

JULY 22, 1993

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 22, 1993, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmembers Larry Carlson, Melvin Erickson, Joseph Groberg, Linda Milam, Gary Mills, and Ralph Wood. 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 July 8, 1993. The minutes were approved.

Noting from the Agenda that two public hearings had been recessed until this night, it was moved by Councilmember Mills, seconded by Groberg, that consideration of the purchase of property for the Greenbelt and a request to rezone property at 635 West Broadway both be recessed until the August 5, 1993 meeting. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

Mr. Rue Stears, 1235 Bannock, appeared and reviewed a letter of complaint regarding the filling of the position of City Prosecutor and another letter of anticipation regarding the upcoming City Prosecutor and City Attorney contracts. These letters are both on file in the City Clerk's Office.

Mr. Stears said that he wanted it made clear that he is not against Mr. Mason or anyone on the Council. He said that he feels Mr. Mason is fully qualified, he is only concerned with the manner in which this was done.

The City Attorney said that he has reviewed Mr. Stears' requests very carefully and he feels that the procedures that the City followed were in compliance with State Code. Councilmember Groberg reminded Mr. Stears that the position had been put out for bid and Mr. Mason's bid was significantly lower than others received.

Mr. Stears said that the absence of a contract on which the Council should vote is the reason he is questioning the appointment. The Attorney said that proper procedures were taken.

The City Clerk presented several license applications. It was moved by Councilmember Erickson, seconded by Mills, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

The City Clerk asked for Council ratification of the issuance of several licenses. It was moved by Councilmember Erickson, seconded by Mills, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

The City Clerk asked for Council ratification of the publishing of legal notices calling for public hearings on August 5, 1993. It was moved by Councilmember Erickson, seconded by Mills, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

From the Electric Division Manager came this memo:

City of Idaho Falls
July 20, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: G. S. Harrison, Manager
SUBJECT: SHELLEY PROJECT FUNDING

The Federal Energy Regulatory Commission has issued a preliminary recommendation that the City develop an upstream alternative to the proposed Shelley Project. They have also requested that the City provide additional information regarding this site.

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Attached is a copy of the FERC request and a proposal to provide this information from HDR Engineering, Inc.

The Electric Division recommends that the City Council authorize the expenditure of \$68,000 to accomplish this work. Monies are contained in the current Electric Division budget.

S/ G. S. Harrison

Councilmember Groberg updated this project process. It was moved by Councilmember Groberg, seconded by Carlson, that the Council authorize this expenditure. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

Noting from the agenda that consideration of a final plat for Eagle Rock Crossing had been recessed until this night, it was moved by Councilmember Mills, seconded by Groberg, that this item be recessed until the next Council Meeting on August 5, 1993. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

From the Director of Planning and Zoning came this memo:

City of Idaho Falls
July 21, 1993

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: DEVELOPMENT AGREEMENTS - E.I.R.M.C.

Attached are two development agreements covering new construction at Eastern Idaho Regional Medical Center. One agreement addressed the proposed new medical office building--the other addresses a new addition to the hospital. The agreements are made necessary because of modifications to parking, roadways, and utilities. These documents have been reviewed and approved by the appropriate City Departments.

This Department recommends approval of the development agreements and they are now being submitted to the Mayor and City Council for your consideration.

S/ Rod Gilchrist

It was moved by Councilmember Mills, seconded by Groberg, that these development agreements be approved and the Mayor and City Clerk be authorized to sign the documents. Roll call as follows: Ayes, Councilmembers Carlson, Groberg, Milam, Mills, Erickson, and Wood; No, none; carried.

The Public Works Director submitted the following five memos:

City of Idaho Falls
July 20, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SANITARY SEWER REPLACEMENT "1993"

JULY 22, 1993

Attached is a tabulation of bids to replace portions of the sanitary sewer line in Crowley Street between Bannock Avenue and Ada Avenue and the alley between Cleveland and Garfield from Yellowstone Avenue to Emerson Avenue.

Public Works recommends award of the bid to the low bidder, 4T Construction, at \$59,250.00 and authorization for the Mayor to sign the related documents.

S/ Chad Stanger

There being no questions, it was moved by Councilmember Carlson, seconded by Milam, that the Council accept the low bid as recommended. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

City of Idaho Falls
July 22, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STATE/LOCAL AGREEMENT - CINDER BUTTE TO OLD BUTTE
#1 (BICYCLE UNDERPASS)

Attached are copies of a proposed State/Local agreement and suggested resolution for preliminary engineering on the Cinder Butte to Old Butte #1 (Bicycle Underpass) project. Upon acceptance, this agreement requires the City to deposit with the State an amount of \$2,000.00 estimated to adequately compensate the State for services rendered during the project.

Public Works is submitting the proposed agreement and resolution to the City Council for approval and authorization for the Mayor to sign the appropriate documents.

S/ Chad Stanger

Councilmember Groberg stated that he had seen a similar project in Sun Valley and he very much approved the proposals. It was moved by Councilmember Carlson, seconded by Milam, that this agreement be approved and the Mayor authorized to sign the appropriate documents. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

City of Idaho Falls
July 22, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: STATE/LOCAL AGREEMENT - OLD BUTTE ROAD TO CINDER
BUTTE NO. 2 (LANDSCAPING)

JULY 22, 1993

Attached are copies of a proposed State/Local Agreement and suggested Resolution for preliminary engineering on the Old Butte Road to Cinder Butte No. 2 (Landscaping) project. Upon acceptance, this Agreement requires the City to deposit with the State an amount of \$2,000.00, estimated to compensate the State for services rendered during the project.

Public Works is submitting the proposed Agreement and Resolution to the City Council for approval and authorization for the Mayor to sign the appropriate documents.

S/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Milam, that the Council accept this Agreement and authorize the Mayor to sign the appropriate documents. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Wood, Erickson, and Groberg; No, none; carried.

City of Idaho Falls
July 20, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - SHOPKO ACRES

A request has been received by the City to vacate the north 148' of the utility easement adjacent to the west lot line of Lot 2, Block 1, Shopko Acres. All appropriate utilities have been advised of, and agree with the proposed vacation.

Public Works requests authorization for the City Attorney to prepare the easement vacation documents for City Council consideration.

S/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Milam, that the City Attorney be authorized to prepare the necessary documents for the vacation of this utility easement. Roll call as follows: Ayes, Councilmembers Wood, Mills, Groberg, Milam, Carlson, and Erickson; No, none; carried.

City of Idaho Falls
July 22, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - IDAHO FALLS REGIONAL MEDICAL CENTER ADDITION

JULY 22, 1993

Upon request of Eastern Idaho Medical Center, the City Attorney has prepared an Ordinance to vacate a portion of a 20 foot wide water line easement located in Lot 1, Block 1, Idaho Falls Regional Medical Center Addition. Alternate easements have been provided for utilities serving the medical complex.

Public Works requests approval of this Ordinance and authorization for the Mayor to sign the appropriate documents.

S/ Chad Stanger

The City Attorney read the following Ordinance title:

ORDINANCE NO. 2109

AN ORDINANCE VACATING A CERTAIN WATERLINE EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing ordinance was presented in title. It was moved by Councilmember Carlson, seconded by Milam, 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 READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried. The majority of all the members 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, Councilmembers Milam, Groberg, Wood, Carlson, Erickson, and Mills; No, none; carried.

The Municipal Services Division submitted the following four memos:

City of Idaho Falls
July 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-93-38, COMPLETE NEW 1993 INTEGRATED ELECTRONIC TOTAL STATION

Attached is the tabulation for Bid IF-93-38, Complete New 1993 Integrated Electronic Total Station and Accessories--Survey System.

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Municipal Services recommends accepting the bid meeting specification of Bonneville Blue Print to furnish the Leica Model TC-1610 for a total amount of \$17,000.00 with trade-in.

S/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that the Council accept the bid meeting specifications. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

City of Idaho Falls
July 19, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND AWARD OF BID - ASPHALT STAGING AREA
AT SAGE LAKES GOLF COURSE

Attached is a copy of the tabulation of bids for the above-referenced project.

Municipal Services recommends awarding the bid to H-K Contractors in the amount of \$.79 per square foot for a total of \$31,600.00 for approximately 40,000 square feet. Actual payment will be the unit price for the actual amount of square feet of asphalt.

Municipal Services respectfully requests approval from the Mayor and City Council and authorization for the Mayor to execute the Contract.

S/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that the Council accept the bid and authorize the Mayor to execute the Contract. Roll call as follows: Ayes, Councilmembers Erickson, Groberg, Milam, Mills, and Wood; No, Councilmember Carlson; carried.

City of Idaho Falls
July 16, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SAGE LAKES CLUBHOUSE/PRO SHOP AND CAFE PROJECT -
CHANGE ORDER NO. 1, LARRY CHAPPLE CONSTRUCTION

Attached is a copy of Change Order No. 1 in the amount of \$6,500.00 for additional work requested by the City and also a time extension of 29 days due to weather conditions (15 days) and the additional work (14 days). This Change Order is for enlarging the concrete patio area and for construction of a planter in front of the clubhouse. The planter will provide a barrier between the building and the asphalt cart path and staging area.

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It is respectfully requested that the Mayor and Council approve and authorize the Mayor to execute said Change Order.

S/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that the Council accept this Change Order and authorize the Mayor to execute same. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Erickson, and Mills; No, Councilmember Carlson; carried.

City of Idaho Falls
July 21, 1993

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PETERSEN BUILDING REMODEL RESOLUTION

Attached for your consideration is a Resolution declaring the City's "Official Intent" to reimburse itself from prior expenditures relating to the Petersen Building Remodel Project from the proceeds of the issuance of Bonds. The maximum principal amount of the Bonds expected to be issued to finance the project is \$1,000,000.00.

It is respectfully requested that the Mayor and Council approve said Resolution.

S/ S. Craig Lords

R E S O L U T I O N (Resolution No. 1993-09)

OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

WHEREAS, the City anticipates financing all or a portion of the cost of a certain project, generally described as the remodeling of a building located adjacent to the present City Hall Annex Building (the "Project") through the issuance of its bonds, notes, or other instruments of indebtedness or deferred payment (the "Bonds") therefore; and,

WHEREAS, the City expects to incur certain expenditures related to the Project prior to issuing the Bonds, and the City reasonably intends to reimburse itself for such prior expenditures with proceeds of the Bonds; and,

WHEREAS, this Resolution is intended to constitute the City's declaration of "Official Intent" to reimburse itself for prior expenditures within the meaning of Section 1.103-18 of the Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended (the "Regulations").

NOW, THEREFORE, be it resolved by the City Council of the City of Idaho Falls as follows:

JULY 22, 1993

SECTION 1. The purpose of this Resolution is to permit the City to reimburse itself for prior expenditures relating to the Project from the proceeds of the Bonds.

SECTION 2. The City intends to incur expenditures with respect to the Project prior to the issuance of the Bonds and reasonably expects to reimburse those expenditures from the proceeds of the issuance of the Bonds.

SECTION 3. This Resolution constitutes a "Declaration of Official Intent" under Section 1.103-18 of the Regulations.

SECTION 4. The Project consists of the improvements on Exhibit A hereto.

SECTION 5. The maximum principal amount of the Bonds expected to be issued to finance the Project is \$1,000,000.00. The maximum principal amount of the proceeds of the Bonds to be issued to reimburse expenditures incurred prior to the issuance of the Bonds is \$1,000,000.00.

SECTION 6. The payment of costs related to the Project prior to the issuance of the Bonds and the reimbursement of such costs from the proceeds of the Bonds is consistent with the City's budgetary and financial circumstances as of the date of this Resolution. The City reasonably expects monies to be, allocated for a long-term basis, reserved or otherwise set aside by the City to pay the expenditures for which the City reasonably intends to reimburse.

SECTION 7. This Resolution shall be available in the records of the City at the main administrative office of the City for inspection by the general public every business day during normal business hours from the date of adoption hereof until the date of issuance of Bonds.

SECTION 8. The officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to take any and all actions and execute, acknowledge and deliver any and all agreements, instruments or other documents and revisions or corrections thereof and amendments thereto, as may in their discretion be deemed necessary or desirable to carry out part of the terms, provisions and intent of this Resolution.

DATED this 23rd day of July, 1993.

S/ Thomas Campbell
MAYOR

ATTEST:

s/ Velma Chandler
CITY CLERK

Councilmember Milam reviewed the mechanism for payment of this project. After several questions asked and answered, it was moved by Councilmember Milam, seconded by Wood, that the Council approve this Resolution declaring the City's intent to issue Certificates of

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Participation in a maximum amount of \$1,000,000.00. Roll call as follows: Ayes, Councilmembers Milam, Mills, Erickson, Wood, and Groberg; No, Councilmember Carlson; carried.

The Mayor appointed Gerald Oakey and Reeve Norman for a one-year term; Jay Van Orden for a two-year term; and Bruce Bradley and Tony Passino to three-year term to the Electric Board of Appeal. It was moved by Councilmember Mills, seconded by Groberg, that these appointments be confirmed. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

The Mayor made the following appointments to the Heating Board of Appeal: Dick Wiemer and LaRall Kent, one year; and Colvin Jergins and Brent Conan for three year terms. It was moved by Councilmember Mills, seconded by Groberg, that the Council confirm these appointments. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, Mills, and Milam; No, none; carried.

The Mayor then appointed West Deist to the Golf Advisory Board. It was moved by Councilmember Erickson, seconded by Wood, that this appointment be duly confirmed. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

There being no further business, it was moved by Councilmember Erickson, seconded by Wood, that the meeting adjourn at 8:15 P.M.; carried.

Velma Chandler
CITY CLERK

Thomas Campbell
MAYOR