

**APRIL 11, 1996**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 11, 1996, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Ida Hardcastle, Brad Eldredge, Larry Carlson, and Gary Mills. Absent were: Councilmembers Melvin Erickson and Beverly Branson. Also present were: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Mayor Milam requested Eagle Scout Christopher Kelly to come forward and lead those present in the Pledge of Allegiance.

Mayor Milam and Councilmembers honored Christopher Lee Kelly for earning his Eagle Scout Award, by presenting him with a Certificate of Appreciation.

The City Clerk read a summary of the minutes for the March 28, 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, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

### **CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation of the Re-appointment of John St. Clair to serve on the Library Board for a five (5) year term. Mayor Milam requested the appointment for the new Fire Chief be considered under the Regular Agenda.

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 BARTENDER PERMITS to Cindy Brown, Maria C. Dickerson, Brian J. Hill, Mary Kay Jenkins, Gail M. Roseland, Lela M. Tate, and Mariann R. Williams, all carrying the required approvals, and requested approval to issue these licenses.

The City Clerk requested Council ratification for the publishing of a legal notice calling for a public hearing on April 11, 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: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

### **REGULAR AGENDA ITEMS**

Mayor Milam requested Council confirmation of the appointment of Dennis Johnson as the new Fire Chief. Mayor Milam reviewed Mr. Johnson's background with the Fire Department, along with the process taken to arrive at this decision. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the appointment of Dennis Johnson to serve as the new Fire Chief for the City of Idaho Falls. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, and Mills; No, Councilmember Carlson; Motion Carried. At this time, Chief Hahn presented Dennis Johnson with his old Fire Chief's badge and, further, pinned him as the new Fire Chief for the City of Idaho Falls. Chief Johnson introduced several people present showing support of him in his new position.

The City Clerk presented the following Expenditure Summary dated March 1, 1996 through March 31, 1996, after having been audited by the Fiscal Committee and paid by the Controller:

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	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER &amp; SEWER</u>
SERV/MAT	\$1,247,594.52	\$ 137,925.91	\$ 139,522.93	\$ 359,872.20
SALARY	<u>890,138.35</u>	<u>47,902.16</u>	<u>27,335.91</u>	<u>120,057.93</u>
TOTAL	\$2,137,732.87	\$ 185,828.07	\$ 166,858.84	\$ 479,930.13
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN SEW CAP IMP</u>
SERV/MAT	\$3,159,205.59	\$ 129,350.72	\$ 47,701.02	\$ 100,000.00
SALARY	<u>190,980.90</u>	<u>53,909.73</u>	<u>31,922.45</u>	<u>.00</u>
TOTAL	\$3,350,186.49	\$ 183,260.45	\$ 79,623.47	\$ 100,000.00
	<u>LIBRARY</u>	<u>WATER CAP IMPR</u>	<u>AMBULANCE</u>	<u>MUN EQUIP REPL</u>
SERV/MAT	\$ 61,362.77	\$ 100,000.00	\$ 80,937.36	\$ 114,518.00
SALARY	<u>42,447.73</u>	<u>.00</u>	<u>48,659.36</u>	<u>.00</u>
TOTAL	\$ 103,810.50	\$ 100,000.00	\$ 129,596.72	\$ 114,518.00
	<u>BPA WEATHER LN FD</u>	<u>TOTALS</u>		
SERV/MAT	\$ 21,807.50	\$5,699,798.52		
SALARY	<u>.00</u>	<u>1,453,354.52</u>		
TOTAL	\$ 21,807.50	\$7,153,153.04		

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to ratify the payment of the March, 1996 expenditures as presented. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

Mayor Milam declared open a public hearing to consider the request for a Conditional Use Permit for a portable (modular) classroom to house students on property located at Emerson Elementary School, 355 Fifth Street, legally described as Block 15, Lots 1 through 48, Crows Addition. The City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
April 9, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: PORTABLE CLASSROOM - EMERSON ELEMENTARY SCHOOL

Attached is a copy of a request from School District No. 91 to locate a modular classroom adjacent to Emerson Elementary School. This property would be located adjacent to the annex building on the Fifth Street side of the property. This Department has reviewed this request and recommends approval of the Conditional Use Permit as presented for a period of one calendar year. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist



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

John Murdock, 280 Marjacq, appeared to state that he is the Assistant Superintendent for Curriculum and Instruction for School District No. 91. Mr. Murdock explained the purpose for relocating the modular building, in that boundaries are being re-aligned between Bush Elementary School and Emerson Elementary School.

Councilmember Mills questioned Mr. Murdock as to where the additional buses will pick up or drop off students.

Mr. Murdock indicated that these buses will continue to pick up and drop off students along Emerson Avenue. He further explained that the Annex Building at Emerson Elementary School will no longer be used as an office building, thus eliminating that traffic.

There being no further discussion, it was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve the Conditional Use Permit for one calendar year. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

The Airport Division Director submitted the following memos:

City of Idaho Falls  
April 4, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jim Thorsen, Director of Aviation  
SUBJECT: ASSIGNMENT OF LEASE

Larry and Gloria Hill have purchased an aircraft storage hangar from Martin and Margaret Luther.

The City Attorney has prepared a Consent to Assignment of Lease and the Airport Division respectfully requests authorization for the Mayor to execute the Agreement.

s/ James H. Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve the Consent to Assignment of Lease from Martin and Margaret Luther to Larry and Gloria Hill and, further, give authorization for the Mayor to sign said Agreement. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls  
April 9, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jim Thorsen, Director of Aviation  
SUBJECT: CHANGE ORDER NO. 1 - WHEELER ELECTRIC, INC.

The Airport Division requests authorization to accept Change Order No. 1 to the Contract with Wheeler Electric, Inc. for the Replacement Runway Lighting System.

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This Change Order reduces the amount of the Contract by \$17,238.37 due to elimination of certain work items.

The FAA has approved this Change Order.

The Airport Division requests authorization for the Mayor to execute the Change Order.

s/ James H. Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve Change Order No. 1 to the Wheeler Electric, Inc. Contract for the Replacement Runway Lighting System. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
April 8, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: APPOINTMENT OF ELECTRIC LIGHT FUND AUDITORS

Attached for your consideration is the audit proposal from Deloitte and Touche for the audit of the City's Electric Light Fund for fiscal year ending September 30, 1996.

Municipal Services respectfully requests the approval of Deloitte and Touche to audit the Electric Light Fund for \$37,000.00. This amount represents a 3% decrease over the last year.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve Deloitte and Touche to audit the City's Electric Light Fund for the fiscal year ending September 30, 1996 and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

City of Idaho Falls  
April 8, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: APPOINTMENT OF CITY AUDITORS

Attached for your consideration is the audit proposal from Rudd and Company/PLLC for the audit of the City for the fiscal year ending September 30, 1996.

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Municipal Services respectfully requests the approval of Rudd and Company/PLLC to perform the annual audit for \$29,750.00. This amount represents a 10.8% increase over the last three years. Rudd and Company/PLLC also proposes to do a 1997 and 1998 audit for the same fee as there are no major changes in the City's activities.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the appointment of Rudd and Company/PLLC to perform the audit for the City for the fiscal year ending September 30, 1996 and, further, give authorization for the Mayor to execute the appropriate documents. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

City of Idaho Falls  
April 8, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: TODD SUITTER LEASE EXTENSION

Attached for your consideration is a proposed Lease Extension Agreement between the City of Idaho Falls and Todd Sutter. Municipal Services does not anticipate that the property will be needed for public purposes during the term of this Agreement. Said Agreement has been reviewed by the City Attorney.

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

s/ S. Craig Lords

Councilmember Eldredge explained that this property is located by the Sewage Treatment Plant. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Lease Extension Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls  
March 28, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PLACEMENT OF BOILER AND MACHINERY AND PROPERTY  
COVERAGE FOR THE BULB TURBINE GENERATION PLANTS

It is the recommendation of Municipal Services to bind the Bulb Turbine Plant Boiler and Machinery and Property Coverage with Allendale Insurance

Company with Val Rosenberg of Holden-McCarty as Agent. The coverage is in

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the third year of a three-year policy beginning April 29, 1996. The premium is \$39,660.00 and there is no change in the coverage.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the placement of Boiler and Machinery and Property Coverage for the Bulb Turbine Generation Plants with Allendale Insurance Company with Val Rosenberg of Holden-McCarty as Agent. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, and Hardcastle; No, none; Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls  
March 28, 1996

MEMORANDUM

TO: Honorable Mayor and City Councilmembers  
FROM: Chief Kent Livsey  
SUBJECT: BARTENDER LICENSE APPLICATION

After reviewing a Bartender License Application for Kent Anton Whitehead, I have decided to deny the license. In reviewing Mr. Whitehead's record, it appears as though he has had a problem with alcohol. Mr. Whitehead has been arrested four times for driving under the influence. Of great concern, on one of those occasions he resisted arrest and assaulted an officer. I do not believe a person who exhibits a problem with alcohol and assaults police officers should be extended a privilege of a Bartender License.

s/ Chief J. Kent Livsey

Kent Anton Whitehead, 170 East 17th Street, appeared to state that his file needed to be looked at more closely. He stated that he has only had three DUI's in the past twelve years and, further, he has never been convicted of assaulting an officer or resisting arrest. Mr. Whitehead also stated that he is currently on probation.

The City Attorney questioned what Mr. Whitehead was on probation for.

Mr. Whitehead explained that the probation is for the last DUI. He further explained that the DUI's occurred in 1985, 1989, and 1995. Mr. Whitehead stated that he was charged with assaulting an officer, but there was no conviction. The charge was dismissed.

Chief Livsey appeared to recommend that this Bartender License be denied. He clarified that there were three DUI's and not four as stated in his memo. With regard to the assault charges, he was not clear if those charges were dismissed due to a plea bargain in order to accept the DUI charge. Chief Livsey stated that he read the report from the Deputy involved. There was an assault, an officer was hurt, and Mr. Whitehead resisted arrest. The Chief further stated that he appreciated Mr. Whitehead's efforts in trying to turn his life around, but he does not feel that a chance needs to be taken with this type of employment.

Councilmember Mills questioned the City Attorney as to what the law provides for denying a Bartender License.

The City Attorney stated that under the present ordinance, some of the requirements for a person applying for a Bartender License are to be 19 years of age, and to

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be of good moral character. The City Attorney expressed his concern regarding whether Mr. Whitehead's actions fit into that definition.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to recess this issue to the April 25, 1996 Regular Council Meeting to enable further investigation into Mr. Whitehead's application for a Bartender License. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, and Hardcastle; No, none; Motion Carried.

The memo regarding the Amendment to the Public Dancing Establishment Ordinance was withdrawn by the Division Director for this meeting.

City of Idaho Falls  
April 5, 1996

MEMORANDUM

TO: Honorable Mayor and City Councilmembers  
FROM: Chief Kent Livsey  
SUBJECT: TRAFFIC SAFETY COMMITTEE ORDINANCE

Upon approval by the Mayor and Public Safety Committee, it is requested that the attached Traffic Safety Committee Ordinance be approved as revised by City Attorney Dale Storer.

s/ J. Kent Livsey

At the request of Councilmember Hardcastle, the City Attorney read the following ordinance title:

**ORDINANCE NO. 2200**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 2-8-1 AND 2-8-4 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR APPOINTMENT OF MEMBERS OF THE TRAFFIC SAFETY COMMITTEE; PROVIDING FOR APPOINTMENT OF A CHAIRPERSON AND OTHER OFFICERS; PROVIDING FOR EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Eldredge 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 Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
April 5, 1996

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chad Stanger, Public Works Director  
SUBJECT: MODIFICATION TO DEVELOPMENT AGREEMENT AND  
ESTOPPEL CERTIFICATE - AMMON TOWN CENTER, PHASE 2

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Attached is Modification to Development Agreement and Estoppel Certificate - Ammon Town Center, Phase 2, both of which have been reviewed by the City Attorney.

Public Works recommends approval and authorization for the Mayor to sign these documents.

s/ Chad Stanger

After a brief explanation of what the Estoppel Certificate is, it was moved by Councilmember Mills, seconded by Councilmember Eldredge, to approve the Modification to the Development Agreement and Estoppel Certificate for Ammon Town Center, Phase 2 and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls  
April 3, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION - LOT NOS. 18 AND 19, CHAFFIN  
ADDITION, DIVISION NO. 6

The owner of Lot Nos. 18 and 19, Chaffin Addition, Division No. 6, has requested vacation of easements which currently exist on the lot line common to these two (2) lots. Public Works requests authorization for the City Attorney to prepare the vacation ordinance for your consideration.

s/ Chad Stanger

After a brief explanation regarding the purpose for this easement vacation, it was moved by Councilmember Mills, seconded by Councilmember Eldredge, to give authorization for the City Attorney to prepare the necessary ordinance. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls  
April 4, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: OUTSIDE-THE-CITY SEWER AGREEMENT - INNOVATION  
CENTER

Attached is a proposed Agreement for providing outside-the-city sewer service to a facility located at the Bonneville County Innovation Center. This facility is located in Bonneville County L.I.D. No. 2.

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

s/ Chad Stanger

It was moved by Councilmember Mills, seconded by Councilmember Eldredge, to approve the Outside-the-City Sewer Service Contract with the Innovation Center and, further, give authorization for the Mayor to execute said Agreement. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls  
April 4, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT – VICTORIAN VILLAGE ADDITION, DIVISION NO. 4

Attached is an Amendment to the Annexation Agreement for Victorian Village Addition, Division No. 4. This Amendment provides for the City to reimburse the developer for approximately 250 lineal feet of sewer line to be installed by the developer for the City to serve areas outside the subdivision.

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

s/ Chad Stanger

It was moved by Councilmember Mills, seconded by Councilmember Eldredge, to approve the Amendment to the Annexation Agreement for Victorian Village Addition, Division No. 4 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Eldredge, that the meeting adjourn at 8:05 p.m.

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CITY CLERK

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MAYOR

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