

**FEBRUARY 18, 1993**

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The Mayor and Members of the City Council of the City of Idaho Falls, Bonneville County, Idaho, met in Regular Session at City Council Chambers, 140 South Capital Avenue, Idaho Falls, Idaho, on Thursday, February 18, 1993, at 7:30 p.m. There were present at said meeting the following: Councilmembers Larry Carlson, Joseph H. Groberg, Linda Milam, Gary Mills, and Ralph M. Wood; Absent: Mayor Thomas V. Campbell, and Council President Melvin L. Erickson. There were also present: Velma Chandler, City Clerk; Dale W. Storer, City Attorney; and S. Craig Lords, Municipal Services Director.

The Mayor and President being absent, upon motion made by Councilmember Groberg, and seconded by Councilmember Milam, the Members appointed Ralph W. Wood to act as Acting President of the Council.

At the request of President Wood, Carl Miller led the audience in the Pledge of Allegiance to the Flag.

The City Clerk read a summary of the minutes of the Regular Council Meeting held February 4, 1993. The minutes were approved.

The Acting President announced to the Council that the purpose of the meeting was to consider the authorization and sale of \$1,920,000.00 face amount of its Airport Revenue Refunding Bonds, Series 1993 (the "Series 1993 Bonds"), for the purpose of refunding the portion of the Airport Revenue Bonds, Series 1979, of the City maturing on October 1, 2006 (the "Refunded Bonds").

The Acting President announced to the Council that notice of a "public hearing" had been published on February 4, 1993, and that the purpose of such hearing was to receive any public comment with respect to the Series 1993 Bonds. The Acting President announced that such public hearing was now convened. There being no one in attendance who desired to make public comment on the Series 1993 Bonds, the Acting President declared the public hearing closed and entered the minutes of the meeting as the official record of such public hearing.

Councilmember Milam then asked Mr. S. Craig Lords to introduce Mr. James R. Matsumori. Mr. Matsumori then made a presentation to the Council regarding the proposed refunding transactions.

**CONSIDERATION OF OFFICIAL STATEMENT**

The City Attorney then presented to the City Council a copy of the Preliminary Official Statement dated February 8, 1993, and a copy of the Final Official Statement to be dated February 18, 1993, in connection with the issuance and sale of the Series 1993 Bonds. The Preliminary Official Statement and the copy of the Final Official Statement were ordered to be placed on file in the Office of the City Clerk. Whereupon the following resolution was introduced by Councilmember Milam and seconded by Councilmember Groberg:

**(Resolution No. 1993-03)**

**RESOLVED, that the use of the Preliminary Official Statement by the Underwriter in connection with the offering of the 1993 Bonds to the public is hereby ratified. The Mayor is hereby authorized to deliver to the Underwriter a Final Official Statement to be used in connection with the offering of the Bonds substantially in the form of the Preliminary Official Statement presented to the Council at this meeting, with such changes therein as are not inconsistent herewith and with documents hereby approved.**

Whereupon the foregoing resolution was put to a vote with the members of the Council voting as follows; Ayes, Councilmembers Linda Milam, Larry Carlson, Gary Mills, Ralph Wood, and Joe Groberg; Nay, None; Absent: Melvin L. Erickson.

**CONSIDERATION OF ORDINANCE NO. 2091**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AUTHORIZING THE ISSUANCE OF \$1,920,000 AIRPORT REVENUE REFUNDING BONDS OF SAID CITY, AND PROVIDING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF SAID BONDS.

Ordinance No. 2091 was thereupon introduced in written form by the City Attorney and was read by title. Councilmember Milam moved, and Councilmember Groberg seconded, that the rule requiring the reading of the ordinance three different days and once in full be dispensed with and the motion was adopted by the vote of all the members present, to-wit: Ayes, Councilmembers Gary Mills, Larry Carlson, Ralph Wood, Joe Groberg and Linda Milam; Nay, none; Abstain: None; Absent: Melvin L. Erickson.

Thereupon, pursuant to motion made by Councilmember Milam and seconded by Councilmember Groberg, Ordinance No. 2091 was adopted by the following vote: Ayes, Councilmembers Ralph Wood, Joe Groberg, Gary Mills, Linda Milam, and Larry Carlson; Nay: None; Abstain: None; Absent: Melvin L. Erickson.

Ordinance No. 2091 was thereupon signed by the Acting President in evidence of his approval, was attested by the City Clerk and was ordered recorded, and the summary attached thereto was ordered to be published in accordance with law.

Ordinance No. 2091 contains within it the approval of the following documents in connection with the issuance of the Series 1991 Bonds:

1. Bond Purchase Agreement dated February 18, 1993, between the City and Piper Jaffray, Inc., (Section 205 of Ordinance No. 2091) the "Bond Purchase Agreement"), and
2. Escrow Agreement between the City and West One Bank, Idaho (Section 212 of Ordinance No. 2091) (the "Escrow Agreement") providing for defeasance of the Refunded Bonds.

The approval of the Bond Purchase Agreement and the Escrow Agreement were duly noted, and copies of the Bond Purchase Agreement and the Escrow Agreement were ordered to be placed on file in the office of the City Clerk.

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

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

The City Clerk asked for authorization to refund the license application fees paid by Wayne Casella, Jim Bastar and Kevin Grimes. It was moved by Councilmember Mills, seconded by Groberg, that these fees be refunded. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the publishing of a legal notice calling for the Bond Refunding Hearing held this night. It was moved by Councilmember Mills, seconded by Groberg, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

President Wood then asked Councilmember Mills to lead discussion on the Residence Estate Zone Ordinance which was passed on its first reading only at the last Council Meeting.

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During Council discussion, concern was registered that the City might, arbitrarily, be accused of discrimination if they do not provide for the sustaining of animals within the City limits.

Mr. Rue Stears, 1235 Bannock, appeared to oppose adoption of this ordinance. He questioned if the State Water rights law will allow watering of the property. He said this ordinance is discriminatory, ambiguous and impossible to enforce.

The City Attorney read the following ordinance title:

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING ORDINANCE NO. 1941 OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE ZONING ORDINANCE OF THE CITY; ESTABLISHING A NEW ZONE WITHIN THE CITY KNOWN AS THE RESIDENCE ESTATE ZONE; SETTING FORTH THE GENERAL OBJECTIVES AND CHARACTERISTICS OF SUCH ZONE; STATING PERMITTED USES WITHIN THE ZONE; ESTABLISHING SIZE REQUIREMENTS OF BUILDING SITES; SETTING FORTH SETBACKS AND SIDE AND REAR YARD RESTRICTIONS; LIMITING HEIGHT OF BUILDINGS WITHIN SUCH ZONE AND RESTRICTING LOT COVERAGES OF LOTS; PROVIDING FOR EFFECTIVE DATE.

It was moved by Councilmember Mills, seconded by Groberg, that this Ordinance be passed on its second reading. Roll call as follows: Ayes, Councilmembers Groberg and Mills; No; Councilmembers Carlson, Milam, and Wood; motion defeated.

The Municipal Services Director submitted the following three memos:

City of Idaho Falls  
February 10, 1993

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO ADVERTISE AND RECEIVE PROPOSALS FOR CONCESSION AT SAGE LAKES GOLF COURSE

Municipal Services respectfully requests authorization to advertise and receive proposals for the concession at Sage Lakes Golf Course.

s/ S. Craig Lords

Councilmember Carlson asked why this request was being made before approval of the Clubhouse. The Municipal Services Director explained the reason for this action. It was moved by Councilmember Milam, seconded by Wood, that the Council authorize this advertisement for bids. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, and Mills; No, none; carried.

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City of Idaho Falls  
February 16, 1993

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-93-18, TRAFFIC STRIPING PAINT

Attached is the tabulation for Bid IF-93-18, Traffic Striping Paint.

It is the recommendation of Municipal Services to accept the low bid for paint of Ponderosa Paint, Idaho Falls, Idaho, for a lump sum total purchase of \$19,032.00.

s/ S. Craig Lords

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

It was moved by Councilmember Milam, seconded by Wood, that the Council accept the low bid meeting specifications and also, the two options. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Wood, and Groberg; No, none; carried.

The Parks and Recreation Director submitted the following two memos:

City of Idaho Falls  
February 12, 1993

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David Christiansen, Director, Parks and Recreation Division  
SUBJECT: MATERIALS - NORTH TOURIST PARK RESTROOM

The Division of Parks and Recreation respectfully requests authorization to receive bids (materials only) for the construction of a restroom facility to be located at North Tourist Park.

This new facility will replace the existing facility, and will also be designed to meet all A.D.A. requirements.

s/ David J. Christiansen

There being no questions nor comment, it was moved by Councilmember Carlson, seconded by Wood, that authorization be given as requested. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Wood, Groberg, and Milam; No, none; carried.

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City of Idaho Falls  
February 12, 1993

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David Christiansen, Director, Parks and Recreation Director  
SUBJECT: TETON RACING ASSOCIATION AGREEMENT MODIFICATION

The Division of Parks and Recreation respectfully requests the signing and execution of a modification to the Joint Use Agreement between the City of Idaho Falls and Teton Racing Association.

The modification, as addressed, is allowing the Teton Racing Association to exclusive use of the Sandy Downs facility as per outlined in enclosed contract from April 1 through September 1 of each calendar year.

This will be a change from previous Contract of exclusive use from April 15 through September 15 of each calendar year. This constitutes the only change in the Contract.

This request is submitted for your consideration.

s/ David J. Christiansen

It was moved by Councilmember Carlson, seconded by Wood, that this Agreement modification be approved. Roll call as follows: Ayes, Councilmembers Carlson, Groberg, Milam, Mills, and Wood; No, none; carried.

The Planning and Zoning Director submitted the following two memos:

City of Idaho Falls  
February 11, 1993

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: AMENDMENT TO THE ARTERIAL STREET AND BRIDGE ORDINANCE

Attached is the proposed amendment to the Arterial Street and Bridge Fee Ordinance. This revision adds the LNC, RMH, and PT Zones to the schedule setting forth the amount of the arterial street and bridge fees. It also provides for a reduction in the road and bridge fees in the multi-family residential zones if these zones are to be developed as single-family residential. This Department respectfully requests the Mayor and City Council to approve this Ordinance.

s/ Rod Gilchrist

The City Attorney explained the Ordinance contents and read the following Ordinance title:

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**ORDINANCE NO. 2092**

AN ORDINANCE AMENDING SECTION 11-1A-5 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, SAID SECTION BEING A PART OF THE ARTERIAL STREETS AND BRIDGE FEE ORDINANCE; ESTABLISHING THE AMOUNT OF A BRIDGE AND ARTERIAL STREETS FEE ASSESSED TO PROPERTIES ANNEXED TO THE CITY OR FOR WHICH PRIVATE ACCESS IS REQUESTED BY ANY CITY STREET; AMENDING SECTION 11-1-5(C) OF THE CITY CODE OF THE CITY OF IDAHO FALLS RELATING TO THE ADOPTION OF THE CITY STANDARD DRAWINGS AND ENGINEERING SPECIFICATIONS; PROVIDING FOR VARIANCES FROM THE STANDARDS SET FORTH THEREIN FOR DEMONSTRATION PROJECTS, UPON PRIOR RESOLUTION BY THE CITY COUNCIL; PROVIDING FOR EFFECTIVE DATE.

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 Carlson, Erickson, Groberg, Milam, Mills, and Wood; 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, Mills, Milam, Groberg, Erickson, and Carlson; No, none; carried.

City of Idaho Falls  
February 17, 1993

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT - TECH CENTER ADDITION

Attached is an Amendment to the Annexation Agreement for Tech Center Addition, Division No. 1. This property has been annexed to the City and zoned. The Plat has not been recorded and the property has not been developed. The developers are requesting a deference of Annexation Fees due to a hardship within the partnership which owns the property. The Developer is asking the City to delay the payment of the Arterial Street and Bridge Fees and Storm Drainage Fees until such time as a building permit is requested. They are requesting that the first installment become due and payable on or before the issuance of the building permit and the remaining balance be paid in seven equal installments in the amount of \$1,250.00, respectively, upon each

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successive one hundred twenty day period thereafter. This matter has been reviewed by Public Works and the Legal Department. This Department recommends approval of the Amendment as submitted.

s/ Rod Gilchrist

After Council discussion and questions asked and answered, it was moved by Councilmember Mills, seconded by Groberg, that this Amendment to the Annexation Agreement for Tech Center Addition, Division No. 1 be approved and the Mayor authorized to sign. Roll call as follows: Ayes, Councilmembers Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

The Traffic Safety Committee presented the following five recommendations:

1. Mr. Bob Perry requested the removal of a handicapped parking space at 878 Shoup Avenue. This handicapped space was installed for the convenience of a resident of the apartment at that location. This party is no longer at that location and the handicapped parking is no longer needed. This item is respectfully submitted for your approval with the recommendation that the request to remove the handicap space be approved.

It was moved by Councilmember Mills, seconded by Groberg, that this request be approved. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Wood, and Groberg; No, none; carried.

2. Mrs. Long requested that parking be removed from Carmel at the intersection with Skyline Drive. Investigation revealed that parking has been removed, but that the painting on the curb has been covered by snow. This item is respectfully submitted with the recommendation that additional signing be installed to complement the painting which is in place.

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

3. A request was made to allow for a "Handicapped Parking" stall near the entrance to the Bingham Hall which is in the 400 block of "A" Street. Findings of the Committee revealed that if the "Handicapped Parking" zone were installed on "A" Street, the ramp would open into the street. This item is respectfully submitted for your consideration with the recommendation that a "handicapped parking" space be installed on the southwest corner of Park Avenue at its intersection with "A" Street as is possible.

It was moved by Councilmember Mills, seconded by Groberg, that this handicapped parking space be approved. Roll call as follows; Ayes, Councilmembers Mills, Carlson, Wood, Groberg, and Milam; No, none; carried.

4. Trina Livermont requested "Better" signing at the intersection of 17th Street and Channing Way. The problem being that as the traffic is existing the Teton Plaza, northbound cars on Channing are not yielding as this appears to be a parking lot when it is really a dedicated Street. This item is respectfully

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submitted for your consideration with the recommendation that signs be installed for the northbound traffic stating "Left Turn must Yield to thru Traffic".

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

5. Carol Staples has requested that a no parking zone be installed on Dale Drive at its intersection with Broadway. The problem is when vehicles park too close to the intersection, it causes a sight problem for vehicles entering onto Broadway from Dale. This item is respectfully submitted for your consideration with the recommendation that signs be installed on both sides of Dale Drive to a distance back from the intersection which would be determined to be a safe distance by the Engineering Department.

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

It was noted that the next Council Meeting will be on Tuesday, March 9th, rather than March 4th, due to the fact that a quorum of Councilmembers could not be present for the March 4th Meeting.

There being no further business, it was moved by Councilmember Groberg, seconded by Mills, that the meeting adjourn at 8:35 P.M.; carried.

s/ Velma Chandler  
CITY CLERK

s/ Thomas Campbell  
MAYOR