

JANUARY 21, 1993

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 21, 1993, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmembers Larry Carlson, Melvin Erickson, 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 January 7, 1993. The Council approved the minutes.

The Mayor declared open a public hearing to consider amendments to the Zoning Ordinance. The Mayor 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
January 15, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENTS TO ZONING AND SUBDIVISION ORDINANCES -
SINGLE FAMILY ATTACHED HOUSING

Attached are copies of the proposed amendments to the Zoning Ordinance and Subdivision Ordinance which provide for single-family attached housing (zero lot line construction) within the City of Idaho Falls. This matter has been the subject of work sessions at the Planning Commission and City Council levels and was submitted to the City Council at an earlier date. At the time, the City Council denied the amendments, and instructed the staff to rewrite the proposed amendments deleting this provision from the R-1 zone and providing for a range of density of the multi-family dwelling zones. These changes have been made.

This matter was the subject of a public hearing at the Planning Commission level, and at that time, the Planning Commission recommended approval of the proposed amendments. This Department concurs with that recommendation and respectfully request the Mayor and City Council to instruct the City Attorney to prepare the necessary ordinance.

s/ Rod Gilchrist

Councilmember Mills further explained the proposed amendments.

Councilmember Groberg stated that the Planning Commission has recommended that these requirements also be allowed in R-1 and other zones. As a consequence of not allowing zero lot lines in R-1, developers will, likely, propose residential subdivisions with some R-2 and R-3 lots in them. He felt that the Council should be aware of this to be in a position to work through these requests as they come in the future. Attorney Storer cautioned the Council against possible "spot zoning" in future actions. No one appeared. It was moved by Councilmember Mills, seconded by Groberg, that the City Attorney be directed to prepare the necessary ordinance for Council consideration. Roll call as follows: Ayes, Councilmembers Milam, Mills, Erickson, Wood, Carlson, and Groberg; No, none; carried.

The Mayor then asked Councilmember Mills to conduct a hearing to consider certain proposed amendments to the Subdivision Ordinance. It was noted that the previously read memo addressed the proposed amendments to the Subdivision Ordinance.

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It was moved by Councilmember Mills, seconded by Groberg, that the Attorney be directed to prepare the necessary Ordinance for the amendments to the Subdivision Ordinance. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

Annexation Proceedings were then conducted for Rose Nielsen Addition, Division No. 15. The Mayor asked Councilmember Mills to conduct the proceedings. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
January 15, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ROSE NIELSEN ADDITION, DIVISION NO. 15

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance of Rose Nielsen Addition, Division No. 15. This is a four lot subdivision which is annexing a small county island located south of Coronado Street, adjacent to the former Hoopes Avenue. The property owner is requesting R-PA zoning. 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-PA. 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 located the subject area on a map on the wall and further explained the request.

Councilmembers asked several questions concerning the utility easements in the area, and the appropriate process to abandon same. Engineer David Benton appeared to explain the proposal. It was moved by Councilmember Mills, seconded by Groberg, that the Plat be accepted and the Mayor, City Engineer, and City Clerk be authorized to sign the Plat. Also, if it is determined that there is a need to vacate the public right-of-way easements, the City Attorney be authorized to prepare the vacating Ordinance for Council consideration. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; 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. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

The City Attorney read the following Ordinance title:

ORDINANCE NO. 2090

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. (ROSE NIELSEN
ADDITION, DIVISION NO. 15)

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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 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 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.

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 Rose Nielsen Addition, Division No. 15, be established as R-PA 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 Carlson, Mills, Milam, Groberg, Erickson, and Wood; No, none; carried.

It was noted that there has been a request to postpone annexation and de-annexation of Summerfield Addition, Division No. 1 until the next Council Meeting on February 4, 1993. It was moved by Councilmember Mills, seconded by Groberg, that these proceedings be postponed as requested. Roll call as follows: Ayes, Councilmembers Mills, Carlson, Milam, Erickson, Wood, and Groberg; No, none; carried.

Mr. Jerry Jayne, 1568 Lola, appeared to suggest that the Council Agenda be made available to the news media earlier than the forty-eight hour requirement. He feels that the public needs to be aware of the Agenda several days prior to the meeting. He complimented the Council and Mayor for the work accomplished on the Greenbelt. He further stated that he felt that there should have been more public input before the approval of expenditures for the Idaho Economic Development Council. Councilmember Milam explained that funds were budgeted only after an extensive survey and that stability, not growth, was the principal concern in reviewing City participation. Mr. Jayne stated that he feels that there has been a lack of public involvement in this issue.

Mr. Rue Stears, 1235 Bannock, appeared to ask if the newly appointed City Prosecutor is handling any County cases. Mr. Stears was informed that Mr. Mason will handle only City cases.

License applications, including BEER Licenses for La Yaquesita and Tom's Gyro and Burgers; and several other licenses were presented. It was moved by Councilmember Erickson, seconded by Groberg, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

The City Clerk asked for Council ratification of the issuance of BEER Licenses to Pressbox, O'Callahan's, Our Place, Stucki's Chevron One Stop, and Bowlero; and several other licenses. It was moved by Councilmember Erickson, seconded by Mills, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

The City Clerk read the following memo:

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City of Idaho Falls
January 18, 1993

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: Office of the Chief of Police
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

It is respectfully recommended that the request of Mr. David Jaynes for a Non-Commercial Kennel License be denied.

The basis for recommending denial is that Mr. Jaynes does not meet the requirement of seventy-five percent of those premises within one hundred feet (100') of his property approving of the same, as required by City Ordinance.

s/ Monty Montague

Mr. and Mrs. Jaynes appeared to state that it is not their dogs that are barking. They say that there is a dog tied up at a neighbor's yard that barks. They feel that their neighbors need to be made aware of this fact. Councilmember Erickson explained the requirements and asked the Police Chief to investigate the barking dog problem. The Jaynes were allowed one month to re-apply to see if they could then meet the requirements. It was moved by Councilmember Erickson, seconded by Mills, that this license be denied. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the publishing of a legal notice calling for a public hearing on February 4, 1993. It was moved by Councilmember Groberg, seconded by Wood, that this action be duly ratified. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam and Carlson; No, none; carried.

From the Director of Planning came this memo:

City of Idaho Falls
January 15, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENT TO CITY CODE AND PART OF THE ARTERIAL STREETS AND BRIDGE FEE ORDINANCE

Attached is a copy of an Ordinance amending the Bridge and Arterial Street Fee Ordinance. This amendment adds the RMH, PT and LNC zones to the fee schedule; makes a provision for reducing these fees in the R-3 and R-3A zones when single-family dwelling units are to be constructed within these zones; and provides for a variance procedure for the City standard drawings and engineering specs.

This matter has been reviewed by staff and has been the topic of discussion at City Council work sessions. This Department respectfully requests the Mayor and City Council adopt the Ordinance.

s/ Rod Gilchrist

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Councilmember Mills explained the proposed changes.

Councilmember Groberg stated that he feels the need to change this ordinance to add R-2 and R-2A zones in which a single family unit can be constructed and receive the same treatment as the other zones. Other Councilmembers agreed.

City Attorney Storer explained that, under the current ordinance, R-3 and R-3A zones are classified as commercial and as a result, they bear the higher fare. R-2 and R-2A zones have the lower classification and pay the lower fare. The Councilmembers felt that the ordinance should be re-drafted. It was moved by Councilmember Mills, seconded by Groberg, that the City Attorney be authorized to re-draft the ordinance to include the R-2 and R-2A zones if used as single family dwellings. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

The Municipal Services Director submitted the following six memos:

City of Idaho Falls
January 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR A
DOMESTIC WELL FOR THE SAGE LAKES GOLF COURSE
CLUBHOUSE AND CAFE

Municipal Services respectfully requests authorization to advertise and receive bids for a domestic well for the Sage Lakes Golf Course Clubhouse and Cafe.

s/ S. Craig Lords

Councilmember Milam explained this request. It was moved by Councilmember Milam, seconded by Wood, that the Council authorize this advertisement for bids as requested. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

City of Idaho Falls
January 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for a hydraulically operated extrication equipment.

s/ S. Craig Lords

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

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City of Idaho Falls
January 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for the required computer equipment to run the "Commercial" Law Enforcement Management Information System.

s/ S. Craig Lords

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

City of Idaho Falls
January 5, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: MOTOR FUEL BID IF-93-06 SECTION II

On November 19, 1992, the Council awarded the Motor Fuel Service and System Bid, Bid No. IF-93-06, to Conrad & Bischoff Company, contingent upon their compliance with the provisions of the Uniform Fire Code prior to January 1, 1993.

As of the date hereof, Conrad & Bischoff have not been able to demonstrate compliance with the Fire Code. Therefore, Municipal Services recommends that the low bid of Conrad & Bischoff be rejected and the bid be awarded to the second-low bidder, Wright Oil and Tire.

s/ S. Craig Lords

Councilmember Milam explained that the City has made an attempt to work with the low bidder, but they have failed to meet the requirements of the Code. It was moved by Councilmember Milam, seconded by Wood, that the Council reject the low bid of Conrad & Bischoff and award the bid to the second-low bidder, Wright Oil and Tire. Councilmember Carlson asked Fire Marshall Edwards to explain the reasons that Conrad and Bischoff do not comply with the City Code. Edwards reviewed the provisions of the City Code and the requirements that are not being met by the low bidder. The major non-compliance issue is an eight foot wall that is being constructed, but not completed due to recent inclement weather conditions. Some of the Councilmembers felt that, possibly, the low bidder should be allowed more time to comply. It was noted that the bid had been awarded, subject to the low bidder meeting code requirements by January 1, 1993. This was not accomplished.

Problems were discussed against giving the bidder additional time. The Mayor called for a

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roll call on the previously made and seconded motion. Roll call as follows: Ayes, Councilmembers Wood, Groberg, and Milam; No, Councilmembers Erickson, Carlson, and Mills. The results of the roll call being a tie, the Mayor voted aye; motion carried.

City of Idaho Falls
January 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-93-16, ROAD SALT

Attached is the tabulation for Bid IF-93-16, Quiksalt Road Salt. It is the recommendation of Municipal Services to accept the low bid of Squires Brick, Inc. to supply Quiksalt Road Salt for a price of \$23.80 per ton.

s/ S. Craig Lords

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

City of Idaho Falls
January 20, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF INSURANCE POLICIES

It is respectfully requested that the Mayor and City Council ratify the renewal of the City's general liability, vehicle liability, police professional liability, errors and omissions, boiler and machinery, paramedic liability, and physical damage insurance.

The renewal quote for a one year period, beginning January 1, 1993, is \$399,342.00 which is no change in premium. The program is with the Idaho Counties Reciprocal Insurance Pool and the agent is Mike Jepsen.

s/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that authorization be given to renew these insurance policies. 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 Erickson, seconded by Groberg, that the meeting adjourn at 8:45 p.m.; carried.

s/ Velma Chandler

s/ Thomas Campbell

CITY CLERK

MAYOR