

JULY 10, 1986

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 10, 1986, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmen Melvin Erickson, Wesley Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood and Arthur Chandler, Jr.; Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Summaries of the minutes of the last Regular Council Meeting held June 17th and a Special Session held July 9th, 1986, were read and approved.

Mayor Campbell honored City Employee Retirees Steve Samargis, Melvin Saunders, and Wayne Broadbent. He gave a short report on the years of service for each retiree and then presented them with an inscribed gold watch, after which each retiree received a congratulatory handshake from all City Officials around the Council Table and a round of applause from all those present.

Noting several persons in the audience who were present to discuss the issue of allowing beer and wine by the drink to be sold in restaurants on Sunday, Mayor Campbell invited Councilman Erickson to lead the discussion.

Councilman Erickson asked the City Clerk to read the following letter:

The Mill & First Street
Grill
201 First Street
Idaho Falls, Idaho 83401

Mayor Tom Campbell
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho 83402

Dear Mayor Campbell:

As one of the many restaurants and motel owners/managers inside the City limits of Idaho Falls, we wish to have the City Council consider beer and wine by the drink sales on Sunday. I and others in the group would consider it a privilege to appear before the City Council so we may present major points on this important subject.

Cordially;
s/ David Drew

Councilman Erickson then invited those in favor of the request to be heard at this time.

Mr. Richard Scheets, Manager of the Stardust Restaurant, and spokesman for the Committee requesting the sale of beer and wine by the drink on Sunday, appeared and read the following:

**COMMITTEE FOR SUNDAY SALES OF
BEER AND WINE BY THE DRINK**

Sunday sales of beer and wine by the drink should be considered as an equal opportunity issue.

- The opportunity for customers to have a glass of beer or wine seven days a week at the restaurant of their choice.

- The opportunity for restaurant owners to decide if they want to open on Sundays and be able to serve beer and wine if they wish.
- The opportunity for motel owners to attract more convention groups based on the availability of wine or beer seven days a week.
- The opportunity for restaurant and motel owners to be on an equal basis with our sister city, Pocatello, when it competes for tourism business.
- The opportunity for restaurant operators to be able to compete with other retail outlets which already sell beer and wine on Sundays - supermarkets, convenience stores and gas stations.
- The opportunity for restaurant operators to be able to compete with restaurants in Bonneville County who now sell beer and wine on Sundays.

This Committee considers the issue an economic one, not an issue on morals or religion. A "business as usual" atmosphere is necessary on Sundays in the hospitality industry to provide anchor business for other types of businesses surrounding them. Unusual restrictiveness in liquor laws hurts the tourism and convention business creating confusion among outsiders, especially those from out of state. Further, it is a hardship for a restaurant to stay open on Sundays when there is no wine or beer...profits are less and the food business is less too, yet there is a public demand for restaurant services on Sundays. The Idaho Falls economy is flat right now and the hospitality industry can play an ever-increasing role in developing a growing economic base for the area. Plus, expanded sales means more jobs and that helps the economy too. This would be especially true this summer because of the increase in travelers headed for the World Expo in Vancouver, British Columbia.

Another factor to be considered would be the assumption that wine and beer sales on Sunday would increase DUI's on that day. According to Norman Propst Police Chief of Pocatello - there is no proof that DUI's have increased since they made beer and wine available on Sundays.

Lastly, in a local poll of the 53 establishments licensed to sell beer and wine along with those who sell liquor in the City limits, only 31 would consider opening on Sunday. Of this group, most are in the full food service category, in specialty items such as pizza or recreational places such as bowling alleys.

This Committee does not advocate opening on Sundays for the full business day of normal food and beverage operations, but rather on a limited hour basis such as 10:00 A.M. to 10:00 P.M. or even 11:00 A.M. to 9:00 P.M.

Mr. Scheets said that the Council had asked him to prepare a definition for a restaurant and they would follow the description if it were not discriminatory. He presented this definition. "For the purpose of this ordinance, and in order to be licensed to sell beer and wine by the drink on Sunday, a restaurant is defined as; a retail establishment having a kitchen and cooking facilities as it's primary business purpose, the cooking, preparation and serving of freshly made hot meals for the public." Note: the foregoing definition may be expanded to include, as concluding phrases, in a designated dining area from a regular menu. He said that some of the Councilmembers could not accept this so he read from the State Alcohol and Beverage Code, that definition of a restaurant. He said this has been good for over thirty years for the State of Idaho. He said local operators are being discriminated

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against, as this code is working all over the State, but not in Idaho Falls. He questioned the reasoning for beer being sold at McDermott Field and Tautphaus Park fastpitch ball park on Sunday and restaurant owners not being allowed to sell. He said that he and a couple of lawyers feel the restaurant operators are being discriminated against in this case and they should be in the same category as Pinecrest Golf Course and McDermott Field.

Councilman Erickson explained that Pinecrest Golf Course operators purchased two beer licenses from the State of Idaho, an on premises license and a not to be consumed on the premises license. He said that not to be consumed on premises beer can be sold on Sunday just as it is sold in local grocery stores. He said that McDermott Field operators have always had a take out license and that the license had been issued to Diamond Concessions, not recognizing the location. He said that the operators have been notified to immediately discontinue selling on Sunday and apply for a State license for off premises and then apply with the City so that they will conform to State and City Codes. Erickson said that the license is confined to the fence enclosure of the field. Scheets said that these activities have harmed local businesses such as bowling, pizza parlors, etc.

Mr. Lee Yarbrough, 794 Raymond, appeared briefly stating that he is the local manager of Me & Eds Pizza and he said that, not being able to sell beer and wine on Sunday loses a lot of business for him.

Mr. Kenneth McNamara, 625 W. Anderson, #2, appeared briefly to say that he had previously worked for Mr. Scheets and he knew that there was a lot of money lost for Mr. Scheets because he could not sell beer and wine on Sunday. He said he now works at the INEL site and hears a lot of conversations about the managers not being able to entertain out of town guests in Idaho Falls over the week-end because of the unavailability of beer and wine.

Ms. Nancy Thorsen, 1270 First Street, appeared to state that, as a local Realtor, she feels that the absence of beer and wine on Sunday is effecting the potential growth of the City and the tourism of the State. She asked the Council that, if they can't say yes to this proposal to not say no, but to put it to a vote and let the citizens decide the issue.

Mr. Paul Hall, 258 E. 20th Street, a local probation officer, appeared and gave statistics concerning law offenders and the drinking problems in the City. He said there has been many man-slaughter cases because of drinking. He said it was not the bar owners nor the business people who are at fault, but the fault lies on all residents as they are not educated on how to use alcohol appropriately. He said, further, that it costs about \$60.00 a day to house an offender in a jail and this is taxpayer's money. Our jails are overflowing now and, if this request is approved, there will be no place to put the offenders. He asked to go on record as opposing this issue.

Mr. Scheets said that 60% of all highway deaths are not related to alcohol and the other 4% includes drug violations.

Mr. Dick Jenkins, 1932 Masters, owner of the Pockets Bar, appeared to state that there are many truck stops and convenience stores open on Sunday where beer and wine can be sold and then the purchasers are likely to drink those as they travel down the road. He suggested that the Council approve the request to sell beer and wine on Sunday in local restaurants and keep the drinkers off the streets.

At the request of Councilman Erickson, the City Clerk read this letter that had been submitted to her office that afternoon:

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150 S. Corner Ave.
Idaho Falls, Id 83402
July 10, 1986

IDAHO FALLS CITY COUNCIL

Gentlemen:

Since I cannot be at the Council Meeting tonight, this letter presents my views relative to the proposed sale of beer and wine on Sundays.

As a Systems Engineer, I believe that all factors have to be properly weighed and these are:

1. The safety of all citizens should have the highest priority, above that of the economic advantages to the dispensers of beer and wine.
2. The effect of any liquor consumption on reduced driving competence is well-known. This was all too dramatically brought home to me two months ago when a drunk illegal alien pulled out of a Butte bar lot and struck my motor home, resulting in its destruction and, but for the grace of God, could have killed us. This occurred on a Sunday at 7:00 p.m.
3. It is true that beer and wine are available in stores on Sunday. Hopefully, most of the purchasers will take it home for consumption, which would reduce the probability of more DWI's. Restaurant consumption is undoubtedly less than would be the case in bars, taverns, and lounges, although conventions that start on Sunday can be as bad as the latter places, and many local area persons attending could be out driving afterwards. Thus, a strong point could be made for allowing beer and wine serving only the meals in a place which is primarily on eating establishment, with the hours limited to e.g. 11:00 a.m. to 10:00 p.m. Lounges and bars should not be open for this time Sundays.
4. The extra cost of determining whether DWI's increase over the next year's sampling time must be balanced off by increasing the license fee cost proportional to the extra hours in which beer and wine are sold. As far as fees are concerned, the license fee for grocery stores should reflect this factor.
5. Bars and lounges should have no preferential treatment in regard to any alcoholic beverage and they should not be included in any relaxed hours.
6. I am strongly opposed to any attempt to see any stronger alcoholic beverages sold anywhere on Sunday, since this is the day most families and individuals are returning from weekend recreational activities and are most subject to the effects of Sunday drinking drivers; they are the usual innocent victims of such accidents, which often injure the victim much more than the drunk driver.

Thank you for your previous concerns regarding this issue, and thank you for your consideration of what I have to say. I am sure that you will use good judgment and discretion in arriving at your conclusion on this issue.

Respectfully yours,
s/ Lowell A. Jobe

Councilman Erickson said he would like to make a statement at this time. He said that this matter has been before the Council many times and it's true that Mr. Scheets has been very helpful in presenting definitions and other information which has been submitted to the City Attorney. Erickson asked the City Attorney to address this issue and give his opinions concerning the difficulty of preparing an ordinance and defining a restaurant. He said that the City of Pocatello prepared an ordinance on this issue which had been challenged and caused the entire City to open up to the selling of beer and wine on Sundays. He said that the City Council of Idaho Falls wants to avoid problems if an ordinance is prepared.

City Attorney Dale Storer said that he had the opportunity to review the proposal submitted by Mr. Scheets. He said that he did not intend to make any recommendations to whether or not beer and wine should or should not be sold on Sundays. The concern that he has with respect to the proposed language is, primarily, from a practical perspective, and that is whether or not the City can, as a practical matter, administer this type of ordinance. He said, in his opinion, the proposal was submitted for the intent of limiting the sale of beer and wine to a proprietor who operates a restaurant. The difficulty comes in trying to define what constitutes a restaurant. He said he and the Council have reviewed this problem for several years. He said whenever you try to distinguish between what is a restaurant and what is not, you have to be able to draft an ordinance in a fashion that would allow a person to clearly distinguish when he is on one side of the line and when he is not, therein lies the difficulty of the proposed language. He said that the ordinance, as requested by Mr. Scheets, defines a restaurant as a retail establishment having kitchens and cooking facilities, but the difficulty he has with that language is "what is kitchen and cooking facilities"? does it mean a hot plate, a Bunsen burner, or a full scale restaurant? It is very difficult to try and decide what is a cooking facility. He said, further, that he also has difficulty in trying to distinguish when an establishment has as its' primary business purpose, the preparation of meals and food for the public. Again, you have the difficulty of trying to determine what is the primary business purpose. Do you do this by percentage of revenues, percentage of customers, percentage of floor space or whatever. In his judgment, Storer said it is an extremely difficult definition to work with and, for that reason, he would recommend that this type of an ordinance be avoided, primarily because it would be an enforcement nightmare.

Councilman Sakaguchi said that, in his opinion, the wording in an ordinance could clearly identify location of sales which should clarify the operation. Attorney Storer said he would have the same problem with talking about a designated dining area. Who designates it? What constitutes a dining area? You still have the same problems of distinguishing when one is in the restaurant business and when one is not.

Mr. Scheets asked the Attorney what he found wrong with the definition in the Idaho Code?

Attorney Storer said, one has to recognize the difference in purpose for which that particular definition is written. He said the definition in the Idaho Code is a very all inclusive definition and the intent of that sort of a definition is to pick up anyone who might conceivably be a restaurant and they would then be subject to that statute. Storer said that the type of statute the City would be dealing with would not be for the purpose of defining it for an all inclusive definition, but to try to distinguish between one type of an establishment versus another and that is why he has difficulty in the context, with using that same sort of definition.

Councilman Erickson said he wished to make some comments. He said that, on other occasions, when the Council has been approached on this same issue, it has always prompted him to check some of the statistics from the policing standpoint and he can remember when the motel owners were concerned with problems of drinkers and others along the Green Belt and on West Broadway and their request for the City to clean these areas up. He said he felt it counter-productive to extend hours for drinking inasmuch as

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there are so many agencies trying to detour drinking related problems. He said that it is now illegal to arrest a man that is drunk in public and the drinking age has been lowered to nineteen years of age. He said these things add to the policing problems and it is difficult for him to extend drinking hours when the Police Committee is confronted with the policing problems in the City.

Councilman Deist said that he had no problem with Mr. Scheet's proposal. His only problem is that, if he follows the advice of the City Attorney in his concerns of how to define a restaurant, he could support what Mr. Scheets wants to do, but he cannot support the entire City.

Mayor Campbell said that it had been previously mentioned to put this issue on the November ballot. He said this could not legally be put on the November ballot. It is a City issue and would require signatures of at least 20% of all City registered voters to call a special election for City residents.

Mr. McNamara reappeared stating that the City Attorney seems to have a problem with legal words for defining a restaurant and with a designated area. He said that bars are a completely separate area than the restaurant in most of the major establishments in the City and he can't understand why the City doesn't just adopt the State Code.

Attorney Storer stated, again, that the definition in the State Code is intended to be very broad so that subjects many different typed of people to the licensing requirements of the Statute. That is not what the City would be trying to do here, rather the City would be trying to distinguish between one type of establishment versus the other. So, in that context, the definition is very difficult to work with.

Mr. Scheets said he felt the Attorney kept asking him to find a definition for a restaurant and he didn't understand this.

Attorney Storer said that it is very difficult to draft an ordinance that can be enforced simply and easily. Scheets said that his association may be able to come up with a clearer definition of a restaurant and have the City Attorney review it.

Fred Berring, 1225 Wicklow Court, appeared briefly to state that, in his opinion, the City Attorney should write up a definition for this issue and if it was not a good definition, it could be corrected and adjusted.

Councilman Erickson summarized and reviewed the Attorney's concerns and said he had to accept this as direction from the City Attorney.

Councilman Wood stated that Pocatello endeavored to make this same decision and the end result was that they are now open to beer and wine on Sundays as smart as they were. Councilman Erickson said this was correct.

Councilman Sakaguchi said that Pocatello got beat, in part, because if the wording that was used in the ordinance. Therefore, why can't the City of Idaho Falls hire an attorney or ask the City Attorney to draft an ordinance in such a way that it will stand up in court or assist the people that think this way. He said that he did not think it would be that difficult. Councilman Wood said it wouldn't appear to difficult, but it is.

Councilman Erickson said that he certainly was not an attorney, but the Council has taken the Attorney's advice when this issue has been presented in the past. He said he fears that approval of this would only open up beer and wine sales on Sundays in the entire City.

Councilman Wood said that, in his opinion, this was the concern of many residents, not just the Council.

There being no further comment, it was moved by Councilman Erickson, seconded by Wood, that the request for the sale of beer and wine on Sundays be denied. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Hovey; No, Councilman Sakaguchi; carried.

The Mayor then called for a three-minute recess.

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Upon reconvening of the meeting, the Mayor declared open a public hearing to consider a request from School District No. 91 for variance extensions and called upon Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls
July 8, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR VARIANCE EXTENSIONS

Attached are requests from School District No. 91 to extend for one (1) more school year, permission to leave mobile homes (portable classrooms) at the following schools:

1. Two (2) at Eagle Rock Junior High School
2. One (1) at the District Warehouse
3. One (1) at Clair E. Gale Junior High School
4. One (1) at Edgemont Elementary School

This request is made necessary because of overcrowding situations in the classrooms. This Department concurs with these requests and recommends approval as submitted.

s/ Rod Gilchrist

There being no one to appear on this matter, it was moved by Councilman Wood, seconded by Deist, that the Council extend, for one more school year, permission to leave the mobile units at the schools as listed in the memo. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor then declared open a public hearing to consider a request for a variance for placement of a mobile unit at Longfellow School, and asked Councilman Wood to, also, conduct this hearing. Councilman Wood asked the City Clerk to read the following memo:

City of Idaho Falls
July 8, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE TO PLACE A MOBILE HOME AT LONGFELLOW ELEMENTARY SCHOOL

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Attached is a copy of a request from School District No. 91 to move a mobile home unit from A. H. Bush Jr. High School to Longfellow Elementary School. This request is made necessary to provide for additional classrooms at Longfellow.

This Department has reviewed the request and recommends approval as submitted.

s/ Rod Gilchrist

There being no questions nor comment, it was moved by Councilman Wood, seconded by Deist, that the Council grant the variance to place a mobile home at Longfellow School for the coming 1986-87 school year. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mr. Don Suckling, 1545 Clair View, appeared briefly to ask the Council to re-open a walking access right-of-way that was closed when Foote Drive was extended. It was moved by Councilman Erickson, seconded by Chandler, that this be referred to the Public Works Committee for review and recommendation to the Council. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Monthly bills were presented for June, 1986, after having been properly audited by the Fiscal Committee.

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 782,915.12	\$ 59,544.32	\$ 40,003.95	\$ 190,620.85
SALARY:	<u>557,792.60</u>	<u>32,793.19</u>	<u>13,330.20</u>	<u>75,951.41</u>
TOTAL:	\$ 1,340,707.72	\$ 92,337.51	\$ 53,334.15	\$ 266,572.26

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SEW CAP FUND</u>
SERV/MAT:	\$ 1,908,692.75	\$ 24,987.35	\$ 10,154.66	\$ 38,741.00
SALARY:	<u>119,594.39</u>	<u>34,263.05</u>	<u>12,433.10</u>	<u>.00</u>
TOTAL:	\$ 2,028,287.14	\$ 59,250.40	\$ 22,587.76	\$ 38,741.00

	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>AMBULANCE</u>	<u>MUN EQUIP REPL</u>
SERV/MAT:	\$ 7,311.35	\$ 33,419.03	\$ 28,699.47	\$ 112,878.98
SALARY:	<u>20,649.10</u>	<u>.00</u>	<u>28,026.04</u>	<u>.00</u>
TOTAL:	\$ 27,960.45	\$ 33,419.03	\$ 56,725.51	\$ 112,878.98

	<u>SURFACE DRAIN</u>	<u>CITY TOTALS</u>
SERV/MAT:	\$ 866.52	\$ 3,238,835.35
SALARY:	<u>.00</u>	<u>.00</u>
TOTAL:	\$ 866.52	\$ 4,133,668.43

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

Monthly reports from Division and Department Heads were presented for June, 1986. These were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications were presented for BARTENDER, James E. Short, Debbie J. Merry, Leisl Ann Marler, Conne Mara Bazley, Clinton Lee Curtis; TAXI OPERATOR, Danny E. Carlson; GROCERY, Shopko Stores, Inc.; FIREWORKS, Matco International, Inc., (Smith's Food King, Country Club Mall, Albertson's on E. 17th Street, Hallpark Plaza, Westside Plaza), Osco Drug #2259 (West Broadway); WHOLESALE FIREWORKS, Matco International, Inc.; SIGN COMPANY, Impact Signs, Jones Sign Company; PRIVATE PATROLMAN, Gary S. Harris; PUBLIC RIGHTS OF WAY, Jack Murdock & Son Cement Construction; ELECTRICAL CONTRACTOR, Kent's Electrical Contracting, Bill Whipple Electric, B & B Inc., Impact Signs, Jones Sign Company; JOURNEYMAN ELECTRICIAN, Charles A. Card, Jack Jones, Kent Van Orden, William L. Whipple, Steve Bailey; APPRENTICE ELECTRICIAN, Shelley M. Thompson with B & B Inc., John Kofee with Down's Electric; MASTER PLUMBER, Eagle Plumbing; JOURNEYMAN PLUMBER, Kim B. Sibbett; APPRENTICE PLUMBER, Ted Woodhouse, Terrell Detrick, Lloyd W. Conder, Kent Spencer, Paul W. Casper, William Kirk Young, Bill Lindberg, all with Ivey's, Inc.; APPRENTICE PLUMBER, Cache W. Olson, Cody B. Olson, both with Ammon Plumbing Services; CLASS D CONTRACTOR, WA, Marcum, Inc.; CLASS B BUILDING CONTRACTOR, Dean Storer Construction; CLASS C BUILDING CONTRACTOR, Jack Endecott Construction and Western Wholesale & Supply, carrying all required approvals, but in need of Council authorization for issuance. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued. 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 two LIQUOR CATERING PERMITS to Bonneville Lounge & Restaurant; five BARTENDER permits to Brett Ace Ballard, Albert J. DeLaGarza, Irene Herrera, Dorae M. Burdick, and Pauline Rhoades; CONCESSION, to Ruth's Circle, Uncle Arnie's, Cub Scout Pack #177, 10th Ward Elders, Iona 2nd Ward, Scout Troop #124, KIFI-TV-8, Karen Steele, Angie's Spaghetti Wagon, Idaho Falls 26th Ward, Karen Finnigan, Community Church of God In Christ, with all required approvals. It was moved by Councilmen Erickson, seconded by Wood, that the Council ratify these previous actions. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The City Clerk also asked for Council ratification of the publishing of legal notices calling for the two hearings held this night and one to be held on July 22nd. It was moved by Councilman Wood, seconded by Deist, that the Council ratify these publications. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

This memo from the Electrical Engineer was then read:

City of Idaho Falls
July 8, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: CLOSING OUT THE AGREEMENT BETWEEN DOE AND IDAHO FALLS RELATIVE TO THE BULB TURBINE GRANT

This Department of Energy (DOE) is in the process of closing out the agreement between DOE and Idaho Falls relative to the Bulb Turbine Grant. The City has invoiced the DOE for the final payment in the amount of \$50,000.00. Upon receipt of this amount, the DOE will have contributed 7.3 million dollars toward this demonstration project.

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The Electric Division requests authorization to complete the attached closeout documents and have the Mayor and Clerk sign as appropriate.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign close out documents related to the \$50,000.00 grant to the City of Idaho Falls for the Bulb Turbine Project. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Also, from the Electrical Engineer, came this memo:

City of Idaho Falls
July 10, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: PROPOSAL FROM CH2M HILL TO PROVIDE
CONSTRUCTION SURVEY WORK AT THE GEM STATE
PROJECT

Attached is a proposal from CH2M Hill to provide construction survey work at the Gem State Project in lieu of having the General Contractor provide this service. The estimated cost of this work is \$395,000, and is a positive engineering change order.

Recovery of this cost will be reflected in lower general construction contract bids.

The Electric Division recommends favorable Council consideration of this proposal.

s/ G. S. Harrison

Councilman Hovey said that this is a proposal where CH2M Hill, through a local contractor, will provide engineering services for the Gem State Project. It was moved by Councilman Hovey, seconded by Wood, that the Council give favorable consideration to this proposal. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

This memo from the City Planner was then read:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: COUNTY SUBDIVISION - ROSEWOOD ACRES, DIV. #1
(1ST AMENDED PLAT)

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Attached is a copy of a final plat of Rosewood Acres, Division No. 1, First Amended Plat. This property lies generally west of the airport, north of Airway Road. This amended plat is dividing two existing lots into approximately one acre each.

Approval of this plat is necessary inasmuch as it lies within a mile of the City Limits. The City Planning Commission recently considered this matter and recommended approval of the plat. This Department concurs with that recommendation and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

At the request of Councilman Sakaguchi, the City Planner located the subject property on a map on the wall. It was moved by Councilman Wood, seconded by Deist, that the Council approve this final plat and authorize the Mayor, City Clerk, and City Engineer to sign. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Also, from the City Planner, came this memo:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: COUNTY SUBDIVISION - ROSEWOOD ACRES, DIVISION NO. 3

Attached is a copy of a Final Plat of Rosewood Acres, Division No. 3. This property lies generally west of the Airport, north of Airway Road. This is a 4-lot single-family subdivision.

Approval of this Plat is necessary inasmuch as it lies within a mile of the City Limits. The City Planning Commission recently considered this matter and recommended approval of the plat. This Department concurs with that 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 approve the Final Plat for Rosewood Acres, Division No. 3 and authorize the Mayor, City Clerk, and City Engineer to sign. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CHANGE ORDER - REHABILITATION - WELL NO. 8

JULY 10, 1986

Attached is a proposed Change Order No. 1 for Rehabilitation of Well No. 8 Contract with Andrew Well Drilling Contractors. The proposed change order adds sixteen (16) days to the completion date of the project. This Change Order is requested by the Water Superintendent because of additional work requested and the time differential which resulted when the bid was re-awarded. No additional compensation is requested.

It is the recommendation of Public Works that the City Council approve the proposed Change Order 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 accept the proposed Change Order No. 1 for the rehabilitation of Well No. 8 and authorize the Mayor to sign the necessary documents. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Next, from the Public Works Director, came this memo:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE WATER LINE EXTENSION - PROJECT NO. 12A-122C

Attached is a tabulation of bids for the proposed Sunnyside Water Line Extension of approximately 1,000 feet. It is the recommendation of the Public Works Division that the City Council accept the low adjusted bid of O & F Construction to construct the specified water line for \$12,160.00 and authorize the Mayor to sign the Contract Documents.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council accept the low adjusted bid of O & F Construction to construct the specified water line for \$12,160.00 and authorize the Mayor to sign the contract documents. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

This memo from the Municipal Services Director was then read:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RENEWAL OF INSURANCE COVERAGES (1986-1987)
EFFECTIVE DATE: JULY 1, 1986

JULY 10, 1986

The Municipal Services Division respectfully requests Council ratification of the renewal of the City of Idaho Falls Insurance Coverages as follows:

1. Boiler and Machinery:

Recommend renewal with Marsh and McLennan representing Continental Insurance.
Premium: \$9,697.00.

2. Airport Liability:

Recommend renewal with Tandy and Wood, representing Firemen's Fund; Grant Gallup, Agent.
Premium: \$18,750.00.

3. Property, General Liability, Ambulance Malpractice, Contractors Equipment, Employees Fidelity Bond, and All Lines Aggregate Program.

Recommend renewal with Tandy and Wood, representing Lloyd's of London, Firemen's Fund, and St. Paul Surplus Lines; Emmett Gallup Agent.
Premium: \$318,991.00. This premium includes agent fee, taxes, and claims administration.

Respectfully submitted,
s/ S. Craig Lords

After some discussion, it was moved by Councilman Chandler, seconded by Sakaguchi, that these coverages be renewed as recommended. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

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

City of Idaho Falls
July 10, 1986

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEASE-PURCHASE AGREEMENT - BRUSH TRUCK

Attached is a Lease Purchase Agreement with the Bank of Eastern Idaho, Idaho Falls Office, for one (1) new 1986 Ford E 350 Four-Wheel Drive Brush Truck, with a skid-mounted 100 G.P.M. Pump, to be supplied by Starline Equipment Company and manufactured by Ford Motor Company for \$34,989.00 as per Bid IF-86-24.

The Lease-Purchase Agreement requires a down payment of \$9,000.00, with three payments due July 1, 1987, 1988, and 1989 of \$10,040.41.

JULY 10, 1986

The Municipal Services Division recommends approval of the attached Agreement and requests authorization for the Mayor and City Clerk to sign.

Respectfully submitted,
s/ S. Craig Lords

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

From the Airport Manager, came this memo:

City of Idaho Falls
July 9, 1986

MEMORANDUM

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

The Airport Committee respectfully requests authorization to advertise for bids for the runway rehabilitation project.

This project is funded 90% by a grant from the Federal Aviation Administration. Therefore, advertisement would be contingent upon receipt of approval by them.

The Airport Committee recommends that authorization to advertise for bids be granted.

s/ James H. Thorsen

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

Also, from the Airport Manager, came this memo:

City of Idaho Falls
July 9, 1986

MEMORANDUM

TO: Honorable Mayor and Councilmen
FROM: Airport Committee
SUBJECT: AMENDMENT TO GRANT AGREEMENT

The purpose of the Amendment is to reduce the Grant to the amount actually expended.

The excess amount of the Grant will be available for inclusion in this year's A.I.P. Grant Project.

The Airport Committee recommends that the Mayor and Clerk be authorized to execute the amendment.

s/ James Thorsen

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

Mayor Campbell then introduced Councilman Erickson who wished to present a proposal. He said this proposal certainly had merit and was first presented by Officer Baldwin and then reviewed by the Uniform Division of the Police Department. He said they are suggesting the naming of streets in Tautphaus and Freeman Parks which will aid emergency services in responding to a specific place in the parks and also, be helpful for family reunions that are held in the parks. Councilman Sakaguchi asked if names had been suggested for the streets? Councilman Erickson answered that names had been submitted, but it had been suggested to him to have a Committee review these suggestion. It was moved by Councilman Erickson, seconded by Wood, that this matter be referred to the Police Chief, the Captain in charge of Dispatch, and the Fire Chief to review the suggested names and possibly others, and after a decision has been made, the City Attorney be authorized to draft an ordinance for the naming of these streets. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood and Chandler; No, none; carried.

The City Attorney presented the following resolution:

R E S O L U T I O N (Resolution No. 1986-06)

WHEREAS, Certain real property owned by the United States, located in the County of Bonneville, State of Idaho, has been declared surplus and at the discretion of the Administrator of General Services, may be conveyed for historic monument purposes to a State, political subdivision, instrumentalities thereof, or municipality, under the provisions of Section 203 (k) (3) of Federal Property and Administrative Services Act of 1949, as amended (40 R.S.C. 484 (k) (3), and rules and regulations promulgated pursuant thereto, more particularly described in Exhibit "A" attached hereto.

WHEREAS, City of Idaho Falls, Idaho, needs and will utilize said property inperpetuity for historic monument purposes as set forth in its application and in accordance with the requirements of said Act and the rules and regulations promulgated thereunder; and

WHEREAS, Applicant is authorized, willing, and able to conduct compatible revenue-producing activities, and that regardless of any revenue derived from such activities, Applicant is financially able to utilize said property for historic monument purposes as set forth in its Program of Preservation and Utilization and in accordance with the requirements of said Act and regulations and procedures promulgated thereunder; and

WHEREAS, Applicant agrees that any income in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the Applicant only for public historic preservation, park, or recreational purposes as enunciated in its Program of Preservation and Utilization;

JULY 10, 1986

NOW, THEREFORE, BE IT RESOLVED, that the City of Idaho Falls, Idaho, shall make application to the Administrator of General Services for and secure the transfer to it of the above-mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the Secretary of the Interior and the Administrator of General Services, or their authorized representatives, and may be required in connection with the disposal of said property under said Act and the rules and regulations issued pursuant thereto; and BE IT FURTHER RESOLVED that the City of Idaho Falls, Idaho, has legal authority, is willing, and is in a position to assume immediate care and maintenance of the property, and that S. Craig Lords, Director of Municipal Services, be and he is hereby authorized, for and on behalf of the City of Idaho Falls, Idaho, to do and perform an all acts and things which may be necessary to carry out the foregoing Resolution, including the preparing, making and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation of instruments, or other costs identified with the Federal surplus property acquisition.

ATTEST:
s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR

It was moved by Councilman Chandler, seconded by Sakaguchi, that the Municipal Services Division be authorized to make application for the acquisition of the old post office property. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Attorney presented and read the caption of the following ordinance:

ORDINANCE NO. 1833

AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID PORTIONS OF STREETS; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF SAID VACATED STREET TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Wood, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with, the question being, " SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED

JULY 10, 1986

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.

The City Attorney presented a City Redemption Tax Deed and Resolution in favor of Christy Lindley:

R E S O L U T I O N (Resolution No. 1986-07)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 25th day of October, 1984, recorded as Instrument No. 672265 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lot 16 and E. 18' Lot 17, Block 19, Capital Hill Addition to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, CRISTY LINDLEY has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said CHRISTY LINDLEY a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 10th day of July, 1986.

s/ Thomas Campbell
Mayor

ATTEST:
s/ Velma Chandler
City Clerk

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

The City Attorney presented a City Redemption Tax Deed and Resolution in favor of Jerry Campbell:

JULY 10, 1986

RESOLUTION (Resolution No. 1986-08)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, as Instrument No. 488976 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lots 11 and 12, Block 23, Capital Hill Addition to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, JERRY CAMPBELL has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said JERRY CAMPBELL a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 10th day of July, 1986.

APPROVED BY THE MAYOR this 10th day of July, 1986.

s/ Thomas Campbell
Mayor

ATTEST:

s/ Velma Chandler
City Clerk

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

Mayor Campbell stated that he had received a letter of resignation from Jack Voshell as a member of the Idaho Falls Civil Service Commission, as he is now residing outside the City limits. Mayor Campbell said he has appointed William (Bill) Powell to fill this vacancy on the Civil Service Commission. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Mayor Campbell then re-appointed Galusha, Higgins, and Galusha as the City Auditors. It was moved by Councilman Chandler, seconded by Sakaguchi, that this appointment, also, be confirmed. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

There being no further business, it was moved by Councilman Sakaguchi, seconded by Erickson, that the meeting adjourn at 9:06 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
