

MARCH 7, 1991

The City Council of the City of Idaho Falls, Bonneville County, Idaho, met in Regular Public Session in the City Council Chambers, at the City Electric Building, 140 South Capital Avenue, in the City of Idaho Falls, Idaho, at 7:30 p.m., on March 7, 1991. The roll was called and the following found to be present: Mayor Thomas V. Campbell; Councilmembers Arthur R. Chandler, Wesley W. Deist, Joseph Groberg, Ralph M. Wood, Melvin L. Erickson, and Sam S. Sakaguchi. Also present were Velma Chandler, City Clerk; Dale W. Storer, City Attorney; G. Steven Harrison, Electric Light Division Manager, Mark Gendron, Electric Light Division Chief Engineer, and all other available Division Directors.

The City Clerk read a summary of the minutes of the last Regular Council Meeting held February 21, 1991. The minutes were approved by the Mayor and Councilmembers.

The Mayor declared open a public hearing, recessed from the January 24, 1991 meeting. The following memo was read by the City Clerk:

City of Idaho Falls
March 5, 1991

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: RECESSING REZONING - SATURN AVENUE AREA

A requested rezoning was recessed from a previous meeting until the March 7, 1991 meeting. This request has been withdrawn by the petitioner and the matter is being resubmitted to the City Planning Commission.

The rezoning request has been altered slightly and is also being tied in to a proposed annexation. The developer wanted the Planning Commission to consider the entire development at one time.

s/ Rod Gilchrist

The bills for February, 1991 were presented after having been properly audited by the Fiscal Committee:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 573,497.43	\$108,999.42	\$ 70,104.50	\$ 283,847.69
SALARY:	<u>319,995.04</u>	<u>32,141.10</u>	<u>11,053.31</u>	<u>44,658.03</u>
TOTAL:	\$ 893,492.47	\$141,140.52	\$ 81,158.21	\$ 328,505.72

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY</u>
SERV/MAT:	\$2,770,490.77	\$ 31,543.21	\$ 23,600.37	\$ 21,484.83
SALARY:	<u>69,969.88</u>	<u>21,169.40</u>	<u>11,710.40</u>	<u>16,686.70</u>
TOTAL:	\$2,840,460.65	\$ 52,712.61	\$ 35,310.77	\$ 38,171.53

	<u>AMBULANCE</u>	<u>MUN EQUIP</u>	<u>GEN OBLIG</u>	<u>SURFACE DRAIN</u>
SERV/MAT:	\$ 25,934.17	\$ 4,417.00	\$ 336,107.50	\$ 15,918.45
SALARY:	<u>19,519.61</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>
TOTAL:	\$ 45,453.78	\$ 4,417.00	\$ 336,107.50	\$ 15,918.45

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	<u>MCS</u>	<u>CITY TOTAL</u>
SERV/MAT: \$	76,020.00	\$4,341,965.74
SALARY:	<u>.00</u>	<u>546,903.47</u>
TOTAL: \$	76,020.00	\$4,341,965.74

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

Monthly Reports were presented from Division and Department Heads. There being no question nor comment, these were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

The following license applications were presented carrying all required approvals: BARTENDER, Arthur E. Howard, Cindy Brown, Shirley E. Coddling, Leland Joseph Johnson, Mary Ellen Johns, Kathleen Marie Lovell (Kate), and James Wallace Tadlock (Magilla); KENNEL, NON-COMMERCIAL, Kay B. Begley, Ellen Campbell, Nora Jean Wakley, and Maryann Whitehead; LIMOUSINE COMPANY, Bella Limousines and White Knight Limousine; LIMOUSINE OPERATOR, R. Kevin Fleenor; TAXI OPERATOR, Kenneth Boyd Anselmo Hugh G. Foster, and Susan Foster; BUILDING CONTRACTOR, Construction; ELECTRIC JOURNEYMAN, Jack L. Winchester; PUBLIC RIGHTS-OF-WAY, Alvin Taylor Quality Concrete, C & H Construction, Inc., Clint Crumley, E. J. Davis, and Landon Excavating, Inc. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be issued. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk asked for Council ratification of the issuance of TBCOP BEER license to 19th Hole Cafe, a NTBCOP BEER to Peddler's Wagon; BARTENDER permits to Carma E. Nelson (Sally), Cary Ken Labrum, and Toni Crofts; RESTAURANT, 19th Hole Cafe; BUILDING CONTRACTOR, Intermountain Construction and Jamison Construction; ELECTRIC CONTRACTOR, George Benson Electric; ELECTRIC JOURNEYMAN, George Benson; MASTER PLUMBER, Eagle Plumbing and H & H Plumbing; PLUMBING JOURNEYMAN, Dale McBride; CLASS C HEATING AND COOLING JOURNEYMAN, Dale McBride; SPECIALTY INSTALLER CONTRACTOR (SPRINKLING SYSTEMS), Kimberly Nurseries, Inc. It was moved by Councilman Erickson, seconded by Chandler, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The Police Chief presented the following four memos:

City of Idaho Falls
March 4, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

It is recommended that the request for Thong Cao for a Non-Commercial Kennel License be denied.

The basis for recommending denial is that Mr. Cao does not meet the requirement of seventy-five percent (75%) of those premises within one hundred feet (100') of his property approving of same, as required by City Ordinance.

s/ Kay M. Simmons

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No one appeared.

It was moved by Councilmember Erickson, seconded by Chandler that this kennel license be denied. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

City of Idaho Falls
March 4, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

It is recommended that the request of Don Winger for a Non-Commercial Kennel License be denied.

The basis for recommending denial is that Mr. Winger does not meet the requirement of seventy-five (75) percent of those premises within one hundred feet (100') of his property approving of same, as required by City Ordinance.

s/ Kay M. Simmons

Mr. Winger did not appear, It was moved by Councilman Erickson, seconded by Chandler that this request for a Non-Commercial Kennel License be denied. Roll call as follows; Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

City of Idaho Falls
March 4, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: DENIAL OF NON-COMMERCIAL KENNEL LICENSE

It is recommended that the request of Kelly Keilien for a Non-Commercial Kennel License be denied.

The basis for recommending denial is that Mr. Keinlen does not meet the requirement of seventy-five (75) percent of those premises within one hundred feet (100') if his property approving of same, as required by City Ordinance.

s/ Kay M. Simmons

None one appeared on this matter, therefore it was moved by Councilman Erickson, seconded by Chandler that this license application be denied. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

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City of Idaho Falls
February 26, 1991

MEMORANDUM

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

Attached is an application for Bus Stop benches at eighty (80) locations received from Lee Gagner of Idaho Bench, Inc. These eighty (80) locations have been checked by the Police Department who verified the bus stops with CART and EG&G-Idaho Transportation Department.

The Police Department finds that all of these locations meet the City Code and respectfully submit them for your consideration.

s/ Monty Montague

Councilman Erickson reviewed the requirements and criteria for placement of these bus benches. It was moved by Councilman Erickson, seconded by Chandler that Council approve these eighty bus stop bench locations. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; no, none; carried.

The City Clerk asked for Council ratification of the publishing of legal notices calling for three hearings on March 21, 1991. It was moved by Councilman Groberg, seconded by Chandler that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood and Chandler; no, none; carried.

City of Idaho Falls
March 5, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Electric Division
SUBJECT: PROPOSED AMENDMENT TO CITY/UP&L AGREEMENT

Attached is a copy of a proposed amendment to the City/UP&L Operating Agreement related to the Gem State Project.

The Amendment provides for flexibility in project operating procedures and also provides a mechanism for payment to the City by UP&L for project capital costs in excess of bond proceeds.

The City Attorney had reviewed the amendment and the Electric Division recommends that the Council authorize the Mayor and Clerk to execute the document.

s/ Steve Harrison

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Councilmember Wood thereupon presented to the City Council the First Amendatory Operating Agreement, dated as of March 1, 1991, between the City of Idaho Falls (the "City") and PacifiCorp, an Oregon corporation doing business as Utah Power and Light Company (the "Company"), amending the Operating Agreement dated as of November 1, 1987, between the City and the Company, in order to provide more flexible procedures in dealing with day-to-day operating policies relating to the Gem State Hydroelectric Project and to provide for the payment by the Company of a portion of the cost of certain additional amounts contributed by the City to the Gem State Hydroelectric Project.

It was thereupon moved by Councilmember Wood and seconded by Councilmember Groberg, and unanimously adopted, that the First Amendatory Operating Agreement be accepted for filing by the City Clerk.

Thereupon there was a general discussion of the First Amendatory Operating Agreement related to the Gem State Hydroelectric Project. After the Mayor and all members of the Council who were present and all members of the public present at the meeting were permitted to express themselves on the First Amendatory Operating Agreement with the company, the following resolution was introduced in written form by Councilmember Wood, was read in full, and pursuant to motion made by Councilmember Wood, and seconded by Councilmember Groberg, was adopted by the following vote: Ayes, Councilmen Chandler, Deist, Erickson, Groberg, Sakaguchi, and Wood; No, none; carried.

The resolution was thereupon signed by the Mayor, attested by the City Clerk, was ordered recorded and is as follows:

R E S O L U T I O N (Resolution No. 1991-01)

A RESOLUTION authorizing and directing the Mayor and the City Clerk of the City of Idaho Falls, Bonneville County, State of Idaho, to enter into and execute and attest a First Amendatory Operating Agreement between the City of Idaho Falls, Idaho and PacifiCorp, an Oregon corporation doing business as Utah Power and Light Company, in connection with the Gem State Hydroelectric Project.

WHEREAS, the City of Idaho Falls, Idaho (the "City") has constructed the Gem State Hydroelectric Project (the "Project") on the Snake River at river mile 789.76 in Bingham and Bonneville Counties as an improvement to the electric generation and distribution system owned and operated by the City, in order to provide for the future electric energy supply necessary for its citizens and residents;

WHEREAS, pursuant to a Ground Lease, dated January 29, 1985, and a Power Sales Contract, dated January 29, 1985, each between the City and PacifiCorp, an Oregon corporation doing business as Utah Power and Light Company (the "Company"), providing for the acquisition by the City of a leasehold in certain land owned by the Company in the location of and necessary for the construction and operation of the Project and the sale by the City to the Company of a portion of the electric energy to be generated by the Project and not required by the City, the City and the Company have entered into the Gem State Project Operating Agreement, dated as of November 1, 1987 (the "Operating Agreement") setting forth the agreement of the parties regarding the delivery to the Company of electrical energy from the Project, transmission of electrical energy from the Project from the West Side Substation to the delivery point identified in the Operating Agreement, metering, usage of the parties' water rights, and other operational issues;

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WHEREAS, the City and the Company now desire to amend the Operating Agreement to provide more flexible procedures in dealing with day-to-day operating policies relating to the Project and to provide for the payment by the Company of a portion of the cost of certain additional amounts contributed to the Project by the City;

WHEREAS, the First Amendatory Operating Agreement, dated as of March 1, 1991, has been presented to the City Council for review and approval; and

WHEREAS, after consideration of the first Amendatory Operating Agreement it is now desired to authorize and direct the Mayor of the City to enter into and execute, and the City Clerk of the City to attest, the First Amendatory Agreement for and on behalf of the City;

NOW, THEREFORE, be It and It is hereby resolved by the City Council of the City of Idaho Falls, BONNEVILLE County, State of Idaho, as follows:

Section 1. The Mayor of the City is hereby authorized and directed to enter into and execute, and the City Clerk to attest, the First Amendatory Agreement between the City and the Company in form introduced and accepted for filing in the minutes of the meeting at which this resolution is adopted.

Section 2. All resolutions or parts thereof in conflict therewith are, to the extent of such conflict, hereby repealed, and this resolution shall take effect and be in full force immediately upon its passage and approval.

ADOPTED AND APPROVED, this 7th day of March, 1991.

ATTEST:

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

From the Director of Planning came this memo:

City of Idaho Falls
March 5, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: AMENDED PLAT - ROSE NIELSON ADDITION, DIVISION 102

Attached is a copy of an amended plat of Rose Nielson Addition, Division No. 102. This final plat is necessary inasmuch as the developer has created tow (2) additional residential lots in the area, and relocated some utility easements. The relocation of these easements had been approved by all departments affected.

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This property is currently within the City limits and zoned R-PA. Since it was previously platted, no development agreement is necessary.

This department recommends approval of the plat. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

There being no questions nor comment, it was moved by Councilman Groberg, seconded by Chandler that the final plat of Rose Nielson Addition, Division 102 be approved and the Mayor, City Clerk and City Engineer be authorized to sign. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

The Public Works Director submitted the following two memos:

City of Idaho Falls
March 6, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public works
SUBJECT: WATER DEPARTMENT STORAGE BUILDING

On February 26, 1991, bids were received and opened for the Water Department Storage Building as follows:

C & H Construction	\$23,393.00	Vern Clark & Sons Construction	\$28,629.00
Shook Construction	\$28,936.00	Engineer's Estimate	\$21,120.00

All of the bids received contained some irregularities. Public Works recommends all bids be rejected and authorization be granted to re-advertise this project.

s/ Chad Stanger

There being no questions, it was moved by Councilman Sakaguchi, seconded by Deist that the Council give authorization to reject all bids and to re-advertise this project. Roll call as follows: Ayes, Councilman Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

City of Idaho Falls
March 6, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works
SUBJECT: BID AWARD - MOODY CANAL RECONSTRUCTION

On March 5, 1991, bids were received and opened for the Moody Canal Reconstruction, as follows:

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Arrow-Head Sand, Inc.	\$118,776.76
Zollinger Construction	\$129,250.84
H-K Contractors, Inc.	\$141,030.00
Hunziker Construction, Inc.	\$184,510.10
Edstrom Construction, Inc.	\$338,780.00
Engineer's Estimate	\$159,956.00

This project involves piping the Moody Canal and changing the alignment of the canal from Sunnyside Road north approximately 2,000 feet.

Public Works recommends acceptance of the low bid provided by Arrow-Head Sand, Inc. in the amount of \$118,776.76. Public Works also requests authorization for the Mayor to sign the necessary documents contingent upon the City obtaining the required easements and rights-of-way.

s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist that the bid be awarded to Arrow-Head Sand, Inc., in the amount of \$118,776.76 and the Mayor be authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; no, none; carried.

The Municipal Services Director submitted the following five memos:

City of Idaho Falls
March 7, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISE TO CONSTRUCT A METAL BUILDING-SAND
CREEK GOLF COURSE

Municipal Services respectfully requests authorization from the Mayor and Council to advertise to receive bids for materials and construction of a metal building at Sand Creek Golf Course.

s/ S. Craig Lords

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

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADVERTISE FOR LABOR ONLY TO CONSTRUCT A METAL
BUILDING-PINECREST GOLF COURSE

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Municipal Services respectfully requests authorization from the Mayor and Council to advertise to receive bids for labor only to construct a metal building at Pinecrest Golf Course.

s/ S. Craig Lords

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

City of Idaho Falls
March 7, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-91-20, DISTRIBUTION TRANSFORMERS

Attached is the tabulation of bids, with computed losses evaluated amounts for Bid IF-91-20. Municipal Services and the Electric Division recommend the padmount transformers be awarded to the low evaluated bid meeting specifications as listed on Attachment A.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood that the bids for distribution transformers be awarded as recommended. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Deist, and Groberg; no, none; carried.

City of Idaho Falls
March 7, 1991

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-22, VEHICLES - 4X4 HEAVY DUTY WAGONS

Attached is the tabulation for Bid IF-91-22, vehicles - three (3) new 1991, small size 4x4 heavy duty wagons, four door. It is the recommendation of Municipal Services and the Fire Department that we accept the low responsive bid including options required and trade-in allowance as shown on Attachment I.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood that the Council authorize the awarding of this bid. Roll call as follows; Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: TABULATION & AWARD OF BID - FIRE STATION #4, ST.
CLAIR & SUNNYSIDE

Attached is the tabulation of bids for constructing Fire Station #4 at St. Clair and Sunnyside.

Municipal Services and the Fire Department recommend accepting the low responsive bid of Pacific West Construction, Inc. in the amount of \$569,719.00

s/ S. Craig Lords

After several questions, it was moved by Councilman Chandler, seconded by Wood that this bid be awarded to Pacific West Construction, Inc. in the amount of \$569,719.00. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; no, none; carried.

The City Attorney reviewed and then read the title of an ordinance which would provide for election or appointment of Council Members by designated seats:

ORDINANCE NO.

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 1-10-5 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR ELECTION OR APPOINTMENT OF COUNCIL MEMBERS BY DESIGNATED SEATS; STATING PROCEDURE FOR FILING DECLARATIONS OF CANDIDACY; ESTABLISHING FORM OF PETITION FOR NOMINATIONS AND DECLARATION OF CANDIDACY; LIMITING NUMBER OF PETITIONS SIGNED BY EACH ELECTOR; REQUIRING PUBLIC FUNDS TO BE CONTROLLER BY MAYOR AND COUNCIL; ESTABLISHING PROCEDURE FOR IMPLEMENTATION OF NEW ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Erickson that "THE ORDINANCE PASS ON IT'S FIRST READING?" Roll call as follows: Ayes, Councilmen Chandler, Wood, Erickson, Deist, and Groberg; no, Councilman Sakaguchi; carried.

The Mayor made the following re-appointments to the Parks and Recreation Commission: Ray Hart - 2 year term representing School district #91; Larry Clayton - 2 year term representing School district #93; Members at Large, Bob Bybee - 3 year term, Andy Anderson - 3 year term, O'Dell Howard - 2 year term, Bob Long - 3 year term; Duane Oswald - 3 year term; Bob Pearson - 3 year term; Virginia Reavill - 1 year term; Delbert Sorenson - 2

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year term; Lee Thompson - 3 year term; Dr. Fred Tingey - 1 year term; Lee Wilson -1 year term; Cliff Long representing the County; Wes Deist and Mel Erickson representing the City.

It was moved by Councilman Deist, seconded by Erickson that these re-appointments be duly confirmed. Roll call as follows; Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; no, none; carried.

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

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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