

**AUGUST 4, 1994**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 4, 1994, in the Council Chambers at 140 South Capital Avenue, Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Gary Mills, Melvin Erickson, Larry Carlson, Ida Hardcastle, and Brad Eldredge. Absent was: Councilmember Beverly Branson. Also present: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and, all available Division Directors.

The Mayor requested Joseph H. Jepsen, Eagle Scout, to come forward and lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the July 21, 1994 Meeting. It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that the minutes be accepted as written. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

The Mayor and City Council honored Joshua H. Henrie, Joseph H. Jepsen, and Barry L. Webster with Certificates and handshakes, for becoming Eagle Scouts.

The Mayor asked Councilmember Erickson to conduct the public hearing for the rezoning of the Original Townsite. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: ORIGINAL TOWNSITE REZONING

This property was advertised for public hearing to be considered on August 4, 1994. Due to a typographical error in the legal ad, it was necessary to recess this matter to the next regular City Council Meeting.

This Department respectfully requests this matter be recessed to the August 18, 1994 City Council Meeting.

s/ Rod Gilchrist

Councilmember Erickson explained there was a typographical error in the legal description and, therefore, needs to be re-advertised. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that this item be recessed to the September 8, 1994 Council Meeting. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Hardcastle; No, none; Motion Carried.

The Mayor declared open a public hearing, as legally advertised, to consider the exchange of property between the City of Idaho Falls and Wilfred Daggett. At the request of Councilmember Eldredge, the City Clerk read the following memo:

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: PROPERTY EXCHANGE/ALLEY VACATION - BLOCK 1,  
HIGHLAND PARK ADDITION/WILFRED DAGGETT

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At a Council Meeting on June 9, 1994, the City Council approved a Memorandum of Agreement and an Ordinance which provided for an exchange of properties between the City and Wilfred Daggett; and, established the date of August 4, 1994, as the date for the City Council to conduct a public hearing in the matter.

Attached are the documents needed to provide for the exchange of the properties and an ordinance to vacate the alley right-of-way located in Block 1, Highland Park Addition. Following the Public Hearing, should the City Council decide to proceed with the property exchange, Public Works recommends approval of the ordinance vacating the subject alley right-of-way.

s/ Chad Stanger

The Public Works Director located the subject area on the map and further explain the request. It was moved by Councilmember Eldredge, seconded by Councilmember Erickson, that this exchange of properties be approved and the Mayor and City Clerk be authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

Councilmember Eldredge asked the City Attorney to read the following Ordinance title:

**ORDINANCE NO. 2147**

AN ORDINANCE VACATING AN ALLEY WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE ALLEY; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER QUITCLAIM DEED CONVEYING THE VACATED ALLEY TO THE OWNER OF THE ADJACENT LAND; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

At this time, Mayor Milam asked if anyone present had any issues for the Council that were not a part of the Agenda. C. E. White, 3280 Chapparral, appeared to state that the Fire Department gave a great presentation for the "Business After Hours" at the Airport. He further stated that the Fire Department has a great operation.

The City Clerk presented the following monthly bills, dated from July 1, 1994 through July 31, 1994, after having been audited by the Fiscal Committee and paid by the Controller.

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER &amp; SEWER</u>
SERV/MAT	\$ 515,995.62	\$ 87,122.37	\$ 222,736.15	\$ 397,898.72
SALARY	<u>917,762.12</u>	<u>50,955.31</u>	<u>23,397.95</u>	<u>106,283.87</u>
TOTAL	<u>\$1,433,757.74</u>	<u>\$ 138,077.68</u>	<u>\$ 246,134.10</u>	<u>\$ 504,182.59</u>

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	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY</u>
SERV/MAT	\$1,431,054.55	\$ 5,596.45	\$ 16,738.99	\$ 25,576.91
SALARY	<u>182,520.65</u>	<u>55,605.65</u>	<u>34,034.19</u>	<u>36,701.13</u>
TOTAL	\$1,613,575.20	\$ 61,102.10	\$ 50,773.18	\$ 62,278.04

	<u>AMBULANCE</u>	<u>MUN EQUIP REP</u>	<u>SWIMMING POOL</u>	<u>MCS</u>
SERV/MAT	\$ 6,378.34	\$ 199,156.00	\$ 37,847.80	\$ 17,000.00
SALARY	<u>45,194.95</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 51,573.29	\$ 199,156.00	\$ 37,847.80	\$ 17,000.00

TOTAL

SERV/MAT	\$2,963,001.90
SALARY	<u>1,452,455.82</u>
TOTAL	\$4,415,457.72

It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that payment of the bills as presented be duly ratified. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The City Clerk presented monthly reports from various Division and Department Heads. These reports were accepted by the Mayor and ordered placed on the file in the Office of the City Clerk.

The City Clerk presented several license applications including two LIQUOR CATERING PERMITS to Charlie's, carrying all required approvals. It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; 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 Councilmember Hardcastle, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

The City Clerk requested Council ratification of the publishing of legal notices calling for public hearings on August 4, 1994. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls  
July 22, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jim Thorsen, Director of Aviation  
SUBJECT: FAA MASTER GROUND LEASE

The Federal Aviation Administration has proposed to enter into a Master Ground Lease that consolidates all FAA Ground Leases into a single document.

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This Lease covers all the ground leases for the FAA-owned and operated navigational aids. The aids are operated at no cost to the City, and the Leases are on a no-cost basis for the FAA.

The City Attorney has reviewed the Lease, and the City's land surveyor has confirmed the legal descriptions.

s/ Jim Thorsen

It was moved by Councilmember Mills, seconded by Councilmember Eldredge, that this Master Ground Lease be approved and authorization be given for the Mayor to execute said documents. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and Council  
FROM: James H. Thorsen, Director of Aviation  
SUBJECT: RENTAL CAR AGENCY LEASE EXTENSIONS

The rental car agencies, Avis, Budget, Hertz, and National have exercised their Contract options to review their Lease and Concession Agreements. The renewal period is for ten years, as provided for in their Contracts.

The Contract terms are the industry standard.

The City Attorney has reviewed these Agreements.

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

s/ James H. Thorsen

The Avis Rental Lease Extension Agreement was withdrawn for further negotiation. It was moved by Councilmember Mills, seconded by Councilmember Eldredge, that these Lease Extensions be approved and authorization given for the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Hardcastle; No, none; Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
August 1, 1994

MEMORANDUM

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

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Municipal Services respectfully requests the Mayor and Council to tentatively approve the 1994-1995 Fiscal Year Budget in the amount of \$82,755,914.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 1994-1995 Fiscal Year Budget with publication dates set for August 7, 1994 and August 14, 1994.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 18, 1994, in the Council Chambers in the Electric Building at 140 South Capital Avenue.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that tentative approval be given for the 1994-1995 Fiscal Year Budget, along with approval to publish the "Notice of Public Hearing" scheduled for Thursday, August 18, 1994 at 7:30 p.m. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ASSIGNMENT AND CONSENT TO ASSIGNMENT OF LEASE  
BURNETT TO TAYLOR

Please find attached for your consideration a copy of an assignment of Alfred Burnett's Lease with the City to Pamela Taylor and Thayle Taylor. The Lease is for a six foot (6') portion of a twelve foot (12') walkway on the south side of the property at 1295 Bluebird Lane. The Taylors are purchasing the property from Burnett. Attached is a Consent to Assignment of Lease. The Consent to Assignment has been reviewed and approved by the City Attorney.

It is respectfully requested that City Council approve the assignment of the City's Lease Agreement with Burnett to the Taylors and authorize the Mayor to execute the Consent to Assignment.

s/ S. Craig Lords

The Municipal Services Director located the subject area on a map and further explained the request. It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that approval be given to assign this Lease to Pamela and Thayle Taylor and authorization be given for the Mayor to sign this Consent to Assignment. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

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City of Idaho Falls  
August 2, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: RESOLUTION AUTHORIZING CITY COOPERATION WITH THE  
IDAHO DEPARTMENT OF TRANSPORTATION

It is respectfully requested that the Council pass the attached Resolution which would authorize, pursuant to Idaho Code 50-1401, the City to cooperate with the Idaho Department of Correction so a Work Center can be built.

s/ S. Craig Lords

**RESOLUTION OF THE CITY OF  
IDAHO FALLS AUTHORIZING CITY  
COOPERATION WITH THE IDAHO  
DEPARTMENT OF CORRECTION  
(Resolution No. 1994-05)**

WHEREAS, the City of Idaho Falls would like to cooperate with the Idaho Department of Correction so a Work Center can be built in Idaho Falls;

WHEREAS, the Idaho Department of Correction has requested the City of Idaho Falls convey a parcel of real property in exchange for another parcel of real property owned by the State of Idaho pursuant to Idaho Code Section 50-1401;

NOW, THEREFORE, be it hereby resolved by the Mayor and City Council of the City of Idaho Falls that the City of Idaho Falls will work with the Idaho Department of Correction to locate real property that will be appropriate for an exchange between the two entities pursuant to the Idaho Code Section 50-1401.

APPROVED by the City Council on the 4th day of August, 1994.

s/ Linda Milam  
MAYOR

ATTEST:

s/ Rosemarie Anderson  
CITY CLERK

It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that authorization be given to execute said Resolution for the City to cooperate with the Idaho Department of Correction. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

The Parks and Recreation Director submitted the following memos:

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City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David Christiansen, Director, Parks and Recreation  
SUBJECT: GRASS SEED - OLD BUTTE ROAD SOCCER COMPLEX

The Parks and Recreation Department respectfully requests authorization to receive bids on grass seed for the Old Butte Road Soccer Complex.

s/ David J. Christiansen

It was moved by Councilmember Mills, seconded by Councilmember Eldredge, that authorization be given to receive bids for this grass seed. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David Christiansen, Director, Parks and Recreation  
SUBJECT: ASPHALT - COMMUNITY PARK

The Parks and Recreation Division respectfully requests authorization to receive bids on asphalt for ball diamond complex at Community Park.

s/ David J. Christiansen

It was moved by Councilmember Mills, seconded by Councilmember Erickson, that authorization be given to receive bids for this asphalt. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, and Hardcastle; No, none; Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: RESOLUTION - CANTLON PROPERTIES

Attached is a Resolution which provides for the inclusion of a portion of Hitt Road within the Ammon Urban Renewal Tax Increment Financing Area. The Ammon City Council, earlier this year, approved a similar Resolution to provide for the financing of the construction of Hitt Road adjacent to the Cantlon

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property. Approval of the attached Resolution is necessary inasmuch as Hitt Road does lie between the City Limits of Idaho Falls.

This Department respectfully requests the Mayor and City Council approve this Resolution.

s/ Rod Gilchrist

**R E S O L U T I O N (Resolution No. 1994-06)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, DECLARING A NEED FOR AN URBAN RENEWAL AREA AND URBAN RENEWAL PLAN FOR THE HITT ROAD AND 17TH STREET AREA AS ALLOWED BY IDAHO CODE SECTION 50-2018(r).

WHEREAS, the Ammon Urban Renewal Agency (hereafter "Agency") has embarked on an Urban Renewal Project to redevelop a portion of the City of Ammon (hereinafter the "City of Ammon"), pursuant to the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code (the "Urban Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code (the "Economic Development Act");

WHEREAS, by Resolution No. 94-1, dated January 6, 1994, the City of Ammon created an Urban Renewal Agency, pursuant to Chapter 20, Title 50, Idaho Code, and by the same Resolution appointed Commissioners of the Agency;

WHEREAS, pursuant to Idaho Code Section 50-2008, an Urban Renewal Project may not be planned or initiated unless the local governing body has, by Resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an Urban Renewal Project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an Urban Renewal Plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the City of Ammon obtained an Eligibility Report (the "Report"), dated January 1, 1994, which report examined the corner of 17th Street and Hitt Road area for the purpose of determining whether such area is a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(i) and 50-2903(6)(b);

WHEREAS, the Ammon City Council on January 6, 1994, adopted Resolution 94-1, a copy of which is attached hereto as Exhibit A, that found and declared:

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a. The described area in the Report is a deteriorated or deteriorating area existing in Ammon, Idaho, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

b. There is a need for the Agency, an Urban Renewal Agency, to function in accordance with the provisions of Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an Urban Renewal Plan;

c. The area identified in the Report is determined as a deteriorated or deteriorating area, or a combination thereof, and such area is designated as appropriate for an Urban Renewal Project, such finding complying with the provisions of Idaho Code Section 50-2008(a).

WHEREAS, on April 12, 1994, the Agency passed Resolution No. 94-4 proposing Hitt Road Urban Renewal Plan (hereinafter the "Plan"), a copy of which Resolution and Plan are attached hereto as Exhibit B;

WHEREAS, the Agency has by letter of transmittal dated April 18, 1995, submitted the Plan to the Mayor and City Council of the City of Idaho Falls;

WHEREAS, the Plan identifies the Project Area and the Revenue Allocation Area as extending through the western-most boundary of Hitt Road right-of-way, which right-of-way is under the jurisdiction of the City of Idaho Falls, thus crossing the territorial boundaries of the City of Idaho Falls;

WHEREAS, Idaho Code Section 50-2018(r) allows for an Urban Renewal Agency's area of operation to extend in to the territorial boundaries of another municipality if that municipality has declared the need for an Urban Renewal Project;

WHEREAS, the Idaho Falls City Council has reviewed the proposed Plan and its attachments and found that a need does exist for an Urban Renewal Project in compliance with the Idaho Urban Renewal Laws and the Local Economic Development Act;

WHEREAS, the City of Idaho Falls by allowing area within its territorial boundaries to be included within the Project Area designated by said Plan, does so subject to its complete retention of its authority to control the design, construction and access to the Hitt Road right-of-way, all as set forth below.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Council of the City of Idaho Falls does hereby find that a need exists for an Urban Renewal Project to be implemented by the Ammon Urban Renewal Agency, all as more fully explained and described in the Urban Renewal Plan, Hitt Road Urban Renewal Project as adopted by the Ammon Urban Renewal Agency.

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Section 2. This finding is made for the express and sole purpose set forth in Idaho Code Section 50-2018(r) of the Idaho Urban Renewal Law.

Section 3. This Resolution does not, nor shall it be interpreted to, surrender the jurisdiction and authority of the City of Idaho Falls over the Hitt Road right-of-way, or of any of Idaho Falls' extra-territorial powers with respect to its right to approve plats located outside its territorial boundaries. Further, the City of Idaho Falls expressly reserves its authority over the planning, location, design, construction, reconstruction, and maintenance of the Hitt Road right-of-way and all curbs, gutters, culverts, sidewalks, paved medians, utility lines, traffic signals, bulkheads, retaining walls, curb cuts and other public improvements within or adjacent to such right-of-way.

Section 4. Nothing herein shall be considered as a consent by the City of Idaho Falls to be bound by the terms and provisions of the Plan or as a submission to the jurisdiction or control of the Agency of the City of Ammon. In the event of any conflict between the terms and provisions of the Plan, and any Ordinance, Resolution, Policy, or Statutory Authority of the City of Idaho Falls, the latter shall prevail with respect to the design, construction, development, or regulation of any property located within the territorial boundaries of the City of Idaho Falls.

DATED this 4th day of August, 1994.

CITY OF IDAHO FALLS

s/ Linda Milam  
MAYOR

ATTEST:

s/ Rosemarie Anderson  
CITY CLERK

It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that approval be given to execute this Resolution and the Mayor be authorized to sign. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Hardcastle, and Eldredge; No, Councilmember Carlson; Motion Carried.

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: FINAL PLAT - CHAFFIN ADDITION, DIVISION NO. 5

Attached is a copy of the Final Plat of Chaffin Addition, Division No. 5. This is actually an addition to an existing plat. The property is already within the City limits, zoned C-1, and was previously platted as a C-1 subdivision. The

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property owners are adding to the development with a piece of property that has not been previously platted.

This matter was previously considered by the Planning Commission. At that time, it was recommended the Final Plat be approved. 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 Councilmember Carlson, that the Final Plat be accepted and authorization be given for the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls  
August 2, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam, City Councilmembers  
FROM: Monty G. Montague, Chief of Police  
SUBJECT: ORDINANCE REINSTATEMENT

When the new Ordinance Manual was codified, the Ordinances pertaining to the alcohol in the parks and firearms in the City were inadvertently deleted.

It is respectfully requested that these Ordinances be re-enacted.

Your consideration is appreciated.

s/ Monty G. Montague

Councilmember Mills asked the City Attorney to further explain what will take place with this reinstatement. Attorney Storer explained this request. At this time, Councilmember Mills requested the City Attorney read this Ordinance by title only:

**ORDINANCE NO. 2148**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 4-2-12, 4-2-15, 4-3-1, 4-3-7, AND 4-4-9 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; AND ADOPTING NEW SECTIONS 8-3-4 AND 5-14-11 OF SUCH CODE; DEFINING CERTAIN WORDS AND PHRASES; ESTABLISHING QUALIFICATIONS FOR ISSUANCE OF BARTENDER'S PERMITS; PROHIBITING CERTAIN LOCATIONS WHERE BEER, WINE, AND LIQUOR MAY NOT BE SOLD; PROHIBITING POSSESSION OF ALCOHOLIC BEVERAGES IN THE PUBLIC PARKS; PROHIBITING DISCHARGE OF FIREARMS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE AND ESTABLISHING EFFECTIVE DATE.

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The foregoing Ordinance was presented by title only. Councilmember Mills moved, and Councilmember Hardcastle seconded, that the provisions of Idaho Code Section 50-902 requiring all ordinances to be read by title, and once in full, on three separate dates be dispensed with and the Ordinance be passed on all three readings. Roll call as follows: Ayes, Councilmembers Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

City of Idaho Falls  
July 18, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam, City Councilmembers  
FROM: Monty G. Montague, Chief of Police  
SUBJECT: ADOPTION OF CURFEW ORDINANCE

After review by the Police Safety Committee, it is respectfully recommended that the City of Idaho Falls adopt the Curfew Ordinance as prepared by City Attorney Dale Storer and be approved as written.

This is respectfully submitted for your approval.

s/ Monty G. Montague

Mr. Craig Raymond, 3185 Romrell, appeared to state that he is in favor of the curfew. He further stated that he takes exception to the target for the consequences of this law, that being the parents. He believes the youth should pay for their own crimes. Mayor Milam explained that in the body of the Ordinance, there is a provision that can apply the fine to the offender (youth), along with a separate provision for the parent who has not done his job. The City Attorney explained that these are separate charges, one for the offending youth and one for the offending parent.

Mr. Frank Jarvis, 1265 Cathryn, appeared to state that he felt all fines would come out of his pocket. He explained that his son is 15 years of age and cannot get a job to pay these fines.

Mr. John Howell, 263 Tyra, appeared to state that he cannot afford to pay the fines his daughter already has and further explained that he was for community service in order to pay for these fines. He gave several examples of community service and how to make it work.

Dr. Jill Veber, 846 Crestmont, appeared to voice her support for community service.

Mr. Terry Johnson, 270 Tautphaus Drive, appeared in support of community service. He explained that it is working with his daughter. He is in support of the curfew.

Councilmember Mills explained that the Curfew Ordinance is to be used as a tool by the Police Department.

Mayor Milam stated that the community service idea would apply to a lot of juvenile crimes, not just to curfew problems. She further stated that, along with the Council, they would review the possibility of establishing some community service in cooperation with the Court System.

Mr. John Howell re-appeared to suggest that the Courts use a liability release form for the parents to sign allowing these youth to participate in community service.

Councilmember Mills questioned the City Attorney as to when this Ordinance would be effective. The City Attorney stated that it would be effective upon publication,

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usually within 3 to 5 days after the Council gives final action to the Ordinance. He further suggested that a fair amount of publicity may be needed prior to the actual publication.

Councilmember Mills requested the City Attorney to read the following Ordinance title:

**ORDINANCE NO. 2149**

AN ORDINANCE ADOPTING A NEW CHAPTER 32 TO TITLE V OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, ENTITLED "JUVENILE CURFEW"; STATING PURPOSE OF CHAPTER; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS, AND GUARDIANS OF MINORS AND FOR BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DIVISION; PROVIDING A SEVERABILITY CLAUSE 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 Hardcastle, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
July 14, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION - LOT 11, BLOCK 4, FAIRWAY ESTATES  
ADDITION, DIVISION NO. 2

Attached are copies of an Ordinance and Deed prepared by the City Attorney for vacating an easement located in Lot 11, Block 4, Fairway Estates Addition, Division No. 2. Public Works recommends approval of this vacation and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

Councilmember Eldredge requested the City Attorney to read the following Ordinance title:

**ORDINANCE NO. 2150**

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

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

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: SEAL COATING, 1994

On July 26, 1994, bids were received and opened for Seal Coating, 1994, as per the attached bid tabulation.

The low bid of BECO Construction Company, Inc. in the amount of \$117,215.00 is presented by your consideration.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, that the low bid of BECO Construction Company, Inc. be accepted. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Hardcastle, and Eldredge; No, none; Motion Carried.

City of Idaho Falls  
August 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION - LOT 4, BLOCK 4, GRANT BOWEN  
ADDITION

Public Works requests authorization for the City Attorney to prepare the documents to vacate an existing utility easement located in Lot 4, Block 4, Grant Bowen Addition. The property owner will provide another easement in another location.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Hardcastle, that the City Attorney be authorized to prepare the necessary documents for this Easement Vacation. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, and Mills; No, none; Motion Carried.

Mayor Milam introduced Bob Follett, Deputy City Attorney.

**AUGUST 4, 1994**

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There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Carlson, that the meeting adjourn at 8:30 p.m.; Motion Carried.

s/ Rosemarie Anderson  
CITY CLERK

s/ Linda Milam  
MAYOR

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