

**JULY 7, 1988**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday July 7, 1988, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmen Sam Sakaguchi, Ralph Wood, Art Chandler, Jr., Melvin Erickson, Wesley Deist, and Paul Hovey. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all available Division Directors.

The minutes of a Special Council Session, held June 21st, 1988, were summarized and approved.

The Mayor declared open a public hearing, legally advertised to be held this night, to consider the rezoning of property located at 1590 Pancheri Drive. He called upon Councilman Wood, Chairman of the Planning and Zoning Committee, to conduct the hearing. At the request of Councilman Wood, the City Clerk read the following memo:

City of Idaho Falls  
July 5, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REZONING - NORTHWEST CORNER OF PANCHERI AND SKYLINE

Attached is a copy of a rezoning petition submitted by Fred and Josie Blair requesting a change from R-2 to R-3A. The subject property is located at 1590 Pancheri Drive. The petitioners are requesting the rezoning in order to convert the existing structure into a hair styling salon.

The Planning Commission, on the 14th of June, considered this matter at a public hearing and at that time recommended approval of the request. This Department concurs with that recommendation. It is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

No one appeared either for or against this request. It was moved by Councilman Wood, seconded by Deist, that this re-zoning be approved as requested and that the City Planner be instructed to reflect said zoning change on the official zoning map located in his office. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist.

The Mayor then declared open a public hearing to consider a request for rezoning of property located on the North side of First Street, West of Hitt Road, and called upon Councilman Wood to conduct this hearing. At the request of Councilman Wood, the City Clerk read this memo from the City Planner:

City of Idaho Falls  
July 5, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: 2367 FIRST STREET

**JULY 7, 1988**

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Attached is a copy of the rezoning petition submitted by Denise Heaton requesting a change from R-1 and R-3A to PB (Professional Business). This property is located on the north side of 1st Street west of Hitt road. The petitioners are submitting the request in order to build a professional office building on this property.

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

s/ Rod Gilchrist

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

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

Ms. Cindy Seaton, appeared briefly to state that the near-by neighbors to this property agree to this re-zoning.

There being no one else to appear, it was moved by Councilman Wood, seconded by Deist, that the Council approve this re-zoning as requested, and that the City Planner be instructed to reflect said zoning change on the official zoning map located in his office. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

Mayor Campbell then invited Councilman Erickson to direct the consideration of the "Day Care Ordinance", passed on its first reading at the last Council Meeting. Erickson asked the City Attorney to read the caption of the ordinance:

**ORDINANCE NO. 1907**

AN ORDINANCE ENACTING CHAPTER 5, TITLE 7, CITY CODE, CITY OF IDAHO FALLS, IDAHO; STATING THE PURPOSE OF THE CHAPTER, ESTABLISHING FIRE SAFETY REQUIREMENTS FOR DAY CARE FACILITIES WITHIN THE CITY; DEFINING TERMS; PROVIDING FOR FIRE SAFETY INSPECTION AND CERTIFICATION OF DAY CARE FACILITIES; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Councilman Erickson then invited anyone present who might be opposed to the revised ordinance as written, to be heard at this time.

Mrs. Trudy Potter, a local day care operator, appeared to ask the Council to change the definition of an adult to include high school age students. She said that she hires students now, and that they are very responsible employees. Councilman Erickson said that day care operators may hire employees under eighteen years of age, but the State requires that there must be one adult for every twelve children.

City Attorney Storer stated that the State Legislators did not specify the age of an adult, but that State Code defines an adult as being over eighteen years of age. He said that he would be hesitant to see the City "water down" the State's Day Care Law.

**JULY 7, 1988**

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Councilman Hovey questioned if provisions in the Ordinance pertaining to the age and number of adult supervisors at a day care facility is a fire and safety matter and said that the City should not be including provisions in an Ordinance that the City may or may not be prepared to review and certify.

The City Attorney emphasized that this Ordinance is not a licensing ordinance. It, basically, will provide for safety and fire inspections which are required for State licensing if the day care operator wishes to be licensed.

Several Councilmembers registered the need to pass an Ordinance to aid the day care operators who wish to be State licensed.

Merle Seehusen, local day care operator, suggested that the Mayor and Council visit all local day care facilities to see what the operators want. It was explained to Mrs. Seehusen that the City of Idaho Falls does not want a "Day Care Ordinance", they are only trying to aid those operators who wish to be State licensed. The State has a law for licensing and, if there are problems, they need to address those problems to the State Legislators.

Betty Lu Holland, Vice President of the League of Women Voters, presented the following:

City of Idaho Falls  
July 7, 1988

League of Women Voters of Idaho Falls  
P. O. Box 2093  
Idaho Falls, Idaho 83403

The League of Women Voters of Idaho Falls urges the City Council to adopt the Ordinance establishing fire safety standards for day care facilities within the City. The League believes that all children in the care of non-relatives outside the home, deserve to be adequately protected by statewide licensing standards. Recognized applicable fire and building codes should be the foundation for safety and fire standards. We appreciate our City Officials' concern for the safety of children in day care facilities - which this amended ordinance indicates. We appreciate your efforts in strengthening the requirements beyond the bare state minimum by requiring that freestanding fireplaces and wood burning stoves meet the requirements of the Uniform Building Code and show proof of being properly installed.

We strongly support the requirement that staff members be adults of at least 18 years of age, who are physically capable of conducting children to an emergency exit in case of fire. The State Law says that there shall be one staff member for each 12 children - including infants.

Fire safety is a major reason given for the child-staff ratio - and we firmly believe that it would take all the maturity and competence an adult has to get 12 children out of a burning building in a 2-minute period. Personally, I am not sure it would be possible for one person to get 12 infants out in that space of time.

While fire safety is a life and death matter, it fortunately is not an everyday occurrence. But on an every day basis, we believe that providing continuous care and watching over 12 children for 8 or more hours a day is a great responsibility, and requires the experience and maturity of an adult. When a child needs a bottle heated, a diaper changed, when a quarrel or fight needs to be settled, the caregiver is occupied with that task - and who is watching the

**JULY 7, 1988**

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other children? It is a big enough task for an experienced adult - not a responsibility that should be delegated to less experienced teenagers. A Post Register editorial noted that some day care providers use 16 year old students in career training programs, counting them as staff. In consulting with District No. 91 officials, we learned that career education students work without pay, in order to get experience in a field - to help them determine if it is a suitable career. So these are not "trained child care providers" ready to assume responsibility for the lives and care of 12 children. Using these teens, or hiring teenagers during the summer, is fine if they provide supplemental assistance - but they should not be counted as staff.

A third reason adults are essential is that adults must give permission for medical care, even if the parents have given a signed permission slip to the day care provider.

Looking at what other states require, a Comparative Licensing study published in 1982 by Lawrence Johnson and Associates showed that 32 states required caregivers to be 18 or over. Several people have commented that 12 children are too many for one staff person to be responsible for on a regular basis. At the very least, we need to require that this person is an adult!

We again urge you to vote for this Ordinance. Thank you.

s/ Betty Lu Holland  
Vice President  
League of Women Voters

Cindy Logan, Jan Welch, Merle Seehusen, Sandy Albaugh, Pat Anderson, and Barbara Buckman all appeared to register concerns as to the adult definition and age ratio requirements being addressed in this Ordinance.

Michelle Taylor, 1305 Bower Drive, Home Economic Teacher at Idaho Falls High School, appeared to state that the students enrolled in her classes are taught how to handle emergency situations and she feels that, possibly, they could handle a crisis better than so called "adults".

The following letter was also presented for record:

City of Idaho Falls  
July 6, 1988

Gentlemen:

I would like to point out some weaknesses in the proposed fire safety standards developed for compliance with the Child Care Licensing Law. First, let me say that I have always been against day care licensing in Idaho. But, now that we have day care licensing regulations, they better be good and complete so that parents aren't lured into a false sense of security, thinking a facility is safe when it isn't. Some of the regulations proposed are not complete enough, namely:

**JULY 7, 1988**

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1) One able-bodied adult, 18 years of age or older, for each 12 children, regardless of age, is not enough. In a fire, each scared, hysterical, screaming, thrashing 2-year-old will have to be carried out by himself. Will there be time for the adult to make 12 trips?

2) At least one outside exit - door or window - in each room used for day care is sufficient, as long as it is operable. It should be written into the regulation, however, that if it is a window, that it is easily opened, and there is easy access to it. For example, the windows should not be painted shut, or otherwise be too hard to open. Also, there should be a chair, table, or other item placed close to the window so that it can be accessed easily in a fire. What good is a window if it is too hard to open, or too high, so that even an agile adult has trouble getting out of it, much less carrying a child? And what about when windows get frozen shut in the winter?

3) The window wells used for fire escapes from a basement should have ladders in them. Most window wells are at least 3 feet deep, and quite hard to scale out of. All it takes is 3 or 4 lengths of 2 X 4' Wood nailed to the side to provide a convenient ladder.

4) Each room should have a smoke detector, not just sleeping areas. If a fire starts in the kitchen, wouldn't it be nice to have an extra few minutes notice to get everyone out, even if they aren't sleeping? Smoke detectors are relatively inexpensive, and very cost efficient. They should be checked periodically to assure the battery is still strong and the smoke detector is still working. Some safety experts think batteries should be changed once a year, regardless of usage.

5) Since each facility will only have to be inspected every 2 years, there has to be a means for parents to report noncompliance. There is one day care center in town where I used to take my children occasionally. I know they are under no legal obligation at the present time to have any particular adult to child ratio. Nevertheless, sometimes I have gotten there, to find one adult watching 25-30 children. When I ask the adult if she was the only one there, she said "Yes, but so and so would be there at 9:00". I can see a similar situation occurring after licensing is in effect. A parent may see a non-conforming situation such as this, and the worker may say "Oh, somebody will be here in awhile". Well, if the facility has a license, "in a little while" is not soon enough. There should be enough adults there right now. A parent is helpless unless he has somewhere to call to report the infraction.

Please consider my ideas before passing day care fire regulations. Thank you.

Sincerely,  
s/ R. L. Piet

Mayor Campbell called for a motion. It was moved by Councilman Erickson, seconded by Hovey, 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, Erickson, and Deist; No, none; carried. The majority of all the members of the Council

**JULY 7, 1988**

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 SECOND AND FINAL READINGS AND THAT SECTION 7-5-12 OF THE PROPOSED ORDINANCE BE ELIMINATED WHICH WILL DELETE CHILD-STAFF RATIO AND THE DEFINITION OF AN ADULT?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The Mayor called for a short recess.

The meeting was reconvened and the following bills were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 439,896.27	\$ 44,340.54	\$ 98,319.53	\$ 158,930.04
SALARY:	<u>605,573.39</u>	<u>36,492.42</u>	<u>14,005.45</u>	<u>79,197.56</u>
TOTAL:	\$1,045,769.66	\$ 80,832.96	\$ 112,324.98	\$ 238,127.60

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>LIBRARY</u>	<u>AMBULANCE</u>
SERV/MAT:	\$ 802,052.48	\$ 20,387.98	\$ 26,013.53	\$ 17,078.80
SALARY:	<u>130,930.96</u>	<u>39,161.76</u>	<u>24,850.73</u>	<u>24,141.76</u>
TOTAL:	\$ 932,983.44	\$ 59,549.74	\$ 50,864.26	\$ 41,220.56

	<u>MUN EQUIP</u>	<u>SURFACE DRAIN</u>	<u>MCS</u>	<u>RECREATION</u>
SERV/MAT:	\$ 16,934.01	\$ 7,500.00	\$ 35,000.00	\$ 18,225.82
SALARY:	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>27,134.14</u>
TOTAL:	\$ 16,934.01	\$ 7,500.00	\$ 35,000.00	\$ 45,359.96

CITY TOTAL

SERV/MAT:	\$1,684,679.00
SALARY:	<u>981,788.17</u>
TOTAL:	\$2,666,467.17

There being no questions nor comments, it was moved by Councilman Chandler, seconded by Hovey, that the Controller be authorized to pay all bills listed on the computerized print-out. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

Reports from the month of June, 1988, were presented, accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for AUCTIONEER, William S. Powell; BARTENDER, Wendalisa Louise Steen, Joy Sandra Nelson, Edward J. Jones, Debbie J. Merry; RESTAURANT, Veterans House, Inc.; SNACK BAR, Municipal Employees Association; WHOLESALE FIREWORKS, Slusser Wholesale; FIREWORKS, Slusser Wholesale, Golden Dragon (Shopko), Red Dragon (1st & Woodruff, Maverick), Sister Cities of Idaho Falls (D & L Cleaners-17th Street); SPRAYING PERMIT, Smith Group; MASTER PLUMBER, Bob Livesay Plumbing; BUILDING CONTRACTOR, Judson Enterprises, Inc., Roy Batton Construction and Jamison Construction, 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.

**JULY 7, 1988**

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The City Clerk asked for Council ratification of the issuance of a TO BE CONSUMED ON THE PREMISES BEER license to Shilo Lounge. It was moved by Councilman Erickson, seconded by Wood, that this action be duly ratified. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk asked for Council ratification of the issuance of BARTENDER PERMITS to Anne C. Taylor, Robert D. Wilson, Pamela Sue Bare; DANCE HALL, license to Shilo Restaurant & Lounge; LIQUOR license to Shilo Restaurant & Lounge; RESTAURANT license to Shilo Restaurant & Lounge; CONCESSION license to Wizard, Job's Daughters, Bethel #47, Corri Fuhriman, Idaho Falls Opera Theatre & Symphony Society, 4th Ward Young Women, Bonneville County Historical Society, Idaho Falls 26th Ward, LDS 32nd Ward Scouts, 10th Ward Church, Job's Daughters-Bethel #22 and a MOBILE CONCESSION license to Carey Heaton. It was moved by Councilman Erickson, seconded by Wood, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The City Clerk asked for Council ratification of the publishing of an advertisement for bids on the Snake River Parkway Project and for four public hearings to be held on July 21st. It was moved by Councilman Wood, seconded by Deist, that the Council ratify these previous actions. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

This memo from the Police Chief was then read:

City of Idaho Falls  
July 7, 1988

TO: Honorable Mayor and City Council  
FROM: Office of the Chief of Police  
SUBJECT: PROPOSED NEW ORDINANCE

It is requested that the City Attorney be instructed to prepare a City Ordinance prohibiting the jumping from bridges into the Snake River within the Corporate Limits of the City of Idaho Falls, and to prohibit pedestrian traffic on the diversion dams and structures of the power generating facilities in the Snake River.

Sincerely,  
s/ Monty G. Montague

Councilman Erickson explained that there is a serious problem of people diving from bridges and other structures into the Snake River. He said that there are under-currents and washing under the cliffs which makes for hazardous conditions in these parts of the river. He said that there is a need for an ordinance to control the ways to alert the public of these hazards and for enforcement of the ordinance. Councilman Deist asked if the bridges, structures and dams will be correctly posted? Attorney Storer asked if the sewer crossing lines should be included in the ordinance? Councilman Erickson answered in the affirmative to both of these questions. It was moved by Councilman Erickson, seconded by Wood, that the City Council authorizes the City Attorney to prepare an ordinance prohibiting the jumping off of bridges, sewer lines or other structures into the river, and to prohibit traffic on the diversion dams and structures of the power generating facilities in the Snake River. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; no, none; carried.

This memo from the Airport Manager was then read:

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**JULY 7, 1988**

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City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: ADVERTISEMENT FOR BIDS

Construction of International Way Roadway Improvements to provide access to the general aviation area, fuel farm, air cargo and employee parking lot will begin in August, 1988, to be accomplished under AIP #3-16-0018-06 with 90% of the cost funded by the Federal Aviation Administration.

The Airport Committee respectfully requests authorization to advertise for bids for the above mentioned project.

s/ James H. Thorsen

There being no questions nor comment, it was moved by Councilman Deist, seconded by Sakaguchi, that authorization be given to advertise for bids for construction of International Way Roadway Improvements. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the City Planner, came this memo and resolution:

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: COOPERATIVE AGREEMENT WITH THE IDAHO HOUSING AGENCY

The City has received a communication from the Idaho Housing Agency stating that they have detected a need for additional housing for low-income families with children in the Idaho Falls area. The Agency is proposing the purchase of forty (40) three (3) and four (4) bedroom units in this area. In order to do this, the City must enter into a cooperative agreement with the agency which qualifies the Idaho Housing Agency for HUD funds to proceed with this project.

Attached is a copy of a resolution authorizing execution of the cooperative agreement and addendum thereto, a copy of the cooperation agreement and the addendum.

This Department respectfully requests the Council pass the resolution and authorize the Mayor and City Clerk to sign the agreement and addendum thereto.

s/ Rod Gilchrist

**JULY 7, 1988**

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**R E S O L U T I O N (Resolution No. 1988-02)**

APPROVING THE ENTERING INTO OF A COOPERATION AGREEMENT AND ADDENDUM TO COOPERATION AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND THE IDAHO HOUSING AGENCY AND AUTHORIZING ITS EXECUTION.

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended (herein called the "ACT"), the Secretary of Housing and Urban Development is authorized to provide financial assistance to local public housing agencies (hereinafter called "Local Authority") for undertaking and carrying out the development and operation of low-rent housing projects that will assist in meeting this goal: and

WHEREAS, pursuant to Section 5 (e) (2) of the Act, as amended, it is necessary in order to obtain Federal financial assistance for such low-rent housing, that the local governing body enter into a Cooperation Agreement with the Local Authority providing for local cooperation in connection with such housing projects: and

WHEREAS, it is the desire of this governing body to cooperate in the provisions of low income housing for this locality and to enter into a Cooperation Agreement with the Local Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, AS FOLLOWS:

1. There exists in this locality a need for such low-rent housing at rents within the means of low-income families or persons.

2. The entering into of the Cooperation with the Idaho Housing Agency is hereby approved.

3. The Mayor is hereby authorized to execute said Cooperation Agreement and Addendum to Cooperation Agreement in as many counterparts as may be required by the Secretary of Housing and Urban Development.

4. The Clerk is hereby authorized to attest to all counterparts of the Cooperation Agreement and Addendum to Cooperation Agreement and affix or impress the official seal on all said counterparts.

5. This Resolution shall take effect immediately.

s/ Thomas Campbell  
Mayor

ATTEST:  
s/ Velma Chandler  
City Clerk

**JULY 7, 1988**

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It was moved by Councilman Wood, seconded by Deist, that the Council adopt the resolution and authorization be given for the Mayor and City Clerk to sign the resolution, agreement, and addendum. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The next four memos were presented from the Public Works Director:

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: PROPERTY ACQUISITION - STORM WATER RETENTION POND

Attached are deeds prepared by the City Attorney for acquiring three (3) parcels of property located north of the existing "Troy Avenue" retention pond and needed for purposes of storm water retention. These parcels are as follows: (see attached map)

#1	Edward D. Smith and Loretta Smith	\$ 7,500.00
#2	Charles E. Jacoby and Effie M. Jacoby	\$ 7,500.00
#3	William H. Shivley, James D. Shivley, and Jerry S. Shivley	\$35,460.00

The owners have agreed to sell the property for the appraised value. Public Works requests ratification of the previous purchase of parcel #2 and approval for the purchase of parcels #1 and #3.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council ratify the previous purchase of parcel #2 and approve the purchase of parcels #1 and #3. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

City of Idaho Falls  
July 5, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: PURCHASE OF DIAL PROPERTY/HOLMES AVENUE PROJECT

Attached are copies of a right-of-way contract for the purchase of the Annette Dial property located on Holmes Avenue. The purchase of this property is necessary to accommodate the improvements along Holmes Avenue.

**JULY 7, 1988**

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Public Works recommends approval of this contract and authorization for the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve the purchase of this property and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

City of Idaho Falls  
July 7, 1988

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: STREET AND ALLEY VACATION-BLOCKS 1 & 2 -  
HIGHLAND PARK ADDITION

Public Works requests authorization for the City Attorney to prepare, for consideration by the City Council, the necessary ordinance to vacate the public street and alley rights-of-way located in those portions of Blocks 1 and 2, Highland park Addition, bounded by Fremont Avenue, Energy Drive, Energy Place and the Union Pacific Railroad.

Ownership of the property located within this area is shared by two (2) owners, one of which being the City of Idaho Falls. The other owner, Lavon Jenkins, is in agreement with this request. Access to these parcels of property is not served nor required to be served by the street and alley rights-of-way for which vacation is requested.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that authorization be given for the City Attorney to prepare the necessary ordinance to vacate the public street and alley rights-of-way as requested. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
July 5, 1988

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: OUTSIDE THE CITY WATER & SEWER CONNECTION -  
ALMA ROBINSON - APPLEWOOD PLACE

Attached are copies of proposed outside the City water and sewer contracts to provide services for Alma Robinson. Mr. Robinson is moving a trailer on Lot 8, Block 1, in Duchess Court in the Applewood Place Addition.

**JULY 7, 1988**

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It is the recommendation of Public Works that the City approve this contract and authorize the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this contract and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The following four memos were presented from the Electric Department Manager:

City of Idaho Falls  
July 5, 1988

MEMORANDUM

ATTENTION: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: ELLSWORTH ENGINEERING

Attached is a proposal from Ellsworth Engineering to provide engineering services for the rehabilitation of certain items related to the old lower plant powerhouse.

The total estimated cost of engineering and construction is \$123,960.00. The City has money budgeted for this work and the expenditure will be reimbursed via the BPA Bulb Turbine Power Purchase Agreement.

The Electric Division recommends approval of the engineering proposal and requests authorization to solicit bids for the rehabilitation work.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Council approve this engineering proposal and give authorization to solicit bids for the rehabilitation work related to the old lower plant powerhouse. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey and Sakaguchi; No, none; carried.

City of Idaho Falls  
July 7, 1988

MEMORANDUM

ATTENTION: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: PROPOSED ORDINANCE

Attached is a copy of a proposed ordinance which notifies the public that the Mayor and City Council intend to convey approximately 47 acres of Gem, State Mitigation property to the Idaho Department of Fish & Game.

**JULY 7, 1988**

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The Electric Division recommends that the City Council authorize the Mayor and Clerk to sign this ordinance and direct the City Clerk to publish the attached notice of a public hearing.

s/ G.S. Harrison

**ORDINANCE NO. 1908**

AN ORDINANCE DECLARING THE INTENT OF THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, TO CONVEY CERTAIN REAL PROPERTY TO THE IDAHO STATE DEPARTMENT OF FISH AND GAME FOR USE AS A WILD LIFE RIPARIAN HABITAT MITIGATION AREA, AS REQUIRED BY THE TERMS OF THE LICENSE ISSUED BY THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE GEM STATE HYDROELECTRIC PROJECT: PROVIDING FOR A PUBLIC HEARING AND REQUIRING PUBLIC NOTICE THEREFORE; PROHIBITING TRANSFER OF SUCH PROPERTY PRIOR TO THE EXPIRATION OF SIXTY DAYS AFTER THE DATE HEREOF; ESTABLISHING EFFECTIVE DATE OF THIS ORDINANCE.

The foregoing ordinance was presented in title. It was moved by Councilman Hovey, seconded by Wood, 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, Deist, 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 AND THE CITY CLERK BE DIRECTED TO PUBLISH THE NOTICE OF PUBLIC HEARING?" Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, Sakaguchi, and Chandler; No, none; carried.

City of Idaho Falls  
July 5, 1988

MEMORANDUM

ATTENTION: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: PROPOSED RESOLUTION & QUITCLAIM DEED

Attached is a copy of a proposed Resolution and Quitclaim Deed for the vacation of a flood easement upstream of the lower power plant on the Amcor, Inc. property.

The area was diked during the bulb turbine reconstruction work and the easement is no longer of value to the City.

**JULY 7, 1988**

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The Electric Division recommends that the City Council abandon this easement and authorize the Mayor and Clerk to execute the attached documents.

s/ G. H. Harrison

**RESOLUTION (Resolution No. 1988-03)**

WHEREAS, the City of Idaho Falls has a flood easement to impound and release waters of the Snake river upon and from certain real property in Bonneville County, Idaho, which real property is described as follows:

Beginning at a point that is South 89°57'12" West 543.03 feet along the City Monument Section Line (original Deeds show North 89°43" West 545.2 feet) and South 29°16'30" West 3113.10 feet along the Westerly right of way line of U. S. Highway No. 191 (original deeds show South 29°16' West) (said right-of-way line being 133.00 feet from the Center line of the main line of the Union Pacific Railroad) from the Northeast corner of Section 25, Township 2 North, Range 37, East of Boise Meridian, said point of beginning also being south 29°16'30" West 1.00 feet from the Southeasterly Corner of the property as described in the Deed recorded as Instrument No. 662310 in Bonneville County, and running thence 29°16'30" West 193.60 feet along said right-of-way line; thence North 60°43'30" West 225.00 feet; thence North 29° 16'30" East 193.60 feet; thence South 60°43'30" East 225.00 feet to the point of beginning.

WHEREAS, The City of Idaho Falls has determined that it no longer has any need for said easement; and

WHEREAS, Amcor, Inc., a Utah Corporation, is the owner of record of the servient estate which is subject to said easement;

NOW, THEREFORE, BE IT RESOLVED: That the City of Idaho Falls hereby vacates said easement, pursuant to the provision of Section 50-1325, Idaho code; and

That the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and deliver to the said Amcor, Inc., a quitclaim deed to said easement.

PASSED BY THE COUNCIL this 7th day of July, 1988.

APPROVED BY THE MAYOR this 7th day of July, 1988.

s/ Thomas Campbell  
Mayor

ATTEST:  
s/ Velma Chandler  
City Clerk

**JULY 7, 1988**

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It was moved by Councilman Hovey, seconded by Wood, that the City Council abandon this easement and authorize the Mayor and City Clerk to sign the resolution and the deed. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
July 5, 1988

MEMORANDUM

ATTENTION: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: UP&L/CITY JOINT USE - 161 kV

Attached is a copy of a UP&L/City of Idaho Falls, Agreement for joint use of the 161kV Gem State Power Line which is under construction.

The agreement has been approved by the City Attorney and signed by the Mayor.

The Electric Division requests ratification of the Mayor's previous action.

s/ G. S. Harrison

Councilman Hovey explained the need for this agreement. It was moved by Councilman Hovey, seconded by Wood, that the Council ratify the Mayor's previous action in signing this agreement. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

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

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID NO. IF-88-28, ONE (1) NEW 1988 BACKHOE-LOADER

Attached is the Tabulation of Bids for Bid No. IF-88-28, One (1) New 1988 Backhoe-Loader. It is the recommendation of the Municipal Services Division, in concurrence with the Parks and Recreation Division, to accept the low responsive bid of Case Power and Equipment Company of Idaho Falls, Idaho, to furnish a Case 480-E Backhoe-Loader for an amount of \$20,399.00 with trade-in.

Respectfully submitted,  
s/ S. Craig Lords

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

**JULY 7, 1988**

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID NO. IF-88-26, PADMOUNT TRANSFORMERS

Attached is the Tabulation of Bids with computed loss evaluated amounts for Bid No. IF-88-26. The Municipal Services Division, in concurrence with the Electric Division, recommend the padmount transformers be awarded as follows:

<u>Item No.</u>	<u>kVA</u>	<u>Bidder No. Supplier/Manufacturer</u>	<u>No. of Units</u>	<u>Unit Price</u>	<u>Extended Amount</u>
1.	25	(7) RTE/RTE	6	\$1,032.00	\$ 6,192.00
2.	50	(6) WESCO/Westinghouse	6	\$1,393.00	\$ 8,358.00
3.	100	(10) Central Maloney (Riter Engineering)/ Carl Maloney	6	\$1,829.00	\$10,974.00

All items recommended for acceptance are the lowest responsive evaluated bids.

Respectfully submitted,  
s/ S. Craig Lords

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

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID NO. IF-88-29, TRAFFIC SIGNALIZATION EQUIPMENT

Attached is the Tabulation for Bids for Bid No. IF-88-29, Traffic Signalization Equipment. It is the recommendation of the Municipal Services Division, in concurrence with the Electric Division, to accept the low evaluated bid meeting specifications as per Attachment A.

Respectfully submitted,  
s/ S. Craig Lords

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

**JULY 7, 1988**

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City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID NO. IF-88-27, LEASE-PURCHASE OPTION FOR ONE  
(1) NEW 1988 HYDRAULIC EXCAVATOR WITH WHEEL  
UNDERCARRIAGE

Attached is the Tabulation of Bids for Bid No. IF-88-27, Lease-Purchase Option for One (1) New 1988 Hydraulic Excavator with Wheel Undercarriage. It is the recommendation of the Municipal Services Division, in concurrence with the Public Works Division, to accept the proposal of Elliott Industrial Company from Idaho Falls, Idaho for Alternate Bid No. 1-1988 Demonstration Model. They will furnish a 1988 John Deere Model 595 at a New Price-Cash Purchase of \$86,915.00. The annual Lease Payment will be \$19,984.70 per year for a period of five (5) years. The Lease provides that the City shall have the option to renew the Lease each year subject to the appropriation of funds by the City Council for that fiscal year.

Respectfully submitted,  
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Hovey, that the Council give authorization to award this bid. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CONSENT TO SECURITY ASSIGNMENT - AIRPORT  
INDUSTRIAL PARK LEASE

Attached are copies of a Consent to and Assignment of Elliott Industrial Company's leasehold interest in property located at the Airport Industrial Park. Also, attached are copies of the proposed Assignments of Lease as Collateral and Deed of Trust to the bank.

The Attorney has reviewed and approved the Consent Form.

The Municipal Services Division respectfully requests authorization from the Mayor and City Council for the Mayor to execute said document.

Respectfully submitted,  
s/ S. Craig Lords

**JULY 7, 1988**

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

City of Idaho Falls  
July 7, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: RECOMMENDED CHANGE TO CITY PERSONNEL POLICY  
(ACCIDENT ON DUTY)

The attached change to the City of Idaho Falls Personnel Policy is recommended for Mayor and City Council approval. The proposed change deals with "Accident on Duty", under Articles XV and XXII.

Respectfully requested,  
s/ S. Craig Lords

Councilman Chandler explained the proposed change. It was moved by Councilman Chandler, seconded by Hovey, that this change in the Personnel Policy be approved. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The Mayor stated that he has appointed Jack Messinger as a member to the Traffic Safety Committee. It was moved by Councilman Erickson, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

There being no further business, it was moved by Councilman Sakaguchi, seconded by Wood, that the meeting adjourn at 9:15 p.m.; carried.

s/ Velma Chandler  
CITY CLERK

s/ Thomas Campbell  
MAYOR

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