

DECEMBER 28, 1995

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 28, 1995, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Larry Carlson, Ida Hardcastle, Brad Eldredge, 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 Boy Scout Dustin Peterson come forward and lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the December 14, 1995 Regular Meeting. It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, that the minutes be approved as read. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including BEER LICENSES to Bleacher's Sports Bar, Bonneville Lounge, Bowlero Lanes, Choices, Inc., Doc's Broadway Lounge, Earl's Food Store, El King Kong, Elk's Lodge, First Street IGA, Geranium/Rutabaga's Espresso Bar, Get-N-Go Convenience Store, Golden Crown Lounge, Hitching Post, La Yaquesita, Littletree Inn, Lost Arts Brew and Bread Works, Made In Idaho, MarCellar's, Maverick Country Store (Broadway), Melina's, Mi Casa, Inc., P. J.'s Food Fun and Spirits, PaPa Tom's Pizza (Woodruff Avenue), Pockets, Inc., Press Box Sports Bar, Puerto Vallarta, Ritz d.b.a. Rocking Horse and Opie's, River City Steak and Brew House, Rendezvous (1995 and 1996), Samoa Club, Saving Center, Inc., Skyline Lanes, Sneeker's, Stucki's, Tom's Gyro and Burgers, and Westbank Inn; and BARTENDER PERMITS to Tricia A. Bailey, Emma F. Baird, Christopher W. Cassella, Michael D. Kinghorn, Curtis S. Knight, Joann M. Leberknight, Michael V. McDonald, Shawn R. Pierce, and Bryan J. Smith, all carrying the required approvals, and requested approval to issue these licenses.

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

REGULAR AGENDA ITEMS:

Mayor Milam indicated that this was the place on the agenda where citizens are invited to bring issues before the Council that are not otherwise on the agenda.

Ms. Jo Woodruff, 1065 Susanne Drive, appeared to request a response from the Mayor with regard to her letter of two weeks earlier. Mayor Milam indicated that a letter was sent to her, through her attorney, indicating that two of the City Council Committees have reviewed the Ordinance that Ms. Woodruff requested. No Councilmembers serving on those Committees felt that the Ordinance that was drafted, should be introduced to Council. Mayor Milam further stated that a proposal of wording for signage has been submitted, stating that there are hazardous waters and that swimming is not advisable. Ms. Woodruff reviewed for the Council her understanding of the procedures she has taken to get this issue changed along the Snake River. Mayor Milam reviewed the Mayor and Council's efforts and procedures. The City Attorney recalled a letter that was received from Ms. Woodruff's attorney, requesting that the City draft an Ordinance. He further indicated that the Council Committees did not desire to consider that Ordinance. Mr. Storer stated, further, that the issue of the signage along the river has not been resolved, but is being considered. Ms. Woodruff further requested the Council to consider life-saving devices along the river. Mayor

Milam indicated that there are five (5) miles of river in the City. It would be difficult to decide where to locate the devices and, further, whether the devices would be available when

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needed, and if they would remain free from vandalism. The problem might be even worse if someone believes a device to be available, when it might not even be there. Mayor Milam further indicated that this issue has been taken very seriously. It has been the subject of considerable discussion. Ms. Woodruff stated that she may pursue this further. She further indicated that she is appalled at the fact that liquor sales on Sunday is of such extreme importance, when the issue of preserving life takes so long for the Council to address.

The Airport Director submitted the following memos:

City of Idaho Falls
December 19, 1995

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: LEASE EXTENSION - HORIZON AIRLINES

Horizon Airlines has submitted an Agreement to extend their lease for the year 1996.

The terms and conditions are unchanged, and are the same as for the other two Airlines.

The City Attorney prepared the Agreement.

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

s/ James H. Thorsen

There being no discussion or comment, it was moved by Councilmember Mills, seconded by Councilmember Eldredge, to approve the Amendment to the Lease Agreement for Horizon Airlines, Inc., 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
December 26, 1995

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: BARBER SHOP LEASE

Due to the sudden illness of the Barber Shop Lessee, that space is once again available. Ms. Mary Garner has submitted a signed Lease Agreement for the space under the same terms as the just-canceled Lease.

The City Attorney prepared the Agreement.

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

s/ James H. Thorsen

It was moved by Councilmember Mills, seconded by Councilmember Eldredge, to approve the Lease Agreement with Mary Garner for the Barber Shop space in the Airport Terminal Building and, further, give authorization for the Mayor to execute said Agreement. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

The Electric Division Director submitted the following memos:

City of Idaho Falls
December 21, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: GEM STATE PROJECT EASEMENT

Attached for your consideration is an Easement Agreement with the State of Idaho for the City's use of State-owned land at the Gem State Project. The City Attorney has reviewed this Agreement.

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

s/ Mark Gendron

There being no discussion or questions, it was moved by Councilmember Carlson, seconded by Councilmember Eldredge, to approve the Gem State Project Easement Agreement and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

City of Idaho Falls
December 21, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: GEM STATE MITIGATION ENGINEERING AGREEMENT

Attached for your consideration is an Engineering Agreement with CH2M Hill for design and construction management services relating to the revised FERC Mitigation Plan for the Gem State Project. This is a budgeted item. The City Attorney has reviewed the Agreement.

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

s/ Mark Gendron

It was moved by Councilmember Carlson, seconded by Councilmember Eldredge, to approve the Gem State Mitigation Engineering Agreement with CH2M Hill 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.

The Library Director submitted the following memo:

City of Idaho Falls
December 19, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Paul Holland, Library Director
SUBJECT: CITY COUNCIL AGENDA ITEM - LEAVE OF ABSENCE FOR VIRGINIA ATWOOD

Virginia Atwood requests a leave of absence without pay for a period of twelve (12) months. She will not be eligible to earn or receive any benefits during the leave period. The absence will not be counted in determining continuous service period. The leave is requested so she can accompany her husband on his research leave in Italy. The leave would start when the Atwoods' visas are in order. At the end of the leave, Virginia Atwood would be entitled to return to her present position as Head of Reference at the Idaho Falls Public Library.

s/ Paul Holland

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the requested Leave of Absence for Virginia Atwood. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
December 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-8, TWO (2) NEW 1996 ROTARY MOWERS-4WD, 3 DECKS AND THREE (3) NEW 1996 REEL MOWERS-FAIRWAY 5

Attached for your consideration is the tabulation for Bid IF-96-8, Two (2) New 1996 Rotary Mowers-4WD, 3 Decks, and Three (3) New 1996 Reel Mowers-Fairway 5.

It is the recommendation of Municipal Services to accept the low bid meeting specifications of Rocky Mountain Turf and Equipment to furnish the two new 1996 rotary mowers, Jacobsen HR-5111 for an amount of \$61,390.00 with two

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trade-ins, and to also furnish three new 1996 reel mowers, Jacobsen LF-128 for an amount of \$71,246.00 plus \$4,470.00 for Option No. 1, rear roller cleaning brushes.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to accept the low bid meeting specifications of Rocky Mountain Turf and Equipment to furnish the Rotary Mowers and Reel Mowers as presented. Roll call as follows: Ayes, Councilmembers Hardcastle, Mills, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TEN WHEEL DUMP TRUCK - CITY OF POCATELLO BID

It is the recommendation of Municipal Services to accept the bid of Hirning Truck Center, Pocatello, Idaho, to furnish the required Ten Wheel Dump Truck per City of Pocatello Bids of October 4, 1994. Hirning's Truck Center has agreed to honor the price amounts bid at that time.

They would furnish one (1) new 1996 White - GMC Model WG-64 Conventional Truck Chassis for an amount of \$78,078.00 and one (1) New Williamsen Model WDD15TS Heavy Duty Dump Body for an amount of \$14,007.00. Total price for the complete unit is \$92,085.00.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to accept the bid from Hirning Truck Center in Pocatello, Idaho, to furnish the required Ten Wheel Dump Truck under the City of Pocatello Bid. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, and Eldredge; No, Councilmember Carlson; Motion Carried.

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-9, ONE (1) NEW 1996 SEWER SLUDGE DISPOSAL TANK MOUNTED ON A 1996 CAB AND CHASSIS

Attached for your consideration is the tabulation for Bid IF-96-9, One (1) New 1996 Sewer Sludge Disposal Tank mounted on a 1996 Cab and Chassis.

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It is the recommendation of Municipal Services to accept the low bid of Hirning Truck Center to furnish a 1996 GMC "Top Kick" mounted with an Omco Model KSD35G-XHD Sludge Tank for an amount of \$59,477.00, with trade-in Unit No. 149.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to accept the low bid from Hirning Truck Center to furnish the 1996 Sewer Sludge Disposal Tank mounted on a 1996 Cab and Chassis. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, and Mills; No, none; Motion Carried.

City of Idaho Falls
December 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SURPLUS VEHICLE AND EQUIPMENT SALE

It is respectfully requested that Mayor and Council authorize Municipal Services to advertise and receive bids for City-owned vehicles and equipment that are surplus and no longer needed nor used by the City of Idaho Falls.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to give authorization for the Municipal Services Division to conduct a Surplus Vehicle and Equipment Sale. Roll call as follows: Ayes, Councilmembers Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
December 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF INSURANCE COVERAGE

It is respectfully requested that Mayor and Council renew the City's major insurance coverage for liability and property. The premium for the year beginning January 1, 1996 is \$284,780.41, which is down \$8,000.00 from the previous year. Fred A. Moreton and Company is the Broker, represented by Harvey Knoll.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to renew the City's major insurance coverage for liability and property. Roll call as follows: Ayes, Councilmembers Hardcastle, Mills, Eldredge, and Carlson; No, none; Motion Carried.

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City of Idaho Falls
December 15, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PERSONNEL POLICY UPDATE

Attached for your consideration is a revised copy of the City of Idaho Falls Personnel Policy updating certain sections regarding sexual harassment, grievance procedures, family medical leave, and definitions and terms.

Municipal Services and the City Attorney recommend that the Mayor and City Council adopt said policy.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to accept the revised edition of the City of Idaho Falls Personnel Policy. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
December 21, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: William Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR ACCESS TO LINCOLN ROAD

The Planning and Building Office has received a request from Action Motor Sports to construct an access from their property onto Lincoln Road. The Planning and Public Works Divisions have reviewed this request and make the following recommendation:

If the additional access is granted, it should be located at the easterly side of Action Motor Sports' property.

A drawing showing the recommended location of the proposed driveway, as well as a legal description of the same, is on file in the City Engineering Department.

This matter is now being submitted to the Mayor and City Council for your consideration.

s/ William Rod Gilchrist

Chuck Weigand, 1819 Hollipark Drive, appeared to state he agrees with the access presented tonight, but wanted to involve everyone in the area before a decision is

made on this access to Lincoln Road. Mayor Milam stated that Action Motor Sports has complied with each of the items that were required of them in their Development Agreement.

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Mr. Weigand stated that he would like to see the flow of traffic through their parking lot determined.

Rod Gilchrist, Planning and Building Director, stated that approximately 3000 square feet of additional parking area was paved. Councilmember Hardcastle commented to Mr. Gilchrist that the reason for this additional curb cut was for the traffic to flow in and flow out without backing out onto Hollipark Drive. Mr. Gilchrist stated that he understood this also.

It was moved by Councilmember Carlson, seconded by Councilmember Mills, to approve the additional access on Lincoln Road for Action Motor Sports as requested. Roll call as follows: Ayes, Councilmembers Carlson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
December 27, 1995

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: Chief J. Kent Livsey, Chief of Police
SUBJECT: BEER, LIQUOR, AND WINE LICENSING ORDINANCE

It is requested the City Council approve the attached Beer, Liquor, and Wine Licensing Ordinance and authorize the Mayor to sign same.

This request is respectfully submitted for your approval.

s/ J. Kent Livsey

Councilmember Mills requested the City Attorney to clarify the changes proposed with this Ordinance. Dale Storer, City Attorney, stated that under the State Code, Cities are not allowed to adopt Ordinances allowing Liquor by the Drink sales on Sunday. The State Code makes provisions for the County to adopt such an Ordinance, but the Cities are not allowed to do that. For the Council's information, the provision that would allow Liquor by the Drink on Sunday, New Years Eve, has been removed from the Ordinance that is being presented this night. The Ordinance as it presently stands would allow the sale of Beer and Wine by the Drink if New Year's Eve or New Year's Day fall on a Sunday, in restaurants only.

Mayor Milam clarified that the only change being looked at by the Council, is the currently allowed activity on Sunday. On New Year's Eve, the hours will be extended from 10:00 p.m. until 1:00 a.m., in restaurants only. The City Attorney stated that this was correct. Councilmember Mills explained the provision of the Ordinance regarding dancing.

Patricia Liabel, 2066 North 65 West, Idaho Falls, Idaho, appeared to state that she is opposed to an Ordinance that allows people to drink and then drive.

Mayor Milam commented that there is a fine line in how far the Council goes in interfering with lives and personal activities.

Councilmember Eldredge stated that Fred Rose, whose son owns the Rendezvous Restaurant, commented that parties will be held anyway. With this Ordinance, the City has some measure of control as to where those parties will be and how they are to be conducted. There will be a responsible party, if these are licensed establishments. This

provides an additional measure to enforce the law. This Ordinance will allow the licensed establishments to have New Year's Eve functions where they can be monitored.

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Councilmember Carlson stated that he disagrees with Councilmember Eldredge, in that two more hours are given to encourage drinking. A brief discussion was held regarding previously stated issues. Mayor Milam pointed out that if New Year's Eve were to fall on any other night, this would not be an issue.

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

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 4 OF TITLE 4 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, SAID CHAPTERS RELATING TO THE LICENSING OF BEER, WINE, AND LIQUOR; AMENDING THE LOCATION RESTRICTIONS IN SAID CHAPTERS TO REQUIRE A PUBLIC HEARING BEFORE GRANTING A VARIANCE TO THE LOCATION RESTRICTIONS SET FORTH IN SUCH CHAPTERS; AMENDING SEVERAL PROVISIONS IN SUCH CHAPTERS TO ALLOW FOR SALE OF BEER AND WINE ON SUNDAY IF NEW YEAR'S EVE OR NEW YEAR'S DAY FALLS ON A SUNDAY; PROVIDING FOR SEVERABILITY; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Mills moved, and Councilmember Hardcastle seconded, that the provisions of the 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, and Mills; No, Councilmember Carlson; Motion Denied due to a needed Supermajority Vote from Council (4 of the 6 Councilmembers must vote in the affirmative to pass Ordinance on all three readings).

The Public Works Division Director submitted the following memos:

City of Idaho Falls
December 22, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - LOT 4, BLOCK 4, GRANT M. BOWEN
ADDITION, DIVISION NO. 1

Attached is an Ordinance prepared by the City Attorney, at the request of the Public Works Division which, if adopted, will vacate a utility easement located in Lot 4, Block 4, Grant M. Bowen Addition, Division No. 1. The utilities offer no objections to the proposed vacation and Public Works recommends approval; and, authorization for the Mayor to sign the documents.

s/ Chad Stanger

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

ORDINANCE NO. 2196

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING HIM; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

City of Idaho Falls
December 22, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - LOT 1, BLOCK 3, WESTGATE ADDITION

Attached is an Ordinance prepared by the City Attorney, at the request of the Public Works Division which, if adopted, will vacate a utility easement located in Lot 1, Block 3, Westgate Addition. The utility provides no objections to the proposed vacation and Public Works recommends approval; and, authorization for the Mayor to sign the documents.

s/ Chad Stanger

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

ORDINANCE NO. 2197

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO

THE OWNER OF THE ADJACENT LAND, AND
NAMING IT; PROVIDING FOR EFFECTIVE DATE OF
ORDINANCE.

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

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

CITY CLERK

MAYOR

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