

NOVEMBER 18, 1993

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 18, 1993, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor ProTem Ralph Wood; Councilmembers Larry Carlson, Linda Milam, and Gary Mills; absent, Councilmembers Mel Erickson and Joseph Groberg. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

The City Clerk read a summary of the minutes of a Regular Council Meeting held November 4 and a Special Meeting held November 8, 1993. The minutes of both meetings were approved.

The Mayor and Councilmembers honored City Employee Retirees Grant Gallup, Helene Smith and Nyra Ferguson.

It was noted that a legal notice had been published calling for a public hearing this night to consider the re-zoning of property located within Shopko Acres. It was moved by Councilmember Mills, seconded by Carlson, that this hearing be recessed until December 9, 1993. Roll call as follows: Ayes, Councilmembers Wood, Milam, Carlson and Mills; No, none; carried.

The Mayor declared open a public hearing to consider an appeal from a decision of the Board of Adjustment regarding a variance. He called upon Councilmember Mills to conduct the hearing. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

Attached is a copy of an appeal from a decision made regarding a variance at 145 and 151 10th Street. There are two existing residences located on this property in an R-2 Zone. The property for many years was under one ownership and recently one of the lots was sold off with a 1' side yard. A 5' side yard is required in this area. The original owner went to the Board of Adjustment requesting a variance for the 1' side yard. The Staff recommendation was to approve the variance inasmuch as there is 10' between the two buildings. The staff recommended approval of the variance with the condition that no additional structures or additions be constructed between the two buildings so the 10' separation would remain and some type of perpetual easement adjacent to the 1' side yard to allow for necessary maintenance on the residences.

The Board of Adjustment requires five concurring votes to approve a variance. A motion was made as described above in the staff recommendation. The motion died by a vote of 4-3. This matter is being submitted to the Mayor and City Council for consideration with the same staff recommendation.

S/ Rod Gilchrist

The Director of Planning and Zoning located the subject area in a drawing that each Councilmember had and explained the request.

NOVEMBER 18, 1993

Attorney Charles Homer appeared, representing the petitioners, Mr. and Mrs. Frank Murdock. He said that his clients are not sure that there was a clear mandate from the Board of Adjustment, as the vote did not indicate that. He said that all of the five criterias set in the Planning & Zoning Ordinance have been met and he feels that the variance should be granted. There are no parking problems and all of the near-by neighbors approve this proposal.

Messrs. Jim Schwartsenberger and Ken Moore appeared to express approval of this proposal. It was moved by Councilmember Mills, seconded by Carlson, that this variance be approved, with the condition that no additional structures or additions be constructed between the two buildings so the 10' separation would remain and some type of perpetual easement adjacent to the 1' side yard to allow for necessary maintenance on the residences. Also, that at least a 4' easement be maintained on the side yard of 145 10th Street to allow for maintenance in the future and that the applicant be directed to work with the Planning & Zoning Department to work out the precise description of the land between the buildings, and also that an appropriate legal description be drawn up for the easements. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Mills, and Wood No, none; carried.

The City Clerk presented several license applications. It was moved by Councilmember Mills, seconded by Carlson, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Wood, Milam, Carlson, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the issuance of BEER licenses to Grandview Texaco, Morgan's Westgate and Happy's. It was moved by Councilmember Mills, seconded by Carlson, that the Council ratify this previous action. Roll call as follows; Ayes, Councilmembers Mills, Wood, Milam and Carlson; No, one; carried.

The City Clerk asked for Council authorization to publish a legal notice calling for a public hearing on December 9, 1993. It was moved by Councilmember Mills, seconded by Carlson, that authorization be given as requested. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, and Wood; No, none; carried.

The City Attorney read the following ordinance title:

ORDINANCE NO.

AN ORDINANCE APPEALING SECTION 4-5-35 AND RE-ENACTING 4-5-35 AND ENACTING 4-5-45(A), OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; ESTABLISHING WATER RATES WITHIN THE CITY FOR VARIOUS USES; PROVIDING FOR COLLECTION OF WATER SYSTEM CONNECTION FEES AND ESTABLISHING A WATER LINE CAPITAL IMPROVEMENT FUND; LIMITING TYPES OF DISBURSEMENTS FROM SAID FUND; PROVIDING FOR EFFECTIVE DATE.

It was moved by Councilmember Carlson, seconded by Milam, that this ordinance be passed on its second reading. Roll call as follows: Ayes, Councilmembers Wood, Mills, Milam, and Carlson; No, none; carried.

The City Attorney read the following ordinance title:

ORDINANCE NO.

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-5-20 OF THE CITY CODE OF IDAHO FALLS, IDAHO; ESTABLISHING RATES FOR

SANITARY SERVICE WITHIN THE CITY OF IDAHO
FALLS; AND PROVIDING FOR EFFECTIVE DATE.

NOVEMBER 18, 1993

It was moved by Councilmember Carlson, seconded by Milam, that this ordinance be passed on its second reading. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Wood, and Milam; No, none; carried.

From the Parks & Recreation Director came this memo:

City of Idaho Falls
November 18, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Director of Parks & Recreation
SUBJECT: EXCHANGE OF CEMETERY PROPERTY

The Department of Parks & Recreation recommends for your approval a request by Mr. and Mrs. Sam Sakaguchi for approval to exchange 12 cemetery spaces originally purchased in Unit 245, Parkhurst, Fielding Memorial Park Cemetery for 12 cemetery spaces in Unit 68, La Cresta, Fielding Memorial Park Cemetery.

S/ Dave Christiansen

It was moved by Councilmember Milam, seconded by Carlson, that the Council approve this exchange of cemetery property. Roll call as follows: Ayes, Councilmembers Wood, Mills, Milam, and Carlson; No, none; carried.

From the Director of Planning and Building came this memo:

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: DEVELOPMENT AGREEMENT - ASPEN COURT

Attached is a copy of a Development Agreement covering Aspen Acres, which is a residential development providing for an apartment complex on property that is already within the City. This Development Agreement provides for payment of surface drainage fees and the construction of water, sewer, and storm drain lines and the dedication of easements for those utilities.

This Agreement has been reviewed and approved by the appropriate City Departments and it is now being submitted to the Mayor and City Council for consideration. This Department respectfully requests approval and authorization for the Mayor to sign.

S/ Rod Gilchrist

It was moved by Councilmember Mills, seconded by Carlson, that the Council accept this Development Agreement and authorize the Mayor to sign. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Wood, and Milam; No, none; carried.

From the Public Works Director came this memo:

NOVEMBER 18, 1993

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: ENGINEERING SERVICES AGREEMENT - WELL NOS. 9 & 10

Attached is a proposed engineering services agreement with Black and Veatch to provided design and construction phase services for electrical and control modifications to Well Nos. 9 & 10. These planned modifications are similar to those designed by Black & Veatch at Well Nos. 11 & 14 this past year and have been budgeted in the current year budget.

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

S/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Milam, that this engineering agreement be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Mills, and Wood; No, none; carried.

The Electric Department Manager submitted the following three memos:

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Mayor and Council
FROM: G.S. Harrison, Manager
SUBJECT: REQUEST AUTHORIZATION TO BID CIRCUIT BREAKERS

The Electric Division requests authorization to solicit bids for two (2) 15KV circuit breakers for the York Road Substation. Funds for this purchase are included in the Electric Division budget.

S/ G.S. Harrison

It was moved by Councilmember Carlson, seconded by Mills, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Mills, and Wood; No, none; carried.

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Mayor and Council
FROM: G.S. Harrison, Manager

SUBJECT: REQUEST AUTHORIZATION FOR BID: PCB RETROFILL

NOVEMBER 18, 1993

The Electric Division requests authorization to solicit bids for PCB retrofitting of three (3) substation transformers. Funds for this project are included in the Electric Division budget.

S/ G.S. Harrison

It was moved by Councilmember Carlson, seconded by Mills, that authorization be given to solicit bids as requested. Roll call as follows: Ayes, Councilmembers Wood, Milam, Carlson, and Mills; No, none; carried.

City of Idaho Falls
November 16, 1993

MEMORANDUM

TO: Mayor and Council
FROM: G.S. Harrison, Manager
SUBJECT: AMENDMENTS TO WEATHERIZATION AND RESIDENTIAL
CONSERVATION AGREEMENTS

Attached are Amendment No. 3 to Bonneville Power Administration's Weatherization Agreement and Amendment No. 4 to the Residential Conservation (Super Good Cents, etc.) Agreement. The primary changes in the agreements are to reduce incentives paid out under these programs and delete indoor air quality requirements.

The Electric Division recommends Council approval and authorization for the Mayor to sign these amendments.

S/ G. S. Harrison

It was moved by Councilmember Carlson, seconded by Mills, that the Council approve these amendments and authorize the Mayor to sign. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Mills, and Wood; No, none; carried.

The Municipal Services Director submitted the following three memos:

City of Idaho Falls
November 15, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-94-3, NEW COMPUTER SYSTEM

Attached is the tabulation for Bid IF-93-4, New Computer System IBM AS/400 Model F35.

It is the recommendation of Municipal Services to accept Bid "C" of IBM to furnish IBM Model 9406-F35 and 9337-225 for a total amount of \$98,957.00 including trade-in, discount and maintenance.

S/ S. Craig Lords

NOVEMBER 18, 1993

It was moved by Councilmember Milam, seconded by Carlson, that the Council award the bid for the computer. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, and Wood; No, none; carried.

City of Idaho Falls
November 15, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ESTOPPEL CERTIFICATE, AIRPORT INDUSTRIAL PARK LEASE-
ELLIOTT INDUSTRIAL COMPANY

Attached is a proposed Estoppel Certificate in which the City of Idaho Falls authorizes Elliott Industrial to sub-lease their building to Scott Machinery, agrees to accepting the lease payments from Scott Machinery and agrees to an alignment of Elliott's ground lease to Scott Machinery if Scott Machinery purchases Elliott's property at 1505 Foote Drive.

Said Estoppel Certificate has been reviewed and approved by the Assistant City Attorney.

S/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Carlson, that the Council approve this Estoppel Certificate and authorize the Mayor to execute said document. Roll call as follows: Ayes, Councilmembers Wood, Mills, Milam, and Carlson; No, none; carried.

City of Idaho Falls
November 15, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEASE EXTENSION AGREEMENT - SAND CREEK GOLF COURSE
CAFE

Attached is a copy of a proposed lease extension agreement to the lease agreement with Canteen Vending for the Sand Creek Golf Course Cafe.

Municipal Services respectfully requests approval of said agreement and authorization for the Mayor to execute the lease extension agreement. Said extension has been approved by the Assistant City Attorney.

S/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Carlson, that the Council approve this lease extension agreement and authorize the Mayor to sign same. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Mills, and Wood; No, none; carried.

NOVEMBER 18, 1993

There being no further business, it was moved by Councilmember Milam, seconded by Mills, that the meeting adjourn at 8:20 P.M.; carried.

Velma Chandler
CITY CLERK

Ralph M. Wood
MAYOR PROTEM