

APRIL 4, 1991

The City Council of the City of Idaho Falls, Idaho, met in Regular Meeting, Thursday, April 4, 1991. Prior to calling the meeting to order, the Mayor called upon Scout Dan Albaugh 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 Joe Groberg, Ralph Wood, Art Chandler, and Wes Deist; Absent, Councilmen Sam Sakaguchi and Mel Erickson. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

The City Clerk read a summary of the minutes of the last Regular Council Meeting held March 21, 1991. The Minutes were approved.

The Mayor and Council then honored Girl Scout Award recipient Rebecca Later and Eagle Scouts Andrew Maddison, Darren Moss and Mark Rawlins.

The Mayor declared open a public hearing, as legally advertised, to consider a request for a conditional use permit for Idaho Falls Surgical Center. He asked Councilman Groberg to conduct the hearing. At the request of Councilman Groberg, the City Clerk read the following memo:

City of Idaho Falls
April 2, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W.R. Gilchrist, Planning Director
SUBJECT: IDAHO FALLS SURGICAL CENTER - CONDITIONAL USE PERMIT

Attached is a copy of an application requesting a temporary placement of a modular building adjacent to and on the east side of the Idaho Falls Surgical Center on East 17th Street. This request is being made by Medical Facilities Company and is intended to offer out-patient recovery facilities for a period of less than 24 hours. The plans are to construct a permanent licensed recovery center to the north of the existing Surgical Center in the very near future.

This Department recommends approval of the request for a period not to exceed one (1) calendar year. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ W.R. Gilchrist

No one appeared for or against this request. It was moved by Councilman Groberg, seconded by Chandler that this conditional use permit be approved for a period not to exceed one calendar year. Roll call as follows: Ayes, Councilmen Deist, Groberg, Wood and Chandler; no, none; carried.

The Mayor then declared open a public hearing to consider a request to re-zone Blocks 40, 41, 68, and 69 in Highland Park Addition. He asked Councilman Groberg to conduct the hearing. At the request of Councilman Groberg, the City Clerk read the following memo:

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W.R. Gilchrist, Planning Director
SUBJECT: RE-ZONING - HIGHLAND PARK ADDITION, BLOCKS 40,
41, 68, AND 69

Attached is a copy of a re-zoning request for the above described property. The petitioner is requesting a re-zone from RP-A (Residence Park Zone) to PT-2 (Commercial and High Density Residential Use). This matter was recently considered by the Planning Commission. After some discussion, the Planning Commission recommended, by vote of 9 to 1, to recommend the re-zoning as requested.

If this matter is approved, the Comprehensive Plan needs to be changed from a Residential designation to a Commercial designation in this area.

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

s/ W.R. Gilchrist

Councilman Groberg then asked the Director of Planning to explain the significance of the P-T Zone and identify the location of this area.

Councilman Groberg asked if there was anyone present who wished to speak in favor of this request. Richard Clayton, Sr., the owner of the property, said he would be willing to answer questions if there were any.

Mr. Bob DeGroot, 1315 Presto, #3, appeared briefly representing the Condo Association. He said that the association members are concerned that this area will become like Fremont Street and they do not want motels in this entire area. He said that the Board wishes to go on record as opposing this re-zoning.

Mr. Don Mecham, 126 W. 4th N., Rigby, appeared representing the State of Idaho Transportation Department. He said that he wanted it made a matter of record that there will be no direct access to U.S. Highway 20 to this area.

Ms. Kim Arendts, 1325 Presto, #4, appeared and presented a petition with approximately seventeen signatures:

We the North Park Village Condominium owners and local area residents oppose the rezoning of Highland Park Addition from RP-A to PT-2 since it violates the RP-A and RP RESIDENCE PARK ZONE.

Mr. Dean Hutchens, 1325 Presto, #2, appeared in opposition to this re-zoning. He said that there is already enough of this type zoning. The re-zoning will ruin the possibilities for the Greenbelt along this area. He said that he can see no need for the zoning change at this time.

Mr. Clayton, the requester, appeared to state that he had acquired this property nearly twenty years ago and it is a very expensive piece of property to develop. The

best use of this property would be to develop it commercially which would increase the tax base and serve a good public use. Mr. Clayton, the developer of this area, indicated that the

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Greenbelt through this area will be provided by this one ownership. Clayton said that the access into this development would be off of Higham Street which is north of Highway 20. He said, further, that he owns the vacant property to the north which is undeveloped and can be a buffer to this area.

Councilman Groberg asked the Director of Planning if the property to the east of this parcel is zoned RP-A. Planner Gilchrist responded by saying that the Planning Commission has asked his department to take a look at the possibility of re-zoning the remainder of land in something other than RP-A, as they feel the need for change.

Attorney Storer asked the Director of Planning if there had been any significant changes made in this since the time when the Comprehensive Plan was adopted for this area. The Director of Planning answered that the most significant change would be the construction of the condos in the area.

Mr. Jerry Jayne, 1568 Lola, appeared to state that he would like this area to be put into public land and used as part of the Greenbelt and, perhaps the entire area as a park. He asked that the re-zoning not be allowed which would secure the Greenbelt development.

At the request of Councilman Groberg, the Director of Planning further explained the development requirements for P-T zones and the limitations for building along the river bank. He said that there would be no vehicular access from the Greenbelt area, only bicycle or pedestrian traffic.

Councilman Groberg Stated that this is a unique piece of property and will be difficult to develop. He said that he is troubled by one aspect of the Planning Commission's recommendation, and that being the question whether or not this is a transition-type piece of property. He asked the Attorney if there were any findings that the Council needed to make to determine if this property is appropriate for a transition zone. The City Attorney answered by saying that the Council must determine that the type of zoning that is requested is consistent with the area and consistent with the best use of the property. There being no one else to appear, it was moved by Councilmen Groberg, seconded by Chandler that the Council approve this re-zoning as requested. Roll call as follows: Ayes, Councilman Chandler, Deist, Groberg, and Wood; no, none; carried.

It was then moved by Councilman Groberg, seconded by Chandler that the Comprehensive Plan be amended to reflect this change. Roll call as follows; Ayes, Councilmen Wood, Chandler, Deist, and Groberg; no, none; carried.

De-annexation proceedings were then conducted. Councilman Groberg asked the City Clerk to read the following explanatory memo from the Director of Planning:

City of Idaho Falls
April 2, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W. R. Gilchrist, Planning Director
SUBJECT: DE-ANNEXATION OF SKI'S ACRES

This office had received a request to de-annex the property located at the southwest corner of the intersection of Bellin Road and West Broadway. This property was previously platted, annexed to the City of Idaho Falls, and zoned C-1. The Planning Commission considered this matter at their recent hearing

on March 12, 1991. At that time, the recommendation was made to deny the de-annexation.

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

s/ W.R. Gilchrist

The Planner located the subject area on a map on the wall and further explained the request.

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

Mr. John, Szulczeski, owner of Ski's Acres, appeared to ask the Council to grant this request for re-zoning. He said that he is at an impasse at the present time as he would like to build an archery range on his property, some of which is in the County and some in the City. He said that he has no room to expand in that portion which was previously annexed into the City and he wishes to revert back to County zoning. He said he wanted out of the City because of police harassment on him and his wife. He submitted letters from his employees to substantiate the alleged harassment.

Councilman Deist asked if the area had been annexed at Mr. Szulczeski's request. The answer was that he had requested it as the County would not allow a commercial operation at that time. Attorney Storer asked Mr. Szulczeski if he had considered what would happen to him if the Council were to de-annex the property and then the County re-zoned the property something other than commercial? Mr. Szulczeski stated that he had been told by a County official that his property would, automatically, fall into commercial zoning this fall.

Councilman Chandler registered concern that, if the County would not agree to his operation, he would request to be annexed again. Mr. Szulczeski said that he would sell his business before he would ask for annexation to the City again.

No one else appeared.

Councilman Groberg stated that he did not believe that the City should make a policy of de-annexing property unless, for some reason, the annexation agreement has not been complied with. Therefore, it was moved by Councilman Groberg, seconded by Chandler that this request for de-annexation be denied. Roll call as follows: Ayes, Councilman Chandler, Deist, Groberg, and Wood; no, none; carried.

Monthly bills were presented for the month of March, 1991. It was noted that the bills had been properly audited by the fiscal Committee:

There being no questions, it was moved by Councilman Chandler, seconded by Wood that the Controller be authorized to pay bills as listed. Roll call as follows: Ayes, Councilman Wood, Chandler, Deist, and Groberg; no, none; carried.

Monthly reports were presented from Division and Department Heads. There being no questions nor comment, these were accepted and ordered placed on file in the Office of the City Clerk.

The following license applications were presented, carrying all department approvals; BARTENDER, Barbara Ann Biggs, Todd R. Christensen, Linda J. Eberhardt, John Grover Hoddenbach, Steven Arthur Richards, Linda Kay Schwabe, and Betty J. Turner; BAKERY, Marianitas; DAY CARE, Barb Gomperts; COMMERCIAL KENNEL, Northgate Vet; MASSAGE THERAPIST, Mary Jane O'Conner; TAXI OPERATOR, Joan P. Mercer and Debbie Ann Oram; BUILDING CONTRACTORS, Zimmerman Construction and Falls Cabinet & Millwork, Inc.; PUBLIC RIGHTS-OF-WAY, Batt Construction, Inc., Mike Gneiting, J.D. Dayley & Sons, Inc., Daron Humphries, and C. Reinhart & Son, Inc. It was moved by Councilman

Chandler, seconded by Wood that these licenses be issued. Roll call as follows: Ayes, Councilmen Groberg, Wood, Chandler, and Deist; no, none; carried.

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The City Clerk asked for Council ratification of the issuance of a TBCOP BEER license to the Westbank. It was moved by Councilman Chandler, seconded by Wood that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Chandler, Deist, Groberg, and Wood; no, none; carried.

The City Clerk then asked for Council ratification of the issuance of BARTENDER, Gary A. Johnson; LIQUOR, Westbank Inn; RESTAURANT, Pizza Pizza and Subway Sandwich; ELECTRICAL JOURNEYMAN, John D. Katrri; MASTER PLUMBER, Rodney Dee Pierce; JOURNEYMAN PLUMBER, Rodney Dee Pierce; HEATING & COOLING CONTRACTOR, Sierra Cascade Development, Inc.; CLASS B HEATING & COOLING JOURNEYMAN, Raymond Andrew Welsh, licenses. It was moved by Councilman Chandler, seconded by Wood that the Council ratify this action. Roll call as follows: Ayes, Councilman Wood, Chandler, Deist, and Groberg; no, none; carried.

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

The City Attorney read the following ordinance title:

ORDINANCE NO. 2008

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 1-10-5 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, PROVIDING FOR ELECTION OR APPOINTMENT OF COUNCIL MEMBERS BY DESIGNATED SEATS; STATING PROCEDURE FOR FILING DECLARATIONS OF CANDIDACY; ESTABLISHING FORM OF PETITION FOR NOMINATION AND DECLARATION OF CANDIDACY; LIMITING NUMBER OF PETITIONS SIGNED BY EACH ELECTOR; REQUIRING PUBLIC FUNDS TO BE CONTROLLED BY MAYOR AND COUNCIL; ESTABLISHING PROCEDURE FOR IMPLEMENTATION OF NEW ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilman Chandler, seconded by Deist 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 Deist, Groberg, Wood, and Chandler; 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 ON IT'S THIRD AND FINAL READING?" Roll call as follows: Ayes, Councilmen Deist, Groberg, Wood, and Chandler; no, none; carried.

From the Public Works Director came this memo:

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City of Idaho Falls
April 3, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: SUNNYSIDE ROAD INTERSECTION WIDENING PROJECT -
PAVING

Public Works requests authorization to advertise to receive bids to furnish and place plant mix at various Sunnyside Road intersections.

s/ Chad Stanger

Councilman Deist stated that this is a joint venture between the City and Bonneville County to widen Sunnyside Road. It was moved by Councilman Deist, seconded by Chandler that authorization be given to advertise for bids to furnish and place plant mix at various Sunnyside Road intersections. Roll call as follows: Ayes, Councilmen Wood, Chandler, Deist, and Groberg; no, none; carried.

The Director of Planning submitted the following three memos:

City of Idaho Falls
April 3, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W.R. Gilchrist, Planning Director
SUBJECT: STREET NAME CHANGE

This Department has received a request to change the name of the cul-de-sac which is currently named Escalante Avenue. This cul-de-sac currently intersects with Escalante Avenue and apparently is causing concern with the members of the Fire Department. The property owner has been contacted and he has proposed changing the name of the cul-de-sac to Mirage Court.

This Department recommends approval of this request and respectfully requests the Mayor and City Council to direct the City Attorney to prepare the necessary paperwork to effect this name change.

s/ W. R. Gilchrist

It was moved by Councilman Groberg, seconded by Chandler that the City Attorney be directed to prepare the necessary ordinance for this street name change. Roll call as follows: Ayes, Councilmen Groberg, Wood, Chandler, and Deist; no, none; carried.

City of Idaho Falls
April 3, 1991

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: W.R. Gilchrist, Planning Director
SUBJECT: COUNTY PLAT - TOWNSHIP PARK ESTATES

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Attached is a copy of a County Plat which is located within one mile of the City limits. State law requires that the City review all County Plats situated within one mile of the corporate limits. This is a large lot residential subdivision located south of Township Road and east of Park Taylor Road. This plat, formerly known as Fielding Mountain View Estates, was considered by the Planning Commission at their January 8, 1991 meeting. At that time, it was recommended that the plat be approved.

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

s/ W.R. Gilchrist

There being no questions nor comment, it was moved by Councilman Groberg, seconded by Chandler that the final plat of Township Park Estates be approved and the Mayor and City Clerk be authorized to sign the plat. Roll call as follows: Ayes, Councilmen Chandler, Deist, Groberg, and Wood; no, none; carried.

City of Idaho Falls
April 2, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: W.R. Gilchrist, Planning Director
SUBJECT: LEAVE WITHOUT PAY TO EXTEND BEYOND PERMITTED
15-DAY PERIOD - CAROLYN MENDE

Carolyn Mende, Administrative Secretary in the Planning and Building Division, has undergone surgery which will entail a recuperation period of 4 to 6 weeks. She has at this time used up all accrued vacation and sick leave benefits. I am requesting permission to place her on "Leave Without Pay" for a period not to exceed 6 weeks, with benefits accruing during this interval.

s/ W.R. Gilchrist

It was moved by Councilman Groberg, seconded by Chandler that this leave without pay be extended as requested. Roll call as follows: Ayes, Councilmen Wood, Chandler, Deist, and Groberg; no, none; carried.

The Municipal Services Director submitted the following two memos:

City of Idaho Falls
April 4, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION & AWARD OF BID - AIR TRAFFIC CONTROL
TOWER FIRE PROTECTION UPGRADE

APRIL 4, 1991

Attached is the tabulation of bids for upgrading the fire protection system in the Air Traffic Control Tower.

Municipal Services, the Director of Aviation and the project engineer recommend rejecting all bids and request authorization, from Mayor and Council, to advertise to rebid. This project will be funded 100% by the Federal Aviation Administration and all bids received were over the budgeted amount.

s/ S.Craig Lords

It was moved by Councilman Chandler, seconded by Wood that all bids received for upgrading the fire protection system in the Air Traffic Control Tower be rejected and authorization given to rebid. Roll call as follows; Ayes, Councilmen Deist, Groberg, Wood, and chandler; no, none; carried.

City of Idaho Falls
April 4, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-91-27, THIRTY YARD RECYCLING CONTAINERS

Attached is the tabulation for Bid IF-91-27, Four (4) 30 yard Closed Top, Five Bin Roll-Off Recycling Containers with an option to purchase a quantity of six. It is the recommendation of Municipal Services and the Public Works Division to accept the low bid of Anderson Manufacturing, Inc. to furnish six (6) containers at a unit price of \$4,700.00 each.

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, Wood, and Chandler; no, none; carried.

The Mayor announced that the City had received the honor of being recognized by the National Endowment of the Arts. He will be in Virginia April 25, 26, and 27 to explain, and possibly receive, recommendations concerning the design problems in the building of bridges for the Greenbelt project.

There being no further business, it was moved by Councilman Chandler, seconded by Wood that the meeting adjourn at 8:30 P.M.; carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR
