

JANUARY 26, 1995

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

Mayor Milam called upon Scout Steve Blotter to lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the January 12, 1995 Regular Meeting. It was moved by Councilmember Hardcastle, seconded by Branson, that the minutes be approved as read. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, none; motion carried.

CONSENT AGENDA ITEMS:

The City Clerk presented several license applications, including BEER LICENSES to The Geranium by HJC/Rutabaga's Espresso Bar (Cafe) and Leo's Place (First Street); BARTENDER PERMITS to Teresa B. Aders, LoriAnn Barwick, Teresa L. Brown, Darby L. Campbell, Jason S. Fitch, W. Elaine Hyatt, Angela D. Melicharek, Bonnie A. Newman, Kristie J. Oakes, and Kevin R. Schaffer, all carrying the required approvals.

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

The Municipal Services Director submitted the following memos:

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISEMENT FOR BIDS

Municipal Services respectfully requests authorization to advertise and receive bids for the following items:

1. Reroofing the Office Area at the Electric Building; and,
2. Reroofing Wells No. 2 and 3.

s/ S. Craig Lords

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISEMENT FOR BIDS

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Municipal Services respectfully requests authorization to advertise and receive bids for enlarging the lab at the Wastewater Treatment Plant.

s/ S. Craig Lords

The Public Works Director submitted the following memo:

City of Idaho Falls
January 17, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: BID AUTHORIZATION - SEWAGE TREATMENT PLANT,
CHLORINATION FACILITIES

Public Works requests authorization to advertise to receive bids for modifications to the Sewage Treatment Plant Chlorination Facilities.

s/ Chad Stanger

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

REGULAR AGENDA ITEMS:

The Mayor asked Councilmember Erickson to conduct Annexation Proceedings for Victorian Village Addition, Division No. 4. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT AND ANNEXATION - VICTORIAN VILLAGE
ADDITION, DIVISION NO. 4

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance for Victorian Village Addition, Division No. 4. This Plat is located at the southerly end of the Victorian Village development. The lower tier of lots are adjacent to and backing up to Township Road. This plat provides for the extension

of the street system in the development and does provide for an outlet on Township Road. This is a 20-lot, single-family residential development. The developer is requesting a zoning of R-1.

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The Planning Commission recently considered this request at a public hearing, and at that time recommended approval of the final plat, annexation to the City, and initial zoning of R-1. This department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Kim Leavitt, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared as a representative for Robert W. Utterbeck. Mr. Leavitt explained the development, stating further that this development is approximately 60% complete. He explained the configuration of the streets and stated that Township Road would be a buffer with 114-feet of right-of-way from one side of the road to the other. The neighbors are complaining somewhat in that they do not wish to have this housing addition so close to their rural setting, but they have purchased large pieces of ground so that no further development could occur, which serves as further buffer from this development. This area has been developed as directed by the City. Mr. Leavitt requested the Mayor and Council do the right thing and approve this request.

Councilmember Carlson questioned why the 2- to 5-acre parcels were taken out of the plans from the 1991 submittal, along Township Road.

Robert W. Utterbeck, 244 West Stonerun Lane, owner of this development, stated that the original plan was for R-3 zoning on the south end of this development to build condominiums. He changed his mind, as he felt that the neighbors would not like to have the condominium project, and continued with the plan for the R-1 zoning. He further stated that this housing addition needs the southern entrance, that being the entrance/exit onto Township Road.

Councilmember Hardcastle questioned Mr. Utterbeck as to any plans for a barrier on the Township Road frontages. Mr. Utterbeck stated that nothing was planned.

Robert Johannsen, 298 West Harvest Run, supported this new Division as this would provide for another entrance/exit into this area. He has a concern for the safety of the children who must cross Nathan Drive to go to the elementary school. There is a lot of traffic in this area. Mr. Johannsen stated that he has a concern that this whole area has only one entrance/exit. With Idaho Falls being rated as an Earthquake Zone 3 and the possibility of a catastrophic disaster resulting, the ability to get help in and people out with only one entrance/exit would be impossible.

Betty Brooks, 181 Colonial Way, shares the concern of only one access into Victorian Village. If something happened on Cobblestone, there would be no way to get in to assist those to the south. She needs to have this exit as she is a Registered Nurse and is on call for 24-hour shifts in two departments at the Hospital.

Kay Westman, 171 Colonial Way, stated that she understood that roads can be built to the east in this subdivision, but the School District has an option on the land to the south of Taylorview Junior High. With construction slowing down in Idaho Falls, another school will not be built for, she thought 5 to 10 years. She felt that this area could not wait that long for an access. She stated that she supported Victorian Village Addition, Division No. 4.

Sheldon Dance, 284 Brookside Drive, appeared to express his concern over the traffic on Nathan Drive. He further expressed that Victorian Village Addition is a great subdivision.

Councilmember Erickson expressed that the Council understood that there has been a traffic problem in this area, but that the development of the whole project would alleviate these problems. Councilmember Erickson further explained the area of impact.

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The Planning and Building Director was asked if the Developer's Plan met the Comprehensive Plan for the City. Mr. Gilchrist answered that it does meet this Plan. Mr. Gilchrist further stated that this development meets all criteria for public safety.

There being no opposition to this annexation, it was moved by Councilmember Erickson, seconded by Carlson, that the Final Plat for Victorian Village Addition, Division No. 4 be accepted and further give authorization for the Mayor and City Clerk to sign said plat. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; motion carried.

It was moved by Councilmember Erickson, seconded by Carlson that the Annexation Agreement for Victorian Village Addition, Division No. 4 be accepted and further give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

Councilmember Erickson requested the City Attorney read the following Ordinance in title:

ORDINANCE NO. 2166

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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 Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, none; motion carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area.

Kay Westman, 171 Colonial Way, appeared to state that she is in favor of the R-1 zoning, and appreciates that this residential area will not be a condominium project.

There being no further discussion, it was moved by Councilmember Erickson, seconded by Carlson, that the initial zoning of the Victorian Village Addition, Division No. 4 be established as R-1 as recommended and that the Comprehensive Plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the Comprehensive Plan and zoning maps located in his office. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

Mayor Milam asked Councilmember Erickson to conduct de-annexation proceedings for the Tech Center Addition, Division No. 1. At the request of Councilmember Erickson, the City Clerk read the following memo:

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City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: DE-ANNEXATION - TECH CENTER ADDITION, DIVISION NO. 1

Attached is a copy of one lot subdivision, Tech Center Addition, which is located on the northerly side of Energy Drive. This plat is currently within the City and zoned I & M-1. This property has recently changed hands. The current owner has no immediate plans to develop the property and is requesting de-annexation from the City.

The Planning Commission recently considered this request at a public hearing, and at that time recommended de-annexation of the property. This department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

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

ORDINANCE NO. 2167

AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID LANDS; ORDERING THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE COUNTY RECORDER; PROVIDING WHEN 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 Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; motion carried.

The Electric Division Director submitted the following memo:

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Councilmembers

FROM: G. S. Harrison, Manager
SUBJECT: KONOPACKY ENVIRONMENTAL, CHANGE ORDER NO. 1 AND
FINAL PAYMENT

JANUARY 26, 1995

Attached for your consideration is a change order with Konopacky Environmental for \$245.74 to print additional copies of the Snail Survey. The Electric Division requests City Council approval and authorization for the Mayor to execute this change order.

s/ G. S. Harrison

It was moved by Councilmember Carlson, seconded by Eldredge, that this Change Order be accepted, order the final payment be made to Konopacky Environmental, and give authorization for the Mayor to sign said document. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: HIGHLAND PARK PROPERTY - CONTRACT OF SALE AND QUITCLAIM DEED TO HABITAT FOR HUMANITY

Attached for your consideration are the Contract of Sale and a Quitclaim Deed for City-owned property located on the corner of Blaine and Iona. The Habitat for Humanity - Idaho Falls Area, Inc. would like to purchase said property for low income housing.

It is respectfully requested that Council approve the sale of said property to Habitat for Humanity and authorize the Mayor to execute the Contract of Sale and the Quitclaim Deed.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Branson, that this Contract of Sale and Quitclaim Deed be approved, and further, give authorization for the Mayor to execute the documents. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

City of Idaho Falls
January 26, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 1994-1995 FEDERAL TRANSIT ADMINISTRATION GRANT FOR CART

Attached for your consideration is the 1994-1995 Federal Transit Administration Grant Agreement and Supplemental Agreement. It is

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respectfully requested that Council approve and authorize the Mayor and City Attorney to sign said application.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Branson, that this Grant Agreement and Supplemental Agreement be approved, and further, give authorization for the Mayor and City Attorney to execute said documents. 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
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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: CORRECTED ANNEXATION AGREEMENT - SHADOW MOUNTAIN
ADDITION, DIVISION NO. 2

Attached is an addendum to the original Annexation Agreement for Shadow Mountain Addition, Division No. 2. At the time the property was annexed to the City and the Annexation Agreement was signed, the property was in the process of changing hands. The attached addendum has the correct signatures which reflect the current ownership.

It is respectfully requested the Mayor and City Council approve this addendum and authorize the Mayor to sign.

s/ Rod Gilchrist

It was moved by Councilmember Erickson, seconded by Carlson, that this addendum to the Shadow Mountain Addition, Division No. 2 Annexation Agreement be accepted, and further, give authorization for the Mayor and City Clerk to sign said document. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; motion carried.

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT AND DEVELOPMENT AGREEMENT - WESTERGARD
ADDITION, DIVISION NO. 2

Attached is a copy of a two-lot subdivision. This property is currently within the City and zoned I & M-1. This property is on the westerly side of Lindsay Boulevard adjacent to Wardell Street.

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

s/ Rod Gilchrist

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

It was moved by Councilmember Erickson, seconded by Carlson, that the Final Plat for Westergard Addition, Division No. 2 be accepted. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

It was further moved by Councilmember Erickson, seconded by Carlson, that the Development Agreement for Westergard Addition, Division No. 2 be accepted, and further, give authorization for the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Erickson, Carlson, Mills, Branson, Hardcastle, and Eldredge; No, none; motion carried.

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: COUNTY PLAT - AMENDED PLAT OF GEM LAKE HARBOR

Attached is a copy of the amended plat of Gem Lake Harbor Addition, Division No. 1. This plat is being amended to create one additional lot in Block 3, reduce the amount of common area in Block 5, and provide two additional lots and reconfigure the lots in Block 1 providing access onto Township Road for two lots.

The Planning Commission recently reviewed this matter and at that time recommended approval of the plat with the following conditions: That Lots 12 and 13, Block 1, be provided one common access to Township Road; and the public access provided in the original plat for the jogging path be provided across this common access. This department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

The Director of the Planning and Building Division located the subject area on the map and further explained the request. It was moved by Councilmember Erickson, seconded by Carlson, that the amended County Plat for Gem Lake Harbor Addition, Division No. 1 be accepted and further give authorization for the Mayor and City Engineer to sign said plat. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, none; motion carried.

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: COUNTY PLAT - ROSEWOOD ACRES ADDITION, DIVISION NO. 8

Attached is a copy of the Final Plat for Rosewood Acres Addition, Division No. 8. This is a two-lot, large-lot, single-family development located on the south side of Airway Road. Approval of the plat is required inasmuch as it is within one mile of the City Limits.

This matter was recently reviewed by the Planning Commission, and at that time, they recommended the Final Plat be approved. This department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

The Director of the Planning and Building Division located the subject area on the map and further explained the request. It was moved by Councilmember Erickson, seconded by Carlson, that the Final Plat for Rosewood Acres Addition, Division No. 8 be accepted and further give authorization for the Mayor and City Engineer to sign said plat. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

The Police Chief submitted the following memo:

City of Idaho Falls
January 17, 1995

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Council Members
FROM: Monty G. Montague, Chief
SUBJECT: COMMERCIAL KENNEL DENIAL

It is respectfully recommended that the applications for Commercial Kennel Licenses for Virginia Walton, Bridgettes, and Bo-Lay Kennel be denied on the basis that their places of business do not meet the zoning requirements. All of the above named businesses do reside in an R-1 zone.

s/ Monty G. Montague

The Police Chief was requested to come forward to give a history of these Commercial Kennel Licenses. The Director of the Planning and Building Division was questioned as to whether a Home Occupation would work for these Kennels. Mr. Gilchrist said that there was not, and further, the Zoning Ordinance specifically rules out this use in an R-1 zone. Further, there are no variances issued for the use of this zone.

Virginia Walton, 750 Sharp Place, stated that she operates as a shelter home for developmentally disabled girls. She explained that in order to operate as a shelter home, she has to have a different source of income from that provided by the State for the girls.

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When she began to breed her poodles and sell the puppies, she was told by Animal Control that she needed to come in to apply for a Commercial Kennel License. She canvassed her neighbors for 200 feet around her home and got 100% approval. Mrs. Walton further explained that she not only breeds her dogs and sells the puppies, but she also boards other dogs as needed. She said that she makes enough money to satisfy the State requirements and is still able to keep her girls. These dogs are good therapy for her girls. Due to her circumstance, she is unable to move into a different zoning area and wishes to be granted a variance or to be grandfathered in to this zone. If she loses this livelihood, she will lose the girls.

Launa Smith, 6549 South 1200 West, stated that she was part of case management agency who provides case management services to the two individuals who reside with Virginia Walton. Della has been with Virginia for 19 years and Sheila has been with her for 3 years. She explained that the kennel that Virginia Walton operates is her financial livelihood. The State Regulations for adult foster care states, "that the adult foster care family has sufficient income to meet its own needs and shall not exclusively depend on the adult foster care reimbursement for their subsistence." The law further requires that Virginia be immediately available for any personal or crisis needs for Della and Sheila. If the kennel license is revoked, a new placement would have to be made for Della and Sheila. She further explained that this would be a major compromise to their progress and stability. She further questioned as to why this license has been issued for eight years running and only now is the license in question. Ms. Smith stated that Mrs. Walton has followed the guidelines for this license to the utmost. Further, there have been no complaints on her dogs during those eight years. Ms. Smith further explained that as Virginia has received this license every year, that she has built a viable kennel business, and because Della and Sheila are reliant upon Virginia, that a variance be issued or perhaps the grandfather clause be used to allow Mrs. Walton to keep her kennel business.

Shanna Bond, 590 Montcliffe, appeared to state that she is a Psychiatric Nurse working for Holland and Associates. She stated that she has been counseling with Sheila, one of the individuals living with Virginia Walton. She stated that Mrs. Walton is providing a valuable service for the community by providing care. Ms. Bond explained that Sheila is doing very well in Mrs. Walton's care. She wished for an alternative for Mrs. Walton, so that Sheila would be allowed to stay with her.

Janice Cave, 1064 Kearney, owner of Bo-Lay Kennel, stated that she has been in business since 1969. At the time she started her business, she boarded dogs and also groomed them. At the present time, she is only grooming dogs. The dogs she owns are show dogs. She stated that she has been issued kennel licenses since she started business. Mrs. Cave stated that she needs to have a home business as she has had a stroke and a heart attack, which has disabled her physically. She further stated that her daughter is now doing the grooming of the dogs. Mrs. Cave further stated that she felt that she should be grandfathered in to this zone, as she has been there doing business for so long. She explained that she does not intend to board dogs, only carry on the grooming business.

Mayor Milam questioned the Planning and Building Director as to whether these homes, when they were built, were zoned as R-1. Mr. Gilchrist stated that these homes were zoned R-1 when they were built. Mr. Storer clarified, the question being, "Were these uses in place at the time the property was zoned R-1, were they pre-existing uses?" Mr. Gilchrist stated that the zone was placed in the year 1964. Mrs. Cave stated that she started to groom dogs in 1969, but she has had at least five dogs since 1958.

Krystal Cave, 1064 Kearney, daughter to Janice Cave, appeared to state that the grooming business is her concern and only income. She further stated that she has to be there to take care of her mother. Ms. Cave commented that the Kennel License

requirement was placed in August, 1974. She further explained that in the requirements, the grooming business and the boarding business are lumped together, and most groomers

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do not want to board. Ms. Cave felt that there is a very limited area where a grooming business can reside, due to zoning restrictions. She requested that their business, as it has been there so long, should be grandfathered into this zone. If she moves her business, her mother goes unattended which could be dangerous for her.

Eldon Palmer, 585 8th Street, appeared to state that he and his wife own and operate Bridgette's. Mr. Palmer explained that his wife only grooms dogs. She began this business to allow her to be home with the children when they come home from school, and to act as a second income as he is going to school at this time. He further stated that this is not a long-term business, just until he gets his degree. He requested that if he were not allowed to operate under a kennel license, please allow him to continue work under a home occupation. Mr. Palmer, at the request of Councilmember Eldredge, continued to explain his business.

Virginia Walton re-appeared to state that there are a lot of puppies listed for sale in the want ads. She felt that these people should have a commercial kennel license if they are advertising to sell their puppies. Mayor Milam questioned Mrs. Walton as to how long she keeps the puppies. Mrs. Walton explained that she starts to sell them at six weeks, but rarely does she have any left at six months. Mrs. Walton further explained that she takes in foster dogs from the Bonneville Humane Society.

Janice Cave re-appeared to state that she has installed a 7-foot fence around the back yard. The neighbors rarely see the animals.

The City Attorney explained that some time ago we had applications for commercial kennel licenses, seeking this license in an R-1 zone. The current ordinance does not allow a commercial kennel to operate in an R-1 zone. When the other individuals were advised that they could not operate out of the R-1 zone, it came to the attention of the City that the three individuals appearing this evening had commercial kennel licenses in R-1 zones. The difficulty that this places the City in, is being able to enforce the ordinance as written. Upon review of this apparently invalid issuance of commercial kennel licenses, the City looked at the possibility of whether these individuals qualified for a grandfather use. Mr. Storer then explained how a grandfather use is applied. All three of these individuals began their business after the Zoning Ordinance was put in place in 1964. The only exception might be for Mrs. Cave, if she can demonstrate that she was in business prior to that date, she may be able to come under the grandfather use. Mr. Storer further wanted to review the City's Dog Ordinance in that he felt that this applied only to dogs of at least 6 months of age. Mr. Storer further explained that the City cannot continue to grant licenses in violation of the Zoning Ordinance. If this is done, the City undermines the ability to deny any other property owners the right to use their property as they wish.

Councilmember Eldredge questioned whether any home occupation is prohibited in an R-1 zone. Mayor Milam explained that use requirements are addressed in the R-1 zone, with commercial kennels being specifically addressed.

It was moved by Councilmember Mills, seconded by Hardcastle, that this matter should be referred back to the Public Safety Committee. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; motion carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
January 23, 1995

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chad Stanger, Public Works
SUBJECT: WELL NO. 3 ELECTRICAL SUPPLY AND MOTOR CONTROLS -
CHANGE ORDER NO. 2

JANUARY 26, 1995

Attached is proposed Change Order No. 2 to Well No. 3 Electrical Supply and Motor Control contract. As proposed, this change order increases the contract amount by \$14,809.89 for repair of the well shaft and bearings; conditions not apparent until the head shaft and well housing were removed during construction.

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

s/ Chad Stanger

There being no discussion, it was moved by Councilmember Eldredge, seconded by Branson, that Change Order No. 2 be accepted, and further, give authorization for the Mayor to sign said document. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; motion carried.

City of Idaho Falls
January 19, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: WELL NO. 17 PUMPING STATION CONTRACT - CHANGE ORDER NO. 2

Attached is proposed Change Order No. 2 for Well No. 17 Pumping Station Contract. As proposed, this change order deletes painting of the roof deck with a corresponding credit; reimburses the City for repairs made by the City to a damaged remote telemetry unit; and, provides for an additional 150 cubic yards of landscaping fill material around the pump station. The net result of these changes adds \$3,265.53 to the contract amount.

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

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Branson, that Change Order No. 2 be accepted, and further, give authorization for the Mayor to sign said document. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; motion carried.

City of Idaho Falls
January 17, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: TAYLOR TOLL BRIDGE - CHANGE ORDER NO. 3

JANUARY 26, 1995

Attached is proposed Change Order No. 3 for the Taylor Toll Bridge Contract. The proposed change order increases the contract amount by \$2,323.00 to replace the specified black bolts with zinc bolts. The cost of which is to be funded by the Rotary Foundation 380 Charitable Trust, Inc.

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

s/ Chad Stanger

There being no discussion, it was moved by Councilmember Eldredge, seconded by Branson, that Change Order No. 3 be accepted, and further, give authorization for the Mayor to sign said document. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, none; motion carried.

City of Idaho Falls
January 19, 1995

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: STATE/LOCAL AGREEMENT - 19TH STREET RAILROAD CROSSING

Attached is State/Local Agreement for the 19th Street Railroad Crossing improvements which supersedes the agreement approved by the City Council on April 7, 1994. Approval of the attached agreement will authorize the State to proceed with design and construction of improvements at the 19th Street Railroad Crossing and obligate the City to maintain those improvements upon completion.

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

s/ Chad Stanger

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

The Traffic Safety Committee submitted the following memo carrying two recommendations:

City of Idaho Falls
January 20, 1995

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: Monty G. Montague, Chief

SUBJECT: TRAFFIC SAFETY RECOMMENDATIONS

JANUARY 26, 1995

1. On December 13, 1994, the Traffic Safety Committee reviewed the request for a second handicap parking space south of the Fraternal Order of Eagles on Market Street. This request is respectfully submitted with the recommendation it be approved.

2. On January 10, 1995, the Traffic Safety Committee reviewed the request to look at the intersection of "D" Street and Shoup Avenue. It is the recommendation of the Traffic Safety Committee that on the northeast corner by Lost Arts a pole be added in the City right-of-way, and that we span a wire to the pole currently located on the southwest corner, which is City property, and a flasher unit be installed with the yellow caution light flashing to "D" Street traffic and a red flashing light flashing to Shoup Avenue traffic. This is respectfully submitted with the recommendation it be approved.

s/ Monty G. Montague

Recommendation No. 1: It was moved by Councilmember Mills, seconded by Hardcastle, that the recommendation to install an additional handicapped parking space be approved. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; motion carried.

Recommendation No. 2: Councilmember Mills explained that surveys were conducted to determine what type of signalizations or signage needed to be installed at this intersection. Eldon Palmer, 585 8th Street, appeared to state that he has experienced near-misses at this intersection. He supported the decision of the Traffic Safety Committee. There being no further discussion, it was moved by Councilmember Mills, seconded by Hardcastle, that the recommendation to put flashing red and yellow lights at the corner of Shoup Avenue and "D" Street be approved. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; motion carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Hardcastle, that the meeting adjourn at 9:00 p.m.

CITY CLERK

MAYOR
