

JULY 23, 1992

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 23, 1992, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor invited Eagle Scout David Watkins 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 Tom Campbell; Councilmembers Larry Carlson, Mel Erickson, Joe Groberg, Linda Milam, and Gary Mills; Absent: Councilmember Ralph Wood as he was in Japan with the Sister City Program. 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 Regular Council Meeting held July 9, 1992. The minutes were approved.

The Mayor honored Eagle Scouts Jason Gill and David Watkins for having earned this prestigious award. These Scouts then received congratulations from all City Officials around the Council Table.

The Mayor declared open a public hearing to consider a proposed Amendment to the Zoning Ordinance. 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
July 21, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building
SUBJECT: PROPOSED AMENDMENT TO ZONING ORDINANCE

Attached is a copy of a proposed Amendment to the Zoning Ordinance. This proposal reduces the width requirements for a minimum lot width in the R-1 zone from 60' to 50'. This is being proposed in an attempt to work with local developers to reduce the cost of construction and provide affordable housing in the Idaho Falls area. The Planning Commission considered this matter earlier this year and at that time, recommended approval. 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 this proposed Amendment. He said that most requirements would remain the same under this proposal, only the frontage would change.

At the request of Councilmember Mills, the Current Planner/Zoning Officer explained that the advantage of this concept is to cut down on frontage costs. He said it would leave only one pie-shaped lot at the end of the cul-de-sac.

Councilmember Mills then invited those in favor of this proposal to come forward and be heard at this time.

Mr. Larry Reinhart appeared, representing Rosewood Development. He said that they are interested in this concept as there has been a real increase in land costs and caps have been placed on financing. He feels this concept will not impact the ordinance and will help offset the price increases.

Mr. Gil Putnam, Homestead Construction, appeared to speak in favor of this concept. He said that his company has tried very hard to provide an affordable home for first-time buyers. He said that ground is one of the major costs of a home and this proposal

will cut those costs. He said that he favors the fifty-foot minimum front, as it will save the buyer two or three thousand dollars and make better use of the ground.

Mr. Bob Utterbeck of Utterbeck Construction and Development, appeared to state that he agrees with this concept as it will be a savings that can be passed onto the consumer and bring costs down.

Councilmember Mills then invited those who oppose this concept to come forward and be heard at this time.

Mr. Ben Rinehart, 2008 Olympia, appeared to question the feasibility of this concept. He said, "When you're buying a home, \$3,000.00 is nothing." He suggested that R-2 and R-3A Zoning be changed. He said that this concept will decrease the concepts and livability of an R-1 area and allow undesirable homes.

Councilmember Milam explained the concept to Mr. Rinehart. Rinehart said that he is against this proposal and thinks that the Ordinance should be left as it is.

Mr. Tim Egan, 1880 Olympia, appeared to make four points:

1. He feels that decreasing to the smaller lot in R-1 zoning will create a higher density than was intended for the R-1 zone and this will create other problems;
2. The design of the house is the selling point and under this proposal, there would be less choice of design;
3. If most lots are currently wider than sixty feet, why does it need to be decreased to fifty; and,
4. A cul-de-sac under this plan will leave even a larger pie-shaped area.

Mrs. Cindy Logan, 847 Buckboard Lane, appeared to state that she feels that the numbered streets should not be used in a comparable manner, they are different from this concept. Under the new concept, there will be no multiple access ways, there will be tightness between homes, and it will restrict what one can do. She asked the Council to give this proposal more thought. She asked by a City that is trying to brush up on its image would want to make for potentially bad neighborhoods.

Mr. Jay Larsen, 1792 Olympia, appeared briefly to state that he has had occasion to spend some time back east in the past year or so, and he has seen their fifty-foot lot cracker boxes. He does not think that we want Idaho Falls to look like that.

Mr. Lance Murri, 325 Marjacq, appeared representing Murri Construction. He said that, basically, under this proposal, all you will see from the front is a garage door, a front entry and a window with everything built on top. This will force double homes throughout the area as it would be impossible to get a single level home on this size lot without going way back on the lot. There will be no room for RVs. He asked the Council why they would want to make things tighter than they are.

Mr. Randy Skidmore, Skidmore Construction, appeared to approve this concept, as in his opinion, it will allow more flexibility and control costs.

Mrs. Jenene Larsen, 1406 Washburn, appeared briefly to ask if it would be possible to have another zone created that would allow single family dwellings with fifty-foot lots to be inter-mixed with RPA zoning to provide protection from what would go near a residence.

Councilmember Mills commented that creation of more zones is likely only to complicate the issue.

Cindy Logan re-appeared to register concern that there would be more requests for variances under this plan. She suggested that the ordinance remain as it is, but perhaps, have Grandfather Clause for owners of older homes.

At the request of Councilmember Mills, current Planning/Zoning Officer Dawson stated that variances are almost non-existent under the current State Code as the

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requirements are very strict and one must meet all five of the requirements to be able to obtain a variance.

Councilmember Milam asked, "If there is a lot in an area that had previously been platted at the time when a fifty-foot lot was still in the R-1 ordinance, and then the Council adopts an ordinance for sixty-foot lots, would that lot not be a legal lot?" Dawson answered that the lot would be legal, but a variance would still be required for changes. The Development must be in compliance with the existing code.

Mr. Gil Putnam re-appeared to address some of the concerns of the residents. He said that they do not anticipate going before the Planning and Zoning Commission to ask for a Plat that has nothings but fifty-foot lots. The fifty-foot lots will be interspersed with other various size lots. This will give a variety and allow the land to be used more efficiently.

Mr. Darrell Kofoed stated that beautiful homes can be built on a fifty-foot lot.

Mr. Ben Rinehart re-appeared to state that, if this Amendment is approved, out-of-state developers could come into the City and develop the entire area all in fifty-foot lots. "You bet, it's going to happen."

Mr. Dick Skidmore, owner of Skidmore Construction, appeared to say that it has not been very long since a lot size in Idaho Falls was twenty-five feet. It is not difficult to design a home that will fit on a fifty-foot lot. He complimented the Council for trying to help provide affordable homes in the area.

The Mayor closed the hearing and asked for a motion. It was moved by Councilmember Mills, seconded by Groberg, that the City Attorney be directed to prepare an amending ordinance for the Council to consider at the August 6th Meeting. Roll call as follows: Ayes, Councilmembers Groberg, Mills, Milam, and Erickson; No, Councilmember Carlson; carried.

The Mayor then declared open a public hearing to consider the proposed amendments to the Zoning Ordinance and Subdivision Ordinance. He asked Councilmember Mills to conduct the hearing. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
July 21, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE AND
SUBDIVISION ORDINANCE

The attached Amendments to the Subdivision Ordinance and Zoning Ordinance provide for the construction of single-family attached dwellings in the R-1 through R-3A residential zones. This proposal provides for a planned project of two or more single-family attached homes that may be constructed as single buildings. The proposed Amendments are another attempt to work with local builders and developers in reducing the cost of single-family dwellings in this area. The Planning Commission, earlier this year, considered this matter and recommended approval. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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Councilmember Mills distributed sketches that he hoped would help to clarify this proposal. The Director of Planning explained the proposal saying that this concept is not unique in the State of Idaho nor even in Idaho Falls. In the past, they have been known as condominium or a planned unit development. It is becoming increasingly difficult to obtain financing for these types of buildings and so the developers are searching for other ways to obtain financing. The way the ordinances are proposed, each unit will have to stand on its own and will, essentially, be a separate unit, only joined by a common wall. He explained the number of these types of units that will be allowed under each zone and the route necessary for replats.

Councilmember Mills then invited those in opposition to this proposal to come forward and be heard at this time.

Mr. Glen Hancock, 3061 South Boulevard, appeared to state that he thinks that this proposal indicates spot zoning and that newcomers to our City might wonder if we have a Planning Ordinance in our City. In Mr. Hancock's opinion, the City must plan for a city of one hundred thousand people. He said that our local developers do a good job. He feels that the minimum requirement should be sixty feet to accommodate a number of homes as opposed to a six thousand square foot area that can have up to five units. He asked the Council to delay a decision on this proposed Amendment and request a better plan for meshing with future growth.

Mr. John Keating, 1681 Brenthaven, appeared to comment that it was just proposed to go from sixty-foot frontage on the R-1 zone to fifty-foot. He feels that this is a breakdown in the traditional family style of a neighborhood. He feels the Ordinance should be left alone and remain as is.

Mr. Roy Gibson, 1472 Borah, appeared to state that there is no need to put double family provisions in the R-1 zone. He asked the Council to leave this provision in R-2 and R-3 zoning. To change it will decrease the property values of R-1 zoned homes.

Mr. Ben Rinehart, re-appeared to state that the present Ordinance for R-1 zoning mandates that a desirable residential neighborhood be maintained. Two families on one lot is not desirable, for one part, where are they going to park. You can't leave a vehicle on a street for longer than twenty-four hours or it will be impounded. This entire concept will destroy what R-1 zoning stands for.

Mr. Larry Matson, 1998 Olympia, appeared to state that he has a lot next to him that has just been platted. If this Amendment is passed, and the Developer wishes to change his building plans, what action will need to be taken? The City Attorney answered that the Plat would need to be amended by the Planning Commission and the City Council. Mr. Matson said, "Really, R-1 is R-1, and R-2 is R-2".

Mr. Dean Lords, 2292 Chantilly, appeared briefly to state that Idaho Falls is known for its recreational type activities and he wondered where boats, RV's snow machines, etc. can be parked if this type of building is allowed.

Mr. Waldo Vest, 1009 Cassia, appeared to ask the Council to consider the people who live in established neighborhoods and what this change might mean to them. He purchased a fifty-foot lot several years ago and has been unable to build on it due to code requirements and financing.

Mr. Gil Putnam re-appeared to state that one of the proposals in the new Ordinance is a paved access to the rear yards. He thinks this would be a mistake and an added cost to the units. The Director of Planning informed Mr. Putnam that this item had been deleted in the proposal being presented at this time.

Mrs. Cindy Logan re-appeared to ask the Council to not cram so many homes on one lot. "It just won't work."

Councilmember Mills stated that he had a list of questions for the Director of Planning concerning these Amendments. Questions were also asked by Councilmembers, Ben Rinehart, Tim Egan, John Melling, Cindy Egan, and several Developers. These were answered and/or responded to by the Attorney, Director of Planning, and Mayor.

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It was moved by Councilmember Mills, seconded by Groberg, that the City Attorney be directed to prepare the necessary Ordinance for these Amendments for the Council to consider on August 6, 1992. Roll call as follows: Ayes, Councilmembers Mills, and Groberg; No, Councilmembers Carlson, Milam, and Erickson; motion defeated.

It was then moved by Councilmember Milam, seconded by Erickson, that the Council reject the proposal as made. Roll call as follows: Ayes, Councilmembers Carlson, Milam, and Erickson; No, Councilmembers Groberg and Mills; carried.

The Mayor called a short recess.

After reconvening the meeting, the Mayor asked Councilmember Mills to conduct Annexation Proceedings for Summerfield Addition, Division No. 1. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
July 21, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building
SUBJECT: SUMMERFIELD ADDITION, DIVISION NO. 1

Attached is a copy of Division No. 1 of Summerfield Addition. This is a single-family residential subdivision located on the south side of Sunnyside Road. The Developer is proposing 26 lots and is requesting initial zoning of RPA. The Planning Commission recently considered this matter and recommended annexation to the City, approval of the Final Plat, and initial zoning of RPA. 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.

It was moved by Councilmember Mills, seconded by Groberg, that the Final Plat of Summerfield Addition, Division No. 1 be accepted and the Mayor, City Clerk, and City Engineer be authorized to sign the Plat. Roll call as follows: Ayes, Councilmembers Groberg, Milam, Erickson, and Mills; No, Councilmember Carlson; carried.

It was then moved by Councilmember Mills, seconded by Groberg, that the Council accept the Annexation Agreement and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Groberg, and Milam; No, Councilmember Carlson; carried.

The City Attorney read the following Ordinance title:

ORDINANCE NO. 2070

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LAND AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (SUMMERFIELD ADDITION, DIVISION NO. 1)

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

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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 Milam, Mills, Erickson, and Groberg; No, Councilmember Carlson; 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 Groberg, Erickson, Mills, and Milam, No, Councilmember Carlson; carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area. He asked Councilmember Mills to conduct the hearing. Councilmember Mills invited those in favor of this zoning to be heard at this time.

Mr. Chris Hart, the developer, appeared to clarify the proposal.

Mr. C. E. White appeared to register concerns about the traffic on Sunnyside Road. He asked the Council to give some thought to doing something with Sunnyside traffic, in the near future. It was moved by Councilmember Mills, seconded by Groberg, that the initial zoning of Summerfield Addition, Division #1, be established as RPA 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 Groberg, Mills, Milam, and Erickson; No, Councilmember Carlson; carried.

Mr. Russell Dawson, Staff Planner for the Bonneville Metropolitan Organization, appeared to ask for Council approval of the highway classifications for the Ammon, Idaho Falls, Iona, Bonneville County Planning area. He said that there had been no changes since the plan was approved last Fall. It was moved by Councilmember Groberg, seconded by Mills, that the Mayor be authorized to sign the map. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Groberg, and Milam; No, none; carried.

The City Clerk presented the following license applications: BARTENDER, Dwight H. Clark, Ronald Kay Emerick, Michael R. Rosine, Kim A. Smith and Audra Woolstenhulme; PAWNBROKER, Guns N' Gear; and PUBLIC RIGHTS OF WAY, Shumaker Construction. It was noted that these license applications carried all required approvals. It was moved by Councilmember Erickson, seconded by Mills, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the issuance of the following licenses: BARTENDER, Sharee Barnes and Winston James Soelberg; KENNEL, Nancy Denier; TEMPORARY MOBILE RESTAURANT, Big O Tires; RESTAURANT, Pennegin's; TAXI OPERATOR, Royd Rauch; BUILDING CONTRACTOR, Doug Clifford, Four J Plastering and Walcher Renovations; ELECTRICAL CONTRACTOR, Ford's Electric; ELECTRICAL JOURNEYMAN, Vincent P. Fay, Gregory A. Ford, Tracy F. Gifford and Robert Hiett; ELECTRICAL APPRENTICE, Todd T. Lunger and Darrin J. Wheeler; MASTER PLUMBER, Eldon M. Young and PLUMBING JOURNEYMAN, Eldon M. Young. 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, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the publishing of legal notices calling for public hearings on August 6, 1992. It was moved by Councilmember Erickson, seconded by Mills, that this action be duly ratified. Roll call as follows: Ayes, Councilmembers Groberg, Milam, Carlson, Erickson, and Mills; No, none; carried.

The following memo and resolution was presented:

JULY 23, 1992

City of Idaho Falls
July 1, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Jim Countryman, Chairman of the Idaho Falls
Redevelopment Agency
SUBJECT: AMENDMENT TO THE LINDSAY BOULEVARD URBAN
RENEWAL PLAN

Attached is a copy of a report, prepared by Harlan Mann, regarding the eligibility of the south Utah and Pancheri area as an urban renewal area. Also attached is a copy of a resolution adopted by the Idaho Falls Redevelopment Agency accepting the report and authorizing the Chairman to transmit the report to City Council.

The resolution also requests the Council to determine whether this area qualified as an urban renewal project, and whether the Agency should proceed with the preparation of an urban renewal plan for the area.

The Agency respectfully requests the Mayor and City Council accept the report and direct the Agency to proceed with the preparation of the plan.

Jim Countryman

R E S O L U T I O N (Resolution No. 1992-03)

A RESOLUTION BY THE CITY COUNCIL DETERMINING A CERTAIN AREA WITHIN THE CITY TO BE A DETERIORATED AND DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(h) AND (I) AND 50-2903 (6)(b), DIRECTING THE URBAN RENEWAL AGENCY OF IDAHO FALLS, IDAHO, TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA.

WHEREAS, on the 6th day of July, 1966, the Council and Mayor of Idaho Falls, Idaho respectively, created the Idaho Falls Redevelopment Agency, (hereinafter "Agency", authorizing it to transact business and exercise the powers granted by Session Laws 1965, Chapter 246 (Chapter 20, Title 50, Idaho Code) upon making the findings of necessity required for creating said Urban Renewal Agency; and

WHEREAS, the City Council of the City of Idaho Falls, Idaho (the "City"), on December 22, 1988, after notice duly published, conducted a public hearing on the Lindsay Boulevard Urban Renewal Plan (the "Urban Renewal Plan"); and

JULY 23, 1992

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1926 on December 23, 1988, approving the Urban Renewal Plan and making certain findings; and

WHEREAS, on May 28, 1992, the Agency Board authorized staff to consider designating certain property adjacent to the Lindsay Boulevard Urban Renewal Area (referenced herein as the South Utah and Pancheri Area) as appropriate for urban renewal activities;

WHEREAS, on behalf of the Agency, Harlan W. Mann, Real Estate and Community Development Consultant (hereinafter the "Consultant"), has examined the South Utah and Pancheri area for the purpose of determining whether such area is a deteriorated or deteriorating area as deigned under Idaho Code Section 50-2018(h) and 50-2903(6) (b);

WHEREAS, the Consultant performed such examination and submitted his report dated June 24, 1992, to the Agency, a copy of which is attached hereto as Exhibit 1 (referred to as the "Report");

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for urban renewal project:

WHEREAS, Idaho Code Section 50-2906, also required that in order to adopt an urban renewal plan containing a revenue allocation financing provisions, the local governing body must make a finding of determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the Agency, on June 25, 1992, adopted a Resolution accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Council requesting its consideration for designation of an urban renewal area and requesting that the Council direct the Agency to prepare an Urban Renewal Plan for the area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an Urban Renewal Plan for the area identified in the Report located in the City of Idaho Falls, County of Bonneville, State of Idaho;

NOW, THEREFORE, be it resolved that:

1. That the Council of Idaho Falls, Idaho, finds and declares:

a. That the described area in the Report is a deteriorated or deteriorating area existing in Idaho Falls, Idaho, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

b. That there is a need for the Agency, an urban renewal agency, to function in accordance with the provisions of said Chapters 20 and 29, Title 50, Idaho code, as amended within a designated area for the purpose of establishing an urban renewal plan; and

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c. That the area identified in the Report is determined as a deteriorated or deteriorating area, or a combination thereof, and such area is designated as appropriate for an urban renewal project.

2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

DATED this 24th day of July, 1992.

CITY OF IDAHO FALLS,
IDAHO

By: s/ Thomas Campbell
MAYOR

It was moved by Councilmember Mills, seconded by Groberg, that the Council approve the resolution and authorize the Mayor and City Clerk to sign same. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Groberg, Milam, and Carlson; No, none; carried.

From the Director of Planning came this memo:

City of Idaho Falls
July 21, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of the Planning Commission
SUBJECT: JOHNS HEIGHTS ADDITION, DIVISION NO. 14

Attached is a copy of the final plat of Johns Heights Addition, Division No. 14. This plat is currently in the City and zoned R-1 and was originally approved as a portion of International Plaza. Lot configuration has changed slightly and the developer has changed the name of the plat to Johns Heights Addition, Division No. 14. This matter was considered earlier by the Planning Commission and at that time they recommended approval of the Final Plat. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

Councilmember Mills said that, due to previous action taken on the Zoning Ordinance, he would move to recess this matter until the August 6, 1992 meeting. This motion was seconded by Councilmember Groberg. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, and Groberg; No, none; carried.

The Municipal Services Director submitted the following five memos:

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-44, VARIOUS SIZES OF LIVE EVERGREEN AND LEAF TREES

JULY 23, 1992

Attached is the tabulation for Bid IF-92-44, Various Sizes of Live Evergreen and Leaf Trees for the City-Wide Tree Planting Program. It is the recommendation of Municipal Services to accept the low bid meeting specifications for each item as listed on Attachment A.

It is also recommended we reject all bids received for Item 13, 960 each of Rough Fir Posts.

s/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Erickson, that the bids be awarded as recommended and the bids received for Item No. 13 be rejected. Roll call as follows: Ayes, Councilmembers Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-39, ONE (1) NEW HYDRAULIC KNUCKLEBOOM
CRANE MOUNTED ON CAB AND CHASSIS WITH FLAT
BED

Attached is the tabulation for Bid IF-92-39, One (1) New Hydraulic Knuckleboom Crane Mounted on a 1992 or Newer Tandem Axle Cab and Chassis with Flat Bed.

It is the recommendation of Municipal Services to accept the low valid bid meeting specifications of Hirning Truck Center for an amount of \$74,360.00 with trade-in to furnish a 1993 GMC "Top Kick" mounted with a 1992 Auto Crane Model A125 and a TEC flat bed.

s/ S. Craig Lords

Councilmember Milam explained where this equipment will be used. It was moved by Councilmember Milam, seconded by Erickson, that the Council accept the low bid. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Groberg, and Wood; No, none; carried.

City of Idaho Falls
July 21, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: REDEMPTION DEED AND RESOLUTION - GORDEN
BARBEN

Attached is a Redemption Deed and Resolution in favor of Gorden Barben for payment of a delinquent Local Improvement District Assessment.

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Municipal Services respectfully requests authorization from the City Council for the Mayor to sign said documents.

s/ S. Craig Lords

R E S O L U T I O N (Resolution No. 1992-04)

WHEREAS, the City of Idaho Falls did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by Deed of the City Treasurer, dated the 13th day of April, 1982, recorded as Instrument No. 622416, in the records of Bonneville County, Idaho, acquired title to and possession of the following-described real property situated in the County of Bonneville. State of Idaho, to-wit:

Lots 38-48, inclusive, Block 51, in the Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, Lillie Fitzsimons and Blanch Jacobs have offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereof;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said Lillie Fitzsimon and Blanche Jacobs a Quitclaim Deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 23rd day of July, 1992.

APPROVED BY THE Mayor this 24th day of July, 1992.

s/ Thomas Campbell
MAYOR

ATTEST:

s/ Velma Chandler
CITY CLERK

(SEAL)

It was moved by Councilmember Milam, seconded by Mills, that the Mayor be authorized to sign the resolution and the deed. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, and Mills; No, none; carried.

JULY 23, 1992

City of Idaho Falls
July 17, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AWARD OF AN ADDITIONAL ALTERNATE ON PHASE II
SAGE LAKES GOLF COURSE BID SCHEDULE 1 - BASIC
BID FOR FINISH GRADING AND SEEDING & ADDITIONAL
ALTERNATES FOR BID SCHEDULE I BASIC BID

Millcreek Gardens, Inc., was the successful bidder for the finish grading, seeding, and alternates on Bid Schedule 1 - Basic Bid which was awarded in December, 1991. The original amount of \$464,717.00 included the finish grading, seeding, and an alternate for sodding (around bunkers, paths, etc.). Municipal Services is recommending that the City of Idaho Falls award the alternate for cart paths in the amount of \$136,324.00 to Millcreek Gardens, Inc.

Municipal Services respectfully requests approval from the Mayor and City Council to award said alternate to Millcreek Gardens, Inc., and increase the contract amount to \$601,041.00.

s/ S. Craig Lords

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

City of Idaho Falls
July 17, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PETERSON BUILDING PURCHASE

Attached for your consideration is a Real Sales Agreement for the Peterson Building. The purchase price is \$200,000.00.

Municipal Services recommends the purchase of said building and respectfully requests authorization for the Mayor to execute all necessary documents.

s/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Erickson, that the Council authorize the Mayor to execute the necessary documents for the purchase of the Peterson Building. Roll call as follows: Ayes, Councilmembers Groberg, Milam, Carlson, Erickson, and Mills; No, none; carried.

The Public Works Director submitted the following four memos:

JULY 23, 1992

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SEAL COATING- 1992

On July 7, 1992, bids were received and opened for the Seal Coating 1992. A bid tabulation is attached.

BECO Construction Company, Inc., is the apparent low bidder in the amount of \$94,000.00 for the base bid and \$47,000.00 for the alternate.

s/ Chad Stanger

Councilmember Carlson stated that there has been some questions arise about the low bidder on this project. He said that he feels that the requirements have been met, the Contractor is bonded, and there is a \$40,000 savings to the City, therefore, it was moved by Councilmember Carlson, seconded by Groberg, that the bid for Seal Coating 1992, be awarded to BECO Construction Company.

Councilmember Erickson, asked if there has been a change in the performance of this Contractor in the past few years. The City Attorney stated that there are two cases pending with this Contractor at the present time. Erickson asked the Attorney if, accepting this bid would, in any way, jeopardize the City's position in these outstanding cases. Attorney Storer answered that, potentially it could, however, his recommendation would be to consider award of the bid on the basis of its merits. The Council must determine if this Contractor is responsible and capable of performing the work. He said that he would not recommend that the Council premise their decision upon the affect that it may have on the litigation.

Councilmember Erickson asked the Public Works Director if, as his experience with this Contractor has been, would have an opinion on this matter?

Public Works Director Stanger answered by saying that in 1986, there was a contract before the Council for award. His Department made a recommendation, based on past performance, that the award not be made and his department has not had a contract with that Contractor since that date. Stanger said, based upon that, their stand has been that the Contractor did not perform as specified in the last contract he had with the City.

Councilmember Milam commented that her understanding of the previous work done under the Contractor, is that there were two different problems. While the Contractor did not indicate that he was going to do so, he did in fact, subcontract some work to a non-public works licensed contractor and was censured by the Public Works License Board for that. At the same time, the work was done and it was found, not only by the City, but by the Court that the work was substandard. Since that time, other bids have been rejected on the basis of previous substandard work, and the Court ruled the City just in this action. She said that she would have a hard time supporting the award to this Contractor when the problems have still not been settled.

Councilmember Carlson questioned the recent award of bid for asphalt to BECO. If this was fact. Milam explained that asphalt is a product and seal coating is a service. A product can be easily checked.

Councilmember Groberg questioned why this person was not disqualified from bidding if it was felt that he could not do the work. City Attorney Storer said that you

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cannot conclude anyone from bidding, you must look at the skills of the Contractor as compared to the type of work for the project and base the bid award on these facts.

Councilmember Groberg, said that, after seven years, he did not feel that the City should hold up this contractor from submitting bids and attempting to do business with the City. He asked, "Are we really sure that we're going to get a bad deal?"

Councilmember Milam stated that there is a difference between a responsible low bidder and a low bidder.

Councilmember Carlson said that he has had reports that this Contractor is doing good work now and he feels that the contract should be awarded. The Mayor called for a vote on the previously made and seconded motion. Roll call as follows: Ayes, Councilmembers Carlson, Groberg, and Mills; No, Councilmembers Erickson, and Milam; carried.

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ASPHALT OVERLAY OF STREETS - 1992

On July 7, 1992, bids were received and opened for the Asphalt Overlay of Streets, 1992. A bid tabulation is attached.

BECO Construction Company, Inc., is the apparent low bidder in the amount of \$278,200.00.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Groberg, that this bid be awarded. roll call as follows: Ayes, Councilmembers Groberg, Carlson, Erickson, and Mills; No, Councilmember Milam; carried.

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SANITATION PAINT & WELD FACILITY BID

On June 9, 1992, bids were received and opened for the construction of a paint and weld facility intended for use by the Sanitation Department in maintaining and refurbishing sanitation containers.

The low bid substantially exceeded the budgeted amount for this facility. Public Works recommends rejection of these bids.

s/ Chad Stanger

Mayor Campbell asked for an explanation of this rejection. Carlson said that the bid was just to high. It was moved by Councilmember Carlson, seconded by Milam, that this bid be_

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rejected. Roll call as follows: Ayes, Councilmembers Groberg, Carlson, and Mills; No, Councilmembers Milam and Erickson; carried.

City of Idaho Falls
July 20, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CHANGE ORDER NO. 2 - 6TH STREET WATER LINE PROJECT

Attached is proposed Change Order No. 2 to the 6th Street Water Line Replacement Project.

A number of the residents with property located along this project requested inclusion in the City's curb and gutter replacement. Since the quantities of curb and gutter replacement were increased beyond the scope of the original project, the contractor agreed to a reduction in unit price. The proposed change order reduces the unit price for removal and replacement of curb and gutter from \$15.00 per L.F., to 13.00 per L.F.

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

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Milam, that Change Order No. 2 be approved and the Mayor authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Groberg, Milam, and Carlson; No, none; carried.

From the Traffic Safety Committee came this memo:

City of Idaho Falls
July 16, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: 17TH STREET AND HITT ROAD INTERSECTION

The Traffic Safety Committee has received several complaints about the design of the intersection of 17th Street and Hitt Road. After review of the intersection, it is the recommendation that this intersection be upgraded at an approximately cost of \$40,000.00. This cost would include a study by a qualified Traffic Engineer.

Your consideration of this matter will be appreciated.

s/ Monty Montague

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It was moved by Councilmember Erickson, seconded by Mills, that authorization be given to spend up to \$40,000.00 for this total project. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, and Groberg; No, none; carried.

The Mayor stated that Gil Karst resigned from the Civil Service Commission and he has appointed Tom Whyte to fill this position on the Commission. It was moved by Councilmember Erickson, seconded by Mills, that this appointment be confirmed. Roll call as follows: Ayes, Councilmembers Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

There being no further business, it was moved by Councilmember Milam, seconded by Erickson, that the meeting adjourn at 10:10 p.m.; carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR