

NOVEMBER 21, 1991

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 21, 1991, in the Council Chambers in Idaho Falls, Idaho. There were present: Mayor Tom Campbell, Councilmen Art Chandler, Wes Deist, Melvin Erickson, Joe Groberg, Sam Sakaguchi, 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 November 7, 1991. The minutes were approved by the Mayor and Council.

The Mayor introduced Bonneville County Fire District Firefighters that are now a part of the City of Idaho Falls' Fire Department and honored Eagle Scout Jeremy Clayton and Adrian Orme.

Pat and Richard Klingenberg, owners of Corporate Aviation, appeared to state that Are-Mark had sent them notice to close their business operation out of the Hoff's building by December 8th. They asked the City Council what options they have to be able to continue their operation. After some discussion, it was moved by Councilman Deist, seconded by Sakaguchi, that this matter be referred to the Airport Committee for review. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood and Chandler; No, none; carried.

The City Clerk presented the following license applications: BEER NOT TO BE CONSUMED ON PREMISES, Buck's; BEER TO BE CONSUMED ON PREMISES, Ray's Western Bar; BARTENDER, Barton Albertson, Darla Clark, Alex Goetz, Debra Hudson, Curtis Knight, David Lewis, Suzanne McBride Nelson and Fabian Solis; BUILDING CONTRACTOR, Batt Construction, Burnside Construction, C. W. Builders, Hopkin's Glass, Hulls Construction, Pro Builders, Inc., Quality Insulation & Construction, School District #91, and Steel Systems, Inc.; DAIRY, Meadow Gold Dairy; ELECTRICAL APPRENTICE, Greg McComb, Jerry Taylor, John Chase, Thomas E. Kloack, and Rod Michaelson; ELECTRICAL CONTRACTOR, A/K Sign Co., Beco Construction, Electrical Equipment Co., Inc., and Whipple Electric; ELECTRICAL JOURNEYMAN, Joel Brown, Rick C. Butler, Terry Clay, R. Paul Hebertson, Mike Howard, Mike Howard, Mike Kenney, Ken Nielson, Carl Shearer, Francis Shearer, Jeffrey Shearer, Mike Sperry, Walter Whipple; HEATING & COOLING, Whipple Electric and Walter Whipple; GROCERY STORE, Buck's; HOTEL, Nelson Hotel; LIQUOR, Ray's Western Bar; NON-COMMERCIAL KENNEL, Gail and Wayne Casella; PAWN BROKER, Ross's Coins; PHOTOGRAPHER, Perk's; POOL HALL, Ray's Western Bar; RESTAURANT, Big Al's; SIGN COMPANY, A/K Sign Company and Image National, Inc.; SPECIALTY INSTALLER CONTRACTOR, Sunshine Sprinkling; SPECIALTY INSTALLER JOURNEYMAN, James Turnbull; RETAIL WINE; Buck's; PUBLIC RIGHTS OF WAY, Larry Clark Construction (1991); RESTAURANTS, Sneeker's (1991); It was noted that these applications carried all required approvals. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be issued. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuance of the following licenses: BEER NOT TO BE CONSUMED ON PREMISES, Boozer's; BARTENDER, Bruce Arave, Kevin McLain, Bret Schneider, Voyd Ward, Kaye Yorgensen; BAKERY, Marianitas; BUILDING CONTRACTOR, Acoustic Specialties, Inc., Austad Construction Company, Brennan Construction Company, Inc., Briggs Roofing Company, Campbell's Quality Siding, C & H Construction, Inc., Vern Clark and Sons Construction Company, Inc., Hunter-Saucerman Construction, Inc., Neahl H. Johnson Construction Company, Nelson Building and Remodeling, Jones Construction, Ovard Construction, Inc., R & B Construction, Wallace Reed Construction, Ruskal Construction, Shumaker Construction Company, Smith Roofing, R. W. Utterbeck Construction, and Valley Glass Company; ELECTRICAL CONTRACTOR, Arco Electric, Esser Electric, Inc., Intermountain Electric, L & F Electric, Nelson Electric and Insulation, Inc., Oakey Electric, Smith Electric (Steve) and Rockford Repair, Inc.;

ELECTRICAL APPRENTICE, Michael J. McKnight; ELECTRICAL JOURNEYMEN, Robert T. Baird, Robert Bodell, Derlin Campbell, Gary Cover, Scott Curtis, Gregory Esser, Grant

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Gallup, Carey Heaton, Roy Holloway, Jack Jones, Robert Lazzarotto, Richard Likes, Lorin Lilya, Richard Lindbloom, David Lusk, Glen McCormick, Michael McNamara, Earl Nelson, Philip Oakes, Drew Oakley, Jerald Oakley, Mardell Oakley, Gary Packard, Anthony Passino, Norman Reno, Roger Sandberg, Steven Smith, Kay Thurman, and Floyd Vance; ELECTRIC JOURNEYMAN SPECIALTY, Michael J. McKnight; ELECTRIC SPECIALTY, Fire and Security Systems; GROCERY, Boozer's and Marianitas; HEATING AND COOLING APPRENTICE, Justin Richardson; HEATING AND COOLING CONTRACTOR, American Plumbing, Bingham Mechanical, Inc., Johns Plumbing, Inc., T.M.L., Inc., Louis Roser Co. and Waters Furnace Cleaning; HEATING AND COOLING JOURNEYMAN, Dale Mathews, Robert Johns, Tim Lamont, Glen A. Roser, Roger Sanderson and Ira Waters; PLUMBING CONTRACTOR, American Plumbing, Bingham Mechanical and Johns Plumbing; PLUMBING JOURNEYMAN, Robert Carruthers, Robert Johns, Dale Mathews, Roger Sanderson, and Kim Sibbett; RESTAURANT, Little Caesar's; RETAIL WINE, Boozer's; SNACK BAR, Boozer's; BEER TO BE CONSUMED ON PREMISES, Sneekers; BAKERY, Nibley's Donuts; DANCE HALL, Sneekers; HEATING AND COOLING APPRENTICE, Justin Richardson; RETAIL LIQUOR, Sneekers; POOL HALL, Sneekers; RESTAURANT, Little Caesar's Pizza, and Paris 2. It was moved by Councilman Chandler, seconded by Erickson, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; No, none; carried.

The City Clerk asked for Council ratification of the publishing of legal notices calling for three public hearings on December 5, 1991. It was moved by Councilman Chandler, seconded by Wood, that the Council ratify the publishing of these legal notices. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

From the Parks and Recreation Director came this memo:

City of Idaho Falls
November 15, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Christiansen, Director, Parks & Recreation
SUBJECT: AQUATIC PROGRAM PROVIDER

Respectfully request authorization for the Mayor and City clerk to sign and execute the Aquatic Program Provider Agreement between the City of Idaho Falls and the Young Men's Christian Association (YMCA).

s/ David Christiansen

Councilman Deist explained the need for this agreement. It was moved by Councilman Deist, seconded by Erickson, that the Council authorize the Mayor and City Clerk to sign and execute the Aquatic Program Provider Agreement between the City of Idaho Falls and the YMCA. Roll call as follows; Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

From the Chief of Police came this memo:

NOVEMBER 21, 1991

City of Idaho Falls
November 19, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: ORDINANCE - PAWN BROKERS, SCRAP DEALERS AND
SECONDHAND STORES

Attached is an Ordinance regulating Pawn Brokers, Scrap Yard Dealers and Secondhand Stores.

The Public Safety Committee has reviewed this ordinance and recommends it be adopted.

This Department concurs and respectfully submits this ordinance for your consideration.

s/ Monty G. Montague

At the request of Councilman Erickson, the City Attorney read the following ordinance title and explained the contents of the ordinance:

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 5-6-1 THROUGH 5-6-9 AND ENACTING SECTIONS 5-24-1 THROUGH 5-24-13, CITY CODE OF IDAHO FALLS, IDAHO; DEFINING TERMS USED IN THE ORDINANCE; REQUIRING LICENSES FOR PAWNBROKERS, SECONDHAND PRECIOUS METALS DEALERS AND SECONDHAND STORES; ESTABLISHING LICENSE FEES; REGULATING PAWNBROKERS, SECONDHAND PRECIOUS METALS DEALERS AND SECONDHAND STORES; REQUIRING LICENSES FOR SCRAP DEALERS; ESTABLISHING A LICENSE FEE ; REGULATING SCRAP DEALERS; REGULATING THE STORAGE OF SCRAP BY SCRAP DEALERS; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THIS ORDINANCE; AND SETTING FORTH THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilman Erickson then invited comments from the floor in this regard.

Mr. Fred Tiffany, owner of Tiffany Metals, appeared to state that he approves of the ordinance, but he will not be able to construct a fence until next spring. He asked for approval to display some implements and antique items on the outside of the fence so that the public will see them and buy them. Mr. Tiffany was instructed to meet with the Council Committee and review this request. It was then moved by Councilman Erickson, seconded

by Chandler, that this ordinance be passed on its first reading only. Roll call as follows:

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

The Electric Department Manager submitted the following memo:

City of Idaho Falls
November 19, 1991

MEMORANDUM

TO: Mayor land City Council
FROM: Steve Harrison, Electric Division
SUBJECT: RPSA CREDIT

Attached for your consideration is a proposed ordinance drafted by the City Attorney addressing the means of returning the Residential Purchase and Sales Agreement (RPSA) credit to the residential customers. The new ordinance provides that the manner in which the credit is established be by Council resolution.

The present RPSA credit is \$2.00 plus \$0.0038 per Kwh for all Kwh used per month and will be discontinued for one (1) month only. The new proposed credit for the next billing month only is, \$6.00 + \$0.00328 per Kwh for all Kwh used for the previous twelve (12) months.

The Electric Division recommends approval of the new ordinance and RPSA credit schedules.

s/ Steve Harrison

Councilman Wood asked the City Attorney to read the following ordinance title:

ORDINANCE NO. 2041

AN ORDINANCE AMENDING SECTION 4-4-10(C) OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING SUCH SECTION TO PROVIDE THAT THE CITY COUNCIL MAY ESTABLISH AN RPSA (BONNEVILLE RESIDENTIAL PURCHASE AND SALE AGREEMENT) CREDIT TO ELECTRICAL CUSTOMER ACCOUNTS, PAYABLE IN SUCH AMOUNTS AND MANNER AS MAY BE DETERMINED BY RESOLUTION OF THE CITY COUNCIL.

The foregoing ordinance was presented in title. It was moved by Councilman Wood, seconded by Groberg, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE FULLY READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; 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

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ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; No, none; carried.

It was then moved by Councilman Wood, seconded by Chandler, that the Council adopt a resolution providing for the implementation of these rate credits. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson and Deist; No, none; carried.

The Public Works Director submitted the following three memos:

City of Idaho Falls
November 19, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: WOODRUFF AVENUE, 25TH TO SUNNYSIDE ROAD,
PROJECT NO. 4A-145 CHANGE ORDER NO. 2

Attached is proposed Change Order no. 2 to the above referenced project, extending the contract time an additional fourteen (14) days. This additional time is requested as a result of time delays experienced by the contractor while other utilities relocated their facilities within the project boundaries.

Public Works requests approval of this change order and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

There being no questions nor comment, it was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this change order and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

City of Idaho Falls
November 19, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: WELL #16, CHLORINE CONTACT BASIN - CHANGE
ORDER NO. 1

Attached is proposed Change Order #1, to the above referenced project, adjusting the contract completion date. When this project was re-bid, the contract completion date was not changed from the date used in the original bid documents. This change order provides the same amount of contract time with a new completion date.

Public Works requests approval of this change order and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

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It was moved by Councilman Sakaguchi, seconded by Deist, that this change order be approved and the Mayor authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; No, none; carried.

City of Idaho Falls
November 19, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: WELL #16, WELL & BOOSTER PUMP STATION - CHANGE ORDER NO. 1

Attached is proposed Change Order No. 1 to the above referenced project, adjusting the contract completion date. When this project was re-bid, the contract completion date was not changed from the date used in the original bid document. This change order provides the same amount of contract time with a new completion date.

Public Works requests approval of this change order and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that this change order be approved and the Mayor authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

The Municipal Services Director submitted the following four memos:

City of Idaho Falls
November 21, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SEWER ADMINISTRATION BUILDING RE-ROOFING PROJECT HUGHES ROOFING, CHANGE ORDER NO. 1

Attached is Change Order No. 1 in the amount of \$1,972.00 for the additional materials needed to complete the above-referenced project.

The Municipal Services Division recommends approval of said Change Order, and respectfully requests approval from the Mayor and City Council, along with authorization for the Mayor to execute said Change Order.

s/ S. Craig Lords

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There being no questions, it was moved by Councilman Chandler, seconded by Wood, that this change order be approved and the Mayor authorized to execute same. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls
November 21, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION AND REJECTION OF BIDS SAGE LAKES
GOLF COURSE II CONSTRUCTION

Attached is the Tabulation and Award of Bids for the finish grading, seeding pump station, and irrigation system.

The Municipal Services Division recommends rejecting all bids and respectfully requests authorization from the Mayor and City Council to advertise this project to rebid.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that all bids received be rejected and authorization given to re-bid. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; No, none; carried.

City of Idaho Falls
November 21, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SAGE LAKES GOLF COURSE, PHASE 1 HUPPERT
BROTHERS CONSTRUCTION CHANGE ORDER #3

Attached is the Change Order No. 3 from Huppert Brothers Construction in the amount of \$62,459.00 to modify the Golf Course drainage and to accommodate the development's drainage, and for a time extension of thirty (30) days. The development will reimburse the City for approximately \$23,000.00 of the cost.

Said Change Order has been prepared by the Architect for the project and approved by the Golf Course Manager and the City Council Committeemen for the Golf Courses.

The Municipal Services Division respectfully requests approval from the Mayor and City Council along with authorization for the Mayor to execute said Change Order.

s/ S. Craig Lords

NOVEMBER 21, 1991

It was moved by Councilman Chandler, seconded by Wood, that this Change Order be approved and the Mayor authorized to execute same. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

City of Idaho Falls
November 21, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEAVE WITHOUT PAY FOR CHANDRA EVANS

The Municipal Services Division respectfully requests that the Mayor and City Council grant a six (6) week leave without pay with benefits to Chandra Evans for maternity related purposes. The requested leave would extend to January 6, 1992.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that this leave of absence be approved as requested. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

The City Attorney stated that he had been instructed by Council to prepare an Ordinance which would change the voting hours for General Municipal Elections from 12:00 Noon until 8:00 p.m. to 8:00 o'clock a.m. until 8:00 p.m. He read the title:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RELATING TO THE OPENING AND CLOSING OF ELECTION POLLS; PROVIDING THAT POLLS SHALL BE OPENED AT 8:00 A.M. AND SHALL CLOSE AT 8:00 P.M. FOR ANY GENERAL ELECTION; PROVIDING THAT THE OPENING AND CLOSING OF POLLS FOR SPECIAL ELECTIONS SHALL BE DETERMINED BY ORDINANCE; ESTABLISHING EFFECTIVE DATE OF ORDINANCE.

It was moved by Councilman Chandler, seconded by Wood, that this Ordinance be passed on its first reading only. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; No, none; carried.

The City Attorney presented the following letter relating to the Electric Revenue Bond Refunding:

November 13, 1991

Dale W. Storer
Anderson, Pike, and Bush
P. O. Box 51630
490 Memorial Drive

Idaho Falls, Idaho 83405

RE: City of Idaho Falls - Series 1991 Bonds

NOVEMBER 21, 1991

Dear Dale:

We have had an inquiry from Moody's relating to the Escrow Agreement for the Series 1991 bonds. Moody's did not provide this information to us prior to the closing, but apparently they have some standard provisions they would like to see included in the Escrow Agreement. For the most part, these changes are not controversial and I would almost be prepared to argue that the amendment is not necessary because I think the intent of the existing document is as Moody's would want it. However, Joe Barrows' recommendation is to proceed with this amendment to stay on good terms with Moody's, and because the changes, as I say, are not controversial, I think it can be done.

I have circulated this draft agreement to both Carol Smith at West One and to Moody's and have their approval that these terms are the ones that Moody's desire and area acceptable to the Trustee. Please review this document on behalf of the City and if acceptable to you and the City, please add it to the agenda for the next meeting of the City Council for official action.

You might just advise me when the City could next act upon this and when we might receive back the signed copies so I could forward one to Moody's. Please call me if you have any questions.

s/ Nicholas G. Miller

NGM:b
Enclosure

It was moved by Councilman Groberg, seconded by Chandler, that the Mayor be authorized to execute this agreement. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

Councilman Chandler stated that Jim Workman had filed a claim with the City to attempt to recover losses occurred when his basement was flooded. Chandler received the action taken both by the claimant and the insurance company. The insurance company had denied the claim. Chandler said that he feels this is a valid claim and that the Workman's should be paid. During the discussion that followed, the Council felt that, possibly, all effort should be made to determine if the City has any responsibility in this claim; if all facts are correct and complete; and then have the claim resubmitted with further explanations and new information. Mrs. Workman appeared to give additional information that may prove to be beneficial. The Municipal Services Director was authorized to work with the claimant to obtain additional information and to aid in resubmitting the claim.

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

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR
