

JULY 21, 1988

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 22, 1988, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, Mayor Campbell called upon Scout Justin Stevens 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 Wesley Deist, Melvin Erickson, Sam Sakaguchi, Arthur Chandler and Ralph Wood. Absent: Councilman Paul Hovey. Also present: Velma Chandler, City Clerk; Joe Burgess, Assistant City Attorney, and all available Division Directors.

A summary of the minutes of the July 7, 1988 meeting was read by the City Clerk and the minutes were approved by the Council.

Councilman Hovey entered the meeting at this time.

The Mayor then presented a metal medallion to Dan Heiker; Certificates of Appreciation to Tom Stickley, Tom Gilmore, Don Williams, and Walt Kelso for their efforts in the construction of the monument honoring veterans; and, Elaine Lingren for the sculpture work depicting wars. Members of the Veterans of Foreign Wars and The American Foreign Legion then thanked the "City" for their support in this project.

The Mayor then declared open a public hearing to consider the conveyance of certain real property owned by the City of Idaho Falls to the Idaho Department of Fish and Game for use as a wildlife mitigation habitat area. Councilman Hovey explained the purpose of the hearing. No one appeared in this regard.

The City Attorney read the following ordinance caption:

ORDINANCE NO. 1909

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF IDAHO FALLS, IDAHO; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO SAID PROPERTY TO THE IDAHO STATE DEPARTMENT OF FISH AND GAME FOR USE AS A WILDLIFE RIPARIAN HABITAT MITIGATION AREA, AS REQUIRED BY THE TERMS AND CONDITIONS OF THE FERC LICENSE FOR THE GEM STATE HYDROELECTRIC PROJECT; ESTABLISHING EFFECTIVE DATE HEREOF.

The foregoing Ordinance was presented in title. It was moved by Councilman Hovey, seconded by Wood, that the provisions of Section 50-902 of the Idaho Code requiring all Ordinances to be fully and distinctly 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 READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; 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 Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

It was then moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the necessary conveyance documents. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

JULY 21, 1988

The Mayor then declared open a public hearing, legally advertised to be held this night, to consider a re-zoning petition for property located at 1887 Grandview. Councilman Wood explained that this request had been withdrawn by the petitioners, therefore, no hearing was required at this time.

Mayor Campbell then declared open a public hearing to consider a proposed development plan for the property located at 1435 East 17th Street and called upon Councilman Wood, Chairman of the Zoning Committee, to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls
July 18, 1988

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: PROPOSED DEVELOPMENT PLAN IN THE PLANNED
TRANSITION ZONE

Attached is a copy of a proposed development plan for the property located at 1435 East 17th Street, also described as Lot 7, Block 21, Orlin Park Addition, Division No. 5.

This property was the subject of a variance request which was submitted to the Board of Adjustment at an earlier date. The variance was necessitated inasmuch as the subject property contains 24,274.15 square feet. The planned transition zone requires 30,000 square feet in the total development. The Board, after considerable discussion, granted the variance inasmuch as the property is landlocked due to the fact that the adjacent property owners on either side refused to cooperate, and the size of the parcel is considerably larger than the 15,000 square feet required in the phased development.

The Planning Commission, after some discussion, recommended approval, by a vote of 5-2.

A copy of the application and the Finding of Fact and Conclusion of Law as established by the Planning Commission are attached for your consideration. This Department concurs with the recommendation of the Planning Commission. The matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilman Wood stated that, in his opinion, it is very interesting that the first item to be considered for planned transition zoning would not come with a request for a variance. He said that the Council Committee would like to recess this hearing to allow them to review the Planned Transition Ordinance and allow time for a review of 16th Street within this PT Zoning and consider possible R-1 Zoning there. It was moved by Councilman Wood, seconded by Deist, that this hearing be recessed until August 4, 1988. Roll call as follows:

Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

JULY 21, 1988

Annexation Proceedings were then conducted for Park-St. Clair Addition, Division No. 3. Councilman Wood asked the City Clerk to read the following memo:

City of Idaho Falls
July 18, 1988

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT, ANNEXATION AGREEMENT, AND INITIAL ZONING, PARK-ST. CLAIR ADDITION, DIVISION NO. 3

Attached is a copy of the final plat, annexation ordinance, and annexation agreement for the above-described plat. This plat is located at the southwest corner of 25th Street and St. Clair and contains approximately 10-1/2 acres and 30 lots. It is proposed to be a single-family residential subdivision.

The Planning Commission, at a meeting earlier this year, considered this matter and, at that time, recommended approval of the plat, annexation to the City, and initial zoning of RPA. This Department concurs with the recommendation of the Planning Commission. The matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

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

There being no one to appear on this issue and no questions from the Councilmembers, it was moved by Councilman Wood, seconded by Deist, that the final plat of Park-St. Clair Addition, Division No. 3 be accepted and the Mayor, City Clerk, and City Engineer be authorized to sign the plat. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

It was then moved by Councilman Wood, seconded by Deist, that the Annexation Agreement be approved and authorization be given for the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

ORDINANCE NO. 1910

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. (PARK-ST. CLAIR ADDITION, DIVISION NO. 3)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all Ordinances to be fully and distinctly 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 READ ON THREE SEVERAL DAYS BE DISPENSED

WITH?" Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried. The majority of all the members of the Council present having

JULY 21, 1988

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 Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then declared open a public hearing to consider the initial zoning of the newly annexed area and called upon Councilman Wood to conduct the hearing. No one appeared either for or against this zoning. It was moved by Councilman Wood, seconded by Deist, that the initial zoning of Park-St. Clair Addition, Division No. 3 be established as R-PA and that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning, and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in his office. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Annexation Proceedings were then conducted for Shamrock Park Addition, Division No. 7. Councilman Wood asked the City Clerk to read the following memo from the City Planner:

City of Idaho Falls
July 18, 1988

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: FINAL PLAT, ANNEXATION AGREEMENT, AND INITIAL ZONING - SHAMROCK PARK ADDITION, DIVISION NO. 7

Attached is a copy of the Final Plat, Annexation Ordinance, and the Annexation Agreement of Shamrock Park Addition, Division No. 7.

This is a single-family residential subdivision located on the south side of 25th Street and contains approximately 8-1/2 acres and twenty (20) lots.

The Planning Commission, at an earlier meeting, considered this matter and, at that time, recommended approval of the final plat, annexation to the City and initial zoning of R-1. This Department concurs with that recommendation. It is now being submitted to the City Council for consideration.

s/ Rod Gilchrist

At the request of Councilman Wood, the City Planner further explained the request and located the subject area on a map on the wall.

Councilman Wood invited anyone who wished to speak against this zoning to come forward and be heard at this time.

Mr. Doug Erickson, 1192 Mojave, appeared to register concern as to the construction of Waterford Street prior to the completion of 25th Street. The Public Works Director invited Mr. Erickson to his office to review the future plans of 25th Street and this area. It was moved by Councilman Wood, seconded by Deist that the Final Plat of Shamrock Park Addition, Division No. 7 be accepted and the Mayor, City Clerk, and City Engineer be authorized to sign.

JULY 21, 1988

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

ORDINANCE NO. 1911

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. (SHAMROCK PARK ADDITION, DIVISION NO. 7)

The foregoing Ordinance was presented in title. It was moved by Councilman Hovey, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all Ordinances to be fully and distinctly 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 READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; 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 Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then declared open a public hearing to consider the initial zoning of the newly annexed area. No one appeared. It was moved by Councilman Wood, seconded by Deist, that the initial zoning of Shamrock Park Addition, Division #7 be established as R-1 and that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in his office. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood and Chandler; No, none; carried.

The Mayor noted that there were several persons in the audience who had come for the public hearing for property on 17th Street, which had been recessed until the August 4th meeting. The Mayor explained that the reason the Council had recessed this hearing is that they are very concerned about 16th Street and they want to be sure that they make the right decision. They want to look at a proposal to, possibly, re-zone along 16th Street. Councilman Wood asked if anyone wished to speak at this time concerning this issue.

Janet Stevens, a local realtor, appeared representing the requesters. She asked what she could do to help the Councilmen review the request so that a decision could be made as soon as possible.

Councilman Wood asked her to just give the Council time to thoroughly review the proposal.

Councilman Erickson, stated that, speaking for himself, the City Council has spent a lot of time in Planned Transition Zoning and established that zoning with the intent that property would be allowed to develop as requested. He registered concern that a variance had been requested on the first action taken on such zoning. He said that the square feet requirements need to be reviewed to see if this established criteria is too high. He said that, certainly, until a review is made, it would be to the requesters benefit to have the Councilmembers review all aspects before making a decision. Ms. Stevens asked that

the Councilmembers review the Code section "hardship" cases as she feels that this request qualifies for that category.

JULY 21, 1988

The Mayor called for a short recess.

Upon the reconvening of the meeting, license applications for BARTENDER, Jill Renee' Kienlen, Richard LeRoy Park, Cindy Lee Voigt, Sheila L. Collins, Judy Elaine Danner; GROCERY, Idaho Falls KOA; LIQUOR, Garcia's Mexican Restaurant; RESTAURANT, Garcia's Mexican Restaurant, Tom's Gyro and Burgers; PRIVATE PATROLMAN, Rick Broadfoot; SIGN COMPANY, First Christian Church; ELECTRICAL CONTRACTOR, Smith Electric; APPRENTICE ELECTRICIAN, Russell Lee Lane with A/K Sign Company; JOURNEYMAN ELECTRICIAN, Bruce Bigler; BUILDING CONTRACTOR, Dixon Watson Associates, Palmer Construction Company, Fairchild Construction, Superior Roofing Company and Hampton Roofing, Inc. were presented, carrying all required Department approvals. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

A NOT TO BE CONSUMED ON THE PREMISES BEER license application for KOA and a TO BE CONSUMED ON THE PREMISES BEER license application for Garcia's were presented, carrying all required Department approvals. It was moved by Councilman Erickson, seconded by Wood, that these beer licenses be issued. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuance of BARTENDER permits to Lori Suzanne Ames, Kelly Mark Kienlen, Angela M. Foster, Lisa Kay Call, Laura M. Nessen; SNACK BAR license to 32nd Ward. It was moved by Councilman Erickson, seconded by Wood, that the Council ratify these previous actions. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Clerk asked for Council authorization for the publishing of a legal notice calling for a hearing on August 4, 1988. It was moved by Councilman Wood, seconded by Deist, that this authorization be granted. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

From the Parks and Recreation Manager, came this memo:

City of Idaho Falls
July 14, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: John Johnson, parks & Recreation Director
SUBJECT: CONSENT TO ASSIGNMENT

The Division of Parks and Recreation respectfully requests the Council to accept the "consent to Assignment" from Teton Racing Associates Corporation (TRAC) to C & H Construction.

s/ John Johnson

It was moved by Councilman Deist, seconded by Erickson, that the Council authorize the Parks & Recreation Department to accept the Consent to Assignment from Teton Racing Associates Corporation to C & H Construction. Roll call as follows: Ayes, Councilmen Erickson, Deist Hovey, Sakaguchi, Wood, and Chandler; no, none; carried.

This memo from the Airport Manager was then read:

JULY 21, 1988

City of Idaho Falls
July 21, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: ASSIGNMENT OF LEASE AND CONSENT OF LESSOR -
BUDGET RENT-A-CAR

Mr. Phillip Pettingill DBA Budget Rent-A-Car of Idaho Falls has requested that his existing Lease and Supplemental Memorandum Agreement be assigned to Compass Leasing, Inc. of Boise, Idaho.

Both parties have signed the attached Assignment of Lease and Consent of Lessor.

The Assignment has been reviewed by the Assistant City Attorney.

The Airport Committee respectfully requests that the Mayor be authorized to execute the Consent of Lessor.

s/ James H. Thorsen

It was moved by Councilman Deist, seconded by Sakaguchi, that the Mayor be authorized to execute the Consent of Lessor. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; no, none; carried.

This memo from the Electrical Engineer was presented:

City of Idaho Falls
July 20, 1988

MEMORANDUM

ATTENTION: Mayor & Council
FROM: Steve Harrison
SUBJECT: PROPOSED CHANGE ORDER #1

Attached is a copy of proposed Change Order #1 to the contract for the Gem State General Contractor, M.A. Mortenson Construction Co., in the amount of \$865,847.13. The unit price quantities listed are final and payment is due. the use tax item will not be paid until proof of payment by the contractor is received.

CH2M's explanatory memo is attached and approval of this change order is recommended.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that this change order be approved in the amount of \$865,847.13, less the amount of \$207,879.53, which represents sales tax

due to the City, based on equipment furnished by the City, until such time as the contractor delivers proof that he has paid the taxes to the State of Idaho.

JULY 21, 1988

From the Public Works Director, came this memo:

City of Idaho Falls
July 21, 1988

MEMORANDUM

ATTENTION: Honorable Mayor & City Council
FROM: Chad Stanger
SUBJECT: HOLMES AVENUE RIGHT-OF-WAY ACQUISITION

Public Works is in the process of negotiating the purchase of approximately thirty (30) parcels of right-of-way property for the Holmes Avenue Project.

As agreement is reached between the City and the respective property owners, it becomes necessary to properly execute a purchase agreement prepared by the City Attorney to be signed by the Mayor.

Public Works is requesting authorization for the Mayor to sign these agreements, as required, with a limit on the total amount of \$160,000.00 for the remaining parcels.

Respectfully,
s/ Chad Stanger

There being no questions no comment, it was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor be authorized to sign the agreements as required, with a limit on the total amount of \$160,000.00 for the remaining parcels. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The following three memos were presented from the Municipal Services Director:

City of Idaho Falls
July 21, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID - CRACK SEALANT

The Municipal Services Division, in concurrence with the Public Works Division, respectfully requests authorization to advertise and receive bids for Crack Sealant for use on City Streets.

Respectfully submitted,
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Sakaguchi, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

JULY 21, 1988

City of Idaho Falls
July 21, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SNAKE RIVER PARKWAY PROJECT BID FOR SITE
IMPROVEMENTS

Since no bids were received for the above referenced project, the Municipal Services Division respectfully requests authorization from the Mayor and City Council for the City of Idaho Falls to solicit informal proposals for the project.

Respectfully submitted,
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Hovey, that authorization be given to solicit informal proposals for the Snake River Parkway Project. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

City of Idaho Falls
July 21, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RED CROSS AGREEMENT "PROJECT HELP"

Attached is a signed copy of the Red Cross Agreement "Project Help" between the City of Idaho Falls and the American Red Cross. This Agreement has been reviewed and approved by the City Attorney.

The Municipal Services Division respectfully requests authorization from the Mayor and City Council to have the Mayor execute said document.

Respectfully submitted,
s/ S. Craig Lords

Councilman Chandler explained the request. He said that the City has contracted with the Red Cross to administer the "Project Help". A board will determine the criteria for qualification, the City will accept donations and the Red Cross will distribute the funds received, based on the criteria established by the board. It was moved by Councilman Chandler, seconded by Hovey, that the Mayor be authorized to execute this agreement with the American Red Cross. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the Police Department, came this memo:

JULY 21, 1988

City of Idaho Falls
July 21, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: PROPOSED BUS STOP BENCH ORDINANCE

Attached is a copy of proposed change to City Code, Chapter 9, USE OF PUBLIC SIDEWALKS, and a memorandum from Joe Burgess, Assistant City Attorney, explaining the reason for the proposed changes.

I have reviewed this ordinance and recommend approval of the proposed changes.

s/ Monty G. Montague

Councilman Erickson stated that the Attorney had been authorized to prepare an ordinance providing for the installation of bus stop benches. He said that the Council has held meetings with those requesting approval for placement of benches, the Council Committee and the City Attorney. Erickson asked the Attorney to read the following ordinance caption:

ORDINANCE NO. 1912

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 9-9-3, 9-9-4, AND 9-9-5, AND ENACTING SECTIONS 9-9-6, 9-9-7, 9-9-8, AND 9-9-9, CITY CODE, CITY IDAHO FALLS; PROHIBITING INSTALLATION OF STRUCTURES OR FIXTURES UPON PUBLIC SIDEWALKS; PROHIBITING THE SALE OF GOODS OR MERCHANDISE FROM STRUCTURES UPON PUBLIC SIDEWALKS; PERMITTING INSTALLATION OF PUBLIC FIXTURES UPON PUBLIC SIDEWALKS; REGULATING INSTALLATION OF MAILBOXES UPON PUBLIC SIDEWALKS; PERMITTING SIDEWALK SALES AND REGULATING SUCH SALE; REGULATING MAINTENANCE OF NEWSPAPER VENDING MACHINES UPON PUBLIC SIDEWALKS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF BUS STOP BENCHES UPON PUBLIC SIDEWALKS, ESTABLISHING A PERMIT FEE AND REGULATING THE INSTALLATION AND MAINTENANCE OF SUCH BENCHES; PRESERVING PROSECUTION UNDER PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY OF SECTIONS AND SUBSECTIONS OF ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Councilman Hovey asked if these benches will be allowed in a residential area. Attorney Burgess answered that the ordinance does two things with respect to the location of benches. It permits the installation of benches on arterial and collector streets as listed in

JULY 21, 1988

the ordinance and it provides that no bench will be placed on any public sidewalk anywhere unless the specific location is approved by the Police Chief and the City Council. He said, further, that prior to the installation of a bench in single-family or two-family areas, the property owner would need to give consent to the installation in addition to the other requirements. Councilman Hovey asked who would be responsible if there is an accident involving a bus bench on the sidewalk. The Attorney answered that the permit procedure requires a statement of indemnification from the installer which would hold the City harmless in the event of any injury to persons or property as a result of installation or maintenance of the bench. The foregoing ordinance was presented in title. It was moved by Councilman Erickson, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly 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 READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Sakaguchi, and Wood; No, Councilman Hovey; 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 Chandler, Erickson, Deist, Sakaguchi, and Wood; No, Councilman Hovey; carried.

Five Traffic Safety Committee recommendations were reviewed:

Recommendation #1: Request to evaluate stop sign at First Street and Linden Drive. It is recommended curb gutter and sidewalk be installed in order to change the radius on the southeast corner of Linden Drive and First Street, thus eliminating the need for the STOP Sign to be on an arm extending into the street. It was moved by Councilman Erickson, seconded by Wood, that this request be referred to the Traffic Engineer and Public Works Department for review. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Recommendation #2: Science Center Drive, Anderson Street, and North Boulevard. It is recommended larger YIELD SIGNS be installed on the north and south side of Anderson, as it approaches Science Center Drive and add a "MERGING TRAFFIC" sign on the south side of Science Center Drive. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be approved. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Recommendation #3: Request for 20 MPH School Zone, painting of crosswalk and proper signing on South Bellin at Patriot Circle. Because school routes should be established to take advantage of existing traffic control and underdeveloped area of the requested crossing location, it is felt this crossing should be denied. It is also noted that there are two or three school age children that could use the crossing. Bellin Road is classified as a collector arterial with a posted speed of 35 MPH. Recent studies indicate that traffic is staying within the posted speed. School Advance signs are already in existence on Bellin Road to warn of an upcoming school. The Bellin Road-Patriot Circle location also provides adequate gaps in the traffic flow for crossing. Councilman Erickson stated that he feels there needs to be further study on this item. Therefore, it was moved by Councilman Erickson, seconded by Wood, that this be referred to the Traffic Safety Committee for additional study. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Recommendation #4: Request by U.S. Postal Service for collector boxes - 800 Block of North Capital. It is recommended this request be approved with the following noted: that the collector boxes be placed in the 800 block of North Capital Avenue (westside) between the two trees closest to "F" Street. Also, to remove all marking on the westside of

North Capital between "E" and "F" Street, that City standard curb and gutter be installed for 20' in the area of the collection boxes and the height of the collection box opening meet

JULY 21, 1988

standard City Code. There were questions in the minds of Councilmembers as to who was being asked to install curb and gutter and who would be responsible for care of excess land? Therefore, it was moved by Councilman Erickson, seconded by Wood, that this recommendation be referred to the Public Works Department and Traffic Engineer for further recommendation. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Recommendation #5: Cart Bus Stop. It is recommended that CART BUS LOADING-UNLOADING ZONES be located from the intersection of "A" Street and Park Avenue to the Southwest corner of Constitution Way and Park Avenue. This to comprise three (3) parallel parking stalls; two (2) on Park Avenue and one (1) on Constitution Way. These stalls to be closest to the intersection to allow for better egress and ingress of buses. Parallel stalls were chosen to allow elderly or handicapped people to load and exit onto the sidewalk. Councilman Erickson stated that the Committee feels this will be an improvement and provide safer loading and unloading for the bus passengers. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be approved. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist and Hovey; No, none; carried.

Mayor Campbell informed the Council that there is a need for a chaperon to accompany the group going to Japan on the Sister Cities Program. He asked for approval to pay part of Gae Bates' expenses and give her leave with pay for her acting as an official City representative for this event. The Council gave the Mayor authorization to handle this as he requested.

Councilman Hovey said that he has received several complaints that the owners of the old Riverview Hospital are not maintaining and watering the grounds and trees. Mayor Campbell said that the water has been turned on by City workers and they will continue to water these areas.

There being no further business, it was moved by Councilman Sakaguchi, seconded by Wood, that the meeting adjourn at 8:50 P.M., carried.

Velma Chandler
CITY CLERK

Thomas Campbell
MAYOR

* * * * *