

JUNE 9, 1994

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 9, 1994, in the Council Chambers at 140 South Capital Avenue, Idaho Falls, Idaho. There were present: Mayor Linda Milam; Councilmembers Beverly Branson, Larry Carlson, Brad Eldredge, Melvin Erickson, Ida Hardcastle, and Gary Mills. Also present were: Rosemarie Anderson, City Clerk; Dale Storer, City Attorney; and, all available Division Directors.

The City Clerk read a summary of the minutes of the May 19, 1994 Regular Meeting. It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that the minutes be accepted as written. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Mayor asked Councilmember Erickson to conduct Annexation Proceedings for Spring Creek Addition, Division No. 7. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND ANNEXATION AGREEMENT –
SPRING CREEK ADDITION, DIVISION NO. 7

Attached is a copy of the Final Plat, Annexation Ordinance, and Annexation Agreement of the above described Plat. This is a single-family residential subdivision providing for extension of the existing street system as approved on the Preliminary 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. There being no discussion or question, it was moved by Councilmember Erickson, seconded by Councilmember Carlson, to accept the Final Plat for Spring Creek Addition, Division No. 7 and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that the Annexation Agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

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

ORDINANCE NO. 2141

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.

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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 days 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 Mayor declared open a public hearing to consider the initial zoning of the newly annexed area. It was moved by Councilmember Erickson, seconded by Councilmember Mills, that the initial zoning of Spring Creek Addition, Division No. 7, 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 on the comprehensive plan and zoning maps located in his office.

The Mayor declared open a public hearing, as legally advertised, to consider the rezoning of Lot 18, and part of Lots 19 and 20, Block 9, Martin Addition. At the request of Councilmember Erickson, the City Clerk read the following memo:

City of Idaho Falls
June 9, 1994

MEMORANDUM

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

Attached is a request for a rezoning petitioning to rezone Lot 18 and part of Lots 19 and 20, Block 9 of the Martin Addition from R-1 to PT-1. This property was rezoned from PT-1 to R-1 in 1993 over the objections of the property owner. The property owner has requested it be rezoned back to the PT-1 Zone. The Planning Commission recently considered this matter and, at that time, by a vote of 6-3, recommended the request be granted. 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. Councilmember Erickson asked the owner of the property making this request or his representative to step forward and further explain.

Mr. Jerry Woolf, 408 Shoup Avenue, Attorney representing the owner of the property, Steven E. Clayton, appeared. In an effort to not repeat old history on the Martin Addition, Mr. Woolf submitted the following synopsis:

BEFORE THE IDAHO FALLS CITY COUNCIL

IN RE:)	
)	STATEMENT IN FAVOR OF
PETITION FOR ZONE CHANGE)	PETITION FOR ZONE CHANGE
16th Street and Holmes Avenue)	
Owner: Steven E. Clayton)	

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HISTORY

Sometime prior to 1988, the City of Idaho Falls desired to widen Holmes Avenue for the purpose of providing better traffic flow to and from 17th Street. Because of the construction plans, certain property would be required to be taken from Mr. and Mrs. Kishiyama's property, which is located on the corner of 17th Street and Holmes Avenue. Mr. Kishiyama wanted to sell this property, but because of the size of the lot and the commercial developments which were common to 17th Street, his ability to do so was significantly limited. The City, as a result of taking, under the laws of Eminent Domain, require the City to pay Mr. Kishiyama compensation for the property which would be taken. As part of a negotiation, and in lieu of money, Mr. Kishiyama accepted a Deed from the City to certain properties, designated in this document as the property located on the corner of 16th Street and Holmes Avenue. At the time this transfer occurred, this property was zoned PT-1. This was a benefit to Mr. Kishiyama, as his lot located on the corner of 17th Street and Holmes Avenue was zoned PT-2 and, therefore, this gave him the ability to offer both lots for sale, making them more attractive to purchasers for commercial development.

While Mr. Kishiyama was negotiating with the City, he also was negotiating with Mr. Steven E. Clayton, to purchase his 17th Street property. Mr. Clayton indicated that he would not be interested in purchasing that one corner parcel, but that after Mr. Kishiyama was able to negotiate the acquisition of the 16th Street and Holmes Avenue property, Mr. Clayton did begin to more seriously consider the purchase of both.

Although Mr. Clayton realized that even with both the 16th Street and 17th Street and Holmes Avenue lots, commercial development on these parcels would be difficult based upon the square footage. Mr. Clayton realized that he must receive a variance, or acquire more land on 17th Street before any type of commercial development would be allowed on this property, under the PT Zone. All of these restrictions were known to Mr. Clayton when he purchased the land in 1988, however, Mr. Clayton was willing to accept these restrictions after assessing the risks to his investment.

In mid- to late- 1993, the residents on 16th Street, between Holmes Avenue and June Avenue determined that they desired their property to be changed from PT Zone designation to that of residential. A Petition was filed, and the matter was taken before the Planning and Zoning Commission in August of 1993. After hearing argument, the Planning and Zoning Commission recommended that if the residents desired the Zone change, that it should be granted, but that Mr. Clayton's property should be excluded and left as a PT Zone. (See Minutes of City Council Meeting dated August 19, 1993, attached hereto as Exhibit "A".)

This recommendation was presented to the City Council by Mr. Gilchrist prior to the meeting held on August 19, 1993. The City Council, following a public hearing, rezoned all of 16th Street, between Holmes Avenue and June Avenue, as residential, including the property owned by Mr. Clayton. This action was taken, even though it was not recommended by the Planning and Zoning Commission, it was specifically objected to by Mr. Clayton, and according to

the minutes, the vote that was taken did not consider the recommendation of the Planning and Zoning Commission.

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In December of 1993, Mr. Clayton, in an effort to rectify the action taken by the City Council in August, filed this Petition to Rezone the property located at the corner of 16th Street and Holmes Avenue. In determining what zone should be requested on the Petition, counsel for Mr. Clayton, was advised that a staffing had been conducted by the Planning Office, and that the Petition should request a rezone to PT-2, which would make it compatible with the property owned by Mr. Clayton on the corner of 17th Street and Holmes Avenue.

This Petition was taken before the Planning and Zoning Commission and following a public hearing, the recommendation was that the Petition be denied. Basically, as could be gleaned from the comments of the members of the Planning and Zoning Commission, they had determined that since they had recommended this property remain zoned PT in August of 1993, and that the City Council had decided otherwise, that in order for them to be consistent with their prior decision, that they should recommend that it remain zoned residential since that was the zone currently placed on the property. In other words, it was this author's opinion, that the planning and Zoning Commission felt that if the City Council felt the zone should be changed from PT to residential in August of 1993, it was not their place to second guess the City Council on the Petition filed by Mr. Clayton.

MR. CLAYTON'S PETITION SHOULD BE GRANTED, AS IT IS EQUITABLE UNDER THE CIRCUMSTANCES, AND TO DENY THE PETITION WILL, IN EFFECT, DESTROY MR. CLAYTON'S ABILITY TO REALIZE ANYTHING FROM HIS INVESTMENT MADE IN 1988.

Mr. Clayton bought the subject property and the 17th Street and Holmes Avenue property in good faith reliance on the zone as it existed at that time. This is not a situation where an investor purchased some property with the hope of later convincing the City to rezone the property for its financial benefit. The City was, at least partially, aware of Mr. Kishiyama's desire when the 16th Street and Holmes Avenue property, with the PT zone, was deeded to him in lieu of cash for the property taken from Mr. Kishiyama's 17th Street property when Holmes Avenue was widened. Mr. Clayton never requested the zone change in August of 1993 and, at least, the Planning and Zoning Commission recognized the reason that a change of this zone, at that time, was not necessary.

People are always buying property, with the hope of making money in the future. Sometimes they buy with the hope of receiving a zone change or other consideration from a municipality after the purchase is made. Sometimes the consideration is not given by the municipality and the developer loses his hope for the investment that he has made. Developments of this kind are risky and the risk is known to the developer going in and before a purchase is made.

This is not the case with the property located on the corner of 16th Street and Holmes Avenue. Mr. Clayton purchased this property in reliance on the PT Zone, which was the zone in place on that property located on the corner of 17th Street and Holmes Avenue. Mr. Clayton knew of the obstacles which must be overcome before any development of this property could be realized, as he was aware, that the square footage of both lots was not sufficient for

construction under the PT Zone without the granting of a variance by the City. He accepted these risks, but did not anticipate a zone change.

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Mr. Clayton is well aware that a municipality may change a zone, if a specific need arises as a result of a change in a particular area. In this case, however, there has been no such change. The reason the rezone was requested and changed from PT to Residential, was through a request of the residents on 16th Street, between Holmes Avenue and June Avenue. The character, use and conditions surrounding the property on 16th Street and Holmes Avenue is exactly the same as it was when Holmes Avenue was widened and a parcel was zoned PT.

The PT, or Regulated Commercial Development, is not inconsistent with other developments on Holmes Avenue. In preparing this Petition, a count of Commercial uses which abut residential development on Holmes Avenue, from First Street to 17th Street, was conducted. In this stretch, 18 such commercial developments exist. The commercial nature of 17th Street is not even an issue. Therefore, it would seem nearly impossible for Mr. Clayton to anticipate a zone change from PT to Residential on this particular property, based upon his observations of Holmes Avenue and the significant commercial development on 17th Street.

The Action by the City Council in August of 1993, had made this property (16th Street and Holmes Avenue) virtually worthless. Not only has Mr. Clayton lost the ability to exercise his rights under a PT Zone with both properties, this 16th Street and Holmes Avenue property has now no development possibilities.

The Planning Office has determined that a residence can legally be built upon this lot, but an examination of this proposed property shows how remote this possibility is. (See Exhibit "B" attached hereto). It would seem highly unlikely that a person wanting to build a home would purchase a lot which would only allow for a 5-foot back yard and a 15-foot front yard, even if it were legal.

Mr. Clayton, as other developers, should be able to rely upon zoning declarations of this City. There is always a risk that because of specific and unexpected changes, zones will have to be changed. However, developers should not have to worry that a zone change which is made not because of a change of circumstances in the area, but only because the neighbors desire such a change. A message like this to developers will have a very chilling effect. Mr. Clayton does not ask for special treatment, all he asks is that his property be rezoned PT, as it was when it was purchased, so that he might develop the property under the terms and conditions of that zone. This is not inequitable or unfair to the residents on 16th Street, just as other commercial developments were required to implement as they developed on Holmes Avenue. At the very least, Mr. Clayton's property should be determined to survive as PT-1, based upon the Grandfather Clause. Even though no specific use was made of this property, Mr. Clayton had been detrimental reliance upon that zone and nothing in the area has substantially changed the circumstances, which would require or make PT Zone inconsistent with the surrounding properties.

Respectfully submitted,

s/ Jerry K. Woolf

Attorney for Steven E.
Clayton

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Mr. Woolf further stated that Mr. Clayton did not want to cause difficulties for the neighbors on 16th Street. Mr. Clayton purchased the property in 1988, and at that time, the property was zoned PT-1. Against his objections and pursuant to the request of the residents, it was rezoned to R-1. Mr. Clayton wished to develop this property along with the property on the corner of 17th Street and Holmes Avenue. Mr. Woolf further stated that Mr. Clayton's ability to develop these properties are well regulated by the City Council and the Planning Commission.

The following individuals appeared to express their opposition to the rezone of Martin Addition:

Mr. Kevin Twitchell, 1583 June Avenue, appeared to state that there was no justification for this zone change, or if there was justification for this zone change, this would be a bad change. Mr. Twitchell addressed Mr. Clayton's concern that without this zone change, the property in question is virtually worthless. He further presented some scale models of the property and what could be done with the Clayton property to make it a valuable piece of property. Mr. Twitchell made a comparison with his own property as compared to Mr. Clayton's property, his being the smaller of the two parcels. Mr. Twitchell felt that Mr. Clayton's property could be developed as a residential property and provide a nicer, larger home than his own, on June Avenue. This would also provide for a slightly smaller yard, less upkeep. Mr. Twitchell further explained that another concern that was expressed was who would want to live on Holmes Avenue. He went on to explain that recently several homes have been purchased on Holmes Avenue to be used as residences and that the people living in those homes were not bothered by the traffic. Mr. Twitchell addressed the Protective Covenants that have been placed for the Martin Addition, that being this property is to be solely used for single-family residential. Mr. Twitchell stated that the City Council should not be in the business of guaranteeing a return on a speculative real estate investment. He feels that this request is being made so that Mr. Clayton will be able to make a profit. He further stated that the residents of the Martin Addition did not want Holmes Avenue to turn into a 17th Street with unlimited commercial growth. The issue of a buffer zone between a parking lot and residence adjoining said parking lot were addressed. Mr. Twitchell feels that a commercial development and parking area would be a detriment to the surrounding neighborhood and provide for a profit for Mr. Clayton. He further stated that the residents of the Martin Addition intend to keep the integrity of their residential area.

Mr. David Hart, 686 East 16th Street, appeared in opposition of this zoning change. He wished to inform the Council that there are approximately 80 families that are affected in this area, with some of those families being there from 35 to 40 years. He was also speaking on behalf of Mrs. J. M. Heffner, a widow living directly next door to the property being considered, as to her concern for the value of her property. Mr. Hart further stated, in speaking for the Heffners, that they would have loved to have purchased this property from the City, but it was given to the Kishiyama's in lieu of cash for their property to allow for the widening of Holmes Avenue. He also made an argument for the decline of property values in the neighborhood. Mr. Hart, in closing, brought up the issue of making a small neighborhood park out of this property.

Mrs. Lois Cherry, 724 East 24th Street, appeared to state that she felt that the people in the Martin Addition were being squeezed out, due to the commercialism along 17th Street. She felt that the City Officials have let this happen. She wished to appeal to the City Council for only an R-1 zoning to this property.

Councilmember Erickson asked Mr. Woolf, Attorney for the property owner, if he had any further comments. Mr. Woolf re-appeared to address some of the concerns of the property owners. With all of the restrictions on this property in place, Mr. Clayton would always have to gain approval for any commercial venture. Mr. Woolf further clarified why the property on the corner of 16th Street and Holmes Avenue was deeded to Mr. Kishiyama,

the fact being that Mr. Kishiyama was due compensation for street right-of-way for Holmes Avenue widening and it was deemed that this property was equitable to what the City owed

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him, so the property exchange resulted. He further stated that Mr. Clayton wanted to have the zoning that the Council approved of PT-1 when he purchased the property.

Councilmember Hardcastle questioned Mr. Twitchell as to where he got the information that the City wanted to turn the Martin Addition into a commercial area. Mr. Twitchell responded by referring back to the Planning Commission Work Session earlier in the week, that the Martin Addition is a transition area and he is not ready for that transition.

The City Attorney questioned Mr. Gilchrist if the proposed zoning is consistent with the Comprehensive Plan. Mr. Gilchrist stated that it is. Mr. Storer stated that the only item before this Council is the rezone, not an amendment to the Comprehensive Plan.

Councilmember Erickson gave an explanation of the PT-1 or PT-2 Zone and a history of the reasoning behind the Transitional Zone along 17th Street to further explain that any development on this corner will have to come back to the City Council in the way of a site plan, and the rezoning back to PT-1 will not change that process. Mr. Erickson wished to express the Council's concern for those families in the Martin Addition, and cited several examples as to how they have demonstrated that concern.

Councilmember Carlson voiced his support for the people of the Martin Addition.

Councilmember Eldredge clarified that rezoning this property does not preclude it being developed as a residence, but provides for other uses. Further, this property could be developed as a parking lot. Mr. Eldredge questioned the City Attorney as to how Protective Covenants interact with Zoning Ordinances. The City Attorney stated that the Protective Covenants do not effect the Council's decision to rezone. The Protective Covenants are essentially a contract between the property owner and his neighbors.

Councilmember Hardcastle questioned regarding the buffer zone that is required if this were to be made into a parking lot, and what other uses are allowed in the PT-1 Zone. The Director of the Planning and Building Division stepped forward to state that this zone is primarily for a high density residential area or parking for an adjacent facility. A discussion followed regarding the criteria for the buffer zone, and what could constitute a good buffer between residents and a parking lot. The discussion then turned to what different zones would provide.

Mr. Bruce Huffaker, residing at 747 East 16th Street and purchasing 610 East 16th Street, appeared to state that it seems that the only practical use for the property at the corner of 16th Street and Holmes Avenue would be a very tall apartment complex or a parking lot. He does not want a parking lot at this location and stated that the people from the Martin Addition would come back to Council every time such a proposal is made.

There being no further discussion or questions, the Mayor closed the public hearing. It was moved by Councilmember Erickson, seconded by Councilmember Eldredge, that the zoning for this parcel of ground be changed from R-1 to PT-1. Roll call as follows: Ayes, Councilmembers Erickson, Hardcastle, and Eldredge; No, Councilmembers Mills, Branson, and Carlson; Motion with tied vote. After a brief discussion with the City Attorney, the Mayor explained that a rezoning request requires a super majority vote to cast her vote to break a tied vote. Therefore, the rezone is not approved and this corner lot in the Martin Addition will remain R-1.

After a brief recess, the Mayor declared open a public hearing, as legally advertised to consider the rezoning of a portion of Lot 1, Block 2, Parkwood Meadows Addition, Division No. 1. At the request of Councilmember Erickson, the City Clerk read the following memo:

JUNE 9, 1994

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING - PARKWOOD MEADOWS

Attached is a copy of the requested rezoning petition of a portion of Lot 1, Block 2, Parkwood Meadows Addition, Division No. 1. The petitioner is requesting this property be rezoned from RSC-1 to R-3 to permit the construction of apartments. The Planning Commission recently considered this matter and, after much discussion, recommended approval of the rezoning with the stipulation the property be developed as a Planned Unit Development. This recommendation was made on a 6-2 vote. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

Councilmember Erickson explained that Jane and Mel Hoffman called that evening and told him they voted, "NO, NO, NO!" to this zoning change. The Director of the Planning and Building Division located the subject area on the map and further explained the request. Councilmember Erickson asked the Developer to come forward.

Mr. Jim Ekberg, 6345 Southwest Gulf Drive, Portland, Oregon, the Developer for this project, appeared to make a presentation to the Council of his development plans. He objects to the Planned Unit Development condition that has been placed on the R-3 zoning change. Mr. Ekberg said that he understood the Council's concern regarding another 3-story development in the area, but this development does not adjoin to any single-family residential units. He also felt that if the Planned Unit Development status is left in place, he would not be able to begin construction this year or maybe not at all. This housing addition is an affordable housing project. Mr. Ekberg felt that most people are concerned with the type of people who move into affordable housing projects. Many of the problems can be handled with on-site property management. Mr. Ekberg wished to appeal to the Council to proceed with R-3 down zone, but to eliminate the Planned Unit Development status. After a brief discussion, it was established that the plan coming before the Council this night is somewhat different than the plan that was presented to the Planning Commission.

Mr. Reed Smith, 653 Hoopes Avenue, appeared in opposition to this rezoning request. Mr. Smith was concerned with the resulting social problems in an affordable housing complex. Mr. Ekberg again explained that there would be an on-site manager to take care of the lawns, behavioral problems, etc. should there be any.

Mr. Doug Muir, 634 Montcliffe, appeared to express his concern regarding any buffer zone that would be between his property and the 3-story units. He would like to see that the Planned Unit Development stay in place with the R-3 Zone.

Mr. Yale Peterson, 636 Montcliffe, appeared to express his concern for the added pressure this many apartment units would add to our water and sewer system. He was further concerned about the chaos resulting from so many apartment units being built in the area. He stated that he was in favor of the Planned Unit Development.

Mr. David Shipman, 428 Park Avenue, Attorney representing Gary Voigt who is the owner of this property, appeared to explain Mr. Voigt's request. Mr. Shipman stated that

Mr. Voigt was in agreement with the Planning Commission for the R-3 Zone, but opposes the stipulation of the Planned Unit Development being placed on this zone change.

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Councilmember Erickson questioned the owner and his representative as to whether he wanted the zone change if it meant he had to live with the Planned Unit Development also. Mr. Shipman stated that the owner would not want the zone change if the Planned Unit Development would still be a consideration.

The Developer re-appeared to state that affordable housing is needed desperately in Idaho Falls. He suggested that people present are not complaining so much about the rezoning as they are complaining about the type of people they perceive will be moving into this type of complex. These are not reasonable grounds for placing this type of a restriction on this property.

Ms. Terry Killian, 592 Montcliffe, appeared to express her concerns regarding traffic in the area. She also stated that she was in favor of the Planned Unit Development.

There being no further comments or questions, Mayor Milam closed the Public Hearing.

A brief discussion followed among the Mayor and Council regarding the wishes of the owner as previously stated and a clarification of what Planned Unit Development restrictions are. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that this rezoning request be denied, leaving the zoning RSC-1. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

The City Clerk presented the following monthly bills, dated from May 1, 1994 through May 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 & SEWER</u>
SERV/MAT	\$1,029,687.67	\$ 49,068.03	\$ 42,232.57	\$ 241,912.77
SALARY	<u>843,206.51</u>	<u>50,132.33</u>	<u>25,983.61</u>	<u>104,805.31</u>
TOTAL	\$1,872,894.18	\$ 99,200.36	\$ 68,216.18	\$ 346,718.08
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY</u>
SERV/MAT	\$1,823,477.42	\$ 47,793.06	\$ 25,070.34	\$ 40,236.24
SALARY	<u>185,177.35</u>	<u>51,907.00</u>	<u>22,806.11</u>	<u>35,694.06</u>
TOTAL	\$2,008,654.77	\$ 99,700.06	\$ 47,876.45	\$ 75,930.30
	<u>BRIDGE/ART ST</u>	<u>WATER CAP IMPR</u>	<u>AMBULANCE</u>	<u>MNPL EQUIP REPL</u>
SERV/MAT	\$ 85,051.15	\$ 2,035.28	\$ 32,938.14	\$ 149,158.00
SALARY	<u>.00</u>	<u>.00</u>	<u>44,702.70</u>	<u>.00</u>
TOTAL	\$ 85,051.15	\$ 2,035.28	\$ 77,640.84	\$ 149,158.00
	<u>SWIM POOL G O</u>	<u>MCS</u>	<u>TOTALS</u>	
SERV/MAT	\$ 586.35	\$ 16,500.00	\$3,585,747.02	
SALARY	<u>.00</u>	<u>.00</u>	<u>1,364,414.98</u>	
TOTAL	\$ 586.35	\$ 16,500.00	\$4,950,162.00	

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

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

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The City Clerk presented several license applications, including a BEER TO BE CONSUMED ON THE PREMISES License to the Eagle Rock Ballroom and Reception Center, 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, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

The City Clerk requested Council ratification of the issuance of several licenses including BEER NOT TO BE CONSUMED ON THE PREMISES Licenses to Diamond Concessions and Western Amusement Company, 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, Mills, and Branson; No, none; Motion Carried.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on June 9, 1994. It was moved by Councilmember Erickson, seconded by Councilmember Mills, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: James H. Thorsen, Director of Aviation
SUBJECT: HANGAR LEASE AGREEMENT - ARNOLD WALKER

Mr. Arnold Walker is requesting approval of a Ground Lease to construct a private hangar.

The Lease has been prepared by the City Attorney.

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 this Lease Agreement be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: James H. Thorsen, Director of Aviation
SUBJECT: CHANGE ORDER NUMBERS 7 AND 8 - BURGGRAF CONSTRUCTION

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Change Order Numbers 7 and 8 complete the Runway Safety Area Project. They have been approved by the FAA and are now being submitted to the Mayor and Council for approval.

The City Attorney had reviewed the Change Orders.

The Airport Division respectfully requests Council approval.

s/ James H. Thorsen

Councilmember Mills clarified that these Change Orders total approximately \$300,000.00. Mayor Milam stated that the bill authorizing the release of Federal Funds to be reimbursed for this project has passed the House and Senate, with the first advance payment being made shortly in approximately this amount. It was moved by Councilmember Mills, seconded by Branson, that these Change Orders be approved. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

The Electric Division Director submitted the following memos:

City of Idaho Falls
June 3, 1994

MEMORANDUM

TO: Mayor and Council
FROM: G. S. Harrison, Electric Division Director
SUBJECT: CLOSED LOOP SIGNAL PROJECT - 17TH STREET, HOLMES AVENUE AND WOODRUFF AVENUE

Attached for your consideration is a State/Local Agreement with the State for the purpose of constructing closed loop signal upgrades at 17th Street, Holmes Avenue and Woodruff Avenue. Funds for this project are included in the Electric Division budget. The City Attorney has reviewed this Agreement.

The total estimated cost to the City for this project is \$69,800.00 as stated in the attached Agreement, plus \$6,000.00 previously deposited, and \$16,400.00 for contracted engineering, for a total City share of \$92,200.00. The \$92,200.00 represents approximately 20% of the total project cost.

The Electric Division recommends the City Council approve the City to enter into this Agreement and authorize the Mayor to execute such Agreement.

s/ G. S. Harrison

A brief discussion followed among Council regarding the ability to change the computer program should any changes to signalization be required. It was generally decided that the program should allow for that. It was moved by Councilmember Carlson, seconded by Councilmember Eldredge, that this closed loop signal project be approved. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

JUNE 9, 1994

City of Idaho Falls
June 3, 1994

MEMORANDUM

TO: Mayor and Council
FROM: G. S. Harrison, Manager
SUBJECT: GEM STATE PROJECT - PROPERTY AGREEMENT

Attached for your consideration is a Quitclaim Deed prepared by the City Attorney from the City to Glen Mortensen, a property owner adjacent to the Gem State Project. This Deed is necessary to include an exhibit that was inadvertently omitted to the original Deed.

The Electric Division recommends City Council authorization for the Mayor to execute the Quitclaim Deed.

s/ G. S. Harrison

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

The Parks and recreation Director submitted the following memo:

City of Idaho Falls
May 31, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David Christiansen, Director, Parks and Recreation
SUBJECT: TENNIS COURT RESURFACING

The Division of Parks and Recreation respectfully requests authorization to receive bids to resurface tennis courts located at Clair E. Gale and Lincoln Park.

s/ David J. Christiansen

Councilmember Mills explained that the School District is also providing some of the funding for this. It was moved by Councilmember Branson, seconded by Councilmember Mills, that authorization be given to receive bids for the resurfacing of these tennis courts. 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
June 3, 1994

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 1994-1995 FEDERAL TRANSIT ADMINISTRATION GRANT FOR
CART

JUNE 9, 1994

Attached for your consideration are copies of the 1994-1995 Federal Transit Administration Grant Application. Municipal Services respectfully requests the City Council approve and authorize the Mayor and City Attorney to sign said Grant.

s/ S. Craig Lords

It was moved by Councilmember Hardcastle, seconded by Councilmember Erickson, that this Grant Application be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

City of Idaho Falls
June 3, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-94-20, RETROFILL, ETC. TRANSFORMERS

Please find attached for your consideration the tabulation for Bid IF-94-20, Retrofilling, Handling, Transportation, and Disposal of Oil Contaminated with Polychlorinated Biphenyl's (PCB's), contained in Two (2) Substation Transformers and One (1) Mobile Transformer. It is the recommendation of Municipal Services to accept the low bid of USPCI for a total amount of \$27,400.00.

s/ S. Craig Lords

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

The Planning and Building Director submitted the following memo:

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REVISED SITE PLAN AND AMENDED PLAT - CAMDEN SQUARE

The developer has proposed construction of a Hardee's Restaurant on this property and is contemplating buying the pad on which it will be located. Therefore, the amended plat is made necessary inasmuch as this was not designated as a separate lot on the initial plat. The site plan is made necessary inasmuch as this property is currently zoned RSC-1 (Residential Shopping Center) and requires site plan approval by both the Planning Commission and City Council. This proposal has been considered by the City Planning

Commission and, at that time, they recommended approval of the Final Plat and the revised plan, but with no access to John Adams Parkway as the

JUNE 9, 1994

developer had previously proposed. The developer has since revised the site plan to conform to the Planning Commission's recommendation. 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 Planning and Building 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 the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried. It was moved by Councilmember Erickson, seconded by Councilmember Carlson, that the Development Agreement be accepted and the Mayor and City Clerk be authorized to sign. 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 Councilmember Carlson, that the revised site plan as presented be approved. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
May 18, 1994

MEMORANDUM

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

It is respectfully recommended that the Bartender License Application for Andrew Oliver Rodgers, employed at Charlie's be denied. This recommendation is due to the background investigation showing a felony arrest and conviction.

Your consideration in this matter is appreciated.

s/ Monty G. Montague

It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, that this Bartender Permit be denied as recommended. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
June 1, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: PROPERTY EXCHANGE - WELL NO. 17 SITE/WILFRED
DAGGETT, HIGHLAND PARK ADDITION, BLOCK 1

JUNE 9, 1994

Attached are copies of a Memorandum of Agreement and an Ordinance facilitating the exchange of a City-owned Lot 10, Block 1, Highland Park Addition, for Lot 2, Block 1, Highland Park Addition, owned by Wilfred Daggett. The property exchange is proposed to straighten a property line between the Well No. 17 site and the Daggett property.

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

s/ Chad Stanger

At the request of Councilmember Eldredge, the City Attorney read the following ordinance, in title only:

ORDINANCE NO. 2142

AN ORDINANCE DECLARING AN INTENTION TO EXCHANGE CERTAIN PROPERTY OWNED BY THE CITY OF IDAHO FALLS, IDAHO FOR OTHER PROPERTY OWNED BY WILFRED DAGGETT; DESCRIBING EACH OF THE PROPERTIES TO BE EXCHANGED; SETTING A DATE AND TIME FOR A PUBLIC HEARING THEREON AND AUTHORIZING THE MAYOR TO EXECUTE DEEDS AND OTHER DOCUMENTS NECESSARY TO ACCOMPLISH SUCH EXCHANGE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - SEWER PROJECTS, 1994

Public Works requests authorization to advertise to receive bids for Sewer Projects, 1994.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Branson, that authorization be given to advertise for bids on these sewer projects. Roll call as follows:

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

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City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - CITY ANNEX PARKING LOT

Public Works requests authorization to advertise to receive bids for the City Annex Parking Lot.

s/ Chad Stanger

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

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY VACATION AND DEED EXCHANGE - DUNBAR DRIVE

In 1946, when the public improvements designed for the Rappleye Addition were actually constructed, apparently, a portion of Dunbar Drive was shifted from the platted right-of-way onto property presently owned by the L.D.S. Church. This resulted in additional depth being extended to Lots 3 and 4, Block 4, Rappleye Addition.

Attached are deeds and a proposed right-of-way vacation ordinance which, if approved, will provide owners of the various properties with title reflective of the situation as it now exists.

Public Works recommends approval of this ordinance and deed exchange; and, authorization for the Mayor to sign the documents.

s/ Chad Stanger

At the request of Councilmember Eldredge, the City Attorney read the following Ordinance in title only:

ORDINANCE NO. 2143

AN ORDINANCE VACATING A PORTION OF DUNBAR STREET WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE PORTION OF SAID STREET; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY QUITCLAIM DEEDS CONVEYING THE VACATED

STREET TO THE OWNERS OF THE ADJACENT
LANDS, AND NAMING THEM; PROVIDING FOR
EFFECTIVE DATE OF THE ORDINANCE.

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

City of Idaho Falls
June 6, 1994

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: WELL NUMBERS 9 AND 10 MODIFICATION - CHANGE ORDER
NO. 1

Attached is proposed Change Order No. 1 to the Contract for Well Numbers 9 and 10 Modifications; adding \$33,085.34 to the Contract amount. The proposed Change Order reflects the costs of relocating two (2) sections of the motor control center; adding a ten (10) inch check valve on the discharge piping; and, including a 1600 ampere circuit breaker between the electrical transformer and the emergency automatic switch assembly. The addition of the circuit breaker, in the amount of \$25,558.29, is required to enhance the safety of those working upon the electrical apparatus of the wells.

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 this Change Order No. 1 be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

The Traffic Safety Committee submitted the following memo carrying five (5) recommendations:

City of Idaho Falls
May 24, 1994

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: Monty G. Montague, Chief of Police
SUBJECT: TRAFFIC SAFETY RECOMMENDATION

The Traffic Safety Committee submits the following items for your approval:

1. It is recommended that two "2-Hour Parking Spaces" be provided immediately in front of Don Wilson Drug on Corner Street.

2. It is recommended that the request to place a crosswalk at Cranmer Avenue, crossing East 17th Street be denied.

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3. It is recommended that the request to put speed bumps in the alley near 565 First Street be denied.
4. It is recommended that the request to change signing at Foster and Bodily to a 4-way stop be denied.
5. It is recommended to allow two handicap parking spaces and a wheelchair ramp at Civitan Park on Jefferson Street near the existing handicap playground equipment.

s/ Monty G. Montague

Recommendation No. 1: Councilmember Mills explained that he spoke with the owners of Don Wilson Drug and the business next door to question whether 1-hour parking would work instead. Both businesses agreed. It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to approve 1-hour parking from the south edge of Don Wilson Drug north to the current posted 1-hour. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

Recommendation No. 2: It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to deny the crosswalk request on 17th Street at Cranmer Avenue. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Hardcastle, Eldredge, Mills, and Branson; No, none; Motion Carried.

Recommendation No. 3: A brief discussion followed regarding other options as a method to slow down the traffic in this area, as the speed bumps tend to cause drainage problems. It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, that the request for speed bumps in the alley near 565 First Street be denied. Roll call as follows: Ayes, Councilmembers Hardcastle, Branson, Eldredge, Carlson, Erickson, and Mills; No, none; Motion Carried.

Recommendation No. 4: It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, to refer this issue to the Planning Department as it is a site-distance problem, and deny the 4-way stop signs at the corners of Foster and Bodily. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Branson, Hardcastle, Eldredge, and Carlson; No, none; Motion Carried.

Recommendation No. 5: It was determined that the curb cut will be the City's expense, with the pathway being the Civitan's expense. It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, that this recommendation be approved. Roll call as follows: Ayes, Councilmembers Eldredge, Carlson, Mills, Erickson, Branson, and Hardcastle; No, none; Motion Carried.

Mayor Milam presented the following appointments to the Traffic Safety Committee: Captain Gary Hagen to replace Captain Kay Simmons, and Kay Yaegle from the Transportation Department at E. G. & G. Idaho. It was moved by Councilmember Mills, seconded by Councilmember Hardcastle, that these appointments be approved. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Branson, Hardcastle, and Eldredge; No, none; Motion Carried.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Eldredge, that the meeting adjourn at 10:05 p.m.; Motion Carried.

s/ Rosemarie Anderson
CITY CLERK

s/ Linda Milam
MAYOR

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