

**MAY 19, 1988**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 19, 1988, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmen Melvin Erickson, Wesley Deist, Paul Hovey, Ralph Wood, and Arthur Chandler, Jr. Absent: Councilman Sam Sakaguchi. Also present: Velma Chandler, City Clerk; Joe Burgess, Assistant City Attorney; and all available Division Directors.

The minutes of the last Regular Council Meeting held May 5, 1988, were summarized and approved.

The Mayor then honored Dianna Mines for receiving the Girl Scout Gold Award. He gave a resume' of her accomplishments and wished her well during her future years. Dianna then received a congratulatory handshake from all City Officials around the Council Table and a round of applause from all those present.

The Mayor declared open a public hearing, recessed from the last Council Meeting, and called upon Councilman Wood to conduct the hearing. Councilman Wood reported that the petitioners had requested a further recess of this hearing. It was moved by Councilman Wood, seconded by Deist, that this public hearing be recessed until June 9th, 1988. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Mayor Campbell introduced eight year old Jim Smith-Burgess who gave a talk on the bad affects of using drugs.

Ms. Shawna Vee Wardell appeared and read the following letter:

May 5, 1988  
294 West Pine  
Shelley, Idaho 83274

Open letter the Idaho Falls City Council

Dear Sirs:

Save Our Snake, Inc. opposes the proposed Shelley Hydroelectric Project because of potential impacts on, not only fish and wildlife and their respective environments, but also because of the significant impact it will have on local residents and other area residents who appreciate and use the area for recreational and educational activities. The "Quality of Life" will simply be degraded in regards to what the current eco-system now has to offer in the proposed project area versus the post-project environment.

Not only has SOS expressed concerns against this project, but such qualified experts as U.S.E.P.A., U. S. Department of the Interior, Idaho Fish & Game, and Idaho Department of Water Resources have also. Furthermore, the area is listed in the Northwest Power Planning Council's proposed "Protected Areas Designation".

Much has been made of the grants which Idaho Falls has received from State agency's coffers to develop and improve the river-front within I.F.--yet, the I.F. City Council is considering the destruction of riparian and wildlife habitat of up to 5.25 river miles, involving over 40 acres of riparian lands in a community not their own.

The removal of tax based property from our local community for the benefit of Idaho Falls is similar to the supposed motivation of Russia invading Afghanistan - the difference is this is American and it's close to home.

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By pursuing the project, not only will the quality of life of those who live on or near the river be affected, but so will the 2,300 students who attend the Shelley School District No. 60 lose valued tax dollars. Also, the programs offered by the Bingham County government will be affected by this loss of a tax base.

At one time, Mayor Campbell compared I.F.'s intentions to utilities who open coal mines in other's communities to provide fuel for their generators. From an economic view, there is no comparison. I.F. will not be offering any long term loan employment to Bingham County's community which would increase local taxable income; I.F. refuses to pay taxes on the profits generated such as a privately owned utility would have to. The City of Idaho Falls proposed project will only rob residents of Bingham County of the existing revenue and possibly impair the future development of the area and thus potential tax revenues. It will also depreciate the existing environment. For these reasons, Save Our Snake, Inc. requests that the City of Idaho Falls not pursue this Shelley Hydro Project.

Sincerely,  
s/ Shawna Vee Wardell

Mr. Jerry Jayne appeared and presented the following:

**COMMENTS FOR THE RECORD OF THE PUBLIC SCOPING HEARING  
HELD BY THE FEDERAL ENERGY REGULATORY COMMISSION  
AT IDAHO FALLS, IDAHO, SEPTEMBER 16, 1987  
ON  
FERC 5090  
PROPOSED SHELLEY HYDROELECTRIC PROJECT**

The Shelley Hydroelectric Project on the Snake River, Idaho, FERC 5090, is proposed by Applicant City of Idaho Falls.

But this project would be highly destructive of wetland, wildlife, and habitat, free-flowing river, recreational, pastoral, and private property values. FERC should deny the license.

**1. Wetland Destruction.**

The project facilities would flood or occupy 40 acres of significant wetlands. In addition, another 46 acres of wetlands might be affected by reduced flows between the diversion dam and the lower end of the project area. These 46 acres include 24 islands over 0.1 acre in size. (Applicant's License Application, Exhibit E, Environmental Report, P. III-55).

There are several wetland types on the river banks and islands. Most of it is riparian forested wetland. Tree and shrub species include narrow-leaf cottonwood, black cottonwood, peachleaf willow, serviceberry, rose, currant, red-osier dogwood, and bush honeysuckle.

Cottonwood riparian forest is not abundant in Idaho, and much has already been lost to dams and other development. It is irreplaceable, at least for several decades.

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The mitigation proposed is to plant cottonwood and other tree species in one area of the project. But as Exhibit E points out, "Even after maturity (after 30 or more years), the wetlands which result from this mitigation plan will be of lesser value on an acre-for-acre basis to most forms of wildlife..." (P. III-66).

Current government policy is to discourage development in wetlands, which historically have been destroyed at an alarming rate. Executive Order 11990 states: "Each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use." A practicable alternative to this project is the "No Action" alternative.

## **2. Wildlife and Habitat Losses.**

The river and its riparian wetland is important wildlife habitat. Birds resident and migratory include several species of ducks, Canada Geese, numerous passerine species, and several species of raptors, including bald eagles. Mammals include otter, beaver, red fox, and coyote. The project would destroy nesting, denning, and perching sites as well as much of the feeding area and prey base habitat for these species.

The Fish and Wildlife Coordination Act provides "...that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resources development." Equal consideration must surely include the possibility of not destroying wildlife habitat.

## **3. Loss of a Segment of Major River.**

There are already over 20 dams on the main stem of the Snake River, several of them forming extensive reservoirs. The remaining free-flowing portions of the Snake should all be retained.

Building dams on major streams is an anachronism. The remaining free-flowing river segments have tremendous natural and scenic values, and our realization of this should prevent us from building more dams on major streams.

## **4. Riverine Recreational Losses.**

The Idaho Fish and Game Department rates this stretch of the Snake as a Class II fishery, or "High Priority Fishery Resource." While not a Class I Blue Ribbon stream like the South Fork upstream a few miles, it still provides a significant fishery. Fish species present include rainbow trout, brown trout, and whitefish, which are supported by a relatively diverse community of aquatic invertebrate species. There is plenty of slack water already available in the region for fishing and other water based recreation. Several studies have shown that fishing demand is largely for streams, not more slack water.

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**5. Pastoral and other Private Property Losses.**

In addition to the wetlands destroyed, Exhibit E also says that the project would flood or occupy 60 acres of cropland and 30 acres of grasses and forbs. Both private land and facilities would be lost, taken for the most part from unwilling owners.

**6. No Need Shown**

The applicant attempts to justify the project on the basis of projected increases in electrical energy consumption. But future increases are to a large extent dependent upon the Applicant's own actions.

Instead of trying to discourage increased consumption of electrical energy, the Applicant currently does just the opposite.

For example, in response to land developers and others who wish to get the cheaper BPA power which Idaho Falls enjoys, Idaho Falls, City Government keeps annexing more areas into the City proper. Growth of the City, and of electrical energy consumption, is actively encouraged.

Further, conservation of electricity is not a serious concern of City government, as is made obvious by the numerous illuminated billboards and other unnecessary lights.

**7. Project Application Should Not Be Denied**

The Adverse impacts of the proposed project, including those predicted in Exhibit E of the Applicant's License Application, make it quite clear that this project would be too destructive to be allowed. Because of this, and because Exhibit E would form a major portion of an EIS, further preparation of an EIS is probably not necessary.

The Idaho Environmental Council urges FERC to deny the license for the Shelley Project, or any other hydroelectric project proposed by any entity for this section of the Snake River.

s/ Jerry Jayne  
IEC Board of Directors

License applications for AUCTIONEER, Hossner Brothers Auction Company; BARTENDER, Linda J. Eberhardt, Brian Curtis Fortmann, Doris S. Moore, Lorraine Mary Cunningham, Harry E. Woodruff, Cameron Armstrong; NON-COMMERCIAL KENNEL, Ted or Allason Hill, Wandrin Star Whippets, Joanne Dixon; SECONDHAND STORE, Dean's Antiques; FIREWORKS, Golden Dragon Fireworks, Pyrotronics at Albertsons, Teton Mall, Country Club Mall, Smith's Food King, Fred Meyer and a Wholesale license; SPRAYING PERMIT, Precision Body Works, Nu-Look Auto Body & Paint; PRIVATE PATROLMAN, David Quinton; SIGN COMPANY, Wilkinson Masonry; PUBLIC RIGHT OF WAY, Jack Murdock & Son Cement Construction, Big Rocky's Parking Lot Maintenance, R. Hill Construction; ELECTRICAL CONTRACTOR, Norris Electric; JOURNEYMAN ELECTRICIAN, David Norris,

William C. Shore, APPRENTICE ELECTRICIAN, David W. Carlson with A/K Sign Company, Drew Oakey and Stewart Jed Robinson with Oakey Electric, Dave Andre' Paw with J.D. Electric; MASTER PLUMBER, Reed Plumbing; SPRINKLING SYSTEM INSTALLER, J & J Sprinklers, Stokes Sprinkling Systems, Agro-Turf Service Corp; JOURNEYMAN SPRINKLING SYSTEM INSTALLER, Melvin R. Daniel, Steve Jones, James Turnbull; BUILDING CONTRACTOR, Howa Construction, Inc. and Arrowhead 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 Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

A NOT TO BE CONSUMED ON THE PREMISES BEER license transfer application and a GROCERY STORE license application for Searle's Fast Lane was presented. This transfer was required due to the change in ownership. It was moved by Councilman Erickson, seconded by Wood, that authorization be given for issuance of this license transfer. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

The City Clerk asked for Council ratification of the issuance of a NOT TO BE CONSUMED ON THE PREMISES BEER license to 7-11 Store on 17th Street. It was moved by Councilman Erickson, seconded by Wood, that the Council ratify the previous action. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuance of BARTENDER PERMITS TO Pamela Raye Stoddard, Janie Valence Jones, Pattie J. Jarred, Alexandra K. Heath; GROCERY STORE license to 7-Eleven on 17th Street; SNACK BAR license to 7-Eleven on 17th Street and RETAIL WINE to 7-Eleven on 17th Street. It was moved by Councilmen Hovey, seconded by Wood, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Clerk reported that Alan Kelsch and Todd Olsen applied for tradesmen licenses, but these licenses cannot be issued due to the fact that a State number has not been obtained. The Clerk asked for authorization to refund the application fees paid on these applications. It was moved by Councilman Erickson, seconded by Wood, that these application fees be refunded. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

The City Clerk requested Council authorization to publish legal notices calling for two public hearings to be held on June 9th, 1988. It was moved by Councilmen Wood, seconded by Deist, that authorization be given for the publishing of these legal notices. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the Electrical Division, came this memo:

City of Idaho Falls  
May 16, 1988

MEMORANDUM

TO: Mayor and City Council  
FROM: G.S. Harrison  
SUBJECT: SHELLEY PROJECT

Attached is a copy of Kaiser Engineer's estimate of costs to perform certain activities related to the FERC License for the Shelley Project. The money for this effort is contained in the current FY budget and the Electric Division recommends Council authorization for these expenditures.

s/ G. S. Harrison

Councilman Hovey explained that this is a continuation of the process of meeting FERC licensing requirements for the Shelley Project. He said that the information obtained in this process should dissolve any untruths or misunderstandings that are being circulated about

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this project. Hovey said that \$185,000 has been budgeted in this year's budget for development of information related to the Shelley Project.

Mayor Campbell stated that the Council had, previously, registered some concern on the fact that a time extension letter from FERC had not been received. Hovey said that, if such a letter has not been received by July 1st, the work will cease until it is received. It was moved by Councilman Hovey, seconded by Wood, that the Council pursue the work required by FERC under the Shelley Project with an amount of approximately \$110,000, representing work that would be completed by Kaiser Engineers by September 1, with the stipulation that, if written confirmation of an extension from FERC has not been received by July 1st, work will cease until such a time that written confirmation is received by the City. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

This memo from the Fire Chief was then read:

City of Idaho Falls  
May 19, 1988

MEMORANDUM

TO: Mayor Campbell & City Council Members  
FROM: Douglas C. Call, Fire Chief  
SUBJECT: DAY CARE CENTER INSPECTION

I am attaching for your consideration, a copy of the proposed Day Care Inspection Ordinance which has been prepared by the City Attorney.

I have reviewed this ordinance and feel that it will comply adequately with the State Department of Health & Welfare requirements for day care facility licensing.

s/ Douglas C. Call

Councilman Erickson explained that the Council had, previously, referred this matter to the Legal Counsel for the preparation of an ordinance for Council review. He recommended that the Council approve this ordinance on one reading only this night, to allow for citizen input. Erickson asked the Attorney to read the following ordinance caption:

**ORDINANCE NO.**

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 SEVERABILITY OF THE SECTIONS OF THIS ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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Mayor Campbell asked the Attorney to explain what the ordinance is about and why the City needs such an ordinance. Attorney Burgess stated that, in recent legislative action, that body authorized the Health and Welfare Department to establish minimum fire safety regulations and standards for what are known under State Code as day care centers and group day care facilities in groups that are larger than six. Under State regulations, the various municipalities and other local governments are required to perform inspections to see that the facilities meet the State regulations. He said, further, that this ordinance would provide the means by which the City Fire Department may perform these inspections.

Councilman Deist stated that the Council had reviewed the need for the licensing of day care centers for several years and he still feels that this is a State problem and the City does not need any regulations for day care centers. Mayor Campbell reminded the Council that they had, previously, agreed that there are two things that the City could do and those are; to inspect buildings and do background checks for a nominal fee. Some members of the Council registered concerns that this may create problems like those being experienced by other area cities or with local day care operators. Therefore, it was moved by Councilman Erickson, 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 Chandler, Erickson, Deist, Hovey 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 ON ITS FIRST READING ONLY?" Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, and Wood; No, none; carried.

From the Municipal Services Director, came the following three memos:

City of Idaho Falls  
May 19, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ID NO. IF-88-22, PURCHASE AND REMOVAL OF HOUSE  
AND ATTACHED DOUBLE GARAGE AT 621 OLD BUTTE  
ROAD

Attached is the Tabulation of Bids for Bid No. IF-88-22, purchase and removal of House and Attached Double Garage located at 621 Old Butte Road.

The Municipal Services Division respectfully recommends accepting the high bid of G. Stevenson of Idaho Falls for an amount of \$12,100.00.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Deist, that the Council award the bid to G. Stevenson in the amount of \$12,100.00, for the purchase and removal of the house and garage at 621 Old Butte Road. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

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City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: LION-TIGER ENCLOSURES, HULS CONSTRUCTION  
CHANGE ORDER NO. 1

Attached are three (3) copies of Change Order No. 1 in the amount of \$760.00 for additional labor and materials for the Retaining Walls for the Tiger and Lion Enclosures at the Tautphaus Park Zoo. The Project Architect and the Supervisors of the Zoo recommend said Change Order.

The Municipal Services Division, in concurrence with the Parks and Recreation Division, recommends approval of said Change Order and respectfully requests authorization from the Mayor and City Council to have the Mayor sign said documents.

Respectfully submitted,  
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Hovey, that the Council accept this change order and authorize the Mayor to sign the documents. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson.

City of Idaho Falls  
May 19, 1988

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Service Director  
SUBJECT: LEASE AGREEMENT AND LEASE OPTION AGREEMENT  
BETWEEN THE CITY OF IDAHO FALLS AND SCIENSTECH,  
INC.

Attached are three (3) copies of a proposed Lease Agreement Option Agreement between the City of Idaho Falls and Scientech, Inc., for City-owned real property located in the Airport Industrial Park.

Both agreements have been prepared by the City Attorney.

The Municipal Services Division, in concurrence with the Director of Aviation, recommend approval of both agreements and respectfully request authorization from the Mayor and City Council to have the Mayor sign said agreements.

Respectfully submitted,  
s/ S. Craig Lords

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There being no questions nor comments, it was moved by Councilman Chandler, seconded by Hovey, that the Mayor be authorized to sign the agreement with Scientech, Inc. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

Prior to the presentation of Public Safety Committee recommendations, Councilman Erickson reported that the committee had met with a group of Citizens from the Theresa Bunker School area and that they made the following requests:

#1. That the fence and gate around the playground at Theresa Bunker School be repaired. Erickson said that the Committee feels that this is a matter for the School District and so the Committee will present this proposal to the School Board.

#2. That an illuminated street light be installed at Merritt and 16th Street. Councilman Erickson reported that the Committee feels that this is a justified request, and steps are being taken to have this installed.

Public Safety recommendation #1 requesting provisions for a crosswalk at both ends of Bunker Lane at 16th Street, crossing Bunker; replace "DO NOT ENTER" sign at Merritt and Tower with "DEAD END" sign; place "DO NOT ENTER" at Bunker on Tower. It was moved by Councilman Erickson, seconded by Wood, that these requests be granted. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, and Wood; No, none; carried.

Recommendation #2 requested placement of a STOP SIGN at the corner of Bower and Tower, replacing YIELD SIGNS, (stopping Bower). Paint crosswalks at Bower and Tower and Merritt and Tower. It was moved by Councilman Erickson, seconded by Wood, that recommendation #2 be approved. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, And Chandler; No, none; carried.

Item #3 was a request to post Merritt, Tower and Terry Streets 25 MPH. It was moved by Councilman Erickson, seconded by Wood, that this be approved as requested and that 25 MPH be posted from 16th Street to 9th Street on all three streets. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

Item #4 was a request to paint crosswalks at 17th and St. Clair. It was moved by Councilman Erickson, seconded by Wood, that item #4 be approved as requested. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

Item #5 was a request to post Bunker Lane 20 MPH. It was moved by Councilman Erickson, seconded by Wood, that Bunker Lane be posted 20 MPH at all times. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

The Traffic Safety Committee submitted three traffic Safety recommendations.

Recommendation #1 was a recommendation to establish handicapped parking spaces at Clair E. Gale, Bel Aire Park and Esquire Acres as requested by Dave Christiansen, Recreation Superintendent. It was moved by Councilman Erickson, seconded by Chandler, that this request be authorized. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Recommendation #2 requested approval of painting yellow 10' each way from the point of curve on the northeast corner of Energy Plaza and DOE Place. This will improve sight distance. It was moved by Councilman Erickson, seconded by Wood, that this request be approved. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, and Wood; No, none; carried.

Recommendation #3 asked for denial of a request to make the alley between 10th and 11th Street one way eastbound. It was moved by Councilman Erickson, seconded by Wood, that the recommendations of the Traffic Safety Committee be accepted and this

request denied. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

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Mayor Campbell reported that he had re-appointed Martha (Marti) Felicione for another five year term on the Library Board. It was moved by Councilman Chandler, seconded by Erickson, that this re-appointment be confirmed. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

Councilman Erickson stated that Don Suckling had brought to his attention the need for review of a possible safer way of merging traffic at the corner of Science Center Drive and Anderson Street. It was moved by Councilman Erickson, seconded by Wood, that this be referred to the Traffic Safety Committee for review. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

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

Velma Chandler  
CITY CLERK

Thomas Campbell  
MAYOR

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