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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 5, 1992, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Tom Campbell; Councilmembers Larry Carlson, Mel Erickson, Joe Groberg, Linda Milam, Gary Mills, and Ralph Wood. Also present: Coylene Martin, Acting 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 February 20, 1992. The minutes were approved.

The Mayor and Council honored Eagle Scout Jared Randall Wheeler.

The Mayor declared open a public hearing, as legally advertised, to consider a request for a site plan proposing to improve the property located at the southeast corner of the intersection of Fremont Avenue and Science Center Drive. He asked Councilmember Mills to conduct the hearing. At the request of Councilmember Mills, the City Clerk read the following explanatory memo from the Director of Planning.

City of Idaho Falls
March 3, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning and Building
SUBJECT: REQUEST FOR SITE PLAN APPROVAL - PT ZONE

Attached is a copy of a site plan proposing to improve the property located at the southeast corner of the intersection of Fremont Avenue and Science Center Drive.

This property is currently located in the PT-2 Zone and as required, by Ordinance, a site plan must be submitted to and be approved by the City Council. The developer proposes to construct a convenience store on the property. The site plan meets the requirements for the landscaping and other requirements of the zone.

The Planning Commission, in February, considered this matter, and at that time, recommended approval of this request. 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.

Councilmember Mills then invited the developer of this property to come forward and explain the proposal.

Mr. Kim Hall, the Developer, appeared and further explained the proposal. He said that the proposed landscaping far exceeds the City requirements and that the plan meets all zoning requirements. He asked for favorable consideration of this request.

There being no one else to appear in favor of this request, Councilmember Mills invited those in opposition to this request to be heard at this time.

Mr. Cecil P. Perez, 1360 Elmore, appeared to oppose this request. He said that there is not enough revenue in this area to support another business. He feared that eventually, a beer business would be in this area.

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There was discussion as to future expansion, perpetuity for grass area, landscaping and future use of property. It was determined that any future expansion would require appropriate approval as it is developed.

Mr. Fred Armbrister, 1476 Elmore, appeared to ask the Council to leave the land use as it is. He registered concerns about the store operation, buffers, and future expansion of this area.

There being no further discussion, it was moved by Councilmember Mills, seconded by Groberg, that the Council approve the site plan with the addition of height landscaping along the east boundary, and the stipulation that if there is to be any further expansion in the site plan, this will require further Council action. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried. Hall agreed to these additions.

The Mayor then declared open a public hearing to consider a request from Wal-Mart for access onto June Avenue. He asked Councilmember Mills to conduct this hearing also. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
March 3, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning and Building
SUBJECT: WAL-MART REQUEST FOR RECONSIDERATION FOR
ACCESS TO JUNE AVENUE

The site of the proposed Wal-Mart property is located in the PT Zone, and a site plan was approved by the Planning Commission and City Council last year. This approval prohibited access to June Avenue and located the only access to the property on 17th Street. Wal-Mart has resubmitted a request proposing an access onto June Avenue. This access has been located further to the south than originally proposed and utilizes a portion of the funeral home property. It also provides for additional landscaping screening with a 5' wall as part of the buffering for the adjacent residential property.

The Planning Commission, at their regular meeting in February, considered this matter, and at that time, recommended approval of the proposal as submitted. 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 area on a map on the wall and further explained the request.

Mr. Mark Westberg appeared representing the engineering firm for Wal-Mart. He noted that they had submitted four different configurations for Planning Commission consideration. He said that the one they are recommending for approval will have the least impact on residential development adjacent to the property. He further explained plans they have made and are working on. He said that Wal-Mart needs the access to provide for emergency situations.

Mr. Bill Jacobsen, 613 East 16th Street, appeared to state that there will be more traffic and he feels that an access out on June Avenue is needed.

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Mr. David Hart, 686 East 16th Street, appeared in favor of an egress. He felt that the Planning Commission had erred in stating that the majority of those attending their meeting were in favor of this proposal. Many are not in favor of an access off of June. He made recommendations for traffic signs and monitoring.

Mr. Richard McAtee, 646 East 16th Street, appeared briefly to state that he feels that there are other options that can be taken.

Mr. Steven Brunt, 1630 June Avenue, appeared to review the proposed development which will be directly in front of his home. He said that he has spent many hours trying to find answers that will satisfy everyone. Whatever happens, his property will be adversely affected. He reviewed several anticipated problems. He suggested that a bridge be built over the canal to provide a way out of June Avenue.

Mr. Bill Reynolds, 634 East 15th Street, appeared briefly to ask who would be responsible to keep the landscape berms green and clean. City Planning Director Gilchrist answered that this will be covered in the Development Agreement, and the responsibility of the Developer. The City has the right to acquire funds for this maintenance.

Ms. Golda Covert, 681 East 15th Street, appeared to register concerns about the split block, berms, and traffic. She suggested that a bridge be constructed over the canal.

Mr. Bill Korell, 525 East 16th Street appeared to state that, in his opinion, it is unconscionable to block off or deny access, or egress off 17th Street.

Mr. Kevin Twitchell, 1580 June Avenue, appeared to state that 17th Street will look like the Northgate Mile in ten years. There is no need to dump traffic flow into a residential area. He said that a decision of the Council could set a precedence of the residential areas. He asked for protection of the residents of this neighborhood by letting the previous decision of the Council stand and deny this access.

Mrs. Janie Heffner, 530 East 16th Street, appeared to state that there is a need for a way out onto June Avenue. It is impossible to enter 17th Street now, and elderly people in the area need to be able to go see their doctor or go to the hospital.

Mr. Dale VanKampen, 785 East 15th Street, appeared to state that the majority of the Martin Addition residents oppose this issue.

Mr. David Hart, 686 East 16th Street, re-appeared to state that it is a foregone conclusion that there will be a Wal-Mart store at this location. He suggested a greenbelt be constructed between the residential area and the Wal-Mart property.

Mr. Gary Paxman, 719 East 16th Street, appeared to ask the Council to consider the families that have been there prior to Wal-Mart.

Mr. Al Diamond, 764 East 15th Street, appeared to oppose this request. He said that, in his opinion, the Council would set a very dangerous precedence if they approve this request.

Mr. Mark Westberg re-appeared to respond to some of the issues brought up this evening. He said that Wal-Mart will construct the building whether or not access to June Avenue is approved. He further explained the proposal and the need for this secondary access.

Mr. Donald House, 625 East 15th Street, appeared to state that he is not opposed to June Avenue being blocked off.

Mr. Craig Tyler, 654 East 15th Street, appeared to register concerns about the safety of the neighborhood children and traffic speeding on 15th Street.

Mr. Glen Hancock, owner of the property at 1690 June Avenue, appeared to register concern that the blocking of June Avenue might set a precedence in this area.

The Mayor then closed the hearing.

Council discussion followed.

Councilmember Erickson stated that he has been a member of the Council for several years and during those years there had been several requests for changes within the addition east of the Martin Addition. He feels that the Council has been fair in these

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previous decisions. He said that he has done a lot of research since Wal-Mart's first request and feels that the original request would be a tremendous impact on the residential area of Martin Addition. He said that there is an existing traffic problem in this area and he feels that the proposal by the Planning Commission gives the area more of the residential environment that the residents would like to have by closing off June Avenue and making a cul-de-sac. Erickson said that he is also concerned about the traffic flow problem that this new business will create. He feels that this proposal being presented this night is the best option, but he is also concerned about access problems in the event of an accident in this area.

Councilmember Groberg agreed with Councilmember Erickson's remarks. He asked the Attorney if the Council can make a permanent decision to deny the owner of this property any access onto an adjoining street.

The City Attorney answered in the affirmative stating that the City has control over the streets. The City cannot totally deny access but, as long as there is another reasonable access, the City can deny access to a certain street.

Councilmember Groberg asked the Director of Planning if it is good planning to have a facility of this nature with only one access.

Planner Gilchrist answered that there are several others, even larger businesses that have only one access to a street, but it is more desirable to have two accesses in case of emergencies.

Councilmember Wood stated that, in his opinion, the Council, for many years, has encroached into the residential areas on 17th Street and he feels that it is time to listen to the residents of this area.

Councilmember Carlson stated that he has reviewed this area and he feels that the families of Martin Addition should have their rights and that no access on June be allowed.

Councilmember Milam stated the traffic problem will still be there whether or not June Avenue is accessed for Wal-Mart. The problem is the traffic on June Avenue no matter how it gets there. The people she has heard from want June Avenue blocked.

Councilmember Mills stated that, from solving one problem in a neighborhood, other problems may be created. He said he is impressed by what Wal-Mart has done and what they are proposing to do.

It was moved by Councilmember Mills, seconded by Carlson, to deny the request. Roll call as follows: Ayes, Councilmembers Carlson, Groberg, Mills, and Wood; No, Councilmembers Erickson, and Milam; motion carried and request denied.

The Mayor declared a five minute recess.

The Mayor re-convened the meeting.

Mr. Harold Davis appeared to thank the City administration for making the City of Idaho Falls a beautiful place to live. He and his wife have recently lived behind the Iron Curtain in Europe.

Bills for the month of February, 1992, were presented after having been properly audited by the fiscal Committee:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>	<u>ELECTRIC</u>
SERV/MAT:	\$1,135,414.79	\$ 61,247.31	\$145,855.37	\$ 234,954.64	\$2,498,895.94
SALARY:	<u>748,444.65</u>	<u>51,525.47</u>	<u>22,789.21</u>	<u>91,784.54</u>	<u>162,245.87</u>
TOTAL:	\$1,883,859.44	\$112,772.78	\$168,644.58	\$ 326,739.18	\$2,661,141.81

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	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY</u>	<u>AMBULANCE</u>	<u>GEN OB BONDS</u>
SERV/MAT: \$	47,147.70	\$ 28,400.57	\$ 20,174.92	\$ 31,003.79	\$ 349,307.50
SALARY:	<u>47,374.78</u>	<u>30,387.24</u>	<u>34,163.05</u>	<u>37,014.93</u>	<u>.00</u>
TOTAL:	\$ 94,522.48	\$ 58,787.81	\$ 54,337.97	\$ 68,018.72	\$ 349,307.50

	<u>MCS</u>	<u>CITY TOTALS</u>
SERV/MAT: \$	28,652.00	\$4,581,054.53
SALARY:	<u>.00</u>	<u>1,225,729.27</u>
TOTAL:	\$ 28,652.00	\$5,806,784.27

It was moved by Councilmember Milam, seconded by Wood, that the Controller be authorized to pay the bills as listed on the print-out. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam and Carlson; No, none; carried.

Monthly reports from Division and Department Heads were presented and, there being no questions for objections, these were accepted by the Mayor and ordered placed on file in the Office of the City Clerk.

The City Clerk presented the following license applications: BARTENDER, Cindy Brown, Tarina Marie Fisher, Susan Kay Kennedy, Kelly M. Keinlen, Heidi Ann McKague, Trina Kris Mitchell, Randall Jerome Russell and James W. Tadlock; AUCTIONEER, Rick Musick and Don Patterson; BENCHES, Idaho Bus Bench; DAY CARE FIRE INSPECTION, Cindy's Daycare; ITINERANT MERCHANT, Country Club Mall; KENNEL, Bridgette's , Carol Ferguson, Doreen Jonak, Allen Theil, and Virginia F. Walton; LIQUOR CATERING, Eagle's Lodge; MASSAGE ESTABLISHMENT, Mary Jane O'Connor; MASSAGE THERAPIST, Anne Maarit Ghan, Roger Rowberry and Michelle Louise Moss; PUBLIC RIGHTS OF WAY, Burton Concrete and Alvin Taylor Quality Concrete; PAWN BROKER, Nick's Trading Post; SECONDHAND STORE, Pick of the Litter; TAXI OPERATOR, Christopher Hall; ELECTRICAL CONTRACTOR, Timothy GR Clarkson and Whipple Electric (Bill); HEATING AND COOLING CONTRACTOR, Alliance Equipment, Bob's Sheet Metal and Superior Boiler; HEATING AND COOLING JOURNEYMAN, Dale McBride, and Robert Simms; PLUMBING JOURNEYMAN, Dale McBride; SPRINKLING SYSTEM CONTRACTOR, Early Bird and Lawn Tech; and SPRINKLING SYSTEM JOURNEYMAN, Stephen Mack. It was noted that these license applications carried all required approvals. It was moved by Councilmember Erickson, seconded by Groberg, that these licenses 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 a BARTENDER permit to Nora Rhoades; ITINERANT MERCHANT, Alaska Seafood Express; KENNEL PERMIT, Denise Brazee; LIQUOR CATERING, Elk's Lodge; RESTAURANT, Dimple Donuts, Tam's Frostop, and Yummy's (Energy Way); TAXI, Ace Taxi; BUILDING CONTRACTOR, E&W Construction and Interwest Construction; ELECTRICAL CONTRACTOR, Electric Construction & Sales; ELECTRICAL JOURNEYMAN, Timothy Clarkson, Steve Drayton, R.L. Knudson, Steve Reimers, and Billy Joe Robinson; ELECTRICAL APPRENTICE, Brett Arnold, Rick Chase and Grady Green; HEATING AND COOLING CONTRACTOR, Lewis Mechanical; HEATING AND COOLING JOURNEYMAN, Ed Cenell, Gary Kent and Raymond Andrew Welsh; SPRINKLING SYSTEM CONTRACTOR, Rushton Sprinkler System; and SPRINKLING SYSTEM JOURNEYMAN, Chris Lee Rushton. It was moved by Councilmember Erickson, seconded by Groberg, that this action be duly ratified. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills and Wood; No, none; carried.

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The City Clerk asked for Council ratification of the publishing of legal notices calling for five public hearings to be held on March 19, 1992. It was moved by Councilmember Mills, seconded by Groberg, that this action be ratified. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

From the Director of Planning came this memo:

City of Idaho Falls
March 4, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning & Building
SUBJECT: CORRECTED LEGAL DESCRIPTION FOR ANNEXATION
ORDINANCE

Attached is a copy of a corrected annexation ordinance which pertains to the annexation of the Sage Lakes Golf Course. The original legal description contained a typographical error. We respectfully request the Mayor and City Council approve this Ordinance on all three readings.

s/ Rod Gilchrist

The City Attorney read the following ordinance by title:

CORRECTED ORDINANCE NO. 2054

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. (SECTIONS 6, 7 & 31 OF SAGE LAKES GOLF COURSE)

The foregoing ordinance was presented in title: It was moved by Councilmember Mills, seconded by Erickson, 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 DISPENSE WITH?" Roll call as follows: Ayes, Councilmembers Wood, Milam, Carlson, Erickson, and Mills; No, Councilmember Groberg; 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 Mills, Erickson, Carlson, Milam, and Wood; No, Councilmember Groberg; carried.

From the Municipal Services Director came this memo:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-18, TRAFFIC SIGNALIZATION EQUIPMENT

Attached is the tabulation for Bid IF-92-18, Traffic Signalization Equipment. It is the recommendation of Municipal Services to accept the low bids meeting specifications as listed on Attachment A.

s/ S. Craig Lords

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

From the Chief of Police came this memo:

City of Idaho Falls
March 3, 1992

MEMORANDUM

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

It is recommended that the request of Christopher Campbell for a Non-Commercial Kennel License be denied.

The basis for recommending denial is that Mr. Campbell does not meet the requirement of seventy-five percent (75%) of those premises within one hundred feet (100') of his property approving of same, as required by City Ordinance.

s/ Monty G. Montague

Mr. Christopher Campbell, the requester, appeared to state that, since he obtained the required signatures, he has had two dogs debarked. He asked to be allowed to re-apply. This request was granted. It was moved by Councilmember Erickson, seconded by Milam, that this license be denied. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

The Airport Manager presented the following two memos:

City of Idaho Falls
February 27, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: RATIFICATION OF ADVERTISEMENT FOR BIDS

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The Airport Committee respectfully requests ratification of advertisement for bids to install lighted taxiway signs and runway edge lights as required by the Federal Aviation Administration.

This work is covered by a Federal Grant and is a budgeted item.

s/ James Thorsen

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

City of Idaho Falls
March 3, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: EXTENSION OF LEASE AND CONCESSION AGREEMENT

Ackerley Airport Advertising, Inc., has proposed a one year extension to their lease and concession agreement providing for in-terminal advertising services.

The terms and conditions would remain as currently in place.

The Assistant City Attorney has reviewed the extension agreement.

The Airport Committee respectfully requests that the Mayor and Clerk be authorized to execute the agreement.

s/ James Thorsen

It was noted that the Airport Manager has prepared a Conflict of Interest Statement in this regard. The City Attorney anticipated no problem. It was moved by Councilmember Wood, seconded by Groberg, that the Mayor and City Clerk be authorized to execute this agreement. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

The Mayor stated that Dick Poitevin and Don Ellsworth have resigned from the Board of Adjustment and he has appointed Dale Swanson and Lee Fuchs to that Board. It was moved by Councilmember Groberg, seconded by Mills that these appointments be confirmed. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

There being no further business, it was moved by Councilmember Erickson, seconded by Groberg, that the meeting adjourn at 9:40 P.M.; carried.

Coylene A. Martin
ACTING CITY CLERK

Thomas Campbell
MAYOR
