

OCTOBER 26, 1995

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 26, 1995, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Melvin Erickson, Gary Mills, Beverly Branson, Ida Hardcastle, Brad Eldredge, and Larry Carlson. Also present: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

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

Mayor Milam and Councilmembers honored Aaron Steven Abbott, Joshua R. Briggs, Dustin Case Decoria, Kenneth S. Phillipp, James E. Spencer, and Aaron Webber for earning their Eagle Scout Awards.

The City Clerk read a summary of the minutes for the October 12, 1995 Regular Meeting. Councilmember Eldredge wished to note that the reason for his abstention on the proposal from the University of Idaho to provide the proctoring and grading services for the Civil Service Exams, was that he is an employee of the University. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, that the minutes be approved as read, with the addition from Councilmember Eldredge. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; motion carried.

CONSENT AGENDA

The City Clerk presented several license applications, including BARTENDER PERMITS to Lori L. Clapp, Susan Gazdik, Patty M. Holsomback, Sean McNiell, Cindi J. Pancheri-Bird, Misty L. Rowe, Randy G. Rowe, Andrea H. Smith, and William J. Waters, all carrying the required approvals, and requested Council approval for issuance of these licenses.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on October 26, 1995.

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

REGULAR AGENDA

Mayor Milam declared open a public hearing in relation to the rezoning of Lots 1 through 4, Block 1, Kepler Addition, Division No. 1, along with considering an Amendment to the Comprehensive Plan from Residential to Commercial on the same property. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: REZONING - KEPLER ADDITION

Attached is a copy of a petition to rezone the Kepler Addition from R-2 to PB. This property is located at the intersection of Sunnyside Road and Holmes Avenue. The Planning Commission, at their regular meeting in September,

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considered this matter and a request to amend the Comprehensive Plan at a public hearing. Several protests have been received in regard to this rezoning. After some discussion, the request was denied by a vote of 7-2. This department concurs with that recommendation. If the Mayor and City Council favorably consider this request, it will require an amendment to the Comprehensive Plan.

s/ William R. Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. A general discussion followed regarding the change to the Comprehensive Plan in relation to the zoning change, and what could be allowed in the R-2 Zone versus the PB Zone. Councilmember Eldredge stated that if this area remained R-2, this area could be replatted with additional lots, resulting in additional 4-plexes. It was further commented that under the Sunnyside Corridor Study, limited neighborhood commercial would be allowed at the intersections of collector and arterial streets.

Councilmember Erickson stated that inasmuch as this is a public hearing, the Council would like to hear from those in favor of this rezoning.

Rod Hillam, 860 East 65th South, owner of the property, appeared to explain that he would like to relocate his Orthodontics Office. He stated that this is a good location for that practice in that several schools in the area are close to this location. He stated that his practice is from 8:00 a.m. to 5:00 p.m. and he is not open weekends. He would like to build his building on one lot and cover the other three lots with Protective Covenants to not only protect the surrounding community, but to protect his investment. He further explained that he would not build a 2-story building as he would have to provide an elevator to be in compliance with the Americans With Disabilities Act (ADA). He would keep his office on one level. He thanked the Council for their consideration of this matter.

Ben Stallings, 460 Springwood, appeared to state that he has no problem with this rezoning.

C. E. White, 3280 Chaparral, stated that he was previously against this proposition because they were seeking R-3A. This was not an appropriate zoning. The PB zone is a much better protection to the neighborhood. Further, Mr. White visited with Dr. Hillam regarding the Protective Covenants for his lot, as well as the other three lots. He further stated that he would back this zone change, as long as Dr. Hillam would keep his promises.

Roy Hall, 2150 Sabin, appeared to submit five (5) letters of support from people adjacent to this property. He stated that he supports Professional Buildings as opposed to the apartments.

Councilmember Erickson then invited those in opposition of this rezoning to appear.

Gary Eversol, 3425 Sun Circle, President of Sunrise Condominiums, stated that he has been asked by the Condominium Association to stand and oppose this zoning change. They wish to have the zone remain as it is.

There was a brief discussion regarding the location of the Sunrise Condominiums, which is directly south of the proposed rezoning. Councilmember Erickson requested the Planning and Building Director to come forward and explain what changes have taken place in this area, and the reasons for those changes. The Planning and Building Director stated that the current Comprehensive Plan is approximately one and one-half (1-1/2) years old. He further stated that in this immediate area there have been no significant changes. A brief discussion was held regarding the possibility of a mistake being

made in designating the property as Residential at the time the Comprehensive Plan was adopted in 1994. The Planning and Building Director stated that it was possible that this

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was the case. Councilmember Erickson stated that Professional Buildings are closed after 5:00 p.m. and are not open on weekends. This zone provides an excellent buffer from a main collector street and serious traffic.

After a brief discussion regarding the type of buildings allowed in the PB Zone as compared to the R-2 Zone, it was moved by Councilmember Erickson, seconded by Councilmember Hardcastle, to amend the Comprehensive Plan from Residential to Commercial and, further, request the Planning and Building Director to prepare a Findings of Fact and Conclusions of Law. Roll call as follows: Ayes, Councilmembers Erickson, Hardcastle, Eldredge, Mills, and Branson; No, Councilmember Carlson; Motion Carried. Further, it was moved by Councilmember Erickson, seconded by Councilmember Hardcastle, to change the zoning of Lots 1 through 4, Block 1, Kepler Addition, Division No. 1 from R-2 to PB and, further, request the Planning and Building Director to prepare a Findings of Fact and Conclusions of Law. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Erickson, and Mills; No, Councilmember Carlson; Motion Carried.

Mayor Milam declared open a public hearing to consider an appeal from a decision of the Planning Commission for a rezoning from RSC-1 to C-1 on property legally described as the E. 150' X 150' SE Corner Lot 3, Block 1, Linden Park Addition, Division No. 1, generally located at 1135 9th Street. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: REZONING - LINDEN PARK ADDITION, PORTION OF LOT 3,
BLOCK 1

Attached is a copy of a request to rezone the property located at 1135 9th Street from RSC-1 to C-1. This property is currently occupied by Donnie's Detail Shop. This matter was considered by the Planning Commission at a public hearing earlier this year. At that time, several protests were heard from property owners within the area. After some consideration, the Planning Commission recommended unanimously to deny the request. This Department concurs with that decision. This matter is now being submitted to the Mayor and City Council for consideration.

s/ William R. Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. Councilmember Erickson asked the Planning and Building Director if the present zoning allows the use that is taking place at this time. The Planning and Building Director stated that it does. The City Attorney asked Mr. Gilchrist if the proposed zoning is in keeping with the Comprehensive Plan. Mr. Gilchrist stated that it is.

Councilmember Erickson stated that inasmuch as this is a public hearing, the Council would like to hear from those in favor of this rezoning.

Trimelda McDaniels, 805 North Eve Drive, appeared on behalf of Donnie Hudson in presenting the following letter signed by Mr. Hudson:

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PETITION FOR REZONING OF DONNIE'S DETAILING AT 1135 9TH STREET

Ladies and Gentlemen:

The owners of Donnie's Detailing, located at 1135 9th Street, Idaho Falls, Idaho, hereby petition for a rezoning from RSC-1 designation to a C or Commercial zone designation.

DONNIE'S DETAILING is in the business of detailing, which includes the following services: Interior cleaning, steam cleaning engines using biodegradable cleaning products, and waxing and buffing car exteriors, along with other services to do with the upkeep of automobiles.

As such, Donnie's Detailing is regularly inspected by the local Fire Department and has passed EPA inspections with flying colors. All grease and other residues from the steam cleaning operations are placed within a commercial holding tank to be disposed of later by a company that comes in from Salt Lake City.

Donnie's Detailing is a family-owned business. The company was started two years ago by Donnie R. Hudson. Since that time, it has grown to become a viable company, providing employment and stability to the community.

Mr. Hudson has become progressively disabled due to medical problems. Therefore, the day-to-day operations of the business have passed on to Mr. Hudson's daughter, Donna, and wife. There is no anticipated sale of the business to outsiders. Ownership will be passed down within the family for at least two generations.

Donnie's Detailing is here to stay, much to the delight of the neighbors and the rest of the business population. Many of the major car companies, such as B. A. Wackerli, as well as private individuals depend upon this company to detail, preserve, and restore their fine automobiles. As you can see from the letters we've included, this business is considered an asset to the community.

The petition for rezoning is based upon the following:

1. EASEMENT

In order to stay in business during the winter and to compete with similar businesses, Donnie's Detailing needs to enclose their servicing area. Because of the present zoning designation as RSC-1, the simple matter of placing a roof over the area, or putting up walls involves extra fees and paperwork that has been placing a strain on the growing company.

2. TIMELINESS

Local contractors have advised the ownership that a change in zoning would avoid the aforementioned problems and facilitate the construction of an enclosure in a timely manner. Time is of the essence because the season is changing and the weather is becoming less accommodating for the project.

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The zoning change will not impact the community. A careful reading of the ordinances reveals that little will change from the redesignation. All that will change is the lessening of expensive fees and red tape involved in the minor construction for Donnie's Detailing.

The neighborhood is in favor of the zoning change. The signatures were gathered from private homeowners as well as the areas nursing condo. No real objections have been raised to the proposal. Therefore, we hope this petition will be noted and passed as proposed.

Yours truly,

s/ Donnie Ray Hudson
DONNIE'S DETAILING

Ms. McDaniels passed around drawings to the Council of how this building is to be enclosed. Councilmember Eldredge clarified that this is an allowed use in an RSC-1 zone, and questioned why a change in zone would facilitate a building project. Ms. McDaniels stated that if there was a change in the zone, it would eliminate some of the paperwork and would allow minor changes to the building without having to go through the red tape.

The Planning and Building Director explained that in the RSC-1 zone, a site plan is approved at both the Planning Commission and the City Council level. If there is a major change in the structure, it must go through the hearing process again. A general discussion followed regarding what would be allowable in a C-1 Zone as compared the RSC-1 Zone. Mr. Gilchrist further clarified that in the C-1 Zone, there is no hearing process to go through to obtain a building permit.

Donna Gardner, 11423 East Ririe Highway, and daughter of Mr. Hudson, appeared to explain that she manages the shop. She stated that at the time they submitted the application to enclose their building, it was denied because the building was being overbuilt. They did not feel that they were overbuilding in that they were just putting in walls under the canopy that already exists. Ms. Gardner questioned the Planning and Building Director regarding the requirements for a bar to go into this area. Mr. Gilchrist explained that liquor could be sold only in conjunction with a restaurant under the C-1 Zone.

Tom Lawford, 1218 Ninth Street, appeared to state that Mr. Hudson has been a good steward of the property since he has taken it over. Mr. Hudson has further eased some traffic congestion by cutting off access to his place from Lincoln Drive. Mr. Lawford supports being able to enclose Donnie's Detailing building.

Councilmember Erickson then invited those in opposition of this rezoning to appear.

Udell Leavitt, 881 Linden Place, appeared representing the 52 Linden Place homeowners in opposing this zoning change. He further stated that Donnie's Detailing, as is, is fine. He did not understand why a zone change had to be made for Mr. Hudson to accomplish his needs. Mr. Leavitt was concerned that at some point Mr. Hudson might sell his property, allowing unwanted businesses in a residential neighborhood.

Vernon Wagner, 1130 Ninth Street, appeared to state that he understands that Mr. Hudson can enclose his building under the present zone. He further stated that he is concerned that at some point the building will be sold allowing an unwanted use in this residential neighborhood. Mr. Wagner was further concerned that the taxes would go up on the residential property around a C-1 zone.

Eleanor Hampton, 586 Safstrom Place, stated that it is not an easy thing to oppose this zoning change. She further explained that the Hudsons are good neighbors and good friends. Ms. Hampton stated that she is speaking unofficially for 48 people who

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expressed concerns to her regarding this zoning change and the impact this might have if the Hudsons sell this property in the future. She further handed the following petition to the Council:

PLEA TO REJECT ZONING CHANGE FROM RSC-1 TO C-1 FOR 1135 9TH STREET

We, the undersigned, are opposed to any change in zoning for the property now known as Donnie's Auto Detailing, 1135 Ninth Street, Idaho Falls, Idaho, which could result in increased auto traffic and/or alcohol sales in said area and which, therefore, would threaten safety of children walking to and from Linden Park Elementary School, 1305 Ninth Street, Idaho Falls, less than two blocks away.

Further, let it be known that this action is taken only out of concern for our community's children. Mr. Hudson, owner of said property, has been a good neighbor and we sincerely appreciate the kindness that he and his employees have extended to our children.

However, with the best interests of Linden Park Elementary students in mind, we believe that the recommendation of Idaho Falls Planning and Zoning Committee to deny said change was proper and should be upheld. We urge the City Council of Idaho Falls, Idaho, to reject Mr. Hudson's application for change of zoning from RSC-1 to C-1.

Ms. Hampton petitioned the City Council to consider a variance for the Hudson's, that they might be able to enclose their building. She further reviewed her petition for the Council.

Councilmember Erickson noted that the Hudsons have taken care of their business and he is very considerate of the area. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that this request to rezone from RSC-1 to C-1 be denied and, further, request the Planning and Building Director to prepare a Findings of Fact and Conclusions of Law. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried. The Mayor and Council instructed the Planning and Building Director to review any previous action with the Hudsons on the Planning Commission level and determine if anything can be done to help them accomplish their construction needs.

The Airport Director submitted the following memos:

City of Idaho Falls
October 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: James H. Thorsen, Director of Aviation
SUBJECT: ACQUISITION OF RESIDENTIAL LOT - ESQUIRE ACRES

The Airport Division, through the City's Right-of-Way Agent, has negotiated an agreement to purchase a residential lot in the Esquire Acres subdivision owned by Mr. and Mrs. Carl S. Carlson.

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The lot is within the clear zone widening project area, and is adjacent to other lots previously purchased for clear zone protection. As was the case with these lots, the proposed purchase will be added to Esquire Acres Park.

The Agreement has been prepared by the City Attorney. The purchase price of \$14,500.00 plus closing costs is eligible for 90% reimbursement from the FAA's Airport Improvement Program.

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

s/ James H. Thorsen

The Airport Director was asked how large this lot was. It was determined that the lot size is 70' X 100'. It was moved by Councilmember Mills, seconded by Councilmember Erickson, that this property purchase be approved 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
October 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: James H. Thorsen, Director of Aviation
SUBJECT: TERMINAL APRON REHABILITATION PROJECT

Two bids were received for the Terminal Apron Rehabilitation Project. Subsequent to opening of bids, the Federal Aviation Administration awarded a grant in an amount sufficient to complete the project in one construction season, rather than the contemplated three seasons. The City's Consulting Engineers recommend that the project be substantially redesigned and re-advertised for bid. The FAA concurs in this recommendation.

The Airport Division respectfully requests that all bids for the Terminal Apron Rehabilitation Project be rejected and the project re-advertised for bid.

s/ James H. Thorsen

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to reject all bids for the Terminal Apron Rehabilitation Project. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
October 20, 1995

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: James H. Thorsen, Director of Aviation
SUBJECT: NEW BARBER SHOP LEASE

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Mr. and Mrs. Mike Miles have submitted a proposed Lease Agreement for the Barber Shop space in the Terminal Building.

The Lease amount is for \$100.00 per month, which is comparable to the space leases for other tenants in the building. The term of the Lease is for the period through December 31, 1996.

The City Attorney prepared the Agreement.

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

s/ James H. Thorsen

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the Lease Agreement with Mr. and Mrs. Mike Miles 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 Municipal Services Director submitted the following memos:

City of Idaho Falls
October 24, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PROPOSAL TO CHANGE GROUP LIFE INSURANCE CARRIERS

Attached for your consideration is a tabulation of proposals to provide Group Life Insurance Coverage.

It is the recommendation of Municipal Services to accept the low responsive proposal of Fortis, Inc. with Josephson Agency of Idaho Falls to provide Group Term Life Insurance Coverage effective November 1, 1995. It is further recommended that we accept Group Dependent Life Insurance Option 2. The rest of the Group Term Life Insurance will remain unchanged and the premiums are guaranteed for a two-year period.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the proposal from Fortis, Inc. with Josephson Agency of Idaho Falls to provide Group Term Life Insurance Coverage, and further accept Group Dependent Life Insurance Option 2. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: S. Craig Lords, Municipal Services Director
SUBJECT: APPOINTMENT OF JUDGES AND CLERKS FOR GENERAL
MUNICIPAL ELECTION TO BE HELD NOVEMBER 7, 1995

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Attached for your consideration is a list of names appointing and setting compensation for Election Judges and other such workers necessary for each voting precinct within the City.

It is respectfully requested that the Mayor and City Council authorize each appointment as per the attached list and, further, authorize compensation for such workers as indicated.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to authorize the appointment of the Election Judges and other such workers necessary for each voting precinct for the General Municipal Election to be held November 7, 1995, along with setting the compensation for same. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

City of Idaho Falls
October 16, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 1995-1996 LEGAL SERVICES CONTRACT

Attached for your consideration is a proposal for Legal Services for the City Attorney for the 1995-1996 year.

It is the recommendation of Municipal Services to accept said Contract and authorize the Mayor to sign.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept the proposal for Legal Services for the 1995-1996 Year. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: POLICE PATROL SEDANS - STATE OF IDAHO BID

It is the recommendation of Municipal Services to ratify the purchase of the required police patrol sedans from Golden Rule Fleet and Leasing per State of Idaho Bid 95-0123-JH.

They would furnish eight (8) New 1996 Ford Crown Victorias with police package for a base bid of \$19,245.00 each plus required options, paint credit,

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and delivery charge that equals a credit amount of -\$210.00 for a Total Purchase Price per Car of \$19,035.22.

s/ S. Craig Lords

Councilmember Hardcastle further explained this purchase. It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to ratify the purchase of 8 Police Patrol Sedans from Golden Rule Fleet and Leasing per the State of Idaho Bid. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
October 16, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL DELTA DENTAL CONTRACT

Attached for your consideration is a contract renewal policy endorsement from Delta Dental of Idaho to provide dental insurance. The renewal is a 10% increase over existing rates and the premium is guaranteed for twenty-three months until September 30, 1997.

It is the recommendation of Municipal Services to accept this renewal.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to accept this Contract Renewal Policy Endorsement from Delta Dental and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls
October 16, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BOILER AND MACHINERY AND PROPERTY COVERAGE FOR THE GEM STATE PROJECT

It is respectfully requested that the City Council approve the renewal of the Gem State Boiler and Machinery and Property Insurance with Allendale Insurance Company, Val Rosenberg, Agent for Holden-McCarty Agency. The premium is \$46,175.00.

s/ S. Craig Lords

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It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to approve the renewal of the Gem State Boiler and Machinery and Property Insurance with Allendale Insurance Company as requested. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: ORDINANCE PROVIDING FOR STREET NAME CHANGE

Attached is a copy of an Ordinance providing for a street name change from Aspen Way to Sycamore Circle. This matter was recently considered at a public hearing in front of the Mayor and City Council. No protests have been received by this office. The attached Ordinance is being submitted to the Mayor and City Council for your consideration.

s/ William R. Gilchrist

Councilmember Carlson requested the City Attorney read the following Ordinance by title:

ORDINANCE NO. 2188

AN ORDINANCE CHANGING THE NAME OF ASPEN WAY, A STREET LOCATED WITHIN THE CITY OF IDAHO FALLS, TO SYCAMORE CIRCLE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Erickson moved and Councilmember Carlson 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
October 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT - ELECTRON

Attached is a copy of a Development Agreement between the City of Idaho Falls and Electron. This Agreement is made necessary inasmuch as the Developer is proposing to build a building with frontage on Milligan Road and Murray

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Street. This Agreement provides for construction of streets and utilities at such time as the City requests them. It is now being submitted to the Mayor and City Council for your consideration.

s/ William R. Gilchrist

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

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT - AMMON TOWN CENTER, PHASE
NO. 2

Attached is a copy of the Development Agreement between the City of Idaho Falls and CPI/Ammon Limited Partnership. This Agreement provides for the construction of streets, utilities, and relocation of power lines in the area. This matter has been reviewed and approved by the necessary City Departments. It is now being submitted to the Mayor and City Council for consideration.

s/ William R. Gilchrist

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to accept the Development Agreement for Ammon Town Center, Phase II with CPI/Ammon Limited Partnership as requested. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Erickson, and Mills; No, Councilmember Carlson; Motion Carried.

City of Idaho Falls
October 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT AND DEVELOPMENT AGREEMENT - GEM STATE
ROASTERS ADDITION

Attached is a copy of the Final Plat of the above-named subdivision. This property is located on the south side of 17th Street on the property occupied by Sam's Club. The plat is necessary inasmuch as the Developers are subdividing one of the original pads provided when this property was first developed. The Planning Commission recently considered this matter and recommended

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approval. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ William R. Gilchrist

The Planning and Building Director located the subject area on a map and further explained the request. Mr. Gilchrist further explained that no Development Agreement was needed as the improvements were already in, but that an Access and Parking Agreement was previously filed. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, to accept the Final Plat of Gem State Roasters Addition and, further, give authorization for the Mayor and City Clerk to sign the said Plat. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
October 18, 1995

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: Chief J. Kent Livsey
SUBJECT: SNOW REMOVAL AND PARKING RESTRICTIONS ORDINANCE

Attached is the proposed Ordinance regarding the aforementioned subject which will repeal Sections 9-5-8 and 9-5-9 and re-enact Section 9-5-8 providing a penalty for violation of the snow removal and parking restrictions for the City of Idaho Falls.

Also attached for your convenience, is a copy of the current Sections 9-5-8 and 9-5-9.

These changes are respectfully submitted for your consideration.

s/ J. Kent Livsey

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

ORDINANCE NO. 2189

AN ORDINANCE REPEALING SECTIONS 9-5-8 AND 9-5-9 AND RE-ENACTING SECTION 9-5-8 PROVIDING A PENALTY FOR VIOLATION OF THE SNOW REMOVAL AND PARKING RESTRICTIONS; PROVIDING FOR THE 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 Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
October 24, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: 17TH STREET AND HITT ROAD CONTRACT - CHANGE ORDER
NO. 1

Attached is proposed Change Order No. 1 in the amount of \$9,145.94, to the 17th Street and Hitt Road Contract between Cantlon Properties and BECO Construction. The Change Order consists of a re-alignment of a storm sewer for \$919.42; and, the remaining \$8,226.52 represents increased quantities of excavation and fill rather than an actual change in the Contract. The net cost to the City is \$2,286.49.

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

s/ Chad Stanger

Councilmember Eldredge explained that the City participates with Cantlon Properties in the amount of 25% of the cost of the project. It was moved by Councilmember Eldredge, seconded by Councilmember Branson, to approve Change Order No. 1 to the 17th Street and Hitt Road Contract between Cantlon Properties and BECO Construction. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls
October 24, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENGINEERING SERVICES AGREEMENT - WELL NO. 4
ELECTRICAL AND MECHANICAL MODIFICATIONS

Attached is a proposed Agreement with Black and Veatch in the amount of \$37,960.00, to perform design and construction phase services for electrical and mechanical modifications to Well No. 4. These modifications are budgeted in the current year budget.

OCTOBER 26, 1995

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 the Agreement with Black and Veatch for the Well No. 4 Electrical and Mechanical Modifications. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, that the meeting adjourn at 8:50 p.m.

CITY CLERK

MAYOR

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