

JULY 25, 1991

Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls, Idaho, met in Special Session in the Council Chambers, 140 South Capital Avenue, Idaho Falls, Idaho, on Thursday, July 25, 1991, at 7:30 P.M. for the purpose of considering all matters of business that would have been presented at a meeting scheduled for July 18, 1991, but changed to this date due to the 4th of July being a holiday. Prior to calling the meeting to order, the Mayor called upon Scout Danny Kondel, 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 Thomas Campbell; Councilmen Art Chandler, Mel Erickson, Wes Deist, Joe Groberg, Sam Sakaguchi, 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 a Special Council Meeting held July 10, 1991. The minutes were approved.

The Mayor then declared open a public hearing to consider a request for a Conditional Use Permit for a proposed Goodyear Tire Center to be located at 501 E. 17th Street. He called upon Councilman Groberg to conduct the hearing.

Councilman Groberg asked if there was any one present who had come to present this matter. Mr. Ernie Smith appeared, representing Smith, Brubaker & SSB Properties. Councilman Groberg informed Mr. Smith that, just before this meeting began, one of the Councilmen had been contacted by Mrs. Clayton, who had requested that this matter be withdrawn. He asked Mr. Smith if he was aware of this request and if he concurred with the withdrawal. Mr. Smith answered that he was not familiar with this and did not know why this request would have been made. He said that he was present this night by request of the property owner, Mr. Steven Clayton. Mr. Smith said that his firm has a contract with Mr. Steven Clayton to purchase the property, subject to the use approval. A decision was made to proceed with the hearing. At the request of Councilman Groberg, the City Clerk read the following memo:

City of Idaho Falls
July 22, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: CONDITIONAL USE PERMIT - 501 EAST 17TH STREET

Attached is a copy of the site plan for a proposed Goodyear Tire Center located at the Northeast corner of the intersection of 17th Street and Holmes Avenue. This proposed development includes the property on both sides of the alley, and the design utilizes the area between the alley and 16th Street for parking for the proposed building. The property is currently zoned PT 1 and 2. This designation requires review of the site plan by the Planning Commission and the City Council.

The Planning Commission considered this matter at a public hearing and after much discussion, recommended denial, primarily due to the access that is shown to 16th Street and the driveway locations on 17th Street. The developer has since redesigned the proposal and eliminated the driveway access on 16th Street and limited the driveway access on 17th Street to right turns only. He has requested this matter be submitted to the Mayor and City Council. This proposal is now being submitted for your consideration.

s/ Rod Gilchrist

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At the request of Councilmember Groberg, the Director of Planning located the subject area on a map on the wall and further explained the request. He displayed the plan that the Planning Commission had studied and denied, and then the new proposal. Councilman Groberg advised Ernie Smith that some of the Councilmembers are concerned about considering a plan that has not been reviewed by the Planning Commission. He said that the Council may be reluctant to act on a proposal without a recommendation from the Planning Commission. He invited Mr. Smith to state his Firm's position at this time.

Mr. Ernie Smith reviewed the presentation he had made to the Planning Commission and then reviewed the modifications that were made after that hearing. The basic modification was the closure of the access to 16th Street.

Councilman Groberg asked the City Attorney if it were procedurally correct for the Council to consider a modified plan without returning it to the Planning Commission.

The City Attorney addressed concerns he had in this matter. He said that Code requires that notice be given in respect to any application for a conditional use permit. If the modification is made verbally at a hearing, then it is possible that a good many of the people did not have adequate opportunity to be heard and respond to the proposed amendments. He said that his recommendation to the Council would be that, if they continue the hearing this night, they consider only that which was presented to the Planning Commission at the previous hearing. If they wish to consider the amendment, it should be referred back to the Planning Commission for proper handling.

Councilman Groberg stated that the Council needs to be realistic that this is an area where the traffic is very heavy and the development of this area may not be what all residents would prefer, but fairness also must be shown to the property owner. It was moved by Councilman Groberg, seconded by Chandler, that this matter be remanded for further consideration by the Planning Commission. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The Mayor then asked Councilman Groberg to conduct annexation proceedings for Olive Grove Addition. At the request of Councilman Groberg, the City Clerk read the following memo:

City of Idaho Falls
July 22, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: OLIVE GROVE ADDITION - FINAL PLAT AND ANNEXATION

Attached is a copy of the Final Plat, Annexation Agreement and Annexation Ordinance of the Olive Grove Addition. This is a 27 lot, single-family residential subdivision located on the south side of Sunnyside Road, adjacent to and west of the Idaho Canal. The developer has requested the granting of two (2) variances in conjunction with the approval of this plat - one for a cul-de-sac which is approximately 550' in length, where the Ordinance permits a maximum of 400'. This is a unique piece of property and is virtually impossible to develop without the overlength cul-de-sac being permitted. The other variance being requested is permission to develop a common 30' driveway from the dedicated street at these two lots. Again, the configuration of the property makes it extremely difficult to develop these two lots unless the proposal is granted.

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The Planning Commission, at their regular meeting in May, recommend approval of the final plat, annexation to the City, and initial zoning of R-1 (in conjunction with the approval of the two variance requests). This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

Councilman Groberg then asked the Director of Planning to locate the subject area and further explain the request and the reasons his Department is recommending approval of the two variances. During the discussion that followed, these items were addressed: Dedication of the two lots remaining in the County; location of the storm drain; public easement right-of-way; overlength of the cul-de-sac; necessity for flag lots; safety concerns and difficulty of developing this property. Mr. David Benton, Engineer for the project, appeared to further explain the proposal and respond to some of the concerns. Fireman Roger Littleford and Bob Meikle of 706 So. Bellin Road, both appeared. Littleford expressed his personal opinion of potential problems in case of fire. Mr. Meikle testified that flag lots have been advantageous in other cities.

The City Attorney read sections from the Code covering the requirements for variance application and approval. It was moved by Councilman Groberg, seconded by Deist, that the Council approve the final plat and two variances and authorize the Mayor, City Engineer and City Clerk to sign the plat. Councilman Chandler explained that he failed to second this motion and he sees no reason to annex property and approve variances that are liable to cause the City problems. Councilman Erickson agreed with this. The Mayor then called for a roll call, the results being: Ayes, Councilmen Deist, and Groberg; No, Councilmen Sakaguchi, Wood, Chandler and Erickson; motion defeated. There was no need to address other Olive Grove Addition items listed on the agenda.

License applications were presented for: BAKERY, Country Harvest Bakery; BARTENDER, Rosa Jameson and Lee Isaacson; RESTAURANT, The Chalet Restaurant and River Park Festival (Temp.); TAXI OPERATOR, Brent Clark; SPRAYING PERMIT, High Torgue; and VEGETABLE STAND, Delray Fielding. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be issued. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson and Deist; No, none; carried.

The City Clerk asked for Council ratification of the issuance of the following licenses: CONCESSION, (Temp.), WBBA Snake River League; PRIVATE PATROL SERVICE, Gem State Private Patrol Service; CLASS B BUILDING CONTRACTOR, Michael D. Parry Construction Co.; ELECTRICAL APPRENTICE, Robert Rudolph and Tim Martell; PLUMBING JOURNEYMAN, Robert Carruthers; and APPRENTICE PLUMBER, Steve Grayson. It was moved by Councilman Chandler, seconded by Erickson, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi and Wood; No, none; carried.

The City Clerk asked for Council authorization to publish an advertisement for bids for Fog Seal Runway 2-20. It was moved by Councilman Chandler, seconded by Wood, that authorization be given to advertise for bids as requested. Roll call as follows; Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg and Sakaguchi; No, none; carried.

The City Clerk asked for Council ratification of the publishing of legal notices calling for five hearings on August 8, 1991. It was moved by Councilman Groberg, seconded by Chandler, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
July 24, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: REAL ESTATE PURCHASE AGREEMENT - ST. CLAIR &
WOODRUFF

Attached is a real estate purchase agreement prepared by the City Attorney providing for the City purchase of a parcel of property located at the proposed new intersection of St. Clair and Woodruff and owned by Richard I. Clayton, Jr. This property is being purchased to enhance the landscaping at the intersection and accommodate stormwater from future street improvements.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this real estate purchase agreement and authorize the Mayor to sign necessary documents. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist and Groberg; No, none; carried.

City of Idaho Falls
July 24, 1991

MEMORANDUM

TO: Honorable Mayor & City Council
FROM: Chad Stanger, Public Works
SUBJECT: LICENSE AGREEMENT - WILLIAM J. & CAROLE EVANS

Attached are copies of a license agreement between the City and William J. & Carole Evans, describing the terms and conditions under which an existing planter box is allowed to encroach into the alley right-of-way along the north side of their property, located at 2275 So. Boulevard.

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

s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this license agreement and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

City of Idaho Falls
July 24, 1991

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chad Stanger, Public Works
SUBJECT: OUTSIDE THE CITY WATER SERVICE - BOB MEIKLE

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Attached is a proposed agreement to provide outside the City water service to a single family residence owned by Bob Meikle on Crane Drive west of Pancheri Drive. The proposed new alignment of Pancheri Drive will eventually require the abandonment or relocation of this water service.

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

s/ Chad Stanger

Councilman Sakaguchi asked Public Works Director Stanger to locate the subject property on a map on the wall and further explain the reason for this service contract. It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this agreement and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

The Municipal Services Director submitted the following four memos:

City of Idaho Falls
July 25, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-91-37, ELECTRICAL METERS

Attached is the tabulation for Bid IF-91-37, electrical meters. It is the recommendation of Municipal Services and the Electric Division to accept the low bid of Maydwell & Hartzell to furnish all meters, Items 1 through 9, for a lump sum amount of \$23,786.14.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that this bid be awarded. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; No, none; carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF BOILER AND MACHINERY AND AIRPORT LIABILITY COVERAGE

Municipal Services respectfully requests authorization from the Mayor and Council to renew the following coverage for a one year period, beginning July 1, 1991.

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Boiler and Machinery coverage, renewed with the Travelers, is represented by Val Rosenburg of Holden McCarty in the amount of \$7,727.00. This premium is the same as the prior year.

Airport Liability coverage, renewed with Association of Aviation Underwriters, is represented by Janice Rasch of Tandy & Wood. Under collaboration with Jim Thorsen, Airport Director, we recommend raising the limit of liability from \$10,000,000.00 to \$25,000,000.00 at a premium of \$22,500.00.

s/ S. Craig Lords

The Municipal Services Director and the Airport Director were called upon to explain the basis for these recommendations. It was moved by Councilman Chandler, seconded by Wood that these insurance coverages be renewed as requested. Roll call as follows: Ayes, Councilmen Mel Erickson, Wes Deist, Joe Groberg, Sam Sakaguchi, Ralph Wood, and Art Chandler; No, none; carried.

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MEMORANDUM

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

It is respectfully requested that the Mayor and Council ratify previous action in retaining Smith Capital Markets, Michael Todd, as the City's Financial Advisor, related to the City's Electrical Bond Issuance. Mr. Todd will also be in attendance at the Special Council Meeting, August 1, 1991, to adopt all Bond Ordinances and necessary Bond Documents.

s/ S. Craig Lords

There being no questions nor comment, it was moved by Councilman Chandler, seconded by Wood that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Wes Deist, Joe Groberg, Sam Sakaguchi, Ralph Wood, Art Chandler, and Mel Erickson; No, none; carried.

City of Idaho Falls
July 25, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ORDINANCE SETTING THE MAYOR AND COUNCIL
SALARY AND ESTABLISHING PAY PERIODS FOR THE
SAME

Attached for your consideration is an Ordinance setting the Mayor and Council's salary and establishing the pay periods of the same. The annualized salary will be \$55,000.00 for the Mayor, and the Council's salary will remain

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the same at \$6,000.00. It is respectfully requested that the Mayor and Council approve said Ordinance.

s/ S. Craig Lords

Councilman Chandler explained the process and need for increasing the Mayor's salary and increasing the pay periods for the Mayor and Councilmembers. The City Attorney read the following ordinance by title:

ORDINANCE NO. 2020

AN ORDINANCE AMENDING SECTIONS 1-7-1 AND 1-7-2, CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, ESTABLISHING SALARIES OF MAYOR AND COUNCILMEMBERS; PROVIDING FOR EFFECTIVE DATE.

It was moved by Councilman Chandler, seconded by Wood, 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, Councilmen Sam Sakaguchi, Ralph Wood, Art Chandler, Mel Erickson, Wes Deist, and Joe Groberg; 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, Councilmen Wes Deist, Art Chandler, Mel Erickson, Ralph Wood, Sam Sakaguchi, and Joe Groberg; No, none; carried.

The Traffic Safety Committee submitted the following traffic safety recommendations:

It is recommended that parallel parking be established on both sides of the 1000 block of Denver Street, immediately northwest of Nevada Street.

It was moved by Councilman Erickson, seconded by Chandler, that this request be approved. Roll call as follows: Ayes, Councilmen Art Chandler, Mel Erickson, Wes Deist, Joe Groberg, Sam Sakaguchi, and Ralph Wood; No, none; carried.

It is recommended that a "STOP" sign be installed on Waterford Lane, intersecting with County Court Lane, stopping Waterford.

It was moved by Councilman Erickson, seconded by Chandler, that this recommendation be approved. Roll call as follows: Ayes, Councilmen Ralph Wood, Art Chandler, Mel Erickson, Wes Deist, Joe Groberg, and Sam Sakaguchi; No, none; carried.

The City Clerk read the following memo from the City Attorney:

City of Idaho Falls
July 25, 1991

MEMORANDUM

TO: Mayor and City Council

FROM: Dale W. Storer, City Attorney
SUBJECT: ST. LEON CITIZENS VS. KEITH SKAAR

JULY 25, 1991

Recently the City was contacted by a group of individuals known as the St. Leon Citizens Group about the possibility of commencing legal action against Mr. Keith Skaar, who owns and operates a large feed lot located approximately 2-1/2 miles north of the City. These individuals reside in Bonneville County in the immediate vicinity of Mr. Skaar's feed lot and intend to bring legal action seeking an injunction against the operation of this feed lot in a manner which causes an obnoxious odor to emanate therefrom. The City has received numerous complaints from residents of the City likewise complaining of this odor throughout the City.

I have discussed this matter with Mayor Campbell who believes the City should join this legal action to abate the problem. I would therefore request your authorization to join this group of individuals in commencing legal action to abate the problem.

s/ Dale W. Storer

Councilman Groberg questioned that this problem is enough of a public nuisance to warrant the spending of City monies. He felt that the Citizen's Group should pursue the case themselves. It was moved by Councilman Chandler that the City participate in this legal action. Councilman Chandler withdrew his motion, stating that he had made it prematurely. There was further discussion concerning the City's responsibility to their citizens; unknown costs; and the need to eliminate the odor problem, not the business. It was moved by Councilman Chandler, seconded by Wood, that the City participate in this action. Roll call as follows: Ayes, Councilmen Erickson, Chandler, Deist, Wood; No, Councilmen Groberg and Sakaguchi; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 9:00 p.m.; carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR

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