

AUGUST 21, 1986

The City Council of the City of Idaho Falls, Idaho, met in regular public session at the regular meeting place of the City Council in the Council Chambers at the City Electric Building, 140 South Capital Avenue, Idaho Falls, Idaho, at 7:30 P.M., on August 21, 1986. The roll was called and the following were found to be present: Mayor Thomas Campbell; Councilmen Melvin L. Erickson, Paul Hovey, Ralph Wood, Sam Sakaguchi, Arthur R. Chandler, Jr., and Wesley Deist. There were also present: Velma Chandler, City Clerk; G. S. Harrison, Manager, Electric Light Division; Dale W. Storer, City Attorney; and J. D. Evans, City Controller.

A summary of the minutes of the Recessed Regular Meeting held August 13th was read and approved.

Mayor Campbell declared open a public hearing, which had been legally advertised to be held this night, to consider an appeal from a Board of Adjustment decision. Councilman Deist stated that he had met with Mr. Erickson, the requester, and it was his understanding that, if Mr. Erickson was not present at this meeting tonight, he was withdrawing the request. Mr. Erickson was not present. Therefore, the request was withdrawn and the hearing closed.

Mayor Campbell then introduced Mr. Kurt Karst, a member of the Committee for the revitalization of downtown Idaho Falls, who was present to give a final report from the Committee.

Mr. Kurt Karst stated that the group's primary objective is to identify problems and suggest solutions. He said the Downtown Committee has completed its task, and he advised the Council to appoint a new panel to begin putting the report into action. He said that people perceive the downtown in the initial stages of decay, but he said the downtown is far from dead. It is the beginning of problems being experienced in every downtown of its size of larger across the nation. Karst said that three surveys were taken and it appears that people still like to be downtown. He said the Committee feels these recommendations will allow downtown to grow as the market place is pushing it. He said, further, that the downtown number one problem is parking. Mr. Karst presented the Mayor with a copy of the report and asked the Mayor and Councilmembers to assess their recommendations and to make some of their own and then all meet for a final report.

Mayor Campbell thanked the Committee for this report and the work it involved. He said that he planned to follow through with the recommendation to appoint a smaller Committee to help with the implementation of these plans. He said there are many of these things that the City can do immediately and some will take a little longer to be completed. He thanked Kurt and the Committee for these recommendations.

License applications for BARTENDER, Caroline Sue Rowland, (Lumby), Larry Dean Dobbs, Cecilia Marie Arausa, Linda Lee Merrill, Virginia Ann Gale, Mary Kay Jenkins, Marcella K. Lave'; SECONDHAND STORE, Musical Instrument Service Center; BAKERY, Jorgensen's Bread Basket; ELECTRICAL CONTRACTOR, Kimberly Nurseries, Inc., Mountain States Mechanical; JOURNEYMAN ELECTRICIAN, Daniel Vance, Floyd Vance, Kent A. England; APPRENTICE ELECTRICIAN, Daniel Martin Sherick with School District #91 and a CLASS B BUILDING CONTRACTOR, A & B Christensen Construction, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

This memo from the Electrical Engineer served to introduce the following proceedings:

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City of Idaho Falls
August 20, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: RECOMMENDATION TO AWARD THE BID FOR THE GEM
STATE PROJECT TO M. A. MORTENSON COMPANY

CH2M Hill has evaluated the General Contract bids for the main construction work associated with the Gem State Project. They recommend that the bid be awarded to the low bidder, M. A. Mortensen Company of Minneapolis, Minn. in the amount of \$22,054,510.00 with a substantial completion date of September 30, 1988.

The Electric Division recommends award to M. A. Mortenson and authorization to issue a notice of award. Contract execution will occur upon receipt of satisfactory bonding and insurance.

The City Attorney has reviewed this bid recommendation and the CH2M Hill letter which is attached.

s/ G. S. Harrison

The following resolution was introduced in written form by Councilman Hovey, was read in full, and pursuant to motion made by Councilman Hovey and seconded by Councilman Wood, was adopted by the following vote: Ayes, Councilmen Sakaguchi, Wood, Hovey, Erickson, Deist, and Chandler; No, none; carried.

The resolution was thereupon signed by the Mayor in evidence of his approval, was attested by the City Clerk, was ordered recorded in the official records of the City and is as follows:

RESOLUTION (Resolution No. 1986-09)

A RESOLUTION AUTHORIZING THE EXECUTION OF THE GENERAL CONTRACT FOR CONSTRUCTION OF THE GEM STATE HYDROELECTRIC PROJECT WITH M. A. MORTENSON COMPANY: RATIFYING, APPROVING AND CONFIRMING ALL ACTION TAKEN IN CONNECTION WITH THE OPENING OF BIDS ON JULY 23, 1986, AND THE RANKING OF THE LOWEST BIDDER FOR EACH SUBSTANTIAL COMPLETION DATE: WAIVING THE IRREGULARITIES IN THE BID OF M. A. MORTENSON COMPANY CAUSED BY MATHEMATICAL ERRORS, AND APPROVING THE CORRECTION OF SUCH ERRORS: AND RELATED MATTERS.

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WHEREAS, in accordance with the requirements of Section 50-341, (D), Idaho Code, as amended, an Invitation to bid (the "Invitation") with respect and pursuant to the Gem State Hydroelectric Project Contract Documents for the construction of the General Contract (the "Contract Documents"), was published two (2) times in The Post Register, the official newspaper of the City of Idaho Falls, Idaho (the "City") on July 9, 1986 and July 16, 1986, the first of such publications being at least two (2) weeks prior to the date of the opening of the bids submitted pursuant to the Invitation and the Contract Documents, and the second of such publications being at least one (1) week after the first publications; and

WHEREAS, the Invitation fixed the place and time for the opening of the bids, such place and time being at the office of the Electric Light Division, city of Idaho Falls, 140 South Capital Avenue, Idaho Falls, Idaho at 2:00 o'clock P.M. on July 23, 1986; and

WHEREAS, the Invitation requested bids for the alternate substantial completion dates of February 28, 1989, March 31, 1988 and September 30, 1988; and

WHEREAS, after all bids submitted pursuant to the Invitation and the Contract Documents were received and opened on July 23, 1986, it was determined that M. A. Mortenson Company had submitted the lowest responsible bid in compliance with the Invitation and the Contract Documents for each of the three substantial completion dates; and

WHEREAS, the Invitation requested bids for the alternate substantial completion dates of February 28, 1989, March 31, 1988 and September 30, 1988; and

WHEREAS, after all bids submitted pursuant to the Invitation and the contract Documents were received and opened on July 23, 1986, it was determined that M. A. Mortenson Company had submitted the lowest responsible bid in compliance with the Invitation and the Contract Documents for each of the three substantial completion dates; and

WHEREAS, in compliance with the applicable provisions of the Contract Documents, and in accordance with the statement presented at the June 11, 1986 pre-bid conference and attached to the minutes of such conference, which minutes were distributed to all registered holders of the Contract Documents as a part of Addendum No. 2 thereto, and after giving full consideration to all relevant factors regarding the selection by the City of the substantial completion date most favorable to the City, including without limitation (1) the potential for reduction of the City's power purchases from the Bonneville Power Administration or Utah Power and Light Company, (2) the potential for cost savings to the City from reduced construction management services and associated general and administrative expenses, and (3) whether the amount bid for the March 31, 1988 completion date, and the ability of the City to pay such increased costs, the City Council of the City (the "City Council") considered the September 30, 1988 substantial completion date to be most favorable to the City and in the City's best interests; and

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WHEREAS, the City desires to award the contract for construction of the Gem State Hydroelectric Project contained in the Contract Documents (the "General Contract") to M. A. Mortenson Company, such bidder being the lowest responsible bidder for the September 30, 1989 substantial completion date; and

WHEREAS, it is necessary and desirable that all actions taken at and in connection with the opening of bids on July 23, 1986, including the ranking of the lowest responsible bidder for each substantial completion date be ratified, approved and confirmed by and made the act and deed of the City Council and the City; and

WHEREAS, pursuant to paragraph 13 of the Instructions to Bidders contained in the contract Documents, the City desires to waive the irregularity of the bid of M. A. Mortenson caused by mathematical errors, and to approve the correction of such bid to reflect the true intent of M. A. Mortenson Company; and

WHEREAS, it is necessary to authorize and direct the Mayor and the City Clerk to execute and deliver the General Contract, with M. A. Mortenson Company pursuant to and in accordance with the Contract Documents, and otherwise to take all actions necessary and desirable in connection therewith.

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

Section 1. After evaluating all proposals submitted pursuant to the Invitation and the Contract Documents, and after full and complete evaluation and consideration of all relevant factors regarding the selection for the substantial completion date most favorable to the City, including without limitation (1) the potential for reduction of the City's power purchases from the Bonneville Power Administration or Utah Power & Light Company, (2) the potential for cost savings to the City from reduced construction management services and associated general and administrative expenses, and (3) whether the amount bid for the March 31, 1988 or September 30, 1988 substantial completion dates exceeds the engineer's estimate for the February 28, 1989 completion date, and the ability of the City to pay such increased costs, and in full compliance with the applicable provisions of the Contract Documents, the City Council hereby declares and determines September 30, 1988 to be the substantial completion date most favorable to the City and in the City's best interests.

Section 2. Based upon the representations of M. A. Mortensen contained in its letters to the City dated August 1, 1986 and August 20, 1986, copies of which are attached hereto as Exhibits A and B, respectively, and based upon the City's examination of the bid submitted by M. A. Mortensen Company on July 23, 1986, the City hereby finds and determines that the SUM OF EXTENDED TOTALS contained in the July 23, 1986 bid for the September 30, 1988 substantial completion date was in error, and that the error was the result of a mathematical mistake in calculating the sum of the individual line items, and a clerical error in erroneously extending the February 28, 1986

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amount for line 83 of the bid to the bids of the other two substantial completion dates. At the request of M. A. Mortensen Company, and pursuant to paragraph 13 of the Instructions to Bidders contained in the Contract Documents, the City hereby waives the irregularity in such bid caused by such mistakes. The City hereby approves and directs the correction of the SUM OF EXTENDED TOTALS for the September 30, 1986 substantial completion date to reflect the true sum of the individual line items, and hereby acknowledges the corrected SUM OF EXTENDED TOTALS for the September 30, 1988 substantial completion date, in the amount of \$22,054,510.00, to be the bid price intended by M. A. Mortensen Company.

Section 3. It is in the best interests of the City that, pursuant to and in accordance with the Contract Documents, the General Contract be awarded to M. A. Mortensen Company, who, it has been determined, submitted the lowest responsible bid for the September 30, 1988 substantial completion date in compliance with the Invitation and the Contract Documents.

Section 4. All actions taken at and in connection with the opening of bids on July 23, 1986, including the ranking of the lowest responsible bidder for each substantial completion date, are hereby ratified, approved and confirmed by and are made the act and deed of the City Council and the City.

Section 5. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver the General Contract with M. A. Mortensen, and in the form set forth in the Contract Documents, at the contract price of \$22,054,510.00 and subject to the cash flow schedule submitted by M. A. Mortensen at the request of the City and attached hereto as Exhibit A, and otherwise to take all actions necessary and desirable in connection with the execution and deliver of the General Contract.

Section 6. All resolutions and parts thereof heretofore enacted by the City Council in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This resolution shall take effect and be in full force and effect immediately upon its adoption and approval.

Adopted and approved this 21st day of August, 1986.

s/ Thomas Campbell
Mayor

ATTEST:

s/ Velma Chandler
City Clerk

From the Airport Manager came this memo:

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City of Idaho Falls
August 21, 1986

MEMORANDUM

TO: Honorable Mayor and Councilmen
FROM: Airport Committee
SUBJECT: AMENDMENT NUMBER ONE TO GRANT AGREEMENT AIP
NO. 3-16-0018-01

The Federal Aviation Administration has tendered an amendment to the Grant Offer to increase federal participation by \$4,505.22. This will bring federal participation to the full 90% of the project as actually completed.

The Airport Committee recommends that the Mayor and Clerk be authorized to accept the Grant Amendment.

s/ James H. Thorsen

It was moved by Councilman Deist, seconded by Chandler, that the Mayor and City Clerk be authorized to accept the Grant Amendment with FAA. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the Municipal Services Director came this memo:

City of Idaho Falls
August 21, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING", 1986-
1987 FISCAL YEAR BUDGET

The Municipal Services Division respectfully requests the Mayor and Council to tentatively approve the 1986-1987 Fiscal Year Budget in the amount of \$49,759,699.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 1986-1987 Fiscal Year Budget with publication dates set for August 24, 1986 and August 31, 1986.

The Public Hearing is scheduled for 7:30 p.m., Thursday, September 4, 1986 in the Council Chambers in the Electric Building at 140 South Capital Avenue in Idaho Falls, Idaho.

Respectfully submitted,
s/ S. Craig Lords

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It was moved by Councilman Chandler, seconded by Hovey, that the Council tentatively approve the 1986-1987 Fiscal Year Budget in the amount of \$49,759,699.00 and also give authorization to publish the "Notice of Public Hearing". Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Next, from the Municipal Services Director, came this memo:

City of Idaho Falls
August 21, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID AUTHORIZATION - ROAD SALT

The Municipal Services Division and Public Works Division respectfully request authorization to advertise to receive bids for road salt for the 1986-1987 winter season.

Respectfully submitted,
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Sakaguchi, that authorization be given to advertise for bids for road salt. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Also, from the Municipal Services Director, came this memo:

City of Idaho Falls
August 21, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID NO. IF-86-28 - TRANSFORMERS

Attached is a Tabulation of Bids with computed loss evaluation amounts for Bid No. IF-86-28. The Municipal Services Division, in concurrence with the Electric Division, recommend the polemount and padmount transformers be awarded as per Attachment A.

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

Finally, from the Municipal Services Director, came this memo:

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City of Idaho Falls
August 21, 1986

MEMORANDUM

TO: The Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: FERC COMPUTER SOFTWARE PURCHASE AGREEMENTS

Attached are Purchase Agreements between the City of Idaho Falls and J. D. Edwards and Cecil C. Daffron and Associates which have been reviewed and approved by the City Attorney to provide software services to the City for FERC Accounting.

It is the recommendation of Coopers & Lybrand, Electric Light and Municipal Services Divisions that these proposals be accepted and the Mayor and Clerk be authorized to sign the necessary documents.

The J. D. Edwards contract is in the amount of \$63,410.00 and the Cecil C. Daffron & Associates contract is in the amount of \$25,900.00. These costs include installation, maintenance, training and modifications to software.

Your favorable consideration will be appreciated.

Respectfully,
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Hovey, that the proposals be accepted, subject to review by the City Attorney of the forms used, and the Mayor and City Clerk be authorized to sign the approved documents. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

This memo from the City Planner was then read:

City of Idaho Falls
August 19, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: COUNTY PLAT - BRIGGS COMMERCIAL PLAZA

Attached is a copy of the final plat of the above described subdivision. This property is located north of the City, adjacent to Iona Road, and is an industrial development. This matter is being presented to the City inasmuch as it is within one mile of the City limits.

The Planning Commission recently reviewed this matter and recommended approval. This Department concurs with the Planning Commission's recommendation and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

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

Also, from the City Planner, came this memo:

City of Idaho Falls
August 19, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT - 1ST AMENDED PLAT, ROSE NIELSEN, DIVISION #12

Attached is a copy of the first amended plat of Lots 3 & 4, Block 22, Rose Nielsen Addition, Division No. 12. This is a replat of two existing lots, creating three residential lots adjacent to Sunnybrook Lane.

The Planning Commission, at their last regular meeting recommended approval of this replat. There is no annexation or development agreement, inasmuch as this was a part of the original annexation.

This Department concurs with the Planning Commission's recommendation and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Deist, that the Council accept the first amended plat for Rose Nielsen Addition, Division #12 and authorize the Mayor and City Clerk and City Engineer to sign. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mayor Campbell said there is a need to re-establish the Electrical Board of Registration and Review. To that board he appointed Max Storer, Electrical Contractor; Jerald E. Oakey, Electrical Contractor; Michael T. McNamara, Electrical Journeyman; George C. Bidstrup, Electrical Journeyman; Reeve E. Norman, Representing Materials & Distributors (Electrical Wholesale); Mark Gendron, City Electrical Division; Boyd J. Emery, City Electrical Inspector (to serve as Secretary). It was moved by Councilman Wood, seconded by Hovey, that the establishment of this board be approved and the appointments of the members be confirmed. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Mayor Campbell then said he had appointed Brad Brady to the Plumbing & Heating Board as a representative of the water softener dealers and installers. It was moved by Councilman Wood, seconded by Sakaguchi, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Attorney presented the following captioned ordinance:

AUGUST 21, 1986

ORDINANCE NO. 1836

AN ORDINANCE CHANGING THE NAME OF A CERTAIN STREET AND TWO CUL-DE-SACS LOCATED WITHIN THE CITY OF IDAHO FALLS; CHANGING SPRING LANE, SPRING PLACE AND SPRING COURT TO STONE RUN LANE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Wood, seconded by Deist, that the provision 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 Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; 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 Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 7:55 p.m., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
