

DECEMBER 22, 1988

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 22, 1988, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, Mayor Campbell called upon Scout Michael Baledge to come forward and lead all those present in the Pledge of Allegiance to the Flag. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Thomas Campbell, Councilmen Art Chandler, Jr., Wes Deist, Melvin Erickson, Paul Hovey, 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 December 8th, 1988. The minutes were approved by the Mayor and Councilmembers.

Mayor Campbell honored Eagle Scouts Trevor Bluth, Jeffrey Bennett, Michael Summers, Michael Baledge, Jeffrey Ward, Casey Kelly, Brian Felt and Brett Schearer. He congratulated these gentlemen for having received the Eagle Scout award and presented each with a certificate of appreciation. Each Scout then received a congratulatory handshake from all City Officials around the Council Table and a round of applause from all those present in the Council Chambers.

The Mayor then declared open a public hearing, as legally advertised, to consider the Lindsay Boulevard Urban Renewal Plan of the Idaho Falls Redevelopment Agency of the City of Idaho Falls. He asked Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read the following memo:

City of Idaho Falls
November 29, 1988

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: ORDINANCE ADOPTING URBAN REDEVELOPMENT

This Department respectfully requests the Mayor and City Council consider approving, on the third and final reading, an ordinance adopting the Lindsay Boulevard Urban Renewal Plan. This plan includes a revenue allocation provision which provides for payment of tax increment revenues derived from the Urban Renewal area into a special fund for the purpose of payment of the expenses of public improvements within the area.

s/ Rod Gilchrist

At the request of Councilman Wood, the City Zoning Administrator located the subject area on a map on the wall and further explained the proposal and the source from which funds will be derived.

Attorney Jerry Woolf appeared, representing B. A. Wackerli Automobile Dealership. He asked the Council to take into consideration the effect the plan could have on his client's business. The dealership has freight and service entrances on Utah Avenue and the widening of the street and the elimination of parking spaces could inconvenience their customers and cause a traffic safety hazard. He informed the Council that his client wants the Redevelopment Agency to understand the difficulties that could be there for local businesses and try to include in their plan a way to alleviate these problems and make it better for all concerned.

Councilman Deist stated that Mr. B. A. Wackerli is definitely to be impacted by this proposed project and he recommended that the planners for this project work to eliminate some of the problems. Councilman Wood agreed that the planners should try to

DECEMBER 22, 1988

work out problems with those business owners involved. It was moved by Councilman Erickson, seconded by Deist, that, due to testimony heard this night, this matter be referred to the Redevelopment Commission for consideration at the time of the design of the project. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Mr. Craig Jenkins, Manager of the local Culligan Water Conditioning business appeared briefly to state that he anticipates problems in getting his vehicles in and out of his shop, due to traffic increases after this project is completed. He referenced to the following letter:

Culligan Water
Conditioning of
Idaho Falls
840 North Utah Avenue
Idaho Falls, Idaho 83402
December 21, 1988

Mr. William R. Gilchrist
Idaho Falls Redevelopment Agency
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

Dear Mr. Gilchrist:

Re: Lindsay Boulevard Urban Renewal Plan

As the owner of property at 480 North Utah (Culligan Water conditioning), I have serious reservations about the plan to make Lindsay Boulevard a three way street at that point.

Our route truck will, at minimum, have to enter the street by backing out, or driving out at least once a day, and will have to re-enter the building in the same manner. A turning radius greater than the width of one lane, will probably be required. Unfortunately, timing of exit and entry to the property will normally be between 1:00 a.m. and 9:00 a.m. and 4:00 p.m. to 5:00 p.m., a point during the day when traffic would likely be at a high level.

The purpose of the Renewal Plan must be to move traffic more quickly and in a safer manner. This is, I believe, a considerable fault here for this immediate area. A hazard which now exists will be enhanced by having higher speed traffic at our plant entrance. Traffic will necessarily have to be slowed or halted to allow entrance and exit from this building and others in the area.

The plan as now conceived for this area, I believe, is not a good long-term one and is faulted in that it will generate a very real risk of future accidents which could result in injuries even death, and certainly property damage--and who needs that?

I urge that serious consideration be given to a safe long-term solution to the problem that would be generated in this two block area.

Yours truly,
s/ C. D. Kramis, President
Culligan Water
Conditioning

DECEMBER 22, 1988

It was noted that the following letter had, also, been received:

Board of Commissioners
605 North Capital Avenue
Idaho Falls, Idaho 83402
December 16, 1988

Mayor Thomas V. Campbell
City Council
City of Idaho Falls
P. O. Box 50220
Idaho Falls, Idaho 83405

Dear Mayor Campbell and City Council

Re: Lindsay Boulevard Urban Renewal Project

Thank you for the opportunity to review with you our questions and concerns in regard to the subject project. We acknowledge the position that you and the Council take and recognize the explained justifications and long-term benefits of that project to our local area. We do not take exception to your justifications, but recognize that the law on which the project is undertaken is somewhat arbitrary in favor of the City so far as the financing is concerned. While this letter is not to be construed as opposition to the improvements proposed, we wish to make our concerns a matter of record.

Administrative Concern

The implementation of the revenue producing and tax allocation aspects of the project will necessitate possible substantial changes in the county system and procedures. We recognize that the levy and allocation procedures required by the new law do not fit out existing uniform-accounting system and will require possible substantial modifications to accommodate.

Fiscal Concerns

Historically, and traditionally, increases or decreases in property valuations have directly impacted the taxing area in which such changes occur. In this particular case, such will not be directly true.

For the period of time that the revenue allocation area is in existence, increased valuation, in that specific area, will inure to that area only. Benefits will, therefore, be denied directly to the areas, particularly the county, outside of the revenue allocation area.

In order to evaluate the magnitude of the impact in terms of dollars, we have made some analysis based on the best information available to us, and it is apparent that the tax burden will shift to the disadvantage of taxpayers outside the revenue allocation area. Even the City, generally, will be impacted negatively.

DECEMBER 22, 1988

Since the County Commission represents all taxpayers within the county, we must, therefore, recognize and acknowledge such shifting of tax responsibility if nothing more than in principle.

The decision regarding the creation of this revenue allocation district lies within your hands. Therefore, we believe we should make our concerns in this regard known to you as you make the decision regarding the creation of the district. As you make your decision, you must weigh the overall effects of the loss of revenues to the taxing districts throughout the county against the long-term benefits from developing this project.

Sincerely,
s/ Bonneville County
Board

These letters were accepted to be made a matter of record.

Mr. Harlan Mann, Consultant for this project, appeared briefly and explained that this is a catalyst project where one development needs another, and this proposal is a prime development parcel which will develop the area for the betterment of this entire vicinity. The City Attorney read this following ordinance caption:

ORDINANCE NO. 1926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, APPROVING THE LINDSAY BOULEVARD URBAN RENEWAL PLAN WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.

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 Chandler, Erickson, Deist, Sakaguchi, and Wood; No, Councilman Hovey; 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 ORDINANCE PASS ON ITS THIRD AND FINAL READING?" Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Sakaguchi, and Wood; No, Councilman Hovey; carried.

Mayor Campbell then invited anyone present who wished to speak concerning items not listed on the Agenda, to be heard at this time.

Mr. Milton Adam, 1437 South Woodruff, appeared to address his concerns about the City's bus stop bench ordinance. He said that, in his opinion, there are several things lacking in the ordinance, namely: there is no definition to what a bus stop is; it does not define how many benches may be placed at one location; and, it is against the zoning ordinance as it covers advertising. He said that bus stop benches are not needed in this City

DECEMBER 22, 1988

and it is only a "ploy" for advertising signs. He said this practice is discriminatory as only one operator has authority to place benches. Attorney Storer informed Mr. Adam that others could be approved if they make application for placement of benches. Councilman Chandler noted that, in his opinion, the Navy personnel make good use of these benches. It was moved by Councilman Erickson, seconded by Wood, that this matter is referred to the Police Committee for further review. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

License applications for BARTENDER, Joseph B. Watts, Nikki D. Baler, Virginia Ann Gale, Kerry Jo Davies, Robert D. Coulter; AMUSEMENT CENTER, Nickels and Dimes, Inc. dba Gold Mine No. 155, Mr. Video; AUCTIONEER, Darrell Jensen, Richard Schwarz, Keith Munns; DELIVERY SERVICE, Hendrickson's Towing; DRAY SERVICE, Consolidated Freightways, Nicholas Moving and Storage, ABF Freight Systems, Tri-M Crane and Transport, Inc., ANR Freight Systems; GROCERY STORE, Saving Center (17th Street), Maverick Country Stores (Woodruff and Yellowstone); CATERING SERVICE, LeBaron's; DANCE HALL, LeBaron's; LIQUOR, LeBaron's, Jake's, Bonneville Lounge; MEAT MARKET, Saving Center (17th Street); PAWN BROKER, Nick's Trading Company; POOL HALL, LeBaron's; SECOND HAND STORE, Consignment Center, The Second Hand Shop, Musical Instrument Service Center; PHOTOGRAPHER, Keller's Moving Photography Productions, Mike's Photo; PRIVATE PATROL SERVICE, American Protective Services, Inc.; PRIVATE PATROLMAN, David James Herbest, Larry Lane, Craig T. Williams; SIGN COMPANY, Idaho Outdoor Advertising, City of Idaho Falls, Sign/Arts Company, Image National, Inc.; TAXI OPERATOR, John M. Outcelt; SNACK BAR, Maverick Country Stores (Woodruff and Yellowstone); RESTAURANT, Charlie's Pub and Grill, MiCasa, Inc., LeBaron's, Jake's, Bonneville Lounge; RETAIL WINE, Saving Center (17th Street), Maverick Country Stores (Woodruff and Yellowstone); WINE BY THE DRINK, Charlie's Pub and Grill, MiCasa, Inc.; ELECTRICAL CONTRACTOR, Lynn Walker, Perrenoud Service, Kent's Electric, Davis Electric, Inc., Intermountain Electric, Jolley Electric, Lewis Electric, Electrical Support, Pifer Electric, Arco Electric, Bonneville Electric, Morgan Electric, T-J Electric, Inc., S & J Electric; JOURNEYMAN ELECTRICIAN, G. C. Bird, J. Craig Perrenoud, Dale Clements, Keith E. Nielson, Neal E. Pifer, Jay S. Waters, Sr., Ivan Jolley, Kim Lewis, Kent Van Orden, Richard J. Davis, Scott J. Davis, Derlin Campbell, Earl R. Danielson, Ken Nielson, Anthony E. Passino, David Lusk, T. Grant Gallup, Richard Lindbloom, William Fohrenck, John Morgan, Brad Horsley, John S. Lott; APPRENTICE ELECTRICIAN, Stewart J. Robinson with Oakey Electric, Tony Gardner with Morgan Electric, Kevin Hale with Hale Electric, Shannon Steffens, and Douglas L. Williams with S & J Electric; MASTER PLUMBER, J & R Plumbing, Larry R. Bates, Modern Plumbing and Heating, Bingham Mechanical of Wyoming, Fisher Plumbing, First Street Plumbing and Heating Center, Larry Turpin Plumbing, Atlas Mechanical; SPRINKLING SYSTEM INSTALLER, Quality Sprinkling Company; JOURNEYMAN PLUMBER, Larry R. Bates, Dwain H. Judy, Robert M. Fisher, Mark T. Fisher, Dale Mathews, Mark J. Goyen, Adam M. Goyen, Mark A. Goyen, David E. Goyen, Russell L. Goyen, Larry Turpin, Randy Rolfe, Kent Rolfe, Rex Rolfe, Dale McBride, Steve Jones, Bruce Siqueros, David E. Heath, Blaine R. Hale; HEATING AND COOLING CONTRACTOR, Lewis Mechanical and Metal Works, Inc., Paul's Gas Service, Alliance Equipment Company, Inc., Modern Plumbing, Conan, Inc., Bingham Mechanical of Wyoming, Atlas Mechanical, First Street Plumbing and Heating Center, J & R Plumbing, Commercial Heating, Air Conditioning and Metal Works, Judco; JOURNEYMAN HEATING AND COOLING, Leland L. Lewis, Lamont T. Lewis, Gary Mark Kent, David E. Heath, Norman Conan, Gene Holmes, Bruce Siqueiros, Lyle Charlesworth, Russell L. Goyen, Mark J. Goyen, David E. Goyen, Dale Mathews, David R. Judd, Randy Madsen, Rex Rolfe, Dale McBride, John A. Bevins; HEATING AND COOLING APPRENTICE, Doyle W. Nelson with Natural Energy Systems, Inc., James Walker with Commercial Metal Works; BUILDING CONTRACTOR, Batt Construction, Wilkinson Masonry, Frederick E. Rupe Construction, OK Construction, Inc., Besor Construction, Inc., Harris

DECEMBER 22, 1988

Construction, Jack Endecott Construction, R. Hill Construction, Neahl H. Johnson, D & L Glass, Richard Hanks Construction, Biggers Construction Company, Inc., Eagle Construction Company, David C. Millar Construction, Zimmerman Construction, Jones Construction, Mason's Home Improvement, Grayson Builders, Inc., Homecrafters, Custom Construction, Inc., Cherry Glass and Aluminum, Inc., Builders, Inc., Francis E. Priest, Gardner Builders and Home Improvements; DAFAB Services Construction Company, Four E Construction, Wallace Reed Construction, Skidmore Construction and Millwork, Inc., M. Voigt Construction, Duane Mitchell and Associates, C & H Construction, Inc., Bateman-Hall, Inc., Charles Kelly Construction, C & M Construction Company, Stallings Construction, G. L. Voigt Construction, Inc., Dixson-Watson Association, Wilcox Construction Company, Randolph Builders, Murri Construction, Max Ker and Son Lumber Company, G. H. G. Investment Company, Crown Systems, Signature Homes, Hampton Roofing, Fairchild Construction, Austad Construction Company, Pur-Con, Orner Home Improvements, Kelly Home Builders, Hartwell Building and Remodel, Weather Wise Builders, All American Cleaning and Restoration, and D. W. Remodel, were presented carrying all required Department approvals. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

TO BE CONSUMED ON THE PREMISES BEER license applications for Charlie's Pub and Grill, MiCasa, Inc., LeBaron's, Jake's Bonneville Lounge; NOT TO BE CONSUMED ON THE PREMISES BEER license applications for Savings Center (17th Street) and Maverick Country Stores (Woodruff Avenue and Yellowstone Avenue), were presented. It was noted that these applications carried all required approvals. It was moved by Councilman Erickson, seconded by Wood, that these beer licenses be approved for issuance. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

The City Clerk asked for Council ratification of the issuance of TO BE CONSUMED ON THE PREMISES BEER license applications for Golden Crown Lounge, Samoa Club, Ford's Bar, Inc., Skipper's Fish and Chips (Yellowstone Avenue), Me 'N' Ed's Pizza, PaPa Tom's Pizza, Sizzler Family Steak House, The Classic, Pizza Hut (Anderson Street), Littletree Inn, Stardust Restaurant and Lounge, Weston Lamplighter, Doc's Broadway Cafe and Lounge, Pockets of America, Eagle's Lodge, DeSoto's, Garcia's Mexican Restaurant, Shilo Inn; NOT TO BE CONSUMED ON THE PREMISES BEER, DeSoto's, Village Chevron, Broadway 66, Holiday Oil, Seventeenth Street Gas and Wash, Elm Street Jiffy Market, Fred Meyer, Nave's Sinclair, Made in Idaho, Earl's Food Store, Payless Drug Store (West Broadway), MacFarlane's IGA, Edward's Farmers Market, Saving Center (Memorial Drive), Nate's Food Store; BARTENDER, Steven Scott Barney, Michael David Algate, Michael S. Malone, Sandra Lynn Rogerman; AMUSEMENT CENTER, Arcadia Family Amusement Center; BAKERY, Bakker's Cookies, Buttrey's, Breadbox Sandwich Shop, MacFarlane's IGA; CAFETERIA, Rosie's Grapevine; CATERING SERVICE, Deveraux Brand Gourmet Foods, Marilyn Hammond's Catering, The Little Deli; CONCESSION, United Artists Theatre Circuit, Inc.; DAIRY, Vaughn L. Asper; CANDY FACTORY, Chuck Wagon Candies; WHOLESALE FOOD DISTRIBUTOR, Norton's Food; DELICATESSEN, MacFarlane's IGA; DANCE HALL, Littletree Inn, Stardust Restaurant and Lounge, Weston Lamplighter, Shilo Inn, DeSoto's; GROCERY STORE, MacFarlane's IGA, Village Chevron, Holiday Oil, Seventeenth Gas and Wash, Elm Street Jiffy Market, Fred Meyer, Nave's Sinclair, Made in Idaho, Earl's Food Store, Payless Drug Store (West Broadway), Edward's Farmers Market, Saving Center (Memorial Drive), Nate's Food Store, Buttrey's; MOBILE RESTAURANT, Buttrey's; MOTEL, Weston Lamplighter, Shilo Inn, Littletree Inn, Stardust Restaurant and Lounge; MOVIE THEATER, United Artists Theatre Circuit, Inc.; LIQUOR, Ford's Bar, Inc., Samoa Club, Golden Crown Lounge, Doc's Broadway Cafe and Lounge, Pockets of America, Eagle's Lodge, Garcia's Mexican Restaurant, Weston Lamplighter, Shilo Inn, Littletree Inn, Stardust Restaurant and

DECEMBER 22, 1988

Lounge, DeSoto's; PHOTOGRAPHER, Shopko Stores, Inc., King's Image Photography, Pixy Pin-Up, Kinderfoto, Inkley's Portraits; POOL HALL, The Classic, PaPa Tom's Pizza, Ford's Bar, Inc., Samoa Club, Golden Crown Lounge, Doc's Broadway Cafe and Lounge, Pockets of America, Eagle's Lodge, DeSoto's; RESTAURANT, Arcadia Family Amusement Center, Breadbox Sandwich Shop, Burger King (Yellowstone Avenue and 17th Street), Baskin-Robbins, PaPa Tom's Pizza (West Broadway and Olive Plaza), Taco Time, Arby's, Tom's Gyro and Burgers, Wrangler Roast Beef, Orange Julius (Grand Teton Mall), Sbarro Pizzeria, Wendy's Hamburgers, Buffalo Barn, Mrs. Powell's, Smitty's Pancake House, Choices, Jr., Pizza Hut (Anderson), Ford's Bar, Inc., Pockets of America, Garcia's Mexican Restaurant, Weston's Lamplighter, Shilo Inn, Littletree Inn, Stardust Restaurant and Lounge, DeSoto's; SNACK BAR, Shopko Stores, Inc., Village Chevron, Nate's Food Store; RETAIL WINE, MacFarlane's IGA, Holiday Oil, Elm Street Jiffy Market, Fred Meyer, Made in Idaho, Earl's Food Store, Payless Drug Store (West Broadway), Edward's Farmers Market, Saving Center (Memorial Drive); WINE BY THE DRINK, Sizzler Family Steak House, Me 'N' Ed's Pizza, Skippers Fish and Chips, The Classic, and PaPa Tom's Pizza (Woodruff Avenue). It was moved by Councilman Erickson, seconded by Wood, that the Council ratify these previous actions. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Councilman Chandler explained that the Council had previously passed a parking violations ordinance on it's first reading. He explained some changes that were necessary, therefore, a new ordinance had been drafted. He asked the City Attorney to read the following ordinance caption:

ORDINANCE NO.

AN ORDINANCE REPEALING SECTION 10-12-6, CITY CODE, CITY OF IDAHO FALLS, BEING A PORTION OF ORDINANCE NO. 963, ORDINANCES OF THE CITY OF IDAHO FALLS, IDAHO, AND REPEALING AND RE-ENACTING SECTIONS 10-19-8, THROUGH 10-19-10, CITY CODE, CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR ENFORCEMENT AND ISSUANCE OF CITATIONS FOR VIOLATIONS OF PARKING REGULATIONS; ESTABLISHING PENALTIES FOR VIOLATIONS OF PARKING REGULATIONS; MAKING FAILURE TO APPEAR OR TO PAY FEE FOR VIOLATION OF PARKING REGULATIONS A CIVIL INFRACTION; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY OF THE SECTIONS OF THIS ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF THE ORDINANCE.

It was moved by Councilman Chandler, seconded by Sakaguchi, that this new ordinance be passed on it's first reading only. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The following captioned ordinance was presented after having been passed on it's first reading at the last Council Meeting.

DECEMBER 22, 1988

ORDINANCE NO.

AN ORDINANCE ENACTING TITLE 4, CHAPTER 24, CITY CODE, IDAHO FALLS, IDAHO; SETTING FORTH THE PURPOSE OF THE CHAPTER; DEFINING TERMS; ADOPTING WOODSTOVE CERTIFICATION STANDARDS, TESTING REQUIREMENTS, LABELING REQUIREMENTS AND LABORATORY ACCREDITATION REQUIREMENTS AND TESTING PROCEDURES AS SET FORTH IN OREGON ADMINISTRATIVE RULES, CHAPTER 340, DIVISION 21, OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, NOVEMBER 1984; ADOPTING THE STANDARD METHOD FOR MEASURING THE EMISSIONS AND EFFICIENCIES OF RESIDENTIAL WOODSTOVES, SECTIONS 1 THROUGH 8, AS PROMULGATED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, JUNE 8, 1984; REQUIRING PERMITS FOR THE INSTALLATION OF SOLID FUEL HEATING APPLIANCES IN THE CITY; REGULATING THE INSTALLATION OF SOLID FUEL APPLIANCES; PROVIDING FOR APPEAL FROM THE DENIAL OF PERMITS AND SETTING FORTH APPEAL PROCEDURES; REQUIRING THE POSTING OF SIGNS AT PLACES WHERE WOODSTOVES ARE SOLD OR OFFERED FOR SALE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS CHAPTER; SETTING FORTH THE APPLICABILITY OF THIS CHAPTER; PROVIDING FOR SEVERABILITY OF THE SECTION OF THIS ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Mr. Ben Walford appeared briefly to state that, in his opinion, there are several items in the ordinance that are not clear enough for final adoption. He said that he represented the League of Women Voters who endorse this ordinance.

Councilman Deist asked the City Planner to explain the items addressed in the ordinance covering permits and installation of Wood burning devices. It was moved by Councilman Wood, seconded by Deist, that this ordinance be passed on its second reading. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The following two memos were presented from the Electrical Department:

City of Idaho Falls
December 16, 1988

MEMORANDUM

ATTENTION: ayor & Council
FROM: Steve Harrison
SUBJECT: LOWER PLANT REHABILITATION, BIGGERS
CONSTRUCTION CHANGE ORDER NO. 1

DECEMBER 22, 1988

Attached for your consideration is change order No. 1 to Biggers Construction for roof repairs beyond the contract scope at the Old Lower Plant. Also attached are explanatory letters from Ellsworth Engineering and Biggers.

Ellsworth and the Electric Division recommend approval of this change order in the amount of \$6,302.00. This cost is to be reimbursed by BPA. All construction has been completed and final contract close-out is forthcoming.

s/ G.S. Harrison

Councilman Hovey explained the reasons for this change order. It was moved by Councilman Hovey, seconded by Wood, that the Mayor be authorized to approve this change order #1 to the Biggers Construction contract for roof repairs at the Old Lower Plant. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

City of Idaho Falls
December 20, 1988

MEMORANDUM

ATTENTION: Mayor & Council
FROM: Steve Harrison
SUBJECT: UNION PACIFIC RAILROAD EASEMENT TERMINATION

Attached is an agreement and resolution to terminate an easement with Union Pacific Railroad Company. The easement which is near Ammon, was purchased during planning of the 161 kV transmission line and is no longer required. The City Attorney has reviewed these documents.

The Electric Division recommends termination of the easement.

s/ G.S. Harrison

RESOLUTION (Resolution No. 1988-09)

WHEREAS, PACIFIC RAILROAD (hereinafter called railroad company) HAS TENDERED TO THE CITY OF IDAHO FALLS, STATE OF IDAHO (hereinafter call City) a (Licensee) for an overhead wireline encroachment at/near Ammon, Idaho identified in the Railroad Company's records as Agreement Audit No. A-101894 and

HEREAS, the Council of said City has said proposed agreement before it and has given it careful review and consideration; and

WHEREAS, it is considered that the best interests of said City will be served by the acceptance of said agreement;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF IDAHO FALLS;

DECEMBER 22, 1988

City of Idaho Falls
December 22, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-89-07, VEHICLES, BID IF-89-07A SURPLUS USED EQUIPMENT

Attached are the tabulations for Bids IF-89-07 and IF-89-07A, Vehicles and Surplus Use Equipment, respectively. It is the recommendation of Municipal Services that we award the bids as per Attachment I.

The low responsive bids including options required and trade-in allowances are shown on Attachment I.

It is also recommended that the following trade-in units be sold to the highest bidders listed:

UNIT	BIDDER	AMOUNT
No. 125	Harold J. Driggs, Driggs, Idaho	\$ 310.00
No. 114	Roy Andrus, Rigby, Idaho	\$1,500.00
No. 904	Harold J. Driggs, Driggs, Idaho	\$ 710.00
No. 570	Charlie's Auto Salvage, Idaho Falls, Idaho	\$ 255.55
No. 772	Littletree Inn, Idaho Falls, Idaho	\$1,212.00
No. 118	Charlie's Auto Salvage, Idaho Falls, Idaho	\$ 255.55
No. 198	Harold J. Driggs, Driggs, Idaho	\$ 910.00

Respectfully submitted,
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Sakaguchi, that these bids be awarded as recommended. Roll call as follows: Ayes, Councilman Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

City of Idaho Falls
December 22, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-89-08, MOTOR FUELS AND LUBRICANTS

Attached is the tabulation for Bid IF-89-08, Motor Fuels and Lubricants. It is the recommendation of Municipal Services that all low bids be accepted and awarded as follows:

Gasoline Tanker Truck Lots
Regular and Unleaded with State Tax Wright Oil and Tire Co

DECEMBER 22, 1988

	<u>Less Thank Tanker Truck Lots</u>	
	Regular and Unleaded with State Tax	Bowen-Hall Petroleum
Diesel		
Fuel:	<u>Tanker Truck Lots</u>	
	Diesel No. 1	Wright Oil and Tire Co
	Diesel No. 2	Bowen-Hall Petroleum
Motor Oil	Straight Viscosity	Wright Oil and Tire Co
	Multiple Viscosity	Wright Oil and Tire Co

Respectfully submitted,
s/ S. Craig Lords

There being no questions, it was moved by Councilman Chandler, seconded by Sakaguchi, that these bids be accepted and awarded as recommended. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

City of Idaho Falls
December 22, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ASSIGNMENT OF LEASE AGREEMENT - IDAHO FALLS
FEDERATED WOMEN'S CLUB

Attached are copies of an Assignment Agreement and a Consent to Assignment of the Lease Agreement with Idaho Falls Federated Women's Club for City-owned real property located on Rollandet.

The Women's Club has requested that their Lease Agreement with the City be assigned to the Northern Rocky Mountain Easter Seal Society and that the subsequent Lease Agreement between the Women's Club and Easter Seal Society which subleased the property to the Easter Seal Society be terminated.

The City Attorney has prepared the documents and Municipal Services respectfully presents the Assignment of Lease Agreement to the Mayor and City Council for their approval and requests authorization for the Mayor to execute the Consent to Assignment Agreement.

Respectfully submitted,
s/ S. Craig Lords

Councilman Chandler explained the need for this consent to assignment of the lease with the Idaho Falls Federated Women's Club. It was moved by Councilman Chandler, seconded by Erickson, that the Council authorize the Mayor to execute this consent assignment agreement. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

This memo from the Airport Manager was then read:

DECEMBER 22, 1988

City of Idaho Falls
December 22, 1988

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: ACCEPTANCE OF GARAGE/STORAGE BUILDING FROM
FEDERAL AVIATION ADMINISTRATION

The Federal Aviation Administration has offered to convey the Garage/Storage Building located on the Airport to the City without charge.

The Building will be used for storage of Airport vehicles and equipment.

The Assistant City Attorney has reviewed the Quit Claim Deed and Acceptance of Property.

The Airport Committee respectfully requests authorization for the Mayor and Clerk to execute the Acceptance of title.

s/ James H. Thorsen

It was moved by Councilman Deist, seconded by Sakaguchi, that authorization be given for the Mayor and City Clerk to execute the Acceptance of title. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the Police Chief, came this memo:

City of Idaho Falls
December 5, 1988

MEMORANDUM

TO: Monty G. Montague
FROM: Faye Holm
SUBJECT: LEAVE OF ABSENCE

Per conversation, I request 21 days vacation and 30 days leave of absence without pay to begin January 18, 1989 and end on March 31, 1989.

s/ Faye Holm

It was moved by Councilman Erickson, seconded by Chandler, that the Council grant this leave without pay, with benefits retained. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The Council then considered the following four Traffic Safety Committee recommendations:

Recommendation #1: Request for a 5 minute parking space in front of 1 Hour Photo located in the 300 block of "A" Street. It is recommended an additional parking space be established on the north side of "A" Street in front of 1 Hour Photo in that it has been determined there is sufficient room and that it be designated 10 MINUTE parking space. It was moved by Councilman Erickson, seconded by Chandler, that this request be granted. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

DECEMBER 22, 1988

Recommendation #2. Request to lower the speed limit on Hitt Road north of 1st Street and to establish a crosswalk on the north side of Mesa crossing Hitt Road. It is recommended the speed limit be reduced from the present 50 MPH to 40 MPH north of 1st Street to the north property line of the Ivan's Acre Sub-Division. It is further recommended that the request for a crosswalk location be denied at this time. It was moved by Councilman Erickson, seconded by Chandler, that recommendation #2 be approved as outlined. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Recommendation #3: Request for a 4-way stop at Monticello and Malibu. It is recommended Stop Signs be installed on Malibu, stopping the north-south traffic. It is further recommended stopping sight distance surveys be conducted in this area similar to ones conducted in the Jenny Lee Addition. It was moved by Councilman Erickson, seconded by Chandler, that recommendation #3 be approved as requested. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Recommendation #4: Dunbar, Wadsworth, Anderson Intersection. It is recommended the curb on the northeast corner of Dunbar and Wadsworth be painted yellow and that the curb delineators be installed with 2' tall delineator posts behind the walk and that a center line be painted back on Wadsworth approximately 40' south of Anderson Street. Councilman Erickson explained the findings of the Committee on this recommendation. It was moved by Councilman Erickson, seconded by Chandler, that recommendation #4 be approved as outlined. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

City Attorney Storer stated that he has for Mayor and Council consideration, a proposed partial settlement agreement that has been negotiated with one of the City's insurance carriers for the WPPSS Litigation. He said that \$673,000 will come from Home Indemnity, who also agrees to waive all defenses except for one, that being the City's claim that they are entitled to, potentially, another million dollars. This issue will be further litigated. The City would agree to dismiss all claims for bad faith and punitive damages against the insurance company in exchange for this payment. He recommended that the Mayor and Council favorably consider the stipulation which substantially reduces the complexity of the law suit and, in his judgment, will allow the finalization of the law suit in a successful manner. Attorney Storer said that, with this settlement, the City has recovered \$1,672,000 and he hopes to be able to recover an additional one-half to one million more dollars. It was moved by Councilman Chandler, seconded by Hovey, that this agreement be executed. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mayor Campbell stated that he has appointed Jay VanOrden to replace Terry McNamara on the Electrical Board of Registration and Review. It was moved by Councilman Wood, seconded by Hovey, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Wood, that the meeting adjourn at 8:45 P.M., carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR

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