

MAY 30, 1995

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, May 30, 1995, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Gary Mills, Larry Carlson, Beverly Branson, Ida Hardcastle, and Brad Eldredge. Absent was: Councilmember Melvin Erickson. Also present: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Mayor Milam called upon Adam Foster to lead those present in the Pledge of Allegiance.

Mayor Milam and Councilmembers honored Eagle Scout Adam Foster.

The City Clerk read a summary of the minutes for the May 11, 1995 Regular Meeting. It was moved by Councilmember Hardcastle, seconded by Branson, that the minutes be approved as read. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

CONSENT AGENDA

The City Clerk presented several license applications, including a BEER LICENSE to Western Amusement Company; BARTENDER PERMITS to Adam L. Clark, Janet K. Kuklok, Linda L. Lancaster, Cheryl A. Mullins, Cheryle C. Padgen, Lisa R. Thornhill, Diala K. Trolinder, and John S. Wilson, all carrying the required approvals.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on May 30, 1995.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 17, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: BID AUTHORIZATION - SEAL COATING, 1995

Public Works requests authorization to advertise to receive bids for Seal Coating, 1995.

s/ Chad Stanger

City of Idaho Falls
May 26, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: BID AUTHORIZATION - WELL NO. 17, LANDSCAPING/FENCE PROJECT

Public Works requests authorization to advertise to receive bids for Well No. 17, Landscaping/Fence Project.

s/ Chad Stanger

MAY 30, 1995

It was moved by Councilmember Hardcastle, seconded by Branson, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Eldredge and Carlson; No, none; motion carried.

REGULAR AGENDA ITEMS:

Mayor Milam declared open a public hearing for the purpose of receiving comments relative to the proposed exchange of the two parcels of property located near the I-15 Storm Water Retention Pond in Ironwood Estates. At the request of Councilmember Eldredge, the City Clerk read the following memo:

City of Idaho Falls
May 26, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: PROPERTY EXCHANGE WITH ROSEWOOD DEVELOPMENT

A hearing before the City Council is scheduled for May 30, 1995, to consider an exchange of two parcels of real property between the City and Rosewood Development.

Attached are the documents provided by the City Attorney to facilitate this exchange of property, should the City Council agree to the exchange.

s/ Chad Stanger

Councilmember Carlson requested an explanation as to the reason for this exchange of property. The Public Works Director explained the purpose for this exchange in that the ground that is being exchanged to the City expands the capacity of the storm drainage pond already in use in this area.

Mr. Tommy J. Walrath, 2195 Ironwood Drive, appeared to question what land is being exchanged for what land. The Public Works Director explained that the property that the Developer owns is down in the hole, which is the ground that is needed for the additional capacity of the storm drain pond and the property that the City owns is up on the lava shelf next to the Developer's storage units. This property exchange is for these two parcels of property. Mr. Walrath is concerned that a huge commercial development will result from the Developer owning additional ground in the area of the storage units. A brief discussion resulted concerning whether this storm drain pond will look like a park, as some of the other storm drain ponds in the City look. It was determined that there will be no improvements as yet to this area in that regard.

There being no further discussion, it was moved by Councilmember Eldredge, seconded by Branson, that this property exchange with Rosewood Development, Inc. be approved and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Branson; No, none; Abstain, Councilmember Mills; motion carried.

Mayor Milam declared open a public hearing, recessed from the May 11, 1995 Regular Council Meeting, to determine whether or not a Conditional Use Permit shall be

issued to allow for a Day Care Center on property located at 235 Northwest Bonneville Drive

MAY 30, 1995

(Lot 18, Block 13, South Bel-Aire Addition, Division No. 4 - R-1, Single-Family Residential Zone). At the request of Councilmember Eldredge, the City Clerk read the following memo:

City of Idaho Falls
May 8, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: DAY CARE CENTER - 235 NORTHWEST BONNEVILLE DRIVE

Attached is a copy of a petition requesting approval of a Conditional Use Permit for a Day Care Center at this location. A Conditional Use Permit is required inasmuch as the owners of the property do not reside at this location and it cannot be considered a home occupation.

The Planning Commission recently reviewed this matter and, after some discussion, unanimously recommended approval with the conditions that the rear yard be fenced on all sides with a solid fence; and the present non-conforming sign be removed. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

Councilmember Eldredge requested the City Attorney to explain what a Conditional Use Permit entails. The City Attorney stated that the purpose of the Conditional Use Permit is to allow a specifically designated use to go into a zone that otherwise would not allow the use to be made. Further, the purpose of the Conditional Use Permit is to give the Council greater latitude in imposing conditions upon the way in which the particular use is exercised.

Ms. Belva Smith, 4022 East 300 North, Rigby, Idaho, owner and operator of the Day Care Center, appeared to explain all of the steps that she took to comply with all regulations regarding the opening and operation of the Day Care Center. She further presented to the Council a petition from neighboring homes in the area showing support of her Day Care Center. A brief discussion followed regarding State and City rules and regulations that apply to Day Care Centers, along with establishing how many children would be allowed by the State license that has been applied for.

There being no further discussion, the public hearing was closed. It was moved by Councilmember Eldredge, seconded by Hardcastle, to grant the Conditional Use Permit with the following stipulations:

- That this facility provides Day Care to no more than twelve (12) children;
- That a solid or opaque fence be placed around the back yard of this facility; and,
- That the hours of this Day Care Facility be limited from 6:00 a.m. to 8:00 p.m.

Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, and Mills; No, Councilmember Carlson; motion carried.

The Airport Director submitted the following memos:

MAY 30, 1995

City of Idaho Falls
May 19, 1995

MEMORANDUM

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

Mr. Mark Bennion has submitted a signed lease agreement for the hangar that he owns.

This hangar was formerly owned by Mr. Ed Browning.

The City Attorney prepared the lease agreement.

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

s/ Jim Thorsen

It was moved by Councilmember Mills, seconded by Branson, to approve this agreement and, further, give authorization for the Mayor to sign said documents. Roll call as follows: Ayes, Councilmembers Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

City of Idaho Falls
May 18, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: HANGAR LEASES

Mr. John Richardson and Mr. Karl Sorman have submitted a signed lease agreement for the hangar that they own in partnership. Mr. John Richardson has also submitted a signed lease agreement for his individually-owned hangar.

The hangars were formerly owned by Mr. Ed Browning.

The City Attorney prepared the lease agreements.

The Airport Division respectfully requests authorization for the Mayor to execute the two lease agreements.

s/ Jim Thorsen

It was moved by Councilmember Mills, seconded by Branson, that these Hangar Lease Agreements be approved as presented and, further, give authorization for the Mayor to

execute said documents. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

MAY 30, 1995

The Municipal Services Director submitted the following memos:

City of Idaho Falls
May 22, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND AWARD OF BIDS FOR REROOFING WELL NO. 13 AND ELECTRIC DIVISION OFFICE AREA

Attached for your consideration is the tabulation of bids for the Reroofing Well No. 13 and Electric Division Office Area.

Municipal Services recommends awarding the bid to Robison Roofing in the total amount of \$20,762.00. Well No. 13 is for \$9,939.00 and \$10,823.00 for the Electric Division Office Area.

It is respectfully requested that the City Council approve and authorize the Mayor to execute said document.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Branson, to accept the bid from Robison Roofing to reroof Well No. 13 and the Electric Division Office Area and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, Mills, and Branson; No, none; motion carried.

City of Idaho Falls
May 25, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-95-17, FURNISHING AND PLANTING VARIOUS LIVE LEAF AND EVERGREEN TREES

At the April 13th Council Meeting the Bid IF-95-17, Furnishing and Planting Various Live Leaf and Evergreen Trees was awarded to Mike's Lawn Services/Gisin's Landscaping and Design. Because they were unable to furnish the required performance security, Municipal Services recommends that we accept the proposal of Riverside Greenhouse to furnish and plant the required trees for a lump sum total amount of \$8,031.00.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Branson, to accept the bid of Riverside Greenhouse to furnish and plant various live leaf and evergreen trees. Roll call as

follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, and Mills; No, none; motion carried.

MAY 30, 1995

City of Idaho Falls
May 22, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: MCDERMOTT FIELD HOME TEAM LOCKER ROOM EXPANSION
AND RENOVATION WITH LARRY CLARK CONSTRUCTION,
CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 in the amount of \$1,275.00 for the above-referenced project for additional concrete work, three sinks, a rough-in waste drain for a shower and a credit of \$1,100.00 of concrete donated by Burns Concrete for a total change in the contract of \$175.00.

Municipal Services respectfully requests the City Council to approve the change order and authorize the Mayor to execute the document.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Branson, to approve Change Order No. 1 with Larry Chapple Construction. Roll call as follows: Ayes, Councilmembers Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

City of Idaho Falls
May 24, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SETTLEMENT - HOME INDEMNITY

Attached for your consideration and approval is a Settlement Agreement between the City and Home Indemnity Company.

This settlement provides for a payment of \$1,114,804.00 in satisfaction of a Judgment the City obtained against Home Indemnity in January, 1990. The original claim arose out of the insurer's breach of its duty to defend the City from claims made in the WPPSS Litigation. The settlement amount represents payment of the original Judgment in the amount of \$594,028.00, and \$520,776.00 of accrued interest, most of which accrued during the period the case was on appeal to the Idaho Supreme Court. During the pendency of the appeal, the City earned an effective interest rate of 16% per annum, during a period which rates fluctuated between 3.1 and 8.6 percent per annum.

The City Attorney has reviewed and approved the Stipulation. Your favorable consideration is requested.

s/ S. Craig Lords

MAY 30, 1995

After a brief history regarding the WPPSS Litigation, it was moved by Councilmember Hardcastle, seconded by Branson, to approve the Settlement Agreement between the City of Idaho Falls and Home Indemnity Company. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, and Carlson; No, none; motion carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
May 25, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ORDINANCE PERTAINING TO THE HISTORIC PRESERVATION COMMITTEE

Attached is a copy of a proposed Ordinance which increases the membership of the Historic Preservation Committee from five to seven members and also provides for inclusion into the City Code as a new Chapter in Title 2. This matter has been reviewed by the City Attorney. It is now being submitted to the Mayor and City Council for your consideration. This Department respectfully requests the Mayor and City Council approve the Ordinance on all three readings.

s/ Rod Gilchrist

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

ORDINANCE NO. 2174

AN ORDINANCE OF THE CITY OF IDAHO FALLS PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION COMMITTEE; PROVIDING FOR THE ELECTION OF OFFICERS AND ADOPTION OF RULES; ESTABLISHING THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Carlson 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 Mills, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

City of Idaho Falls
May 25, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT - FIRE STATION NO. 5

MAY 30, 1995

This property is located at the southeast corner of the intersection of Mill and South Bellin Roads. This property is a two-lot subdivision and was recently annexed to the City and zoned R-1. This matter was recently reviewed by the City Planning Commission and at that time, was recommended for approval. 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. It was moved by Councilmember Carlson, seconded by Eldredge, to accept the Final Plat for Fire Station No. 5 and, further, give authorization for the Mayor and City Clerk to sign said Plat. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, Mills, and Branson; No, none; motion carried.

City of Idaho Falls
May 25, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: COUNTY PLAT FOR BELTLOOP SUBDIVISION

Attached is a copy of the Final Plat entitled Beltloop Subdivision. This property is located adjacent to and on the west side of Hitt Road, north of Lincoln Road. This is a proposed industrial development. This matter was recently reviewed by the City Planning Commission, and at that time was recommended for approval. 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.

Mr. Reed Moss, 3675 Georgia Lane, appeared to explain that the southern portion will not be platted at this time as they do not have permanent plans for that area. Mr. Moss stated that they have elected to take the southern portion of this area off, and only plat the northern portion of this development.

There being no further discussion, it was moved by Councilmember Carlson, seconded by Eldredge, to accept the County Final Plat for Beltloop Subdivision and, further, give authorization for the Mayor and City Clerk to sign said Plat. Roll call as follows: Ayes, Councilmembers Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
May 18, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: SEWER LINE REPLACEMENTS, 1995

MAY 30, 1995

On May 16, 1995, bids were received and opened for the Sewer Line Replacements, 1995 Project. The Engineer's Estimate for this project was \$305,441.00. The sole bid received was from H-K Contractors, Inc., in the amount of \$311,185.00.

Public Works recommends award of the contract to H-K Contractors, Inc. and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Branson, to accept the sole bid of H-K Contractors, Inc. for the Sewer Line Replacements, 1995 Project and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, and Carlson; No, none; motion carried.

Mayor Milam announced that on Thursday, June 1, 1995, from 7:00 p.m. to 9:00 p.m., there will be a Budget Open House, to give opportunity for any interested citizen to come and question the Mayor and Council, along with Division Directors, regarding next year's budget.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Eldredge, that the meeting adjourn at 8:15 p.m.

CITY CLERK

MAYOR
