

JUNE 6, 1991

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 6, 1991, in the Council Chamber in Idaho Falls, Idaho.

Prior to calling the meeting to order, the Mayor called upon Scout Jonathan Christensen of Troop 315 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; Councilmen Mel Erickson, Wes Deist, Joe Groberg, Sam Sakaguchi, Ralph Wood, and Art Chandler. Also present: Velma Chandler, City Clerk; Joe Burgess, Assistant City Attorney; and all available Division Directors. The City Clerk read a summary of the minutes of the last Regular Meeting held May 23, 1991. The minutes were approved.

It was noted that a public hearing to consider the annexation and initial zoning of Ironwood Estates, Div. #7 had been recessed until this night. The requester has withdrawn the request, therefore, no hearing is necessary on this matter at this time.

The Mayor declared open a public hearing, as legally advertised, to consider an appeal from a decision of the City Planning Commission concerning a Conditional Use Permit which would allow the placing of four lights on the existing track and football field at Skyline High School. The Mayor asked Councilman Groberg to conduct the hearing. At the request of Councilman Groberg, the City Clerk read the following memo:

City of Idaho Falls
June 4, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building Division
SUBJECT: APPEAL FROM A DECISION OF THE CITY PLANNING
COMMISSION

The Skyline Booster Club requested a Conditional Use Permit which would permit the placing of four (4) lights on the existing track and football field at Skyline High School.

After some discussion, the Planning Commission approved this request at their meeting on April 9, 1991. A group of Homeowners in the area have appealed this decision and are requesting the Mayor and City Council to reverse the decision.

This Department concurs with the decision of the Planning Commission. 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 further explain the request and locate the subject area on a map on the wall.

Councilman Groberg then asked if there were any School District No. 91 Officials present who could explain this proposal and locate the placement of the lights.

Mr. Jerry Wixom, Member of the Board of Trustees for School District No. 91, appeared to state that he could not identify where the lights will be placed.

Mr. Neal Powell, 2102 Rendezvous Road, appeared to state that he is President-Elect of the Skyline Booster Club and stated that they have not yet determined the specific

location for each pole but referred to the Idaho Falls Raveston Stadium light placement as a guide.

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Councilman Groberg then invited Marivene Zohner to present her appeal in opposition to these lights at this time. Mrs. Zohner reviewed a packet of documents. She pointed out errors in the petition; number of residents within the three-hundred foot requirement, etc. The packet of documents are to be kept on file in the office of the City Clerk. Mrs. Zohner stated that she would rather deal with the School District than the Booster Club on issues of this nature and she also said that the residents do not need these lights. Mrs. Zohner respectfully asked the Council to not allow this proposal. She listed six proposed conditions she wished to be incorporated into the Conditional Use Permit.

Mr. Steven Zohner appeared briefly to state that the residents would like to maintain the integrity of the area and they do not want to see it turned into rentals. He questioned the need for another lighted field in the area, in light of the fact that Bonneville High School is pulling out of Raveston Stadium.

Mr. Dale Barrett, 1216 Grizzly, appeared to state that the lights will be too bright, he will be able to read a newspaper in his yard.

Councilman Groberg asked if there was anyone present from School District No. 91 that would like to speak in support of the Conditional Use Permit.

Mr. Jerry Wixom re-appeared to state that it is not the District's intent to build a stadium. The Booster Club is financing and installing four lights at the football field. Councilman Groberg asked Mr. Wixom if the School District will take full responsibility of these lights. Mr. Wixom answered that the School District will take full responsibility as they will be on School District property.

Mr. Neal Powell, President of the Booster Club, re-appeared to re-assure the Zohners that only lights are being proposed. He requested the Conditional Use Permit be approved.

Mr. Terry Layland, 4554 West 17 South, appeared to state that he presented a petition to the residents living within three hundred feet of the field and the petition body addressed only lights, not a stadium.

Councilman Groberg asked Mr. Wixom if the proposal is limited to the specified type of lights. Mr. Wixom said the proposal could be amended.

The Mayor closed the hearing at this time. Groberg thanked Mrs. Zohner and others for their comments. It was moved by Councilman Groberg, seconded by Chandler, that the Council amend the application for the Conditional Use Permit to establish that the lighting system used be the Musco Sportscluster two with the level eight option, and that every effort be made to minimize the glare problem. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

The Mayor then declared open a public hearing to consider an appeal from a decision of the Board of Adjustment concerning a seven foot encroachment into the front yard at 930 East Elva. He asked Councilman Groberg to conduct this hearing also. At the request of Councilman Groberg, the City Clerk read the following memo:

City of Idaho Falls
June 4, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building Division
SUBJECT: APPEAL FROM A DECISION OF THE BOARD OF
ADJUSTMENT

Carl and Joyce Waggoner of 930 East Elva requested a variance permitting a 7' encroachment into the required front yard to enable them to build a deck and porch cover on an existing residence. This request was made in order to keep the snow and ice off of the porch and sidewalk of their residence which faces north. They further requested the structure extend for the entire front of the house.

The Board of Adjustment denied the request in that they felt the petitioners could achieve their purpose with a smaller encroachment and without building the structure for the entire width of the house.

The Waggoners have appealed this decision and this matter is being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

The Director of Planning further explained the request and located the subject property on a map on the wall.

Mr. Cal Waggoner, the petitioner, appeared to explain the need for his proposal and his plans. Waggoner noted that all of his neighbors approve the proposal. Darlene Bott, Joyce Waggoner, and Elton Call all registered support of this proposal. Councilman Groberg noted that the request is to build a porch without any concrete foundations and that it would be twenty-five feet set-back from the sidewalk. It was then moved by Councilman Groberg, seconded by Chandler, that the Council grant this variance. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Annexation Proceedings were then conducted for Canterbury Park Addition. The Mayor asked Councilman Groberg to conduct. Groberg stated that there might be a possibility of a conflict of interest since some of his family members own property in that general area and so he would like to remove himself from consideration of this matter. The Mayor granted his request and asked Councilman Chandler to conduct the proceedings. At the request of Councilman Chandler, the City Clerk read the following memo:

City of Idaho Falls
June 4, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Director of Planning and Building Division
SUBJECT: ANNEXATION AND FINAL PLAT - CANTERBURY PARK
ADDITION

Attached is a copy of the Final Plat, the Annexation Ordinance, and the Annexation Agreement of Canterbury Park Addition, Division No. 1. This property is located between the Stonebrook Addition and Holmes Avenue, immediately north of the new Junior High School. It is a large lot, single-family subdivision and Division No. 1 contains 18 lots.

At a recent meeting of the Planning Commission, this matter was considered and at that time, they recommended annexation to the City, approval of the Final Plat, and initial zoning of RP-A.

This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

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Councilman Chandler asked the Director of Planning to locate the subject area on a map on the wall and further explain the request.

Mr. Gil Gardner appeared to state that he and Dr. Kay Christensen are the owners of the property and wished to subdivide it. It was then moved by Councilman Chandler, seconded by Wood, that the Final Plat of Canterbury Park be approved and the Mayor, City Clerk, and City Engineer be authorized to sign the plat. Roll call as follows: Ayes, Councilmen Erickson, Deist, Sakaguchi, Wood, and Chandler; No, none; carried. Groberg abstaining for the reason as previously indicated.

It was then moved by Councilman Chandler, seconded by Wood, that the Annexation Agreement be approved and the Mayor and City Clerk authorized to sign the agreement. Roll call as follows: Ayes, Councilmen Deist, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried. Groberg abstaining for the reason as previously indicated.

The City Attorney read the following ordinance title:

ORDINANCE NO. 2016

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. (Zoning Boundaries for Canterbury Park Addition, Division No. 1)

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 Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried. Groberg abstaining for the reason as previously indicated. 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 Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried. Groberg abstaining for the reason as previously indicated.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed Canterbury Park Addition, Division No. 1. There was no one who appeared. It was moved by Councilman Chandler, seconded by Wood, that the initial zoning of Canterbury Park Addition, Division No. 1 be established as RP-A and that the property be zoned, 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 and zoning maps located in his office. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Deist, and Erickson; No, none; carried. Groberg abstaining for the reason as previously indicated.

The RV ordinance was then reviewed. Councilman Groberg stated that the proposed RV ordinance had been passed on its first reading only and, since that time, a work session was held. He said that he has prepared some proposed changes in Section 4-15-1 and 4-15-2 of the proposed ordinance. He read those proposed changes. Councilman Erickson asked "What provisions have been made to determine whether or not a resident could park his trailer in his yard?" Groberg answered that this would be a judgment made by the enforcing officer. The City Attorney stated that no standards are set forth in the ordinance for determining accessibility, the judgment would need to be made by the enforcing officer and the burden of proof to be on the resident. Councilman Deist stated

that no mention was made of side yard requirements in the ordinance. Groberg agreed that side yards should be addressed. The Councilmen registered several other concerns.

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Councilman Groberg then invited comments from the floor.

Mrs. Margaret Tupper, 2680 Fieldstream Lane, appeared briefly to ask if a concrete pad would be required to park an RV in a front yard? Groberg reviewed how this is addressed in the proposed ordinance.

Mr. Lyman Wells, 3000 Greentree Lane, appeared and asked that the ordinance state that no RV's are allowed to be parked in front yards in RP-A zoning.

Mr. Jim McGeachin, 2670 Fieldstream Lane, appeared to question the feasibility of allowing RV parking in front yards and restricting fences. He strongly opposes this ordinance.

Mr. J. H. Anderson, 415 Gustafson, appeared to state that he is an RV owner, but is opposed to this proposal. He asked the Council to continue to improve, not degrade the City. He said, "Idaho Falls is too great to litter".

Mr. Hal Johansen, 335 Gustafson, appeared to state that this proposal is not in keeping with the Greenbelt aspect. He asked the Council to retain, and enforce, the present ordinance.

Mr. Richard H. Kelley, 2325 Baltic, appeared to address the five foot side yard requirement. He asked that consideration be given to the safety factor of allowing such density and possibly no room for fire or other protection.

Mrs. Sarah Jane McDonald, 2165 Brookcliff, appeared to state that, in her opinion, it is the responsibility of an RV owner to store it, not park it in a residential area. She asked the Council to restrict RV parking in her residential area.

Mr. Floyd Fanelli, 2974 Greentree, appeared to object to the passage of this ordinance. He asked Council to weigh both sides of the issue and keep the ordinance now in the Code in tact.

Mr. T. L. Brower, 263 7th Street, appeared to state that parked vehicles do not hurt anyone. RV owners have rights and citizens have some responsibility to let neighbors live in peace. He approved the passage of the proposed ordinance.

Mrs. Mildred Milam, 1756 East 25th Street, appeared to violently oppose the passage of this ordinance. She said that she rides horses. She asked if it would be alright to place a barn in her front yard, park a horse trailer there, or house her horses there.

Mr. Ken Kennedy 820 8th Street, appeared to state that he pays to store his RV out of respect for his neighbors and he feels others should do the same. He is opposed to the adoption of this ordinance.

Mr. Don Deming, 332 Pinon, appeared to state that the proposed ordinance is unreasonable. Because of the different sizes of residential lots, the Council cannot treat all people the same.

Mr. Kenneth Lancaster, 336 East 23rd Street, appeared and asked the Council to stay with the first amendment and allow RV's to park in front yards.

Mr. Brad Chaffin, 174 Alturas, appeared to state that he owns an RV dealership in the City. There are many people who own RV's and he supports the adoption of the proposed ordinance.

Mrs. Kathleen Cordingly, 905 Austin, appeared to state that the Good Sam Organization is a service organization and they do many good things. RV's are moved often as they are used. She said that it is time to all live and work together.

Mrs. Lynette Jordan, 595 10th Street, appeared to ask the Council to keep in mind that this is a recreational area and many people own RV's. She said that she supports the amended ordinance as it represents the activities of Southeastern Idaho.

The Mayor then closed the hearing for public comment. Councilman Groberg asked if Councilmembers wished to comment.

Councilman Deist stated that the Council has been reviewing this problem for nearly one and one-half years to try to write an RV ordinance that everyone can live with.

He said that, when he thinks of recreational vehicles, he does not think of ATV's, boats, snowmobiles, horse trailers, wood trailers, and utility trailers, but this proposed ordinance

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would allow all of those to be parked in a front yard. He said that he feels that the adoption of this ordinance would create problems and he cannot support it as it is now written.

Councilman Groberg agreed that, possibly, here may be reasons for changes in this area.

Councilman Deist said that, in his opinion, there are still things in the ordinance that the Council needs to talk about.

Councilman Chandler said that the problem that the Council has is that there is currently on the books, a law that is not being enforced. A new ordinance needs to be adopted or the current one enforced.

Councilman Sakaguchi questioned the need to pass a new ordinance when the other one is not being enforced.

Councilman Erickson stated that the City needs to adopt an ordinance that has possibilities of working.

Councilman Groberg stated that it is difficult to balance a competing interest in a community. He said that the present ordinance is not sufficient and the proposed ordinance is very restrictive. He asked the City Attorney to read the ordinance title:

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 2-1, 4-7, 4-14 AND 4-15 OF THE ZONING ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; DEFINING CERTAIN TERMS USED THEREIN, PROHIBITING STRUCTURES ON DESIGNATED PORTIONS OF CORNER LOTS; PROHIBITING OCCUPANCY OF TRAILER HOMES, MOBILE HOMES, AND RECREATIONAL VEHICLES, EXCEPT WITHIN APPROVED COURTS OR ZONES; RESTRICTING PARKING OF RECREATIONAL VEHICLES ON RESIDENTIAL LOTS; PROVIDING FOR SEVERABILITY; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING EFFECTIVE DATE.

It was moved by Councilman Groberg, seconded by Chandler, that this ordinance, as written, be passed on it's first reading only. Roll call as follows: Ayes, Councilmen Groberg and Chandler; No, Councilmen Erickson, Deist, Sakaguchi, and Wood. The motion failed to carry.

The City Attorney read the title of the Litter Ordinance which has been passed on it's first reading only at the last Council Meeting:

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER 8, TITLE 6 AND CHAPTER 4, TITLE 9 OF THE CITY CODE AND SECTION 4-14 OF THE ZONING ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; ENACTING A NEW CHAPTER 8, TITLE 6 OF THE CITY CODE RELATING TO REMOVAL OF LITTER; STATING THE PURPOSE OF THE ORDINANCE; DEFINING

CERTAIN TERMS; PROHIBITING DEPOSIT OF
LITTER UPON PUBLIC PLACES, PROHIBITING

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CARELESS DEPOSIT OF LITTER IN RECEPTACLES;
 RENDERING UNLAWFUL THE DEPOSIT OF
 PETROLEUM PRODUCTS UPON PUBLIC PLACES;
 PROHIBITING LITTERING FROM VEHICLES;
 RENDERING UNLAWFUL THE DROPPING OF
 MATERIAL FROM AIRCRAFT; REGULATING
 HAULING OF LITTER; PROHIBITING POSTING OF
 NOTICES UPON PUBLIC STRUCTURES OR UPON
 PRIVATE PROPERTY WITHOUT CONSENT OF
 OWNER; PROHIBITING STORAGE OR DEPOSIT OF
 LITTER UPON PRIVATE PROPERTY; REQUIRING
 REMOVAL OF WEEDS; ESTABLISHING
 PROCEDURE FOR SPECIAL ASSESSMENTS FOR
 VIOLATORS; PRESERVING PRIOR ORDINANCE;
 PROVIDING FOR SEVERABILITY; AND
 ESTABLISHING EFFECTIVE DATE.

It was moved by Councilman Chandler, seconded by Groberg, that this ordinance be passed on it's second reading only. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Bills for the month of May, 1991, 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: \$	913,565.56	\$ 48,731.03	\$ 57,358.67	\$ 281,026.08	\$ 2,002,635.77
SALARY:	<u>661,359.44</u>	<u>41,139.25</u>	<u>21,033.94</u>	<u>92,495.52</u>	<u>164,727.16</u>
TOTAL:	\$ 1,613,231.66	\$ 130,494.77	\$ 72,681.29	\$ 335,703.42	\$ 2,298,759.31

	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN IMPR</u>	<u>MUNI IMPR</u>	<u>LIBRARY</u>
SERV/MAT: \$	39,395.35	\$ 27,593.19	\$ 20,080.74	\$ 52,404.14	\$ 52,404.13
SALARY:	<u>72,273.96</u>	<u>32,630.36</u>	<u>47,195.58</u>	<u>.00</u>	<u>32,104.26</u>
TOTAL:	\$ 73,615.44	\$ 42,676.95	\$ 85,633.40	\$ 52,774.64	\$ 84,508.39

	<u>BRIDGE/ART ST</u>	<u>WTR CAP</u>	<u>AMBULANCE</u>	<u>MUN EQUIP</u>	<u>MCS</u>
SERV/MAT: \$	52,404.13	\$ 7,326.73	\$ 143,106.36	\$ 240,741.96	\$ 87,089.00
SALARY:	<u>.00</u>	<u>.00</u>	<u>36,781.60</u>	<u>.00</u>	<u>.00</u>
TOTAL:	\$ 52,404.13	\$ 7,326.73	\$ 179,887.96	\$ 240,741.96	\$ 87,089.00

CITY TOTALS

SERV/MAT: \$	3,980,256.61
SALARY:	<u>1,116,727.60</u>
TOTAL:	\$ 5,096,984.21

It was moved by Councilman Chandler, seconded by Wood that the Controller be authorized to pay the bills. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; no, none; carried.

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

The following license applications were presented: BARTENDERS, Hugh Leon Arnold, Douglas Roy Bennion, Raymond Edward Born, Connie Lea Bowcutt, Wendy Couch, Kathy Sue Cox, Wanda Lou Ferguson, Darla J. Hackman, Brent Vaughn Hamilton, Laurie Dawn Johnson, Julie Renee Kelso, Penny L. Perham; DAY CARE FIRE INSPECTION, Kathy Hampton; DELICATESSEN, Albertsons (W. Broadway); FRUIT MARKET, Eagle Rock Farmers Market; NON-COMMERCIAL KENNEL, R.G. Bauer, Chris A. Crowley, William & Debra Fitch, Mike Fitch; LIMOUSINE OPERATOR, Isabelle Rose McElwain; TAXI OPERATOR, Rhonda Petty; SNACK BAR, Diamond Concessions, Inc.; CLASS C BUILDING CONTRACTOR, Gruver Building & Remodeling; and SIGN COMPANY, Bona Signs. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be issued. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

The City Clerk asked for Council ratification of the issuance of a NTBCOP/BEER license to Western Amusement. It was moved by Councilman Erickson, seconded by Chandler, that this action be duly ratified. 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 issuance of the following licenses: BARTENDER, Mary Lorraine Cunningham; LIMOUSINE, Bella Limousines; RESTAURANT, Espresso Kitchen; SNACK BAR, Best Western Ameritel Inn; ELECTRICAL JOURNEYMEN, Harvey G. Coffman, Robert S. Jones; ELECTRICAL APPRENTICES, Randy L, Barker, Robert R. Eames, Lawrence L. Hill, Douglas Williams; and PLUMBING JOURNEYMEN, Lonnie L. Carlson. It was moved by Councilman Erickson, 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 City Clerk then asked for Council authorization to refund the following license application fees: BARTENDERS: Diana Hildebrand, and Steven C. Montague; and CATERING, Grand Affair. It was moved by Councilman Chandler, seconded by Erickson, that authorization be given to refund these fees. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; no, none; carried.

The City Clerk then asked for Council ratification of the publishing of legal notices calling for public hearings on June 18, 1991. It was moved by Councilman Chandler, seconded by Wood, that the Council ratify this action. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; no, none; carried.

From the Parks and Recreation Director, came this memo:

City of Idaho Falls
May 30, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dave Christiansen, Director of Parks & Recreation
SUBJECT: SOUTH TOURIST PARK RESTROOM

The Division of Parks and Recreation respectfully requests authorization to receive bids for a modular restroom facility to replace the existing restroom at South Tourist Park. This project will be partially funded by a 50% matching grant from the State of Idaho's Recreational Fund Program.

s/Dave Christiansen

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It was moved by Councilman Deist, seconded by Erickson, that the Council authorize the Parks and Recreation Director to advertise and receive bids for a modular restroom facility to replace the existing restroom at South Tourist Park. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

The Director of Planning submitted the following two memos:

City of Idaho Falls
May 29, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Countyman, Chairman of I. F. Redevelopment Agency
SUBJECT: VACATION OF A PORTION OF SEATTLE STREET

The Idaho Falls Redevelopment Agency is formally requesting the vacation of the 700 block of Seattle Street in favor of the adjacent property owners. This request is a result of negotiations with B.A. Wackerli Company, a property owner who is concerned over possible impacts of the proposed Utah Avenue/Lindsay Blvd. Project. The closing of Seattle Street would allow B.A. Wackerli Company to redesign access and parking for their expansion of a building.

If the request is granted, the Redevelopment Agency would, at its expense, relocate such utilities as necessary.

We respectfully request the Mayor and City Council direct the City Attorney to prepare the necessary Ordinances to vacate this portion of Seattle Street.

s/Jim Countyman

There being no questions nor comment, it was moved by Councilman Groberg, seconded by Chandler, that authorization be given for the City Attorney to prepare the necessary ordinance to vacate this portion of Seattle Street. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

City of Idaho Falls
June 6, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W.R. Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR RECONFIRMATION OF A RULING BY THE CITY COUNCIL REGARDING STEWART'S WOOL, FUR AND METALS BUSINESS

The Division of Planning and Zoning respectfully requests that the City Council reconfirm its ruling that Stewart's Wool Fur, and Metals business, located at 525 West 13th Street, is a use similar to the specified permitted uses in a GC-1 zone, pursuant to Section 7-13-2Q of the City's Zoning Ordinance. The Stewart

business is located in an area zoned GC-1. The primary use of land in a GC-1 zone is for heavy commercial establishments. Representative uses within this

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zone are retail and wholesale establishments, plumbing, carpentry and other craft shops, warehousing, equipment yards and equipment sales yards. Section 7-13-2A-P lists specific permitted uses in the GC-1 zone. Among the specifically permitted uses are the assembly and sale of farm equipment, mining machinery, vehicles and similar articles; chicken hatcheries; carting, express hauling and storage, including railroad trackage and railroad stations; building materials, storage yards; stone cutting and monument works; and coal and wood yards. Section 7-13-2Q permits "other uses ruled by the City Council to be similar to the foregoing uses provided that such uses are not inconsistent with the objectives and characteristics of this Zone".

The Stewart business appears to be a recycling operation and has been permitted to operate at this location since 1972 with the understanding that all business would be conducted inside the buildings. Because a portion of the buildings had deteriorated to the point that they were unsafe, approximately one year ago, Stewart applied for a building permit allowing them to demolish a portion of the existing permits and construct a new building on the same site. That building permit was issued to Stewart on their understanding and agreement that their business would be conducted entirely within the new building. We believe the Stewart recycling business is sufficiently similar to the other specifically permitted uses in a GC-1 zone and consistent with the objectives and characteristics of a GC-1 zone to warrant a ruling that is a permitted use in that zone. Consequently, the Division of Planning and Zoning recommends and requests that the City Council reconfirm its ruling that Stewart's Wool, Fur and Metals business is a permitted use in a GC-1 zone.

s/ W.R. Gilchrist

Councilman Groberg reviewed this request. Mr. Stewart, owner of Stewart's Wood, Fur, and Metals business appeared briefly to state that he will comply with the Code, but it will take some time to do so. Councilman Chandler explained the reason that the City had previously made this ruling. It was moved by Councilman Groberg, seconded by Chandler, that the Council approve the use as a similar use, subject to the previous ruling of the City Council that there be no exterior storage of junk, wrecked automobiles or other salvage materials. Roll call as follows: Ayes, Councilmen Wood, Chandler, Deist, Erickson, Groberg, and Sakaguchi; No, none; carried.

The Municipal Services Director submitted the following three memos:

City of Idaho Falls
June 6, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND AWARD OF BID - NEW CARPET FOR
THE LIBRARY

Attached is the tabulation of bids for new carpeting at the Library.

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Municipal Services, the Director of the Library, and the Library Board recommend accepting the low responsive bid of Commercial Floors in the amount of \$6,370.00.

s/ S. Craig Lords

There being no questions, it was moved by Councilman Chandler, seconded by Wood, that the bid be awarded to Commercial Floors in the amount of \$6,370.00. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

City of Idaho Falls
June 9, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND AWARD OF BID - CIVIC AUDITORIUM
ROOF

Attached is the tabulation of bids for reroofing the Civic Auditorium.

Municipal Services recommends accepting Hughes Roofing's low Base Bid No. 1 and additive Alternate No. 1 to Base Bid No. 1 in the total amount of \$42,934.00.

s/ S. Craig Lords

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

City of Idaho Falls
June 6, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CONSENT TO ASSIGNMENT - C&H CONSTRUCTION,
INC.'S, INTEREST IN TETON RACING ASSOCIATES AS
SECURED BY A SECURITY AGREEMENT

Attached is a copy of a Consent to Assignment of C&H Construction's rights in Teton Racing Associates as secured by a note and mortgage to Investor's Reserve. Also attached is a copy of the Sale Agreement between C&H Construction and Investor's Reserve.

The City Attorney has reviewed both documents and has approved the Consent to Assignment Agreement. Municipal Services respectfully requests approval of said Consent Agreement be approved and the Mayor be authorized to execute the Consent Agreement.

s/ S. Craig Lords

JUNE 6, 1991

Councilman Chandler explained this consent agreement. It was moved by Councilman Chandler, seconded by Wood, that the Consent Agreement be approved and the Mayor be authorized to execute same. Roll call as follows: Ayes, Councilmen Wood, Sakaguchi, Chandler, Erickson, Deist, and Groberg; no, none; carried.

The Airport Manager submitted the following three memos:

City of Idaho Falls
June 5, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: MEMORANDUM OF AGREEMENT

Attached is a Memorandum of Agreement between the City and Robert and John Hoff and Doyle Beck. The Agreement provides for the execution of a new hangar site lease agreement with Doyle Beck, terminates the Beauty For All Seasons lease, and amends the Fixed Base Operator (FBO) lease held by the Hoff's to include the former Beauty for All Seasons site in the FBO lease at an increased rental.

The documents were prepared by the City Attorney.

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

s/ James Thorsen

It was moved by Councilman Deist, seconded by Sakaguchi, that the Council authorize the Mayor and City Clerk to execute the memorandum of agreement. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

City of Idaho Falls
June 5, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: LAND LEASE, HANGAR SITE FOR DOYLE BECK

Attached is a Lease Agreement for a hangar site for construction of a hangar by Doyle Beck.

This is a non-commercial building and is for the storage of Mr. Beck's aircraft.

The Lease Agreement was prepared by the City Attorney.

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

s/James Thorsen

JUNE 6, 1991

It was moved by Councilman Deist, seconded by Sakaguchi, that the Council authorize the Mayor and City Clerk to execute this agreement. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

City of Idaho Falls
June 5, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: AMENDMENT TO FIXED BASE OPERATOR LEASE - TO BE
ACTED UPON APPROVAL OF MEMORANDUM OF
AGREEMENT

Pursuant to the Memorandum of Agreement previously authorized by the Council, the attached Amendment leases to Messes, Hoff, DBA Rainbow Investment, the former Beauty For All Seasons lease site.

The Amendment also increases the minimum guaranteed rental.

The City Attorney prepared the Agreement.

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

s/ James Thorsen

It was moved by Councilman Deist, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute this agreement. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; no, none; carried.

The Mayor stated that he has re-activated the Building Code Board of Appeals, and he made the following appointments to that Board: Three years, Don Ormond and Kurt Karst; Two years, Robert Gustafson and Chris Hart; and One year, Ivan Shively. It was moved by Councilman Groberg, seconded by Chandler, that the re-activation of the Building Code Board of Appeals be approved and the appointments to that Board confirmed. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; no, none; carried.

The Mayor noted that the first Council Meeting in July will be Wednesday, July 10th rather than July 4th, and the second meeting of July will be held July 25th.

There being no further business, it was moved by Councilman Groberg, seconded by Erickson that the meeting adjourn at 10:15 P.M.; carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR
