

AUGUST 9, 1984

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 9, 1984, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, Mayor Campbell invited Scout Jared Lords to come forward and lead all those present in the Pledge of Allegiance to the Flag.

Mayor Campbell excused Councilman Chandler due to the recent death of his daughter, Libby Graves.

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, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Absent, Councilman Art Chandler. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Minutes of the last Regular Council Meeting held July 19th, and a Special Session held July 25th, 1984, were summarized and approved.

Mayor Campbell announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request to re-zone Lots 2 thru 8, Block 2, Bonita Park Addition, and called upon Councilman Wood, as Chairman of the Planning and 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
August 7, 1984

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED RE-ZONING - LOTS 2 THRU 8, BLOCK 2, BONITA PARK ADDITION (R-2 TO R-3A)

Attached is a copy of the re-zoning petition covering the above described lots from R-2 to R-3A. This property is located on the west side of Woodruff Avenue, north of First Street. The petition was submitted by Wallace Reed, owner of the property.

The Planning Commission, at their regular meeting July 10th, considered this matter at a public hearing. No protests were heard from adjacent property owners.

After some discussion, the Commission unanimously recommended approval of the request. This Department concurs with that recommendation, and the matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilman Wood then asked the City Planner to locate the subject property on a map on the wall and explain the request. There being no one present who wished to speak either for or against this re-zoning request, it was moved by Councilman Wood, seconded by Deist, that this property be re-zoned from R-2 to R-3A as requested, and that the City Planner be instructed to reflect said amendment and zoning change on the comprehensive plan and official zoning map located in his office. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Erickson, and Deist; No, none; carried.

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The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request to re-zone both sides of Whittier Street, between Wabash and Fanning Avenues, and called upon Councilman Wood 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
August 7, 1984

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED REZONING-R-1 TO R-3-NORTH & SOUTH SIDES OF WHITTIER ST.

Attached is a copy of the rezoning petition covering property with a metes and bounds legal description on both sides of Whittier Street, between Wabash and Fanning Avenues. The petitioners are requesting a rezoning from R-1 to R-3 to permit the construction of additional apartments in the area.

The Planning Commission, at their regular meeting in July, considered this matter at a public hearing. At that time, two area residents appeared to protest. After some discussion, the Commission unanimously recommended approval of the request.

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

s/ Rod Gilchrist

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

Councilman Wood then invited anyone present who wished to speak in favor of this request to be heard at this time.

Mr. Raeo Roos, the petitioner, appeared and read the following letter:

City of Idaho Falls
August 6, 1984

City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho 83401

Dear City Council:

My wife and I live at 744 Whittier which is on the south side of Whittier between North Wabash and North Fanning. Our property is one of the two parcels of land which has been requested for a zone change from R-1 to R -3.

We ask that you please vote in favor of the rezoning request.

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We have sold our home to the petitioner on the condition that the property be approved for R-3.

Earlier this year you approved the rezoning of the vacant lot next to us so that the petitioner could build apartments there. Therefore, we ask that you would again approve the rezoning change so that we can sell our home and purchase another home which we have found.

Thank you,
s/ Raeo Roos &
Cheryl Roos

No one else appeared either for or against this re-zoning request. Councilman Hovey asked if there had been any opposition registered from nearby residents. City Planner Gilchrist answered that two people had voiced opposition at the Planning Commission hearing, but his department has received no comment concerning this request. It was moved by Councilman Wood, seconded by Deist, that this property be re-zoned from R-1 to R-3, and that the City Planner be instructed to reflect said amendment and zoning change on the comprehensive plan and official zoning map located in his office. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then declared open a public hearing to consider a request for a conditional use permit, and asked Councilman Wood to, also, conduct this hearing. Councilman Wood asked the City Clerk to read the following memo from the City Planner.

City of Idaho Falls
August 7, 1984

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT - 355 S.
HOLMES

Attached is a copy of a request for a conditional use permit submitted by Dean & Glenda Berggren, 355 S. Holmes Avenue. This property is legally described as Lot 11, Block 1, Mathewson-Vercler Addition. The property is presently zoned R-3A. The request is to operate a small business on the second floor addition in an existing garage.

The Planning Commission, at their regular meeting July 10th, considered this matter at a public hearing. One written protest was received.

After some discussion, the Commission unanimously recommended approval of the request. This Department concurs with that recommendation, and the matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

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

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Councilman Wood then invited anyone who wished to speak in favor of this request to be heard at this time.

Mr. Dean Berggren, the petitioner, appeared briefly to state that he planned to operate a small gun and gift shop at this location. City Planner Gilchrist explained that a conditional use permit was required as Mr. Berggren planned to hire some outside the family employees and that the garage was not attached to the home. Gilchrist said that the zoning of area near-by was C-1 and that the Council had recently approved another conditional use permit in the vicinity; also that Mr. Berggren has adequate parking for the anticipated business. There was no one to appear against this request. Mayor Campbell asked the City Planner if the request would cover only this described business and that a similar request would have to be considered if Mr. Berggren either changed his business or sold his property. The planner answered that this permit would not be transferable and would be only for Mr. Berggren to operate as he has just described. Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

Bills for the month of July were presented after having first been properly audited by the Fiscal Committee. Councilman Hovey reviewed all major bills:

<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT: \$ 924,149.41	\$ 434,055.07	\$ 166,905.64	\$1,073,483.21
SALARY: <u>517,995.95</u>	<u>30,488.85</u>	<u>11,277.05</u>	<u>69,099.02</u>
TOTAL: \$1,442,145.36	\$ 464,543.92	\$ 178,182.69	\$1,142,582.23
<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SANITARY S/C</u>
SERV/MAT: \$2,599,929.93	\$ 394,441.91	\$ 35,812.77	\$ 1,602.35
SALARY: <u>97,341.87</u>	<u>34,288.29</u>	<u>26,210.73</u>	<u>.00</u>
TOTAL: \$2,697,271.80	\$ 428,730.20	\$ 62,023.58	\$ 1,602.35
<u>MUN CAP IMP</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>WATER CAP IMP</u>
SERV/MAT: \$ 86,255.87	\$ 6,409.55	\$ 62,573.44	\$ 674.00
SALARY: <u>.00</u>	<u>21,160.57</u>	<u>.00</u>	<u>.00</u>
TOTAL: \$ 86,255.87	\$ 27,570.12	\$ 62,573.44	\$ 674.00
<u>REV/SHAR</u>	<u>COMM DEVEL</u>	<u>ICDBG</u>	<u>CITY TOTALS</u>
SERV/MAT: \$ 1,391.80	\$ 341,461.60	\$ 1,372.88	\$6,130,519.43
SALARY: <u>.00</u>	<u>.00</u>	<u>.00</u>	<u>807,862.33</u>
TOTAL: \$ 1,391.80	\$ 341,461.60	\$ 1,372.88	\$6,938,381.76

It was moved by Councilman Hovey, seconded by Erickson, that the Controller be authorized to pay all bills as listed on the computerized printout. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Reports for July were presented from Division and Department Heads, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for ITINERANT MERCHANT, Trader Mac's (sewing machine); GROCERY STORE, General Nutrition Center, Inc.; FRUIT STAND, Tom's Shoe Repair, Sears Parking Lot; CONCESSIONS, Dairy Queen, Explorer Post 117, Sno Shack; JOURNEYMAN ELECTRICIAN, Leland S. Staten, Roy C. Campbell; APPRENTICE ELECTRICIAN, Robert J. Nieporte with Falls Electric; MASTER PLUMBER, Lon Holtzmaster, Wayne F. Fyfe; JOURNEYMAN PLUMBER, Bruce A. Jones, Rodney J. Olson, Wayne T. Fyfe,

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Howard G. Hill; NON-COMMERCIAL KENNEL, Marcia Moore; TAXI OPERATOR, Kathleen M. DeGrange; BARTENDER PERMITS, Penny Lee Marquez, Thomas W. Asbury, Michale James Sato, Raymond R. White, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Directors where required. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

A NOT TO BE CONSUMED ON THE PREMISES BEER license application for Jeep Patrol to sell beer at the Airshow was presented. It was noted that said application had previously been approved by the Police and Health Departments. It was moved by Councilman Erickson, seconded by Deist, that this license be approved. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Erickson, and Deist; No, none; carried.

The City Clerk requested Council ratification of issuing ITINERANT MERCHANT licenses to Gun Hwan Oh and Donald Edward Paul; A BEER, NOT TO BE CONSUMED ON THE PREMISES transfer from Triangle Oil (Blue Bell), Tracy Jean Twitchell, to Hardy Enterprises, Manager James D. Moran; a RESTAURANT , The Kingfisher Seafood Deli; and a PRIVATE PATROLMAN license to Jay L. Nichols, with the approval of the required Departments but without formal Council authorization. It was moved by Councilman Erickson, seconded by Deist, that these previous actions be duly ratified. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Erickson, Deist, and Hovey; No, none; carried.

This memo from the Airport Manager was then read:

City of Idaho Falls
August 6, 1984

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: CONSENT TO ASSIGNMENT OF AERO MARK ASSOCIATES
LEASE

Aero Mark Associates has assigned their lease as security for a loan made to them by the Idaho First National Bank.

The Assignment has been reviewed and found acceptable by the City Attorney.

The Airport Committee respectfully requests that the Mayor and Clerk be authorized to execute the Acknowledgment of Assignment of Lease.

s/ James Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute the Acknowledgment of Assignment of Lease. Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

This memo from the Municipal Services Director was then read:

City of Idaho Falls
August 6, 1984

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Director of Municipal Services
SUBJECT: ORCHESTRA PIT BID, CIVIC AUDITORIUM

AUGUST 9, 1984

Attached is a tabulation of bids recently received for construction of an orchestra pit at the Civic Auditorium. As per earlier discussion, this project is being funded by the Idaho Falls Opera Theatre.

It is the recommendation of the Architect, Sundberg and Associates, Inc., and the Municipal Services Division that the City Council accept the low bid of Lloyd's Construction and authorize the Mayor and City Clerk to sign the necessary documents.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Sakaguchi, that Lloyd's Construction Company be awarded the low bid in the amount of \$42,010 and the Mayor and City Clerk be authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi; and Wood; No, none; carried.

Also, from the Municipal Services Director, came this memo:

City of Idaho Falls
August 2, 1984

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Director, Municipal Services
SUBJECT: BID NO. IF-84-16, 1250 G.P.M. PUMPER FIRE TRUCK

Attached is a tabulation of bids for Bid No. IF-84-16, Fire Truck. The low bid contained a significant number of exceptions to the City's specifications, as did the next several bids.

It is the recommendation of the Fire Department and the Municipal Services Division that the City Council reject all bids and authorize the re-advertisement to receive bids. In re-advertising for bids, the specifications and/or the terms and conditions of the bid will be revised.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Council reject all bids for a pumper fire truck and authorize the re-advertisement of new bids. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, and Erickson; No, none; carried.

This memo from the Public Works Director was then presented and read:

City of Idaho Falls
August 7, 1984

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: CHANGE ORDER #2 POULSON AVE. WATERLINE

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Attached hereto are six (6) copies of Change Order #2, Poulson Avenue Waterline, having to do with seal coating the full width of the street for the length of the project.

It seems advisable, now that the waterline is constructed, to sealcoat the entire width of street rather than only the trench.

The cost for this change order is \$2,370 and the Public Works Committee is recommending this Change Order be authorized.

Sincerely,
s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that this Change Order #2 to the Poulson Avenue Waterline Project be approved in the amount of \$2,370 and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Also, from the Public Works Director, came this memo and resolution:

City of Idaho Falls
August 7, 1984

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PANCHERI DRIVE CORRIDOR

We are attaching hereto two (2) originals of a Resolution and State/Local Agreement (Preliminary Engineering) having to do with the Snake River Bridge in the Pancheri Drive Corridor. The City Public Works Committee and the City Attorney have reviewed these documents.

The agreement requires in advance payment of \$5,000.00 to State Transportation Department for incidental services to be provided by the State for development of this project. We are recommending the Mayor and City Clerk be authorized to sign approval.

Sincerely,
s/ Don F. Lloyd

R E S O L U T I O N (Resolution No. 1984-10)

WHEREAS, The Idaho Transportation Department, Division of Highways, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of a second Snake River bridge in the Pancheri Drive Corridor (FM Route 7406); and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway system when there is federal participation in the costs; and

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WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, the State can only pay for work associated with the State Highway System; and

WHEREAS, the City is fully responsible for its share of project costs; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive federal participation:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal-Aid Highway Project M-7406(007) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City.
3. That duly certified copies of the Resolution shall be furnished the Idaho Transportation Department, Division of Highways.

Councilman Sakaguchi explained the need for this agreement. It was moved by Sakaguchi, seconded by Deist, that an advance payment of \$5,000 be issued to the State Transportation Department and the Mayor and City Clerk be authorized to sign the City's approval. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Erickson, and Deist; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls
August 9, 1984

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: MEMORIAL DRIVE

We are planning some minimal improvements on Memorial Drive which include a scrub coat and a 1 inch asphalt overlay.

The Public Works Committee has approved this project and we are requesting authorization to advertise for competitive bids.

Sincerely,
s/ Donald F. Lloyd

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

The City Attorney then presented the following two ordinances:

AUGUST 9, 1984

ORDINANCE NO. 1766

AN ORDINANCE AMENDING SECTION 4-12-3 CITY CODE, IDAHO FALLS, BEING A PORTION OF ORDINANCE NO. 1951, ORDINANCES OF THE CITY OF IDAHO FALLS, IDAHO: PROHIBITING THE INSTALLATION OR ALTERATION OF ANY PLUMBING WITHOUT FIRST OBTAINING A PERMIT; SETTING FORTH PERMIT AND INSPECTION FEES; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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, 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 consideration, the question being, "SHALL THE ORDINANCE PASS ON ITS SECOND AND THIRD READINGS?" Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

ORDINANCE NO. 1767

AN ORDINANCE REPEALING SECTION 4-11-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO AND SECTION 4 ORDINANCE NO. 1705, ORDINANCES OF THE CITY OF IDAHO FALLS, IDAHO, ADOPTING CERTAIN AMENDMENTS TO THE UNIFORM BUILDING CODE RELATING TO ACCESSORY BUILDINGS, PERMIT FEES, CERTIFICATES OF OCCUPANCY, FIREWALLS, STAIRS, EXISTS, HEADROOM FOR STAIRWAY CLEARANCE AND SNOW-PROOF ENCLOSURES; DECLARING THAT A PORTION OF THE APPENDIX TO THE UNIFORM BUILDING CODE IS NOT ADOPTED; PROVIDING FOR SEVERABILITY AND FOR A SAVING CLAUSE; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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 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 consideration, the question being, "SHALL THE ORDINANCE PASS ON ITS SECOND AND THIRD READINGS?" Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

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The City Attorney presented a Findings of Fact, Conclusions of Law and Decision, covering the re-zoning request from Mildred Roberts. It was moved by Councilman Wood, seconded by Deist, that the Mayor and City Clerk be authorized to sign this document. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, and Erickson; No, none; carried.

Also, the City Attorney presented a Findings of Fact, Conclusion of Law and Decision, covering the re-zoning request submitted by Harmon Broesbeck. It was moved by Councilman Wood, seconded by Deist, that this findings of Fact, Conclusions of Law and Decision be approved and the Mayor and City Clerk be authorized to sign the document. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 8:07 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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