

DECEMBER 14, 1995

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 14, 1995, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Gary Mills, Melvin Erickson, Larry Carlson, Beverly Branson, Ida Hardcastle, and Brad Eldredge. Also present were: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

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

The City Clerk read a summary of the minutes for the November 21, 1995 Regular Meeting. It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that the minutes be approved as read. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

CONSENT AGENDA ITEMS

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 BEER LICENSES to Albertson's (East Anderson Street), Albertson's (West Broadway), Albertson's (17th Street), Billie's, Boozer Quick Stop, Broadway 66, Bubba's, Buck's, Chevron One Stop, Circle K (West Broadway), Classic Bar, Common Cents Food Store (Boulevard), Common Cents Food Store (Broadway), Common Cents Food Store (17th Street), Doc's, Downtowner Restaurant, Eagle's Lodge, Flying J, Ford's Bar, Inc., Fred Meyer, Garcia's, Gas 'n' Grub, Geranium, Giving Basket, Holiday Market, Holiday Oil, Jiffy Mart (Elm Street), K. C. Food Mart, Kwik Shops, Inc., Leo's Place (First Street), Leo's Place (Broadway), Louie's, Mama Inez, Maverick Country Store (Woodruff Avenue), Maverick Country Store (Yellowstone Avenue), McFarlane's IGA, Midget Market, Morgan's Westgate Amoco, O'Callahan's, Payless Drug Store (Northgate Mile), Payless Drug Store (Broadway), Pizza Hut (Anderson Street), Pizza Hut (Broadway), Pizza Hut (17th Street), Press Box Sports Bar, Puerto Vallarta, R & R Bar, Ray's Western Bar, Sandpiper, Save Fast Gas (Broadway), Save Fast Gas and Grocery (First Street), Seventeenth Gas and Wash, Shoup's, Sizzler Family Steak House, Skippers Fish and Chips (Yellowstone Avenue), Skippers Fish and Chips (17th Street), Smith's Food and Drug, Snake Bite, Speedi Mart, Stardust Restaurant and Lounge, Weston Lamplighter, and Wright Stop Texaco; and BARTENDER PERMITS to Charles S. Bates, Chasidee L. Bird, Sara L. Cowan, Karen B. Hanson, Jeffrey A. Layton, Daniel L. Parker, Brandon D. Pearce, Dennis R. Poehler, Brent R. Price, Linda Jo Sanda, Kenneth L. Stendland, Cammie L. Stroud, Donald L. Thomas, Ellen M. Tucker, and Richard L. Wheeler, all carrying the required approvals, and requested approval to issue these licenses.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on December 14, 1995.

The Public Works Director submitted the following memo:

City of Idaho Falls
December 6, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - WELL NO. 4, ELECTRICAL UPGRADE

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Public Works requests authorization to advertise to receive bids for Well No. 4, Electrical Upgrades.

s/ Chad Stanger

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

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated November 1, 1995 through November 30, 1995, after having been audited by the Fiscal Committee and paid by the Controller:

| | <u>GENERAL</u> | <u>STREET</u> | <u>AIRPORT</u> | <u>WATER & SEWER</u> | |
|----------|---------------------|-------------------|-----------------------|--------------------------|--|
| SERV/MAT | \$1,309,036.05 | \$ 79,428.59 | \$ 63,272.73 | \$ 309,685.34 | |
| SALARY | <u>1,146,561.42</u> | <u>88,890.46</u> | <u>39,205.35</u> | <u>160,281.86</u> | |
| TOTAL | \$2,185,597.47 | \$ 168,319.05 | \$ 102,478.08 | \$ 469,967.20 | |
| | <u>ELECTRIC</u> | <u>SANITATION</u> | <u>RECREATION</u> | <u>SAN SEW CAP IMP</u> | |
| SERV/MAT | \$2,850,599.85 | \$ 59,561.90 | \$ 21,687.12 | \$ 110,972.35 | |
| SALARY | <u>160,281.86</u> | <u>86,405.65</u> | <u>28,984.09</u> | <u>.00</u> | |
| TOTAL | \$3,088,720.14 | \$ 145,967.55 | \$ 50,671.21 | \$ 110,972.35 | |
| | <u>LIBRARY</u> | <u>AMBULANCE</u> | <u>MUN EQUIP REPL</u> | <u>SURFACE DRAIN</u> | |
| SERV/MAT | \$ 60,173.36 | \$ 37,285.93 | \$ 5,597.00 | \$ 1,165.00 | |
| SALARY | <u>54,833.81</u> | <u>68,339.43</u> | <u>.00</u> | <u>.00</u> | |
| TOTAL | \$ 115,007.17 | \$ 105,625.36 | \$ 5,597.00 | \$ 1,165.00 | |
| | <u>TOTALS</u> | | | | |
| SERV/MAT | \$4,638,765.22 | | | | |
| SALARY | <u>1,911,622.36</u> | | | | |
| TOTAL | \$6,550,387.58 | | | | |

It was moved by Councilmember Branson, seconded by Councilmember Mills, to ratify the payment of the November, 1995 expenditures as presented. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, and Eldredge; Abstain, Councilmember Hardcastle; No, none; Motion Carried.

Mayor Milam declared open a public hearing to consider an appeal from the Board of Adjustment decision concerning a request for a variance from the provisions of the Sign Ordinance to increase the required 135 square feet of pole signage to 424 square feet of pole signage on property located generally at 645 North Utah Avenue (Ameritel Motel) and legally described as Lot 1, Block 1, Watkins Addition, Division No. 1 (HC-1 Zone).

At the request of Councilmember Erickson, the City Clerk read the following memo:

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City of Idaho Falls
December 11, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: William Rod Gilchrist, Planning and Building Director
SUBJECT: APPEAL FROM BOARD OF ADJUSTMENT DECISION - AMERITEL

The Board of Adjustment received a request from the developers of the new Ameritel located at 645 North Utah Avenue for a variance to construct a pole sign of 400 square feet in size rather than the 135 square feet permitted by the Sign Ordinance. The Board unanimously denied this request, finding no unique circumstances to justify the request.

The petitioner returned to the Board of Adjustment at a later date requesting a variance to permit a sign of 424 square feet. Due to a lack of 5 concurring votes, the request was not granted. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilmember Erickson requested those in favor of the request to please appear.

Mr. Lane Archibald, appeared in behalf of the Ameritel Inn. He presented to the Council the Final Plat for the new Ameritel Inn, along with several hand-outs and pictures to explain what will be done with the sign. He further explained that what the Ameritel Inn wanted to do was use the sign from their previous location at the new location. Mr. Archibald compared the signs in the general location of their business to other motels/hotels along Lindsay Boulevard. He further felt that the Sign Ordinance is not equitable, as the frontage of the Ameritel Inn is not along Lindsay Boulevard, only an end is fronted on Lindsay Boulevard. He hoped the Council would consider this variance to the Sign Ordinance.

Councilmember Erickson reviewed the request with Mr. Archibald. Councilmember Mills asked Mr. Archibald about the size of the reader board on the sign. Mr. Archibald stated that the reader board is smaller than the one that exists now.

Rex Lytle, Lytle Sign Company, appeared to state that the pictures with the superimposed Ameritel sign that were given to Council were accurate to scale.

C. E. White, Jr., 3280 Chapparral Drive, appeared to state that under most circumstances, he is a believer in the Sign Ordinance. He does not feel that this should be imposed on the Ameritel Inn when everyone in that area has quite extensive signage. He stated that it would behoove us to consider this request.

Dane Watkins, 2242 South Boulevard, appeared to state that this is an attractive sign. He asked the Mayor and Council to be pro-development and pro-active and allow this variance for the sign.

Councilmember Erickson requested those who were opposed to this variance, to please come forward at this time.

Jim Westergard, 495 11th Street, appeared to state that he was in attendance at both meetings of the Board of Adjustment in considering this matter. He is against granting this variance as he does not want Lindsay Boulevard to look like 17th Street. He petitioned the Council that if they grant this variance, when the Sign Ordinance is reviewed and updated, that Ameritel Inn will have to comply at that point in time.

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Chuck Marshall, Stardust Restaurant, stated that his business is in compliance with their signage. He would like to see the Sign Ordinance reviewed and rewritten.

Councilmember Carlson questioned as to what signage would be put at the old Ameritel. Mr. Archibald showed the Council a graphic of the sign that would be placed at the old Ameritel Motel. A brief discussion was held among Council regarding the size of the existing sign and the sign that will be placed at the old Ameritel location.

Councilmember Mills requested Renee Magee, Assistant Planner, to come forward to answer some questions. Ms. Magee stated that the request is not for additional height. The sign is 60 feet tall. Ms. Magee further explained that the replacement sign at the present location is based on the variance issued previously.

Councilmember Erickson stated that he agrees that the Sign Ordinance needs to be reviewed. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, to approve the variance for the sign at the new Ameritel Inn. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

Mayor Milam declared open a public hearing to consider an appeal from the Board of Adjustment decision concerning a request for a variance from the provisions of the Sign Ordinance to increase the required 44 square feet of pole signage to 110 square feet of pole signage on property located generally at 680 East 17th Street (Kenny Rogers Roasters) and legally described as Lot 1, Block 1, West Jennie Lee Addition, Division No. 1 (C-1 Zone).

At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
December 11, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William Rod Gilchrist, Planning and Building Director
SUBJECT: APPEAL FROM BOARD OF ADJUSTMENT DECISION – KENNY
ROGERS ROASTERS

The developers of the restaurant located at 680 East 17th Street (Kenny Rogers Roasters) requested a variance from the provisions of the Sign Ordinance to increase the size of the sign from the permitted 44 square feet to 130 square feet for a pole sign. After consideration, the Board of Adjustment approved a sign of 92 square feet rather than the requested 130 square feet. The Board felt 92 square feet was adequate to identify the business. Also, single family residences exist across the street to the north.

The petitioner returned to the Board of Adjustment requesting a 110 square foot pole sign. This request failed due to a lack of 5 concurring votes. The petitioner is now bringing this matter before the Mayor and City Council for consideration.

s/ Rod Gilchrist

Councilmember Erickson requested those in favor of the request to please appear.

Roger Johnson, 5638 South 55 West, appeared to state that he is one of the owners of the new restaurant. He explained that his proposed sign is 78 square feet with a

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32-foot reader board. Mr. Johnson then compared signs in the vicinity with the size of his sign. He stated that by comparison, this is a reasonable request.

A brief discussion was held among Council regarding the location of the sign for Kenny Rogers Roasters.

Councilmember Carlson stated that it would be a good idea to review the Sign Ordinance as it is now written.

It was moved by Councilmember Erickson, seconded by Councilmember Carlson, to approve the variance for the sign for Kenny Rogers Roasters. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

Mayor Milam indicated that this was the time for citizens to appear who had issues for the City Council that were not otherwise listed on the Agenda.

Glenn Thompson, Hollipark Addition, appeared to request a status report from the Mayor and Council regarding the Action Motor Sports/Hollipark Addition problem. He stated that the noise level is still terrible and it occurs at all hours of the night. Mr. Thompson stated that they would begin to record the noise level. Action Motor Sports is using their residential area for a testing ground. He further stated that the Lincoln Road egress/ingress for Action Motor Sports will not solve the problem. Mr. Thompson stated that if the Lincoln Road cut is to be made, please have Action Motor Sports move their loading/unloading ramp to the other side of their building. He would further like to see a sound-proof wall placed on the rear and west side of the building. Mr. Thompson further requested a buffer between Action Motor Sports and the residents of Hollipark Addition. He stated that Police Officers tell them that this is nothing but a neighborhood feud. Mr. Thompson questioned as to whether Action Motor Sports has appeared in court regarding these issues.

Dale Storer, City Attorney, stated that Action Motor Sports pled guilty in court, paid their fine, and no further citations have been issued. He further stated that he is as frustrated with this issue as Mr. Thompson is. Mr. Storer further explained the process he has gone through with the Action Motor Sports attorney to resolve these issues. He further stated that if Action Motor Sports is testing machines late at night, a "Disturbing the Peace" citation should be issued. Mr. Storer further stated that the City has authority to issue citations every day for items that are in non-compliance.

Mayor Milam stated that the City will begin to issue those citations every day until compliance of the Zoning Ordinance is achieved.

Mr. Thompson stated further that everyone in the trailer park received a "Happy Holidays from Action Motor Sports" T-shirt, along with Action Motor Sports pens.

Darlene Fullmer, 1991 Hollipark Drive, appeared to state that Action Motor Sports does not treat the residents of Hollipark Addition with respect. She further stated that, several times over the last year, she has almost had an accident with patrons from Action Motor Sports. Mrs. Fullmer said that Action Motor Sports uses the field behind the residential area to test their machines.

Mayor Milam again stated that daily citations would be issued.

Thomas Snauffer, 392 Sykes Drive, appeared to state that he read an article in the newspaper regarding a roofing company who was replacing the roofs for elderly senior citizens who are low income. The article further read there is no help for low income senior citizens for this type of service within the City. Mr. Snauffer wanted to know how to get these senior citizens some help. It was explained by the Mayor and Council that there are a number of programs through Eastern Idaho Special Services and other agencies that would apply. A brief discussion was held regarding what needed to be done to qualify for assistance.

The Airport Director submitted the following memos:

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City of Idaho Falls
December 12, 1995

MEMORANDUM

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

Skywest Airlines has submitted an Agreement to extend their Lease Agreement 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

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the Lease Agreement Extension for Skywest Airlines and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
December 12, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: HANGAR LEASE - MRS. ROXINE STONE

Mrs. Roxine Stone has purchased an Aircraft Storage Hangar from John Hoff and Bob Hoff.

The City Attorney has prepared and reviewed the Lease Agreement.

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 Erickson, to approve the Lease Agreement with Mrs. Roxine Stone and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Electric Division Director submitted the following memos:

DECEMBER 14, 1995

City of Idaho Falls
December 12, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: ELECTRIC RATE ORDINANCE

Attached for your consideration is an Ordinance amending Section 8-5-30 of the City Code. The Ordinance will establish a new rate of 3.91 cents per kWh for City-owned public facilities. The affected Divisions have budgeted for this increase. The Electric Division requests approval of this Ordinance.

s/ Mark Gendron

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

ORDINANCE NO. 2191

AN ORDINANCE AMENDING SECTION 8-5-30 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; MAKING CERTAIN CHANGES TO TITLE 8, CHAPTER 5, OF THE CITY CODE RELATING TO ELECTRIC RATES FOR CITY-OWNED FACILITIES; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls
December 12, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Mark Gendron, Electric Division Director
SUBJECT: B.P.A. ENERGY CONSERVATION

Attached for your consideration is an Ordinance establishing an Energy Conservation Loan Fund. This Fund will be separate from all other City funds and will be used for making energy conservation loans to City customers with money provided by B.P.A. The Electric Division requests approval of this Ordinance.

s/ Mark Gendron

DECEMBER 14, 1995

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

ORDINANCE NO. 2192

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; ESTABLISHING AN ENERGY CONSERVATION LOAN FUND; DEFINING TERMS OF THE ORDINANCE; REQUIRING B.P.A. LOAN FUND TO BE KEPT SEPARATE FROM CITY FUNDS; LIMITING THE USE OF ENERGY CONSERVATION FUNDS FOR SPECIFIED PURPOSES; REQUIRING AUDIT OF SUCH FUND; 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 Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

The Fire Chief submitted the following memos:

City of Idaho Falls
December 12, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Richard E. Hahn, Fire Chief
SUBJECT: CHANGE IN FIREWORKS ORDINANCE

It is respectfully requested the City Council approve the changes in the attached Ordinance and, further, request authorization for the Mayor to sign the necessary documents.

s/ Richard E. Hahn

After a brief explanation of the Ordinance being considered, Councilmember Mills requested the City Attorney to read the following Ordinance by title:

ORDINANCE NO. 2193

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 6-2-5 AND 6-2-9 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE SALE, USE AND STORAGE OF FIREWORKS IN THE CITY; 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.

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

City of Idaho Falls
December 12, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Richard E. Hahn, Fire Chief
SUBJECT: ADOPTION OF THE 1994 FIRE CODE

It is respectfully requested the City Council approve the attached Ordinance and, further, request authorization for the Mayor to sign the necessary documents.

s/ Richard E. Hahn

After a brief explanation about any changes made by this Fire Code, Councilmember Mills requested the City Attorney to read the following Ordinance by title:

ORDINANCE NO. 2194

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-10-1 THROUGH 7-10-9 AND AMENDING TITLE 7, CHAPTER 10 TO ADD SECTION 7-10-10 TO THE CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING THE 1994 EDITION OF THE UNIFORM FIRE CODE; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND FOR PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES; 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 Mills 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 Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

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The Municipal Services Director submitted the following memos:

City of Idaho Falls
December 8, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-4, VEHICLES

Attached for your consideration is the tabulation for Bid IF-96-4, New 1996 Vehicles. It is the recommendation of Municipal Services that we award to the low bidder as per Attachment I - Item Numbers I through VII.

The trade-in units will be sold outright as listed either to Linden Caudle or Development Workshop, Inc. The DWI agreed to meet the amounts bid by the dealers to purchase all trade-ins except for Item C.

s/ S. Craig Lords

Councilmember Hardcastle abstained from voting on this issue because of her close association with the Development Workshop, Inc. It was moved by Councilmember Branson, seconded by Councilmember Mills, to accept the bids as presented for the New 1996 Vehicles and, further, authorize the trade-in units to be sold outright as presented. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Branson; No, none; Abstain: Councilmember Hardcastle; Motion Carried.

City of Idaho Falls
December 8, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-2, ONE (1) NEW 1995 TYPE III AMBULANCE

Attached for your consideration is the tabulation for Bid IF-96-2, One (1) New 1995 Type III Ambulance.

It is the recommendation of Municipal Services to accept the low bid of Pacific Emergency Vehicles to furnish One (1) Type III Ambulance mounted on a 1995 Ford E-350XL with an ambulance body made by Medtec Ambulance Corporation Model Patriot SB Type III, for purchase amount of \$79,890.00 without trade-in. After the bid opening date, the factory offered a \$1,000.00 discount if you purchase a 1995 Model. This reduction is included in the purchase amount.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the low bid of Pacific Emergency Vehicles to furnish the described 1995 Type III

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Ambulance. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; 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: BID IF-96-6, TABULATION FOR ONE (1) NEW 1996 BACK YARD CRANE/MINI DERRICK AND ONE NEW 1996 TANDEM AXLE TRAILER

Attached for your consideration is the tabulation for Bid IF-96-6, One (1) New 1996 Back Yard Crane/Mini Derrick and One (1) New 1996 Tandem Axle Trailer.

Since there were no actual bids received for the back yard crane and trailer, Municipal Services respectfully requests authorization to purchase the required items on the open market.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to give authorization to the Municipal Services Division to purchase the required 1996 Back Yard Crane/Mini Derrick and 1996 Tandem Axle Trailer on the open market. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

City of Idaho Falls
December 8, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-7, TRAFFIC SIGNAL EQUIPMENT

Attached for your consideration is the tabulation for Bid IF-96-7, Traffic Signal Equipment.

It is the recommendation of Municipal Services to accept the sole bid of Northwest Signal Supply. They will furnish all nine items, in the required quantities, for a lump sum total amount of \$50,287.00.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the sole bid of Northwest Signal Supply to furnish the required Traffic Signal

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

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City of Idaho Falls
December 8, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-96-5, ONE (1) USED SELF-PROPELLED BELT LOADER

Attached for your consideration is the tabulation for Bid IF-96-5, One (1) Used Self-Propelled Belt Loader designed for Loading Material/Snow from a windrow.

It is the recommendation of Municipal Services to accept the low bid of Renegade Construction to furnish a 1988 Athey 7-12 D for an amount of \$45,000.00.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the low bid of Renegade Construction to furnish a 1988 Athey 7-12 D self-propelled belt loader. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
December 5, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BLUE SHIELD RENEWAL

It is requested that the Mayor and Council approve the renewal of the City's medical insurance contract with Blue Shield of Idaho from October 1, 1995 to September 30, 1996. The premiums are the same as the current year with the exception of 1.4% State Imposed Premium Tax.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the medical insurance contract renewal with Blue Shield of Idaho and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
November 29, 1995

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Dave Christiansen, Director of Parks and Recreation
SUBJECT: CHANGE ORDER NO. 1, PROJECT NO. 2-38-30-3-PRK-95-20
TAUTPHAUS PARK ASPHALT PAD

DECEMBER 14, 1995

The Division of Parks and Recreation respectfully requests Council approval of Change Order No. 1 in the amount of \$3,844.87 for the following work:

- | | | |
|----|------------------------------|------------|
| a) | Additional Pit Run Placement | \$3,134.65 |
| b) | Additional Asphalt Overlay | 710.22 |

These required modifications to the project were encountered during excavation of the site which required the additional material to stabilize the project site and insure long term durability to the project. It is therefore, submitted for your consideration.

s/ David Christiansen

It was moved by Councilmember Branson, seconded by Councilmember Mills, to approve Change Order No. 1 to H-K Contractors, Inc. for the Tautphaus Park Asphalt Pad Project. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls
December 4, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Director of Parks and Recreation
SUBJECT: COMMERCIAL WATERCRAFT CONCESSION AGREEMENT

The Division of Parks and Recreation respectfully requests the Mayor and City Council consider the authorization of a Concession Agreement between the City of Idaho Falls and Mr. Mike Melville.

The purpose of the Agreement is for the operation of a Commercial Watercraft Concession on the Snake River located at John's Hole Forebay. Mr. Melville has secured all necessary insurance, State Outfitter and Guide Licenses as required by the City Code 30-5.

It is therefore requested, that the Mayor and City Clerk sign and execute said Agreement.

s/ David Christiansen

It was moved by Councilmember Branson, seconded by Councilmember Mills, to approve the Commercial Watercraft Concession Agreement with Mr. Mike Melville and, further, give authorization for the Mayor to execute the same. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
December 11, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT FOR CHAFFIN ADDITION, DIVISION NO. 6

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Attached are copies of the Final Plat and Development Agreement for Chaffin Addition, Division No. 6. It is a four-lot subdivision located at the southwest corner of Lincoln Road and Woodruff Avenue. This property is currently within the City Limits and zoned C-1.

The Planning Commission recently considered this matter and, at that time, recommended approval of the Plat. The Department concurs with the Planning Commission recommendation. The Plat is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Renee Magee, Assistant Planning Director, located the subject area on a map and further explained the request. There being no further discussion, it was moved by Councilmember Erickson, seconded by Councilmember Carlson, to accept the Final Plat of Chaffin Addition, Division No. 6. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

It was then moved by Councilmember Erickson, seconded by Councilmember Carlson, to accept the Development Agreement for Chaffin Addition, Division No. 6 and, further, give authorization for the Mayor and City Clerk to sign the necessary document. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls
December 11, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: William Rod Gilchrist, Planning and Building Director
SUBJECT: APPEAL FROM DECISION OF PLANNING COMMISSION – SHAMROCK PARK ELEMENTARY SCHOOL

Earlier this year, the Idaho Falls Planning Commission considered a request from School District No. 91 for a Conditional Use Permit to allow construction of an elementary school in Shamrock Park. The Planning Commission approved the request. The decision was subsequently appealed by a resident in the Shamrock Park area.

At an earlier date, the members of the City Council, School District No. 91, and the appellant were supplied with information pertaining to this matter.

This item is an appeal from a decision of the Planning Commission and not an original hearing. The decision of the City Council should be based on oral argument from District No. 91 School Board and Mr. Kenney as to why or why not the Planning Commission is in error.

s/ Rod Gilchrist

At the request of Councilmember Erickson, the City Attorney explained the process taken by the Planning Commission in issuing the Conditional Use Permit, as well as the process that

the Council will be taking in reaching a decision. Mr. Storer further stated that the Council will decide whether or not the Planning Commission upheld the standards of the Zoning

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Ordinance under which the Conditional Use Permit was granted. The applicant for the Conditional Use Permit shall provide the following requirements:

1. Adequate landscaping shall be provided;
2. Facilities involving lights are located so as not to produce glare to the surrounding neighborhood;
3. Off-street parking areas shall be provided and shall be screened or located such that traffic noise shall be kept to a minimum;
4. The entire design and lay-out of the school shall be arranged so as to harmonize with the objectives of the zone; and,
5. Adequate ingress and egress provided for vehicles and pedestrians.

The City Attorney reviewed the Findings of Fact and Conclusions of Law as prepared by the Planning Division with regard to this Conditional Use Permit.

Mr. Dick Kenney, 2830 Galway Court, appeared to explain his position with regard to the issuance of this Conditional Use Permit. Mr. Kenney presented the following hand-out to the Council:

**APPEAL - CONDITIONAL USE PERMIT
Principles for Decision**

August 8th Meeting: Commissioners Cordova and Brooks recommended more negotiations between the School District and the neighborhood...Chairperson Karst couldn't figure out how to direct additional negotiations and felt that the Commission could control the situation by requiring annual continuance requests...This is not the way to solve a problem!!!

October 10th Findings of Fact, Conclusions of Law, and Decision: The fact finding is shallow and there is little correlation between the finding of facts (19) and the conclusions and decision:

Suggestions by Homeowners

FROM COMPREHENSIVE PLAN

- Proposal is more than 1 or 2 blocks from an arterial.
- Should not be in the core of the neighborhood.
- Should build a strong sense of identity.
- Should be concerned as to how well things work.
- Involve neighbors.

Chosen by Planning and Zoning

LAW

- Must have two accesses.

COMPREHENSIVE PLAN

- All conditions met.
- School will provide recreational facilities for non-Shamrock Park residents.

OTHER PRINCIPLES OR FACTS OR ?

- The land is vacant and the School District has an option.

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PRECEDENCE

- Preliminary plan adopted 13 years ago...reconfirmed 10 times---Homeowners invested in this plan.
 - An illegal pond was approved and built with homeowner's dollars.
- There are 4 walkways through the Park that could be used by students.
 - 250 children will continue to be bussed.
 - Vehicular and pedestrian traffic will increase.

PRIVATE PROPERTY RIGHTS

- A conditional use plan should not be approved that encourages trespassing.
- Shamrock Park is already larger than most parks.
 - Home sales prices may decrease.

COMMON SENSE

- A row of homes should not be planned between a school and a street.
- Trespassing and litter will increase.
 - Neighborhood parks should serve residents within one-half mile.

ALTERNATE PROPOSAL

Finish the Old Castle Lane cul-de-sac with home lots.

Build the school and school grounds west of the Old Castle Lane cul-de-sac (see drawing).

To compensate the Shamrock Park Homeowners for their expense in building the Pond with its associated drainage into the St. Clair Canal, the School District buys the other half of the Pond along with the area directly south of the Pond and donates it to the Park. The Homeowners permit the School to build a soccer field and/or other athletic fields within the Pond and use them during school hours.

The School District pays the Homeowner's Association \$150.00 per month for Park maintenance.

BENEFITS OF THIS PROPOSAL

The School is moved out of the CORE of the neighborhood and its entrance is placed closer to an arterial.

The Park is given definition.

The private nature of the Park is maintained in the evenings, weekends, and summers...trespassing is minimized.

A row of houses between the school and the street is eliminated.

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A method for compensating for student litter is established.

COSTS OF THIS PROPOSAL

Land costs are unchanged...the same number of building lots are established in the Old Castle Lane cul-de-sac as are given up along Westmeath Drive.

The School District gives up ownership of 2.3 acres, but has use of it during school hours. This is about \$30,000 in payment for the about \$250,000 invested in the pond and drainage.

The maintenance fee is about what it would cost the school to do it's own maintenance if they owned it.

I pay over \$150.00 per month in school property taxes.

Shamrock Park Property Owners pay approximately \$20,000.00 per month in school property taxes.

Two years ago, we scheduled a homeowner's meeting with the School District. The School District declined to attend.

I suggested the alternative proposal to the School District two years ago and formally presented it to them in September, 1995...they said they would get back to me, but haven't.

THUS, I REQUEST THAT THE CITY COUNCIL

Deny the School District's request for a Conditional Use Permit until they either submit a proposal that will not be opposed (i.e., my proposal) or an alternate proposal that has the approval of two-thirds of the Shamrock Park Homeowners.

(Map Attached)

After finishing his presentation, Mr. Kenney requested the City Council to deny this Conditional Use Permit for School District No. 91.

At this time, Mayor Milam clarified for the Council that they are here to make a decision regarding the process taken to grant the Conditional Use Permit, not on alternative plans for the location of the Conditional Use Permit.

The City Attorney questioned Mr. Kenney as to whether he presented these issues to the Planning Commission. Mr. Kenney stated that he presented some of these issues to the Commission, but not all of them. Mr. Kenney then stated that the Planning Commission acted contrary to the Comprehensive Plan.

Councilmember Erickson requested the Representative from School District No. 91 to appear. Mr. Ken Skow, 2740 South Higbee Avenue, appeared to state that the School District has followed all ordinances known to them in planning for this school. The School District, further, visited at great length with the City to make sure that the plan presented was up to code.

Councilmember Erickson indicated that this has been reviewed for some time. He wanted to clarify that the property that is being discussed is still in Bonneville County.

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When this property is annexed to the City, it is only at that time that it should come to Council. Councilmember Erickson stated that he felt that School District No. 91 has complied with all issues previously addressed.

Councilmember Eldredge requested to know the difference between the Comprehensive Plan and the Zoning Ordinance. The City Attorney explained that the Comprehensive Plan is a planning tool and a general guide for development. It is not a specific, detailed document by which to make Planning decisions. The Zoning Ordinance is used to implement objectives set forth in the Comprehensive Plan. The Zoning Ordinance is law.

There being no further discussion, it was moved by Councilmember Erickson, seconded by Councilmember Eldredge, to deny the appeal from Mr. Kenney and, further, to permit the Conditional Use Permit subject to the property being annexed and zoned. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Erickson, and Mills; No, Councilmember Carlson; Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls
November 17, 1995

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: Chief Kent Livsey
SUBJECT: LIQUOR LICENSE WAIVER

The Downtowner Restaurant has requested a liquor license waiver. They currently have a variance allowing them to sell beer and wine. The variance is necessary because they are within 300 feet of a temporary location of a Baptist Church.

This restaurant has not caused the Police Department any trouble with the current waiver. They are a reputable establishment. Further, they are closed on Sundays and their attorney, Richard St. Clair assured me they will remain closed on Sundays.

I see no reason to not extend the waiver to include selling liquor by the drink.

Those making the rest are:

Delores Casella
635 River Parkway
Idaho Falls, Idaho 83402

Richard N. Price
925 West 200 South
Blackfoot, Idaho 83221

These people are doing business as the Downtowner Restaurant.

Your consideration is appreciated.

s/ Chief Kent Livsey

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Mr. Richard Price, 925 West 200 South, Blackfoot, Idaho, appeared to state that he is the owner of the Liquor License in question. He stated that he has entered into an agreement with Delores Casella to use the license in the Downtowner Restaurant.

Councilmember Branson questioned Mr. Price as to whether he would be able to move this Liquor License to other facilities. Mr. Price stated that once the license has been placed, it cannot be sold or leased for 2 years. It will be in the Downtowner Restaurant.

Mayor Milam stated that members of the Council received the following letter in support of this liquor waiver, as follows:

City of Idaho Falls
December 13, 1995

HMM MARKETING TECHNOLOGIES
465 River Parkway
P. O. Box 50978
Idaho Falls, Idaho 83405

The Honorable Mayor Linda Milam
Members of the City Council

Dear Mayor and Councilmembers:

Delores Casella has owned and operated the Downtowner Restaurant down the street from our offices for over two years. We have been a patron of her restaurant here and her old location in downtown Idaho Falls. Delores has spent many years positioning her eatery to be fine dining and has garnered herself an exclusive clientele. The addition of liquor to her establishment would only be a plus to her business growth in private enterprise. Since her market share has already been determined through many years of operation, the addition of liquor would have little effect changing her clientele. We feel the Church, which is vacating in September, would see no change to the patterns already established around the Eagle Rock Station. We support her request to serve liquor in her restaurant.

s/ Bert H. Hansen, II
President, CEO

s/ Pamela L. Hansen
Senior Vice President

At the request of Councilmember Mills, Chief Livsey came forward to answer questions. Councilmember Mills asked if the Church had been notified of this action. Chief Livsey stated that the surrounding businesses were notified of this action. Mayor Milam clarified that this was done as an administrative action.

There being no further discussion, it was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to approve the variance to serve liquor at this location. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The memo from the Police Chief regarding Towing Agreements was withdrawn by the Division Director.

Mayor Milam explained the need for an ordinance change to the Beer, Wine, and Liquor Licensing Ordinance. It was moved by Councilmember Mills, seconded by

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Councilmember Hardcastle, to direct the City Attorney to prepare an Ordinance for consideration by the Council on December 28, 1995, to permit the sale of Beer, Wine, and Liquor from 8:00 p.m. until 1:00 a.m. when New Year's Eve falls on a Sunday, with that service being restricted to restaurants only. In addition to this, a public hearing will be held and proper notification will be given to churches or schools when a variance is requested to serve Beer, Wine, or Liquor within 300 feet of these facilities. 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
December 1, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STANDARD SPECIFICATIONS AND DRAWINGS, 1996 EDITION

Attached is an Ordinance, prepared by the City Attorney, which, if adopted, will establish the Standard Specifications and Drawings of the Engineering Department of the Public Works Division of the City of Idaho Falls, 1996 Edition.

As proposed, these specifications and drawings contain minor changes and corrections to the 1994 Edition. Public Works recommends adoption of this Ordinance 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. 2195

AN ORDINANCE ADOPTING THE STANDARD SPECIFICATIONS OF THE ENGINEERING DEPARTMENT OF THE PUBLIC WORKS DIVISION OF THE CITY OF IDAHO FALLS, IDAHO, 1996 EDITION; ADOPTING THE STANDARD DRAWINGS OF THE ENGINEERING DEPARTMENT OF THE PUBLIC WORKS DIVISION OF THE CITY OF IDAHO FALLS, IDAHO, 1996 EDITION; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY OF SECTIONS OF THIS ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Eldredge moved, and Councilmember Branson 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:

DECEMBER 14, 1995

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

City of Idaho Falls
December 6, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: FIRST STREET RIGHT-OF-WAY - GARY OFFUTT

Attached are copies of a Purchase Agreement for Right-of-Way located on First Street belonging to Gary Offutt. This right-of-way is needed for the eventual widening of First Street, between St. Clair Road and Woodruff Avenue, and the Purchase Agreement is consistent with the terms originally negotiated for development of adjoining property. The purchase price is \$10,935.00.

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

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Branson, to approve this Purchase Agreement with Gary Offutt and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

City of Idaho Falls
December 6, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: OUTSIDE-THE-CITY WATER AND SEWER SERVICES FOR LOT 9, BLOCK 3, YELLOWSTONE ADDITION (HAPPYVILLE)

Attached is a proposed Agreement to provide water and sewer service to Lot 9, Block 3, Yellowstone Addition (Happyville). The sewer and water systems were installed under a HUD Grant and the City agreed to serve both.

Public Works requests approval of these Agreements and authorization for the Mayor to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Branson, to approve the Outside-The-City Water and Sewer Services Agreements for Lot 9, Block 3, Yellowstone Addition (Happyville) and, further, give authorization for the Mayor to sign the documents.

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

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There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Mills, that the meeting adjourn at 9:45 p.m.

CITY CLERK

MAYOR

* * * * *