

FEBRUARY 28, 2002

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 28, 2002, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Bruce Rose
Councilmember Brad Eldredge
Councilmember Mike Lehto
Councilmember Bill Shurtleff
Councilmember Ida Hardcastle
Councilmember Joe Groberg

Also present:

Dale Storer, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Milam requested Boy Scout David Siegel to come forward and lead those present in the Pledge of Allegiance.

Mayor Milam and Councilmembers honored Margo Neider on her retirement as Property Manager for the City of Idaho Falls by presenting her with a gift certificate.

The City Clerk read a summary of the minutes for the February 14, 2002 Regular Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the minutes as printed. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including BARTENDER PERMITS to Graciela A. Bautista, Doug R. Bennion, Shirley M. DeLaGarza, Jose R. Ibarra, Kabrina K. Palmer, B. Rhonda Ponce, Denise R. Rowe, Brenda L. Thornock, and Diala K. Trolinder, all carrying the required approvals, and requested authorization to issue these licenses.

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve the Consent Agenda in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff

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Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam indicated that this was the time for citizens to appear who had issues for the City Council that are not otherwise listed on the Agenda.

Ryan Briggs, 1465 Scorpius Drive, appeared to present the following information regarding a sewer backup at his home:

1465 Scorpius Drive
Idaho Falls, Idaho 83402
February 28, 2002

City of Idaho Falls
208 Constitution Way
P. O. Box 50220
Idaho Falls, Idaho 83405

Dear Mayor Milam and City Council Members:

My Name is Ryan Briggs; I live at the address above with my wife and two children, ages 3 and 1. We are also expecting our third child in August.

On January 16, 2002, the City sewer main on our street clogged, causing the sewer to backup into our house. The damage is estimated at nearly \$3,000. Our insurance policy covers the damage after a \$500 deductible.

On February 11, 2002, I submitted a claim to the City for \$575.00, this amount is what we have had to pay out of pocket (\$500.00 insurance deductible, and \$75.00 for an emergency plumber service call). On February 27, 2002, I received a letter from Dick Campbell, of Rocky Mountain Claim Service, stating that the claim was denied because the sewer line had been regularly maintained. The line is maintained annually, and last done in March of 2001.

The cause of the clogged line was determined to be that tree roots had entered the pipe and caused other items put through the line to plug up the pipe (see photographs from the Sewer Department showing roots in the line). I feel that the City is responsible for the damage done to my house because, although the sewer line was cleaned ten months prior to the incident, the City is responsible for keeping the pipes clean and clear of blockage.

My purpose in coming to you is to make known this injustice, and to encourage you to reconsider the denial of claim. My next step in this matter will be to take the claim to Small Claims Court.

FEBRUARY 28, 2002

Thank you for your prompt attention to this matter. Please feel free to contact me if you have any concerns, questions or need additional information. I look forward to working with you toward the swift resolution of this claim.

Sincerely,

s/ D. Ryan Briggs
D. Ryan Briggs

Enclosures (3)

Enclosures are as follows:

1465 Scorpius Drive
Idaho Falls, Idaho 83402
February 11, 2002

City Clerk's Office
City of Idaho Falls
308 Constitution Way
P. O. Box 50220
Idaho Falls, Idaho 83405

Dear Sir or Madam:

This letter is to give additional information for the claim included in this package.

On January 16, 2002, my wife called me home from work, telling me that our basement was flooding. Upon arrival, I found water coming out of the basement bathroom. Water was coming out of the base of the toilet. I then turned off the water in the house. That didn't stop the inflow so I removed the toilet from the floor to inspect the wax seal and service line. As I lifted the toilet from the floor, water rushed from the sewer service line into the bathroom and basement. I then immediately called a plumber.

When the plumber arrived, he told me that he didn't think that our service line was the problem. I followed him out into the street where he removed the manhole cover to inspect the sewer main line. We saw that the effluent was backed up close to the top of the manhole. Our plumber then telephoned the Sewer Department. The time was 7:35 p.m. (see plumbing bill).

When the Sewer Department representative arrived, he observed the sewer manhole and called for a pump truck. The pump truck came and flushed the sewer main. At this time the flow into the house stopped. He then told me to contact the City to make a claim for the damages done to my basement due to the City sewer backup.

I have two children (ages 3 and 1) and one on the way so I worked hard to minimize the contamination as much as possible, directing as much of the

inflow to a sump pump as I could. Despite my attempts, the carpet in the basement needed to be removed. We worked with Paul Davis Restoration to disinfect and dry all that was contaminated (see invoice from Paul Davis).

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Our claim to the City of Idaho Falls is for the amount of \$575.00. This amount is what we have had to pay out of pocket (\$500.00 insurance deductible, and \$75.00 for the plumber service call).

Thank you for your prompt attention to this matter. Please feel free to contact me if you have any concerns, questions or need additional information. I look forward to working with you toward the swift resolution of this claim.

Sincerely,

s/ D. Ryan Briggs
D. Ryan Briggs

Enclosures (3)

Rocky Mountain Claims
Service
P. O. Box 1331
Idaho Falls, Idaho 83403
February 25, 2002

D. Ryan Briggs
1465 Scorpius Drive
Idaho Falls, Idaho 83402

RE:	Our Insured:	City of Idaho Falls
	Claimant:	D. Ryan Briggs
	Date of Loss:	January 16, 2002
	Our File No.:	D 02-15352

Dear Mr. Briggs:

This letter will serve as a follow up to my telephone conversation with you of February 22, 2002, regarding the above captioned claim. As I have advised, from our investigation, we do not feel that the City of Idaho Falls was negligent for the sewer backup that occurred in your residence on January 16, 2002. As we have discussed, the City of Idaho Falls has no control over what gets flushed down the sewer lines. From our check of the records of the City Sewer Department, we find that the maintenance on your sewer line is in keeping with their policy, wherein they perform an annual flushing of the sewer lines.

The problem with the tree roots found in the sewer line following the incident of January 16, 2002, was also addressed when the City removed the roots from the line on January 17, 2002. Here again, the City had not had problems with tree roots prior to the incident of January 16 and the maintenance which they perform on the lines on an annual basis is designed to help control this problem. I must state again that there was no history of any problems with tree roots prior to the time this incident occurred. While it may be that it was a combination of debris being flushed down the sewer line coupled with the tree roots that caused this backup, it is felt that this did not occur as a result of the

City's negligence or improper maintenance of the lines. For these reasons, we

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must respectfully decline to make payment to you for the damages which you sustained in this incident.

Best regards,

s/ Dick Campbell
Dick Campbell
General Adjuster

DS/tmd

cc: Specialty National Insurance

cc: City of Idaho Falls

Page with three photographs of the tree roots in the sewer line.

Harper-Leavitt
Engineering, Inc.
985 North Capital Avenue
Idaho Falls, Idaho 83405

Sewer Capacity Calculation

Given: Loading: Residential – 100 gpcd, Commercial 1,000 GPD/acre,
4 people per household

Find: Sewer line size

Analysis:

Flow Calculations:

332 Residential Lots	Design Average Daily Wastewater Flow:
0 Acres of Commercial Development	132,800 GPD
	<u>0 GPD</u>
	132,800 GPD Total
Ratio of Peak Hourly Flow to Design Average Flow=	3.72
Maximum Rate of Wastewater Flow (Peak Hourly Flow)=	20,568 gph = 0.76 cfs

Pipe Sizing (4" min):

Pipe Size In	Min Slope %	n	Full Capacity cfs
4	2.0%	0.013	0.269
4	1.0%	0.013	0.190
6	2.0%	0.013	0.793
6	1.0%	0.013	0.561
8	0.4%	0.013	0.764
10	0.28%	0.013	1.159
12	0.22%	0.013	1.671
15	0.15%	0.013	2.501
21	0.10%	0.013	5.009
24	0.07%	0.013	6.396
27	0.067%	0.013	8.014
30	0.058%	0.013	9.875

36	0.046%	0.013	14.300
42	0.037%	0.013	19.346

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Mayor Milam explained that this issue would be referred to the Public Works Director Chad Stanger and the Public Works Council Committee for their review.

The Airport Director submitted the following memos:

City of Idaho Falls
February 19, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: ROBERT HOFF AIRPORT HANGAR LEASE

Attached for City Council approval is the Airport Hangar Lease Agreement for Robert Hoff. The term of this lease is for twenty (20) years.

The City Attorney has reviewed this document.

The Airport Division recommends approval of this Airport Hangar Lease Agreement and requests the Mayor be authorized to execute the document.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Airport Hangar Lease Agreement with Robert Hoff and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
February 20, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: SIGNAGE CONTRACT

Attached for City Council approval is the Contract with Young Electric Sign Company for the purchase and installation of directional signage for the terminal renovation project. The cost of the Contract is \$26,708.00.

The Contract has been reviewed by the City Attorney.

FEBRUARY 28, 2002

The Airport Division recommends approval and requests the Mayor be authorized to execute the documents.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Contract with Young Electric Sign Company for the purchase and installation of directional signage for the Airport Terminal Renovation Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls
February 20, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: JET BRIDGE CONTRACT

Attached for City Council approval is the advertised Sole Source Contract with FMC Technologies, Inc. for the purchase and installation of two jet bridges in conjunction with the Airport Terminal Renovation Project. The cost of the Contract is \$515,207.00, which is within our project allowance.

The City Attorney has reviewed this Contract.

The Airport Division recommends approval and requests the Mayor be authorized to execute the document.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Sole Source Contract with FMC Technologies, Inc. for the purchase and installation of two jet bridges in conjunction with the Airport Terminal Renovation Project and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Lehto

Councilmember Rose
Councilmember Groberg

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Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
February 22, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: RAINBOW INVESTMENTS – ESTOPPEL CERTIFICATE

Attached for City Council approval is an Estoppel Certificate for Rainbow Investments. Robert Hoff has requested the City's consent to any assignment of his leasehold interest as collateral for a loan.

The City Attorney has seen and approved this document.

The Airport Division recommends approval and requests the Mayor be authorized to execute the Certificate.

s/ Mike Humberd

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Estoppel Certificate for Rainbow Investments and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
February 25, 2002

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-10, WATER LINE MATERIAL

FEBRUARY 28, 2002

Attached for your consideration is a tabulation of bids for water line material. It is the recommendation of Municipal Services to accept the low evaluated bid meeting specifications as per Attachment "A". As per the bid specifications, the bids were evaluated according to lump sum amounts in each section.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to accept the low evaluated bid meeting specifications as per Attachment "A" for the Water Line Materials. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
February 25, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PHASE III HVAC REVISIONS – CIVIC AUDITORIUM

The attached tabulation of bids is for Idaho Falls School District No. 91's bid for HVAC Revisions at Idaho Falls High School and the Civic Auditorium. The Board of Trustees for District No. 91 awarded the bid to Vern Clark and Sons in the amount of \$998,980.00 which includes \$406,980.00 for Alternate No. 1 for the Civic Auditorium.

It is respectfully requested that the City Council approve the award of Alternate No. 1 for the Civic Auditorium HVAC and authorize the Mayor to sign the attached Letter of Agreement.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to approve Alternate No. 1 for the Civic Auditorium HVAC Revisions with Vern Clark and Sons Construction Company, Inc. and, further, give authorization for the Mayor to execute the Letter of Agreement with School District No. 91. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hardcastle

Councilmember Rose
Councilmember Eldredge

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Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
February 26, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-02-06, MOTOR FUEL AND LUBRICANTS

Please be advised, as per the attached letter, that Conrad and Bischoff will not supply Section 1 Group A, as per the fuel bid that was awarded to them on January 10, 2002.

Therefore, it is respectfully requested that the Mayor and Council award Section 1 Group A to the next responsive bidder, Wright Oil Company. The estimated cost increase to the City is \$400.00.

s/ S. Craig Lords

Letter from Conrad and Bischoff, Inc.:

Conrad and Bischoff, Inc.

City of Idaho Falls
Purchasing Department
P. O. Box 50220
Idaho Falls, Idaho 83405

RE: Rejection of Awarded Fuel Bid

Dear Willa or Jennifer:

I am writing this letter to formally reject the part of the City fuel bid to fill the bulk fuel trucks. We are very excited to bid on the entire contract again next year, but have chosen not to have any part of the business this year.

We are sorry for any inconvenience that this decision has and will cause you.

Thank you,

s/ Kirk Hansen
Kirk Hansen
Vice President

Conrad and Bischoff, Inc.

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It was moved by Councilmember Eldredge, seconded by Councilmember Groberg, to award Section 1 Group A to Wright Oil Company as requested. Roll call as follows:

Aye: Councilmember Rose
Councilmember Eldredge
Councilmember Lehto
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Groberg

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
February 28, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: JOINT USE AGREEMENT – STATE CHARIOT MEET

Attached is a Joint Use Agreement between the City of Idaho Falls and the North Chariot Association of Rigby. The purpose of the Agreement is grant the use of Sandy Downs and its facilities as described for the 2002 State Chariot Meet to be conducted March 9 through March 11, 2002. The City Attorney has reviewed said Agreement. It is therefore respectfully submitted for your approval.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Joint Use Agreement with the North Chariot Association of Rigby and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Eldredge
Councilmember Hardcastle
Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

FEBRUARY 28, 2002

City of Idaho Falls
February 25, 2002

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: SITE PLAN APPROVAL – RSC-1 ZONE, LOT 3, BLOCK 2,
PARKWOOD MEADOWS, DIVISION NO. 1

Attached is the Site Plan submitted for a 7,280 square foot office building on the western portion of Lot 3, Block 2, Parkwood Meadows, Division No. 1. This property is zoned RSC-1. Prior to issuance of a building permit in this zone, a Site Plan shall be approved by the City Council. A similar Site Plan was reviewed by Planning Commission on February 12, 2002, and recommended for approval. For safety reasons, the staff did not concur with the recommendation of the Commission. The Developer has modified his Site Plan slightly and staff recommends approval of the attached Site Plan. This matter is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

Councilmember Rose stated that he had a conflict of interest on this Site Plan and that he would not participate in any discussion or decision on this matter. The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this Site Plan approval:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo with Site Plan superimposed
Slide 3	Site and Landscape Plan
Slide 4	Preliminary Building Elevations
Slide 5	Site and Landscape Plan
Exhibit 1	Planning Commission Minutes dated February 12, 2002
Exhibit 2	Staff Report dated February 12, 2002
Exhibit 3	Letter of Planning Director dated February 14, 2002
Exhibit 4	Revised Site Plan dated February 21, 2002

The Planning and Building Director stated that the Site Plan complies with the RSC-1 Zone and meets the landscaping requirements. The setback requirements for the buildings are met. The setback requirements for the access points to Woodruff Avenue and Hoopes Avenue also comply with the RSC-1 Zone requirements. The on-site traffic circulation was addressed in the change made to the Site Plan following the Planning Commission Meeting.

Councilmember Eldredge requested to know whether there would be a shared access once the property to the east was developed. The Planning and Building Director stated that there would be a 40-foot access point that would serve both buildings.

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Site Plan for an office building to be located on Lot 3, Block 2, Parkwood Meadows Addition, Division No. 1 as presented. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Lehto

Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Groberg

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Nay: None

Abstain: Councilmember Rose

Motion Carried.

The memo from the Public Works Director regarding the tabulation and award of bid for the Downtown Parking Development and Renovation Project was withdrawn by the Division Director.

The Public Works Director submitted the following memo:

City of Idaho Falls
February 25, 2002

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – NORTH IDAHO FALLS SANITARY SEWER TRUNK
LINE

On February 12, 2002, bids were received and opened for the North Idaho Falls Sanitary Sewer Trunk Line. A tabulation of the bid results is attached.

The low bidder is HK Contractors, Inc. in the amount of \$479,268.00. Public Works presents this matter to the City Council for their consideration.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Rose, to accept the low bid from HK Contractors, Inc. to complete the North Idaho Falls Sanitary Sewer Trunk Line Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Shurtleff
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Rose, seconded by Councilmember Lehto, that the meeting adjourn at 8:05 p.m.

CITY CLERK

MAYOR
