

OCTOBER 21, 1993

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 21, 1993, in the Council Chamber, 140 So. Capital Avenue, Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor called upon Brian Nelson to come forward and lead all those present in the pledge of Allegiance to the Flag. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor ProTem Melvin L. Erickson; Councilmembers Larry Carlson, Joseph Groberg, Linda Milam, Gary Mills, and Ralph Wood. 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 the last Regular Council Meeting held October 7, 1993. The minutes were approved.

Mr. Rue Stears, 1235 Bannock, appeared to request that the month and year be designated when the bills are approved or ratified.

The Mayor asked Councilmember Mills to conduct annexation proceedings for Shadow Mountain Add., Div. #2. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
October 19, 1993

MEMORANDUM

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

Attached is a copy of the final plat, annexation agreement and annexation ordinance for Shadow Mountain Addition, Division No. 2. This is a proposed 11 lot single-family residential subdivision. This matter was previously considered by the Planning Commission and at that time they recommended approval of the final plat, annexation to the City, and initial zoning of R-1. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

S/ Rod Gilchrist

The Director of Planning and Zoning located the subject area on a map on the wall and further explained the request.

It was moved by Councilmember Mills, seconded by Groberg, that the final plat be approved and the Mayor, City Clerk, and City Engineer be authorized to sign the plat. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

It was then moved by Councilmember Mills, seconded by Groberg, that the annexation agreement be approved and the Mayor and City Clerk authorized to sign same. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

The City Attorney read the following ordinance caption:

ORDINANCE NO. 2120

AN ORDINANCE ANNEXING CERTAIN LANDS TO
THE CITY OF IDAHO FALLS; DESCRIBING SAID

LANDS AND DECLARING SAME A PART OF THE
CITY OF IDAHO FALLS, IDAHO.
(SHADOW MOUNTAIN ADDITION, DIVISION NO. 2)

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The foregoing ordinance was presented in title. It was moved by Councilmember Mills, seconded by Groberg, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE FULLY READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, Councilmembers Wood, Groberg, Carlson, Erickson, Milam, and Mills; No, none; carried.

The Mayor then declared open a public hearing to consider the initial zoning of the newly annexed area. No one appeared. It was moved by Councilmember Mills, seconded by Groberg, that the initial zoning of Shadow Mountain Add., Div. No. 1 be established as R-1 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. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

Mr. Rue Stears appeared to ask several questions about the Petersen Building Remodel Project. Councilmember Milam and Municipal Services Director Lords explained the funding for the project.

The City Clerk presented a journeyman electrician license application. It was moved by Councilmember Mills, seconded by Wood, that this license be issued. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuance of several licenses. It was moved by Councilmember Mills, seconded by Wood, that the Council ratify this action. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls
October 18, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: James Thorsen, Aviation Director
SUBJECT: SUPPLEMENT TWO - TO ENGINEERING SERVICES CONTRACT
TO EXPAND GENERAL AVIATION APRON

Sverdrup Aviation, the City's consulting engineering firm, has submitted Supplement No. Two to their contract for engineering services for the reconstruction of the aircraft parking apron adjacent to the log hangar.

This supplement is in the amount of \$12,700 and is for unforeseen environmental investigation and engineering services.

The Federal Aviation Administration has approved the Supplement, and will pay 90% of the cost.

The Supplement has been reviewed by the City Attorney.

The Airport Division respectfully requests authorization to accept Supplement No. Two.

S/ James Thorsen

It was moved by Councilmember Wood, seconded by Groberg, that the Council accept Supplement Two as requested. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

The Municipal Services Director submitted the following three memos:

City of Idaho Falls
October 18, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ENGAGEMENT LETTER FOR LEGAL SERVICES WITH HAWLEY, TROXELL, ENNIS & HAWLEY

Attached is an engagement letter from Hawley, Troxell, Ennis & Hawley to act as Municipal Council with respect to the proposed issuance of Capital Notes for renovation of the Peterson Building.

It is respectfully requested that the Council approve the engagement and authorize the Mayor to sign.

S/ S. Craig Lords

Councilmember Milam explained that a previously adopted ordinance provided for the steps to be taken for this engagement. It was moved by Councilmember Milam, seconded by Wood, that Council approve this engagement and authorize the Mayor to sign. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills and Wood; No, none; carried.

City of Idaho Falls
October 18, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LIFE INSURANCE CONTRACT

Attached for your consideration is a contract with Medical Life Insurance Company to provide life insurance for City employees. This contract represents a savings from our current life provider.

This contract is for a one-year period beginning November 1, 1993. The rate has been guaranteed for two years if the Council wishes to renew next year.

It is respectfully requested that the Council authorize the Mayor ProTem to sign the contract.

S/ S. Craig Lords

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Councilmember Milam explained this insurance coverage. It was moved by Councilmember Milam, seconded by Wood, that the Council authorize the Mayor ProTem to sign the contract. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

City of Idaho Falls
October 18, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 1993-1994 FEDERAL TRANSIT ADMINISTRATION GRANT AND
MEMORANDUM OF UNDERSTANDING

Attached for your consideration is a copy of the 1993-1994 Federal Transit Administration Grant Application for Cart and Memorandum of Understanding between Urban Transit Providers and the Idaho Transportation Department.

It is respectfully requested that the Council approve both documents and authorize the Mayor ProTem to sign.

S/ S. Craig Lords

Councilmember Milam explained the request. It was moved by Councilmember Milam, seconded by Wood, that the Council approve both documents and authorize the Mayor ProTem to sign. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

Mayor ProTem Erickson stated that he appreciated the input that others had expressed at previously held work sessions to discuss the selection of a City Prosecutor for the City of Idaho Falls. He asked the City Clerk to read the following memo:

City of Idaho Falls
September 29, 1993

MEMORANDUM

TO: Mayor ProTem Erickson
FROM: Monty G. Montague, Chief
SUBJECT: SELECTION OF CITY PROSECUTOR

After the work session with Council concerning the selection of a City Prosecutor, I attempted to ascertain the preference of the officers of the Police Department.

The results of my informal informational gathering exercise showed that the predominance of the officers favor continuing with Kimball Mason.

I found very little to no support for the firm of Simpson, Gauchay and Gardner. At the present time, the officers for the most part, feel a frustration with the

County Prosecutor's Office and would not welcome more change and more people to break in.

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Therefore, I strongly and I emphasize strongly, recommend that we continue to use the services of Kimball Mason as the City Prosecutor.

S/ Monty G. Montague

Erickson said that the morale of the Police Department is very important and this is an important appointment. There isn't anything more disheartening for a police officer than to make an arrest and then the prosecutor does not stand up to see the case and enforce the law. Mayor ProTem Erickson then appointed Kimball Mason as the City Prosecutor and asked for Council confirmation of this appointment.

Councilmember Mills expressed concern of the possibility of transitional problems due to the fact that the bid of Mr. Mason is higher than the other bidder. Mills moved to confirm the appointment of Kimball Mason as City Prosecutor.

Councilmember Carlson asked why the proposal was put out for bid if the City is not going to honor the process?

Mayor ProTem Erickson said that he felt that the proposal process was proper and would give the Council the opportunity to thoroughly review the proposals and recommendations of others.

Councilmember Carlson said that he feels that this was the wrong way to act. Councilmember Milam reminded the other Councilmembers that, one year ago, the Council agreed that they would go the proposal route this year. Milam reviewed the process taken last year for the appointment of a prosecutor.

Councilmember Groberg stated that he understands why the Police Department doesn't want to break in a new prosecutor, but feels that a new one could do an equal job.

Councilmember Wood seconded the previously made motion. Roll call as follows: Ayes, Councilmembers Erickson, Milam, Mills, and Wood; No, Councilmembers Carlson, and Groberg; motion carried.

Mayor ProTem Erickson stated that he has appointed Kim Barrett to the Parks & Recreation Commission. It was moved by Councilmember Mills, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

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

Velma Chandler
CITY CLERK

Melvin L. Erickson
MAYOR PROTEM