

AUGUST 18, 1994

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 18, 1994, in the Council Chamber at 140 South Capital Avenue, 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.

The Mayor requested Sean Smith, Eagle Scout, come forward and lead all those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the August 4, 1994 Meeting. It was moved by Councilmember Hardcastle, seconded by Erickson, that the minutes be accepted as written. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, None; motion carried.

The Mayor and City Council honored Michael F. Winchester, James Kelly Hill, Phillip David Stewart, and Sean W. Smith as Eagle Scouts, with the presentation of Certificates and handshakes.

The Mayor and City Council gave special recognition to John Julian, John Bornsheur, Marty Bartholimae, and Remmy Tomchak for their outstanding service in catching a purse-snatcher in the act. These men were given a tie tack for "Outstanding Community Service." The Mayor further thanked Officer Joseph Cawley for bringing this to her attention, that this special recognition might take place.

The Mayor and City Council honored City Retiree, Gloria Andersen, who was the Administrative Secretary for the General Services Department.

Mayor Milam announced that two public hearings scheduled for this night are requested to be postponed. It was moved by Councilmember Erickson, seconded by Carlson, that the public hearing for the annexation proceedings for Victorian Village Addition, Division No. 4, be recessed to the September 8, 1994 City Council Meeting. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, None; motion carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: MARTIN ADDITION

The rezoning request for Martin Addition originally advertised for a public hearing this date has been rescheduled for September 8, 1994.

s/ Rod Gilchrist

It was moved by Councilmember Erickson, seconded by Carlson, that the public hearing regarding the rezoning for the Martin Addition be recessed to the September 8, 1994 City Council Meeting. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, None; motion carried.

The Mayor asked Councilmember Erickson to conduct the public hearing for the consideration of a Conditional Use Permit for Hope Lutheran School. At the request of Councilmember Erickson, the City Clerk read the following memo:

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City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – HOPE LUTHERAN CHURCH

Attached is a request for a Conditional Use Permit by Hope Lutheran Church located at Lot 1, Block 3, R & V Park Addition, Division No. 2, 2017 12th Street. Hope Lutheran Church is requesting permission to place a modular unit containing two classrooms on the property to be used in conjunction with Hope Lutheran School. This Department recommends approval of this request for a period not to exceed one year. 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. There being no discussion or comment, it was moved by Councilmember Erickson, seconded by Carlson, to approve this Conditional Use Permit for a period of one year. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, None; motion carried.

The Mayor declared open a public hearing, as legally advertised, to consider an appeal from the Board of Adjustment. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENT

Attached is a copy of an appeal from a decision of the Board of Adjustment on property located at Rose Park Addition, Lot 4, Block 3, 230 South Lloyd Circle. The petitioner applied for a variance requesting permission to construct a 14' X 20' garden storage shed which would encroach 2' into the required 5' side yard. The RP-A zone requires accessory buildings have a 5' foot side yard.

The Board of Adjustment, after consideration, denied this request due in part to the fact that an earlier variance had been granted on the property to allow an attached garage to encroach into the 10' side yard for main buildings. The Board also felt a hardship had not been created in this case, as a 12' X 20' shed could be constructed without granting a variance.

The petitioner is appealing the Board's decision to the Mayor and City Council.

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This Department concurs with the action of the Board of Adjustment. 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. Mr. Peter Schwarz, 230 South Lloyd, appeared to further explain his request. Councilmember Erickson asked Mr. Schwarz if he would be able to cut down the size of his building by two feet to comply with the Zoning Ordinance regulations. Mr. Schwarz stated that he has taken two feet off of the original size already and stated that fourteen feet is a requirement for him. Councilmember Erickson further explained that the Council has been reluctant to grant variances in the highest zone, RP-A, due to the fact that it would set a precedent. He further explained that Mr. Schwarz would have to show that he had a hardship. Mr. Schwarz explained that he felt that he had a hardship in that he could not move the placement of the building to accommodate the size of the building he requires due to the location of his gas line (which now is about 6 to 8 inches from where the building foundation is to be located). He stated further that if he were to have the gas line relocated, he would have to destroy a tree. A general discussion followed among Council regarding the location of the trees and the gas line, and the possibility of making a smaller building or locating it differently on the lot. It was moved by Councilmember Erickson, seconded by Eldredge, that this request for a variance be denied. Roll call as follows: Ayes, Councilmembers Branson, and Eldredge; No, Councilmembers Mills, Hardcastle, and Carlson; Vote for this motion was tied. Mayor Milam voted "No", to accept and approve this variance as submitted.

The Mayor asked Councilmember Erickson to conduct the public hearing for the rezoning of a portion of Lakewood Aspens. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING - PORTION OF LAKEWOOD ASPENS

Attached is a copy of a petition requesting rezoning of a portion of Lakewood Aspens from R-1 to R-3. This property was annexed to the City and zoned R-1 several years ago as a portion of a Planned Unit Development (PUD). The development of this portion of the PUD did not materialize and the property has been vacant for many years. The petitioner is requesting a rezoning to R-3 to permit the construction of apartments.

The Planning Commission recently considered this matter and at that time, by a vote of 4-2, recommended denial of the request. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Mr. Dick Clayton, Jr., stood to explain that he is representing the owners of the property. He stated that he felt the reason this rezoning was denied by the Planning Commission was due to the traffic that would be generated on 12th Street. Mr. Clayton further explained the apartment complex being considered and explained that anything that is built will generate traffic. A brief discussion followed, among Council, regarding the Planned Unit Development and the requirements for street development.

Mr. David Daniels, 1988 12th Street, appeared to state that there is a traffic problem on 12th Street now, and this will only get worse with this new development. People now use 12th Street as a short cut to the Mall. Mr. Daniels was concerned with the safety of 12th Street. He presented the Mayor and Council with some blueprints of a plan for this area and asked the Council to stay with the vote of the Planning Commission to deny this rezoning until a better alternative could be presented.

Mr. Dick Clayton, Jr., re-appeared to explain that he gave these blueprints to a neighbor on 12th Street just to illustrate what could take place, not to coerce. He further explained that under the present zoning, a similar use with just as much traffic could be built now.

Mr. Mike Stearnes, 1970 12th Street, appeared to state that he is the Pastor of the New Life Assembly of God Church. He wanted to further express that the City Council has a responsibility to safeguard the lives of its citizens. He stated that another concern of the residents of this area is the decrease in property value as a result of apartments being built in this location.

Councilmember Erickson commented that the speeding problems on 12th Street are an enforceable problem and would refer that information to the Police Department. It was moved by Councilmember Erickson, seconded by Eldredge, that the request for R-3 zoning be approved. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Erickson, and Mills; No, Councilmember Carlson; motion carried.

At the request of the Public Safety Council Committee, the Mayor moved forward on the Agenda the memo from the Police Chief regarding Beer and Wine Variances at Eagle Rock Station on River Parkway. Councilmember Mills requested the City Clerk read the following memo:

City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Honorable Mayor Milam, City Councilmembers
FROM: Monty G. Montague, Chief
SUBJECT: BEER/WINE LICENSE VARIANCE

The following businesses have requested a variance to the Beer and Wine requirements at their places of business in the Eagle Rock Station.

Delores Casella, d.b.a. The Downtowner, River Parkway
Wesley T. Beard, d.b.a. Rutabaga's Espresso Bar and Pastries,
415 River Parkway
Glenn Clemons, d.b.a. The Snake Bite, 525 River Parkway

It is my recommendation that the variances be granted as there are businesses within the 300 feet of the Church currently operating with these same types of businesses.

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Your consideration is appreciated.

s/ Monty G. Montague

Councilmember Mills explained that these businesses are located within 300 feet of a temporary Church location.

Mr. Larry Grover, 2121 Westcliff Drive, appeared to state that he is a member of Falls Baptist Church and requested the Council deny these requests for variance. He further explained that Charlie's is located 325 feet from their Church and the Westbank is located 550 feet from their Church. Although he agreed that the Church was only temporarily there, granting these variances would not set a good precedence. He further explained that the Church appeared before Council for a Conditional Use Permit in March or April of 1993 and at that time, it was granted. Mr. Grover further stated that the Church was not aware of any of these actions, until that day.

Ms. Delores Cassella, 343 Redwood, appeared to state that she runs an elegant restaurant, not a bar. She further explained that the Church is temporary and she plans to be in this new location for a long time.

Mr. Dane Watkins, owner of Eagle Rock Station and Watkins Enterprises, stated that with this endeavor, they wished to make the Greenbelt better. He further explained his request and stated the Church is only there temporarily. He asked the Council to approve these variances.

During a brief discussion among Council, it was decided that the Church would maintain the Conditional Use Permit as long as they remained in this location.

Mr. Jonathan Rose, 158 Harvest Run, stood to explain what a Church is and what purpose a Church serves, and that would be to set a higher example. He requested the Council deny these variances, because it is the law.

Mr. Wesley T. Beard, owner/operator of Rutabaga's Espresso Bar and Pastries, appeared to clarify that he also has another business, The Geranium, next door to Rutabaga's, which will be a gift shop selling wine by the bottle. He gave an explanation that Idaho Falls is a stepping stone to many tourist attractions and he feels this addition to the Greenbelt is an enhancement. He wished for the Council to approve the variances requested.

Mr. Glenn Clemons, 5325 Glen Eagles Drive, stated that he and his wife are the owners/operators of The Snake Bite, a casual dining facility. He wanted to reiterate what was said earlier, that these beer and wine licenses are being obtained to enhance their businesses, not to be the primary source of income. Councilmember Mills clarified that "The Geranium" would also have to take this same process. It was moved by Councilmember Mills, seconded by Hardcastle, that approval be given to grant the variances for Beer and Wine Licenses to those businesses as listed in the memo. Roll call as follows: Councilmembers Erickson, Hardcastle, Eldredge, Mills, and Branson; No, Councilmember Carlson; motion carried.

The Mayor declared open a public hearing to consider the adoption of the 1994-1995 Fiscal Year Budget. Prior to turning the time over to Councilmember Hardcastle, the Mayor had the following comments. She indicated that a public hearing was held in June to hear any public comment regarding the budget. The Mayor gave a schedule of how this budget has progressed to this point. She further explained that at this point in time, the budget is no longer able to be increased, but a decrease is allowed. The budget for this fiscal year has been decreased by over 1.7 million dollars. The reason for this decrease was due to Bonneville Power Administration not collecting a 10% increase as was originally thought. Mayor Milam further stated that the budget this year, taking into consideration this increase, is less than last year's budget by \$126,000.00. A brief explanation was given regarding the process to be taken this night to adopt the 1994-1995 Fiscal Year Budget.

At this time, Mayor Milam requested Councilmember Hardcastle conduct the public hearing, as legally advertised, to consider the 1994-1995 Fiscal Year Budget.

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Councilmember Hardcastle stated that she feels the City of Idaho Falls runs a very tight ship and every Division is concerned about monies, without exception. She gave an explanation of the handouts regarding the budget. At the request of Councilmember Hardcastle, the City Clerk read the following memo:

City of Idaho Falls
August 15, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADOPTION OF 1994-1995 FISCAL YEAR BUDGET

Attached for your consideration is a copy of the proposed annual 1994-1995 Fiscal Year Budget that was tentatively approved on August 4, 1994, by the Mayor and City Council and has been advertised as required by Idaho Code.

Municipal Services respectfully requests the adoption of the 1994-1995 Fiscal Year Budget in the amount of \$81,039,914.00 and the attached appropriation ordinance, appropriating the monies to and among the various funds.

s/ S. Craig Lords

Mrs. Mary Stevens, 418 East 23rd Street, appeared to commend the Mayor and Council for their good work. She questioned Council regarding any monies set aside for the surfacing of the roadways in Rosehill Cemetery and Fielding Memorial Cemetery. The Council agreed that this would be a good thing to accomplish and they would look at a way to fund these roadways.

Mr. Jerry Jayne, 1568 Lola Street, appeared to express a way that the Council might reduce the budget by \$200,000.00. He felt that we should remove the Shelley Hydroelectric Project and cited other agencies that would support his recommendation.

Mr. Brett Wright, 2755 Desert Drive, appeared to state that he was part of a citizen's committee looking at the three main budget sources (that immediately effect property taxes), those being the City of Idaho Falls, County of Bonneville, and the School District. He explained that this citizen's committee is focusing on keeping property taxes at a steady rate, or decreasing them. He offered some suggestions whereby the City may be able to save some money, those being: Review the budgeting procedure of the depreciation account; raising the deductible for the City's Liability Insurance from \$1,000.00 to a higher rate would make insurance premiums less; and, employee benefits seem high (can similar generous benefits be provided for a lesser cost). Mayor Milam expressed to Mr. Wright the desire of Council to look at all of these budgeting suggestions. Councilmember Hardcastle invited Mr. Wright to attend the Municipal Services Committee Meetings and further expressed that she felt that the depreciation fund was a good idea. Councilmember Branson explained that in the summer months, 200 or so part-time (when actually employed) employees are hired to take care of the parks, cemetery, golf courses, etc., and vehicles are needed to transport them and materials. She felt that the City was conservative in their use of vehicles, and for safety reasons, that many vehicles were needed. The Mayor and Councilmember Hardcastle explained that the City takes good care of vehicles to be able to extend the lives of those vehicles. Councilmember Eldredge further explained that, where possible, a vehicle purchased by the City may have a dual use.

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Mr. Craig Lords, Municipal Services Director, appeared to explain that the depreciation account does not buy anything new, only replacement items. When an additional vehicle is requested, it needs to pass the Council Committee in charge of that Division, based on need. He addressed the Liability Insurance issue, in that the City used to have \$50,000.00 deductible and the premiums were not much different than what is now being paid. Mr. Lords stated that this item could and should be monitored periodically. The City Attorney further explained the differences in deductible. Mr. Lords stated that he is always open to suggestions with regard to the employee's benefits and that this item is continually monitored.

The Mayor invited public comment for any of the advertised fee increases. Mary Stevens, re-appeared, to express her concern about the method these fees were increased. To her, it appeared that the City was more than doubling the fees. The Mayor explained that the City was trying to follow the language shown in the Statute. Councilmember Hardcastle requested the City Attorney read the following Ordinance by title:

ORDINANCE NO. 2151

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, FOR THE PERIOD COMMENCING OCTOBER 1, 1994 AND ENDING SEPTEMBER 30, 1995; APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSE FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Erickson 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.

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

City of Idaho Falls
August 15, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RESOLUTION FOR PROPERTY TAX BUDGET INCREASE 5% OR LESS AND NO LEVY INCREASE FOR FISCAL YEAR 1994-1995

Attached for your consideration is Form L-2, "Dollar Certification of Budget Request to Board of County Commissioners", and "Resolution for Property Tax Budget Increase 5% or Less and No Levy Increase", for Fiscal Year 1994-1995.

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whereas the taxing district's governing board has determined a need to decrease its annual ad valorem budget or to increase its annual ad valorem budget 5% or less, and not increase its levy.

Be it resolved that City of Idaho Falls requests an amount of ad valorem tax revenues for its 1994-1995 fiscal year annual budget that does not exceed 105% of the amount of ad valorem tax revenues certified for its annual budget in the previous year and does not increase the tax rate in excess of that certified in the previous year.

Introduced and passed this day August 18, 1994.

s/ Linda Milam
Mayor

ATTESTS:

s/ Rosemarie Anderson
City Clerk

It was moved by Councilmember Hardcastle, seconded by Erickson, that this Resolution be adopted and the Mayor be authorized to sign. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, None; motion carried.

The City Clerk presented several license applications, all carrying required approvals. It was moved by Councilmember Mills, seconded by Hardcastle, that these licenses be approved for issuance. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, None; motion carried.

The City Clerk requested Council ratification of the issuance of several licenses, all carrying the required approvals. It was moved by Councilmember Mills, seconded by Hardcastle, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, None; motion carried.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on August 8, 1994. It was moved by Councilmember Erickson, seconded by Hardcastle, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, None; motion carried.

The Airport Director submitted the following memos:

City of Idaho Falls
August 9, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: CHANGE ORDER NO. 1 – APRON REPLACEMENT PROJECT

The City's consulting engineers, Sverdrup Aviation, and the Contractor, Robert V. Burggraf Company, have submitted Change Order Number One to the General Aviation Ramp Replacement Project Contract. The amount of the Change Order is \$8,579.00.

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The Change Order has been approved by the Federal Aviation Administration. The City Attorney has reviewed the Change Order.

The Airport Division respectfully requests authorization to approve the Change Order.

s/ James H. Thorsen

It was moved by Councilmember Mills, seconded by Branson, that Change Order No. 1 for the General Aviation Ramp Replacement Project be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, None; motion carried.

City of Idaho Falls
August 11, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: LEASE AGREEMENT – GLOBAL TRAVEL

Global Travel has agreed to the renewal of their lease for space in the terminal at an increased rental and for additional space. The additional space can be re-leased to another airline in the future, should that become necessary.

The City Attorney prepared the lease 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 Branson, that authorization be given for the Mayor to execute the Global Travel Lease Agreement. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, None; motion carried.

The Electric Division Manager submitted the following memo:

City of Idaho Falls
August 15, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: G. S. Harrison, Manager
SUBJECT: ENGINEERING SERVICES AGREEMENT – ELECTRIC SYSTEM OPERATING OPTIONS

Attached for your consideration is a proposed agreement with Power Resources Managers for engineering services providing the evaluation of electric system operating options. This study will evaluate the City's historic electric load and

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generating capability on an hourly basis and determine how to proceed with important issues such as withdrawal of the Bulb Turbine Project from Bonneville, partial withdrawal of Gem State from U. P. & L., computed requirements, and future resource development.

The cost of the operation study is \$50,000.00; funds are available in this year's budget. The City Attorney has reviewed the agreement.

The Electric Division requests the City Council approve this study and authorize the Mayor to execute the agreement with PRM.

s/ G. S. Harrison

It was moved by Councilmember Carlson, seconded by Erickson, to approve the Engineering Service Agreement and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, None; motion carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-94-31, WOOD POWER POLES

Attached for your consideration is the tabulation for Bid IF-94-31, Wood Power Poles. It is the recommendation of Municipal Services to accept the low evaluated bid meeting specifications of B. J. Carney and Company to furnish the wood power poles as follows:

	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>
Item 1	10 Poles	65 Foot Western Red Cedar Poles	\$778.00 Each
Item 2	23 Poles	40 Foot Western Red Cedar Poles	\$346.00 Each

Quantity listed for Item 1 is the exact quantity required, the quantity listed for Item 2 is the amount required to fill the truck load. The order will be placed according to quantities listed.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Erickson, that the low evaluated bid of B. J. Carney and Company be accepted. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, None; motion carried.

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City of Idaho Falls
August 12, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ELECTRIC BUILDING EXTERIOR RENOVATION CHANGE ORDER
NO. 2 – VERN CLARK AND SONS CONSTRUCTION

Attached for our consideration is Change Order No. 2 for a \$5,000.00 credit. The credit is for the unused allowances for landscaping repairs and replacement of damaged framing in the upper and lower fascias.

It is respectfully requested that City Council approve Change Order No. 2 and authorize the Mayor to execute the Change Order.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Erickson, that Change Order No. 2 from Vern Clark and Sons Construction Company be accepted. 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: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ANNEX BUILDING DEMOLITION H-K CONTRACTORS – CHANGE
ORDER NO. 1

Attached for your consideration is the Change Order in the amount of \$787.50 for the removal of additional asbestos in the roofing. The location of this asbestos couldn't be determined until the demotion of the roof was started. The project designed verified the additional asbestos problem.

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

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Erickson, that Change Order No. 1 from H-K Contractors be accepted. 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
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: WASTEWATER TREATMENT PLANT LAB FACILITY VENTILATION
UPGRADE – WHEELER ELECTRIC CHANGE ORDER NO. 2

Attached for your consideration is Change Order No. 2 in the amount of \$6,794.00. This Change Order is for replacing a gas line that was inadequate and for dampers and alarm lights for safety requirements.

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

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Erickson, to approve Change Order No. 2 from Wheeler Electric. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, None; motion carried.

City of Idaho Falls
August 15, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND AWARD OF BIDS ASPHALT PARKING AREA
FOR THE TAUTPHAUS PARK ZOO AND HOCKEY SHELTER

Attached for your consideration is the tabulation of bids for the above-referenced project. It is the recommendation of Municipal Services to award the bid to the sole bidder, Beco Construction in the amount of \$16,384.30.

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

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Erickson, that the low bid of Beco Construction Company be accepted. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, Carlson, and Erickson; No, None; motion carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
August 15, 1994

MEMORANDUM

TO: Mayor and City Councilmembers
FROM: Rod Gilchrist
SUBJECT: HIGHLAND PARK ADDITION – HABITAT FOR HUMANITY

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The Planning and Building Division respectfully requests that the City Council authorize the City Attorney to draft the necessary ordinance and notice to provide for the sale at public auction of certain property owned by the City and described as Lots 46, 47, and 48, Block 59, Highland Park Addition.

This property was acquired by the City in 1976 with Community Development Block Grant Funds for the purpose of building a community center. Use of the property is restricted to the purposes set forth in the grant agreement. The property is no longer needed for public purposes.

Habitat for Humanity has expressed an interest in acquiring the property for the purpose of constructing low income housing. The Federal Grant administrators agree that such would be a qualifying use under the Grant Agreement.

Your favorable consideration of this matter is hereby requested.

s/ Rod Gilchrist

It was moved by Councilmember Erickson, seconded by Carlson, that authorization be given for the City Attorney to provide the necessary ordinance for this sale. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, None; motion carried.

The Police Chief submitted the following memos:

City of Idaho Falls
August 4, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam, City Councilmembers
FROM: Monty G. Montague, Chief
SUBJECT: DENIAL OF BARTENDER PERMIT

It is respectfully recommended that the Bartender License Application for Jeffrey Scott Kuehni, employed at Charlie's Restaurant, be denied.

Your consideration in this matter is appreciated.

s/ Monty G. Montague

Councilmember Mills explained that some details need to be addressed with this Bartender Permit; therefore, it was moved by Councilmember Mills, seconded by Hardcastle, that this item be recessed to the September 8, 1994 City Council Meeting. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, None; motion carried.

City of Idaho Falls
August 11, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam, City Councilmembers
FROM: Monty G. Montague, Chief
SUBJECT: DENIAL OF COMMERCIAL KENNEL LICENSE

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It is respectfully recommended that the request for a Commercial Kennel License for Audree L. Fisher, d.b.a. Audree's Dog Shop be denied. Planning and Zoning advises Ms. Fisher's address of 330 Hill Street is not zoned for a commercial business.

Your consideration in this matter is appreciated.

s/ Monty G. Montague

It was moved by Councilmember Mills, seconded by Hardcastle, that the Commercial Kennel License for Audree's Dog Shop be denied. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, None; motion carried.

City of Idaho Falls
August 1, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam, City Councilmembers
FROM: Monty G. Montague, Chief
SUBJECT: INCREASE IN PRIVATE PATROL FEES

After review by the Public Safety Committee and the City Attorney, it is respectfully recommended that the Private Patrol fees be increased as written in the attached ordinance.

Your consideration is appreciated.

s/ Monty G. Montague

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

ORDINANCE NO. 2152

AN ORDINANCE REPEALING SECTION 4-6-11 OF
THE CITY CODE OF IDAHO FALLS, IDAHO;
DEFINING A "PRIVATE PATROL SERVICE";
ESTABLISHING FEES FOR PRIVATE PATROL
LICENSES AND PROVIDING FOR EFFECTIVE DATE.

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.

The Public Works Director submitted the following memos:

AUGUST 18, 1994

City of Idaho Falls
August 26, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STATE/LOCAL AGREEMENT – WEST BROADWAY PEDESTRIAN/
BICYCLE UNDERPASS

Attached is a copy of a State/Local Agreement and corresponding Resolution with respect to the pedestrian/bicycle underpass designed for construction in conjunction with the State's West Broadway, Cinder Butte to Old Butte No. 1 Project. By the attached Agreement, the State agrees to complete the Underpass Project with their West Broadway Project, subject to the funding estimates as follows:

City Share	\$230,000.00
Federal Share	<u>\$165,000.00</u>
TOTAL	\$395,000.00

These are only estimates and an actual cost will not be available until the State opens bid proposals.

s/ Chad Stanger

RESOLUTION (Resolution No. 1994-08)

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the City of Idaho Falls, hereafter called the CITY, for the construction of a bicycle underpass under US20 (Broadway Avenue) in the City of Idaho Falls in Bonneville County to consist of furnishing materials and labor to install a bicycle underpass, lift station, and relocate utilities, which has been designated as Project STP-6420(02); and,

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; and,

WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the STATE can only pay for work associated with the State Highway System; and,

WHEREAS, the CITY is fully responsible for its share of project costs; and,

WHEREAS, it is intended that the project shall be developed and constructed so as to receive federal participation;

AUGUST 18, 1994

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal-Aid Highway Project STP-6420(102) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Agreement on behalf of the City.
3. That duly certified copies of the Resolution be furnished to the STATE.

RESOLUTION

I hereby certify that the above is a true copy of a Resolution passed at a regular, duly called special (x-out non-applicable term) meeting of the City Council, City of Idaho Falls, Idaho, held on August 18, 1994.

s/ Rosemarie Anderson
CITY CLERK

A general discussion among the Council followed regarding the costs of this project. The State is ready to begin another section of West Broadway Improvements and this underpass needs to be completed in conjunction with this improvement or it is not done at all. It was moved by Councilmember Eldredge, seconded by Branson, that this Resolution be approved and authorization be given for the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Branson, Hardcastle, Mills, Eldredge, and Erickson; No, Councilmember Carlson; motion carried.

City of Idaho Falls
August 16, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ASPHALT OVERLAY OF STREETS – 1994

On August 16, 1994, bids were received and opened for Asphalt Overlay of Streets – 1994. Results are included on the attached bid tabulation.

Public Works recommends acceptance of the low bid provided by H-K Contractors, Inc. in the amount of \$277,190.00 and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Branson, that the low bid of H-K Contractors be accepted. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, None; motion carried.

Mayor Milam requested Council approval for the appointment of Ann Bates to serve on the Planning Commission. The Mayor further explained that Ms. Bates would be completing the term of Diane Rigby who resigned with the term ending in 1997. It was moved by Councilmember Erickson, seconded by Eldredge, that this appointment be

AUGUST 18, 1994

granted. 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 10:25 p.m.

CITY CLERK

MAYOR
