Farms and, further, give authorization for the Mayor to sign same. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
April 24, 1996

MEMORANDUM

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

Attached is a copy of the Final Plat of Chelsea Court. This property is currently within the City and zoned R-3. This property was originally platted as a portion of Lakewood Aspens Addition, which was originally designed to be a single-family condominium-type planned unit development. Only a small portion of the original property was developed in this manner. The property has since

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changed hands and has been rezoned. The property is being replatted into one large lot to develop an apartment complex. No Development Agreement is required as the improvements have been installed. The Planning Commission recently considered this matter, and at that time, recommended approval of the Final Plat.

s/ Rod Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. It was further clarified that the Planned Unit Development will no longer apply to this area. It was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve the Final Plat for Chelsea Court and, further, give authorization for the Mayor and City Clerk to sign the Final Plat. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

City of Idaho Falls  
April 24, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: BURNS ADDITION, DIVISION NO. 1 - FINAL PLAT

Attached is a copy of a one-lot subdivision located at the northwest corner of the intersection of 19th Street and Rollandet Avenue. This property is currently within the City and zoned GC-1. This property was previously unplatted. It is currently being platted to provide for a change in ownership and subsequent development. The developer is installing sewer and water and replacing curb and gutter as needed. No Development Agreement is required inasmuch as all other improvements have been installed. The Planning Commission recently considered this matter, and at that time, recommended approval of the Final Plat.

s/ Rod Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. It was noted that Eagle Rock Nursery will be going into this location. It was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve the Final Plat for Burns Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Final Plat. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor Milam and City Councilmembers  
FROM: Chief J. Kent Livsey, Police Division  
SUBJECT: BARTENDER APPLICATION FOR KENT A. WHITEHEAD

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After again reviewing the Bartender License application for Kent Anton Whitehead, I am still of the opinion that his request should be denied. He has had three DUI's in the past seven years. The record is attached. Of great concern, was that while being arrested for DUI the last time, he assaulted the deputy who was trying to effect the arrest that occurred on May 8, 1995. I have attached that report and highlighted the area that gives me concern.

On October 20, 1995, Mr. Whitehead entered a plea of guilty to a DUI in that incident. The charges of resisting the officer and failing to purchase a driver's license were dismissed by the prosecutor. It is usual in the plea bargaining process for the prosecutor to dismiss those types of charges if the defendant agrees to plead guilty to the DUI. In reviewing the prosecutor's file, this is exactly what happened in this case.

On April 22, 1996, I had an opportunity to discuss this issue with Mr. Whitehead's Probation Officer Nancy Kishiyama from the Bonneville County Probation Office. She stated that she does not think it would be in Mr. Whitehead's best interest to work in a bar because of his alcohol problem.

As in the last request, I am basing my denial on Section 4-2-15, of the City Code, which requires applicants to establish a good moral character. I do not think Mr. Whitehead's actions regarding his DUI's coupled with the assault of the police officer are the actions of one with good moral character.

s/ J. Kent Livsey

Councilmember Carlson stated that he has had this problem in the past. He was told by an old, wise man, that he should change playmates and playgrounds. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to deny Mr. Whitehead's request for a Bartender Permit, and, further to prepare Findings of Fact and Conclusions of Law with regard to the denial of this permit. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls  
April 30, 1996

MEMORANDUM

TO: Honorable Mayor Milam and City Councilmembers  
FROM: Chief J. Kent Livsey, Police Division  
SUBJECT: RESOLUTION FOR JAIL BOND

It is requested that the attached Resolution pertaining to the Bonneville County Jail be approved by the Mayor and City Council.

s/ J. Kent Livsey

In May, Bonneville County voters will be given the opportunity to vote on bonding for a new County Jail. This issue is of great concern to our community because of its impact on the public safety of our citizens. The Mayor and City Council encourage every eligible voter to understand the issues and vote.

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**BE IT RESOLVED THAT: (Resolution No. 1996-04)**

**WHEREAS,** the jail is overcrowded, and the community is at risk as offenders are returned to our streets without serving sentences; and,

**WHEREAS,** our community's resources are increasingly given to other counties to house our prisoners, and transportation of our prisoners is a financial and staffing burden; and,

**WHEREAS,** inadequate housing for prisoners negatively impacts local law enforcement efforts; and,

**WHEREAS,** failure to obtain required housing will result in Federal intervention at a much higher cost;

**THEREFORE,** the Mayor and City Council of Idaho Falls support the jail bond issue and encourage the voters of Idaho Falls to support it with their vote on May 28, 1996.

s/ Linda Milam  
Linda Milam  
Mayor  
City of Idaho Falls

Councilmember Hardcastle stated that she is very happy to make this motion, and Councilmember Eldredge, further, stated that this is a very good and efficient plan for the jail. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Resolution and, further, give authorization for the Mayor to sign said Resolution. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls  
April 23, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD - WATER LINE REPLACEMENTS, 1996

Attached is a tabulation for Water Line Replacements, 1996. The apparent low bidder, Haroldsen Building, found errors in their proposal and requested, in writing, that it be withdrawn from consideration in the bid award.

Public Works recommends that the Council allow Haroldsen Building to withdraw their bid and award the contract to the next low bidder, H-K Contractors, Inc., in the amount of \$146,054.00; and, authorize the Mayor to sign the documents.

s/ Chad Stanger

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Councilmember Carlson questioned the Public Works Director as to the difference between Haroldsen Building bid and H-K Contractors, Inc., bid. The Public Works Director stated that the difference between the two bids was approximately \$20,400.00. It was moved by Councilmember Erickson, seconded by Councilmember Mills, to award the Water Line Replacements, 1996 Project to the second low bidder, H-K Contractors, Inc. and, further, give authorization for the Mayor to sign said Contract. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls  
April 23, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: MEMORANDUM OF AGREEMENT - JARDINE AND LANDON

Attached are copies of a Memorandum of Agreement and Deeds of Easement between the City and Val and Kathy Jardine; and, Allen and Karen Landon. This Agreement specifies responsibilities related to maintenance of a water main and water service lines located on properties owned by the Jardines and Landons; and, a claim for cost of repairs to be paid by the City to these parties in the amount of \$695.20.

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

s/ Chad Stanger

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to approve the Memorandum of Agreement and Deeds of Easement between the City and Val and Kathy Jardine and Allen and Karen Landon and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

City of Idaho Falls  
April 23, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: PANCHERI DRIVE RIGHT-OF-WAY CONTRACT - MONROC, INC.

Attached are copies of a Right-of-Way Contract between the City and Monroc, Inc. for right-of-way and damages related to the Pancheri Drive Project. The cost to the City for this transaction is \$55,143.00.

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

s/ Chad Stanger

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Councilmember Erickson explained that the purchase of the right-of-way completes the first phase of the Pancheri Drive Project. It was clarified that the first phase of Pancheri Drive ends at approximately Milligan Road. It was moved by Councilmember Erickson, seconded by Councilmember Mills, that the Right-of-Way Contract between the City and Monroc, Inc. be approved and, further, that the Mayor be authorized to sign the Contract. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

City of Idaho Falls  
April 25, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD - ASPHALT OVERLAY OF STREETS, 1996

On April 23, 1996, bids were received and opened for Asphalt Overlay of Streets, 1996. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to the low bidder, H-K Contractors, Inc., in the amount of \$286,450.00; and, authorization for the Mayor to sign the Contract Documents.

s/ Chad Stanger

Councilmember Eldredge commented that as the budgeted amount for the Asphalt Overlay of Streets, 1996 was approximately \$325,000.00. He wanted to know if the excess money remaining in the budget would be used to extend some further overlay, maybe Science Center Drive. The Public Works Director stated that the original estimate on this project had higher unit costs. In response to this, 17th Street overlay was scaled back to allow for the extra cost. The intention was to extend the overlay on 17th Street, or receive instruction from the Mayor and City Council to overlay another street. The Mayor and City Council felt that the Overlay Project should continue to extend 17th Street as recommended. It was moved by Councilmember Erickson, seconded by Councilmember Mills, to accept the low bid of H-K Contractors, Inc. to complete the Overlay of Streets, 1996 Project. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

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

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CITY CLERK

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MAYOR

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