

**OCTOBER 20, 1988**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 22, 1988, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor called upon Scout Daniel Murdock 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; Councilmembers Art Chandler, Jr., Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Absent: Councilmen Wes Deist. Also present were: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

The City Clerk summarized the minutes of the Regular Meeting held October 6, 1988 and a Special Session held October 12, 1988. These minutes were approved by the Mayor and Council.

The Mayor declared open a public hearing to consider the rezoning of properties on 16th Street and Austin Avenue. He asked Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read the following explanatory memo:

City of Idaho Falls  
October 18, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: REZONING, 16TH STREET AND AUSTIN AVENUE

Attached are copies of rezoning petitions submitted by eight (8) property owners on 16th Street and two (2) on Austin Avenue. The property owners are requesting rezoning from the PT Zone to the R-1 Zone. These properties were originally zoned when the City adopted the PT Zoning and established PT Zoning in certain areas.

The Planning Commission recently considered this matter at a public hearing and, at that time, unanimously recommended approval of this request. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

The City Planner located the subject properties on a map on the wall and further explained the request.

Mr. Michael Lintner, 1420 East 16th Street, appeared briefly to state that, in his opinion, this problem has been sufficiently aired and discussed previously and asked the Council to approve this rezoning.

No one appeared in opposition to this request. It was moved by Councilman Wood, seconded by Chandler, that the Council approve the rezoning as requested. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, and Hovey; No, none; carried.

The Mayor then declared open a public hearing to consider the rezoning of Lots 25 through 30, Block 4, Crows Addition, and asked Councilman Wood to conduct this hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the Planning and Building Director:

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City of Idaho Falls  
October 18, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: REZONING, BLOCK 4, LOTS 25 THROUGH 30, CROW'S  
ADDITION

Attached is a copy of a rezoning petition requesting HC-1 zoning from the current R-3A zoning. This property is located at the northeast corner of South Boulevard and Second Street. This property is immediately south of an existing used car lot. The owner of the lot wishes to expand his business into this property.

The Planning Commission recently considered this matter at a public hearing and, at that time, no protests were heard. After some discussion, the Planning Commission recommended approval of the request. This matter is now being submitted to the Mayor and City Council for your consideration.

If this request is approved, it will be necessary to amend the Comprehensive Plan from multi-family residential to commercial.

s/ Rod Gilchrist

Councilman Wood then asked the Zoning Administrator to locate the subject property on a map on the wall and further explain the request.

Councilman Wood then invited anyone who wished to speak in favor of this request to be heard at this time.

Mrs. Nancy Thorsen, a local Realtor, appeared representing the owners of the property. She said that the owners have a sale for the property if the rezoning is allowed. She said that all nearby property owners approve this rezoning.

There being no one to appear in opposition to this request, it was moved by Councilman Wood, seconded by Chandler, that the comprehensive plan be amended, that the rezoning be granted, and that the City Planner be instructed to reflect said amendment and zoning change on the comprehensive plan and official zoning map located in his office. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then declared open a public hearing to consider an appeal from a decision of the Board of Adjustment. He asked Councilman Wood to, also, conduct this hearing. At the request of Councilman Wood, the City Clerk read the following memo:

City of Idaho Falls  
October 10, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: APPEAL FROM A DECISION OF THE BOARD OF  
ADJUSTMENT

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Attached is a copy of a request for a variance submitted by Peter Schwarz, 230 South Lloyd Circle. This property is located in an RP-A zone, which requires a 10 foot sideyard. The petitioner is requesting to encroach 7 feet into the required 10 foot sideyard for the purpose of constructing a two-car attached garage.

The Board of Adjustment recently considered this matter and denied the request inasmuch as they felt a 7 foot encroachment was unreasonable and the property owner had not shown a hardship. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

Mr. Peter Schwarz, the Petitioner, appeared to state the reason a variance is needed. He said that he purchased the property with plans to remodel. He said that the Board of Adjustment had not considered his alternate proposal, which is a request for a five foot encroachment into the sideyard. The Board of Adjustment meets at Noon and it is almost impossible for him to attend a meeting at that time.

Mr. Martell Storer, 208 South Lloyd Circle, appeared briefly to support Mr. Schwarz's proposal. He said that, in his opinion, the Board of Adjustment should arrange a meeting time that would be more convenient for Mr. Schwarz to attend.

It was moved by Councilman Wood, seconded by Chandler, that this variance request be referred back to the Board of Adjustment for further review. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then called open a public hearing to consider de-annexation of a portion of Holmes Avenue right-of-way. He asked Councilman Wood to conduct the hearing.

At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Building and Zoning Administrator:

City of Idaho Falls  
October 18, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: DE-ANNEXATION OF PORTION OF HOLMES AVENUE  
RIGHT-OF-WAY

Attached is a copy of the De-annexation Ordinance for a portion of Holmes Avenue right-of-way adjacent to the Sunrise Addition south of Sunnyside Road. When this property was annexed to the City, approximately one-half (1/2) of the right-of-way of Holmes Avenue was inadvertently annexed. State law does not permit this. If a portion of a street is to be annexed, the entire width of the street must be included in the action. We are, therefore, requesting this portion of the property de-annexed.

This matter was recently considered by the Planning Commission and, at that time, it was recommended that the property be de-annexed. This Department concurs with that recommendation. The matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

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**ORDINANCE NO. 1919**

AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID LANDS; ORDERING THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE COUNTY RECORDER; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE. (Holmes Avenue Right-of-Way at Sunrise Addition)

The foregoing ordinance was presented in title. It was moved by Councilman Wood, seconded by Chandler, 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, Hovey, Sakaguchi, and Wood; 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 ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

License applications for BARTENDER, Richard W. Williams, Christine Campbell, Rosemary Julia Coulter, Edith Ashworth, Arthur S. Herrera; CANDY COUNTER, Kara Chocolates; GROCERY, Hickory Farms, Grand Teton Mall and Country Club Mall; DAY CARE FIRE INSPECTION APPLICATIONS, Lords Day Care, Audrey's Day Care, Violet Howell; SIGN COMPANY, Blaze Sign Company; ELECTRICAL CONTRACTOR, Blaze Sign Company; JOURNEYMAN ELECTRICIAN, Tony O. Golsarry; and APPRENTICE ELECTRICIAN, to Alex C. Paulk with B & J Electric were presented, carrying all required approvals. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued. Roll call as follows: Ayes, Councilmen Erickson, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk asked for the ratification of the issuance of a SIGN COMPANY license to the City of Idaho Falls and a BARTENDER permit to Ryan Dee Young. It was moved by Councilman Erickson, seconded by Wood, that the Council ratify the previous action. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council authorization to publish legal notices calling for public hearings on November 10, 1988. It was moved by Councilman Wood, seconded by Chandler, that the Council give authorization for the publishing of these legal notices. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the Parks and Recreation Department, came this memo:

City of Idaho Falls  
October 20, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: John Johnson, Director of Parks and Recreation  
SUBJECT: LEASE AGREEMENT

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Request your consideration of a proposed lease agreement between the City of Idaho Falls and Richard Buchea for professional baseball at McDermott Field.

s/ John Johnson

It was moved by Councilman Erickson, seconded by Chandler, that the Lease Agreement with Richard Buchea be approved and the Mayor be authorized to sign said Agreement. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Hovey, Chandler, and Erickson; No, none; carried.

From the Building and Zoning Administrator, came this memo:

City of Idaho Falls  
October 18, 1988

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: FINAL PLAT, AIRPORT INDUSTRIAL PARK ADDITION,  
DIVISION NO. 6

Attached is a copy of a 10-lot subdivision located on the City Airport property. This property is currently zoned M-1. The property is being platted to facilitate leasing by the City of Idaho Falls.

This matter was recently considered by the Planning Commission and, at that time, was recommended for approval of the Final Plat. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Chandler, that the Council approve the Final Plat and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Hovey, and Sakaguchi; No, none; carried.

This memo, from the Airport Manager, was then read:

City of Idaho Falls  
October 19, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: CONSTRUCTION OF WATERLINE ON FEDERAL WAY

The firm of H-K Contractors has submitted the sole bid for construction of the waterline to serve the proposed Federal Express facility and improve fire protection on the Airport.

The bid is in the amount of \$28,265.00. The Engineer's Estimate was \$28,210.00.

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The Engineer, Ellsworth Engineering, has reviewed the bid from H-K and finds it in order.

The Airport Division respectfully requests that the bid be awarded to H-K Contractors.

s/ James H. Thorsen

There being no question nor comment, it was moved by Councilman Sakaguchi, seconded by Chandler, that the bid be awarded to H-K Contractors in the amount of \$28,265.00. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

The following three memos were presented from the Municipal Services Director:

City of Idaho Falls  
October 20, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: TABULATION AND AWARD OF BID - PINECREST GOLF COURSE PROJECT

Attached is a tabulation of bids for the Automatic Irrigation System at Pinecrest Golf Course.

Municipal Services and the Golf Course Manager in concurrence with Coats Irrigation Consultants, Inc., the Engineering Firm for the project, recommend accepting the apparent low bid of Formost Construction Company in the amount of \$672,800.00 which includes Alternate No. 1 for a computer and \$14,400.00 in deducts for design changes.

Respectfully submitted,  
s/ S. Craig Lords

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

City of Idaho Falls  
October 20, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID NO. IF-89-01, MAIL HANDLING SYSTEM THAT INCLUDES A FOLDER, INSERTER, AND POSTAGE MACHINES

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Attached is the tabulation for Bid IF-89-01, Mail Handling System that includes a Folder, Inserter, and Postage Machines. It is the recommendation of Municipal Services to accept Mountainland Business System's low responsive bid meeting the specifications. The bid amount for each section is as follows:

<u>SECTION</u>	<u>MODEL</u>	<u>BID AMOUNT</u>
I—Folder	Challenge (Pow-R-Fold)	\$ 3,765.00
II--Inserter with Postage Machine	Phillipsbury 7200 IMS/Hasler (204BI)	33,016.00
III--Postage Machine (Stand Alone)	IMS Hasler (204AS40)	3,580.00

Respectfully submitted,  
s/ S. Craig Lords

Mr. Bill Sewell, Representative from Pitney Bowes, appeared and presented the following protest to the award of this bid as recommended:

Pitney Bowes  
District Sales and Service  
October 4, 1988

City of Idaho Falls  
Office of Purchasing Agent  
P. O. Box 50220  
Idaho Falls, Idaho 83405-0220

Re: BID NO. IF-89-1

SECTION I -FOLDER  
SECTION II -INSERTER WITH CONVEYER AND POSTAGE MACHINE  
SECTION III -POSTAGE MACHINE WITH ONE INSERTER

To Whom It May Concern:

Pitney Bowes, Inc. hereby protests the award of a contract to provide Folding, Inserting, and Mailing Equipment to the City of Idaho Falls, in response to Invitation to Bid No. IF-89-1. This letter constitutes a written protest before award on behalf of Pitney Bowes, in accordance with the procedures set forth in the Idaho Code S 67-5733 (1) (a), and due to the fact that this invitation to bid is unduly restrictive and primarily sole source to the vendor who's specifications are primarily prevalent throughout the bid.

Pitney Bowes bases its protest on three well recognized principles of State and Local Procurement Law. First, the specifications in the City of Idaho Falls invitation to bid are unduly restrictive, and have the effect of eliminating competition among vendors. Second, the specifications call for equipment that is beyond the needs of the City of Idaho Falls and, therefore, will result in the unnecessary expenditures of Public Funds. Third, the specifications are indefinite and erroneous in that they do not clearly specify if the time for

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delivery will be a factor in consideration of the successful offer and they include size specifications that, if taken literally, could not be met by any offer.

Pitney Bowes would be more than interested in meeting with the City of Idaho Falls to further discuss in detail additional information to support our position on this protest.

In the best interest of the City of Idaho Falls, Pitney Bowes has submitted the enclosed alternate bid in reference to the Invitation to Bid Number IF-89-1.

For the reasons set forth above, Pitney Bowes protests the award of the above referenced contract and requests that the Invitation to Bid Number IF-89-1 be canceled and rebid without unduly restrictive specifications to allow for a more fair and competitive bid by multiple vendors, which would be in the best interest of the City of Idaho Falls.

Respectfully,  
s/ William Sewell

Mr. Sewell drew specific attention to several items included in the bid documents, saying that these are "sole source" items or do not make any sense at all. He asked the Council to award this bid to Pitney Bowes as they were the low bidder by \$8,000.00.

Attorney Storer responded to these statements by saying that the bid of Pitney Bowes did not meet the specifications as requested. The City has the authority to prepare the specifications in a manner which will obtain the product that they feel will be most responsive to their needs. A considerable amount of discretion is taken by the City when drafting specifications. There is nothing in the law that says one must spec plans so that they receive an inferior product. The City is entitled to draft specs in a manner that will enable them to obtain the highest quality of products. Storer said, in his opinion, there was nothing in the specifications that would indicate that the bid was drafted with respect to a particular brand or model. The specifications are performance based and anyone who desires to submit a bid has an opportunity to meet those specifications. It was moved by Councilman Chandler, seconded by Hovey, that the bid be awarded to the bidder meeting specifications, Mountainland Business Systems. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
October 20, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: GEM STATE INSURANCE COVERAGE

Municipal Services respectfully requests authorization from the Mayor and Council to bind Gem State insurance coverage for property, boiler and machinery, and business interruption.

It is recommended this insurance be placed with Travelers Insurance Company represented by Holden McCarty Agency, pending final approval from the City Attorney. The premium is \$100,302.00.

Respectfully submitted,  
s/ S. Craig Lords

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There being no question nor comment, it was moved by Councilman Chandler, seconded by Hovey, that the Mayor and Council approve this insurance coverage, pending final approval from the City Attorney. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The following six memos were presented from the Public Works Department:

City of Idaho Falls  
October 17, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ENGINEERING AGREEMENT - 9TH STREET/IDAHO  
CANAL BRIDGE

The City has received a proposal from Harper-Leavitt Engineering, Inc. for design and construction inspection services on the 9th Street/Idaho Canal Bridge in the amount of \$7,400.00. This work is necessitated by the deterioration to the bridge deck and street surface, as evidenced by the most recent inspection report.

Public Works requests authorization to proceed with design and preparation of bid documents utilizing the services of Harper-Leavitt Engineering, Inc., as proposed.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Chandler, that authorization be granted as requested. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, and Hovey; No, none; carried.

City of Idaho Falls  
October 17, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: J.M.S. GRAVEL PURCHASE OPTION

Public Works requests authorization to proceed with the final purchase of that parcel of land identified in the Land Purchase Agreement between the City of Idaho Falls and J.M.S. Farms, dated February 2, 1985, as Option No. 4.

This is the final option described in the referenced Agreement and conclude the purchase of the entire 40 acres intended in 1984.

Respectfully,  
s/ Chad Stanger

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It was moved by Councilman Sakaguchi, seconded by Chandler, that authorization be given to purchase the referenced forty acres. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Hovey, and Sakaguchi; No, none; carried.

City of Idaho Falls  
October 20, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION, LOT 3, BLOCK 1, AUSTAD  
SQUARE ADDITION

Attached are copies of the proposed ordinance and the deed prepared by the City Attorney to vacate an easement located in Lot 3, Block 1, Austad Square Addition.

Public Works requests approval of the easement vacation and authorization for the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

**ORDINANCE NO. 1920**

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE 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 OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, 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 Erickson, Hovey, Sakaguchi, Wood, and Chandler; 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 ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Erickson, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

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City of Idaho Falls  
October 20, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: UTILITY EASEMENT VACATION - LOT 1, BLOCK 6, MILL  
RUN ADDITION, DIVISION NO. 2

Attached are copies of the proposed ordinance and the deed prepared by the City Attorney to vacate a utility easement through Lot 1, Block 6, Mill Run Addition, Division No. 2.

Public Works requests City Council approval of the easement vacation and authorization for the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

**ORDINANCE NO. 1921**

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE 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 OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, 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 Hovey, Sakaguchi, Wood, Chandler, and Erickson; 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 ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
October 20, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ALLEY VACATION, BLOCK 8, RAILROAD ADDITION

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Attached are copies of the proposed ordinance and the deed prepared by the City Attorney to vacate the east 94 feet of the alley right-of-way, Block 8, Railroad Addition.

Public Works requests approval of the alley vacation and authorization for the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

**ORDINANCE NO. 1922**

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE 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 OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, 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 Hovey, Sakaguchi, Wood, Chandler, and Erickson; 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 ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
October 20, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: FANNING AVENUE WATER LINE

On October 6, 1988, bids were opened for the installation of approximately one-half block of water line on Fanning Avenue. The bids received were as follows:

H-K Contractors, Inc.	\$47,497.00
Echeco	\$49,511.00
Engineer's Estimate	\$32,613.00

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Because of the extensive amount of rock excavation and the time left in this construction season, Public Works recommends rejecting these bids and authorizing the rebid in the spring of 1989.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Chandler, that all bids be rejected and authorization given to rebid in the spring of 1989. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, and Hovey; No, none; carried.

A memo from the Traffic Safety Committee was presented and the recommendations considered separately:

**Recommendation No. 1:** Request for a 5 MPH zone, Children At Play and School Zone signs posted in alley between 8th Street and 9th Street, from Boulevard to Lee. Dr. Cunningham, Principal of Holy Rosary School requests a review of the alley between 8th Street and 9th Street. It is recommended that a 5 MPH zone and Children at Play and School Zone be posted 24 hours a day at both ends of the alley in both directions. It was moved by Councilman Erickson, seconded by Wood, that this request be approved. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Hovey, and Sakaguchi; No, none; carried.

**Recommendation No. 2:** Request for No Parking zone in front of the Veterans of Foreign Wars Memorial on Memorial Drive. It is recommended that a No Parking zone, 40' in front of the VFW Memorial, be placed due to motorhomes and cars parking in front of it. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be approved. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

Mayor Campbell stated that he and the Council had held a work session to review a plan for improvements on Lindsay Boulevard. He said that it is required that an Idaho Falls Redevelopment Agency be appointed and a Resolution adopted to provide for funding and plan preparation for the area along Lindsay Boulevard. The Mayor appointed Dick Scheets, Jim Countryman, Ray Hart, Ken Schow, Jim Westergard, and Mel Erickson to that Agency. It was moved by Councilman Chandler, seconded by Wood, that these appointments be confirmed. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, and Erickson; No, none; Councilman Hovey abstaining; motion carried.

The City Attorney then reviewed the following Resolution:

**R E S O L U T I O N (Resolution No. 1988-05)**

A RESOLUTION AUTHORIZING THE PAYMENT OF A SUM NOT TO EXCEED \$20,000.00 TO THE IDAHO FALLS REDEVELOPMENT AGENCY AS AN ADVANCE OF PROJECT COSTS NECESSARY FOR THE PREPARATION OF A PLAN FOR A REVENUE ALLOCATION AREA ALONG LINDSAY BOULEVARD.

WHEREAS, on or about July 6, 1966, the City of Idaho Falls created an Urban Renewal Agency, pursuant to Chapter 47, Title 50, Idaho Code (now codified as Chapter 20, Title 50, Idaho Code);

WHEREAS, such Urban Renewal Agency is now known as the Idaho Falls Redevelopment Agency;

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WHEREAS, Commissioners of the Idaho Falls Redevelopment Agency have been recently appointed;

WHEREAS, it appears desirable to explore the possibility of creating a revenue allocation area pursuant to the provisions of Idaho Code Section 50-2901, et seq., for the purpose of funding construction of certain street, utility, and other public improvements within the area adjacent to Lindsay Boulevard to the City of Idaho Falls;

NOW, THEREFORE, it is hereby resolved that the Mayor is authorized to advance a sum not to exceed \$20,000.00 to the Idaho Falls Redevelopment Agency for the purpose of securing professional planning and legal services necessary for the establishment of a revenue allocation area and plan for a vicinity of Lindsay Boulevard in Idaho Falls, Idaho. This advance is made upon the condition that such amount or amounts shall be considered as project costs as defined in Idaho Code Section 50-2903, in the event a revenue allocation plan is adopted by the City of Idaho Falls.

Approved on the 20th day of October, 1988, and executed this 21st day of October, 1988.

s/ Thomas V. Campbell  
Mayor

It was moved by Councilman Wood, seconded by Sakaguchi, that this Resolution be adopted and this expenditure be approved. At this time, Councilman Hovey asked to be allowed to make a few comments. He wanted to make sure that the Councilmembers are aware that this concept is relatively new in the State of Idaho, the Economic Development Act having been passed by the Legislature in 1987. Various provisions of that act are now under review by the District Court in Boise and a Report from that court is now expected for about six months. He registered concerns in acting before a ruling has been made on these points. Hovey also registered concern that the act requires that all taxes derived from new and anticipated new or additional taxes derived from property located within the redevelopment area would be allocated by repayment of bonds sold by the Redevelopment Commission to finance the development work. In effect, the City, School District, and the County are diverting all new or additional taxes from property within the designated redevelopment area, away from traditional functions to a long-term bond financing program. The County and School District have no recourse except to the courts, if they do not wish to be a party to the proposal. If the shoe were on the other foot, would the City be anxious to be a participant in such a deal. I believe that the citizens of this area are unaware of purpose, provisions, and long-range effects of the act. While the redevelopment of Lindsay Boulevard area is a beneficial project, it is not a project of an emergency nature. Hovey suggested that, possibly, L.I.D.'s should be considered for property owners in the area. Hovey also said that Revenue Allocation Financing may have its appropriate application, but this circumstance is not one of them. If the property owners desire improvement to their property, an L.I.D. is the best solution. If it is not desired by them, then why should the City use its powers of taxation to pay for improvements that the property owners do not want. By doing so, general City, County, and School District taxes are diverted from equally or more pressing needs and the County and School District become unwilling accomplices, and, in the meantime, the general public is totally unaware of the consequences of our action. While the circumstances bringing this matter before the Council may, in the opinion of some, require immediate action, I feel that haste should not supersede study, sound analysis, and judgment of the merits of this proposal. Since the proposal affects other political units, I

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believe the County Commissioners and School District Trustees should meet with this Council before any action is taken to initiate the Lindsay Boulevard Redevelopment Project. This meeting could save this City considerable problems at a later date and, certainly would be an act of good will and consideration for all involved in this proposal. This proposal is anything but a "routine" Council action. Hovey said that he has some real concerns that, by approving this proposal, the City is moving into an untried and untested area and for these reasons, he cannot support the program at this time.

City Attorney stated that the Statute does require that there be a public hearing, a feasibility study, and a plan prepared, that the impact in dollars and cents involved be determined and that public notice be given to the entities.

Councilman Erickson stated that it is true that Lindsay Boulevard might not be considered as a "blight" area, but it is an area that the City has been trying to improve with a new design for many years, without success in funding. There has been recent legislative action that now makes it possible for funding these types of projects. He feels that it would be a benefit to all entities if the City enters into such a project. The Mayor called for a vote on the previously made and seconded motion. The results being as follows: Ayes, Councilmen Chandler, Erickson, Sakaguchi, and Wood; No, Councilman Hovey; carried.

There being no further business, it was moved by Councilman Sakaguchi, seconded by Hovey, that the meeting adjourn at 8:15 p.m.; carried.

s/ Velma Chandler  
CITY CLERK

s/ Thomas V. Campbell  
MAYOR

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