

**NOVEMBER 21, 1985**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 21, 1985, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Tom Campbell; Councilmen Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler, Mel Erickson and Wes Deist. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all available Division Directors.

A summary of the minutes of the last Regular Council Meeting held November 7th, 1985, was read and approved.

Mayor Campbell welcomed several scouts who were present and thanked them for their presence and interest in local government.

The Mayor then declared open a public hearing to consider an appeal from a Board of Adjustment decision, submitted by Verel Smith, 815 East 14th Street. The Mayor called upon Councilman Wood, Chairman of the Planning & Zoning Committee, 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  
November 20, 1985

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

Attached is a copy of a request for a variance submitted by Verel Smith, 815 E. 14th Street. He is requesting a variance to permit the construction of an addition to his existing house. The proposed addition would encroach five feet (5') into the rear yard and seven & one-half feet (7 1/2') into the required front yard. The adjacent property owners have signed the petition and do not object to the proposed construction.

The Board of Adjustment recently reviewed this matter and recommended the requested encroachment into the rear yard be granted and the encroachment into the front yard be denied. The petitioner is now appealing this decision, and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

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

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

Mr. Verel Smith, 815 E. 14th Street, the requester, appeared briefly to explain that he had quite a large family and the house was just too small for them, so they wished to enlarge the dining area and add a garage. Councilman Hovey asked if this addition would block the view of any neighbor. Smith answered that it would for one neighbor, but the neighbor did not object to his plans. Councilman Chandler suggested that Mr. Smith extend further into the rear of the yard. City Planner Gilchrist said, moving the plans back would not allow access to and from the kitchen, which is the rear of the house, and would not be practical the way the home is designed. Councilman Wood stated that he had, just this day, surveyed the home and lot and other homes in the area. He said that the homes in this area had been constructed extremely close together. Councilman Chandler asked the City Planner "what the Board of Adjustment objected to in their recommendation?" The Planner said they felt it would be too close to the street.

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There was no one present who wished to speak against this request. Therefore, it was moved by Councilman Wood, seconded by Deist, that the variance be granted. Roll call as follows: Ayes, Councilmen Wood, Chandler, Deist, and Hovey; No, Councilmen Sakaguchi and Erickson; carried.

License applications for BAKERY, Flossie's Funnel Cakes, Albertson's #138; DELICATESSEN, Albertson's #138; GROCERY, Speedi Mart, Albertson's #138; MEAT, Albertson's #138; RETAIL WINE, Speedi Mart, Osco Drug #2066, Albertson's #138; TAXI OPERATOR, Glen Hurzeler, Daniel A. Drips; BARTENDER, Sandra Lynn Rogerman, Steven Montague, Kerry Jo Davies, Mary Beth Kennedy, Pete Russell Vernet, Mikel Psalto, Kenneth Gene Pereira, Sherrie Pereira; CLASS A BUILDING CONTRACTOR, Cannon Builders, Inc.; CLASS B BUILDING CONTRACTOR, Tap Construction Company, Randolph Builders, Loveland Construction, Inc., The Wedgewood Group, Bob C. Jimenez Roofing, Arave Construction Company, Inc., C & H Construction, Inc., Austad Construction Company, S & S Builders, Campbell's Home Improvement, R. W. Utterbeck Construction; APPRENTICE ELECTRICIAN, Phillip Seldon with Down's Electric; MASTER PLUMBER, Sargent Mechanical, B. S. Plumbing, B & G Plumbing; JOURNEYMAN PLUMBER, Cliff Spears, Max Sargent, Bart Sargent; CLASS B CONTRACTOR, WA, WH, GF, Sargent Mechanical; CLASS D CONTRACTOR, GF, B & G Plumbing; JOURNEYMAN CLASS B WA, WH, GF, Max Sargent; JOURNEYMAN CLASS D, GF, Duane G. Sibbett and Terry Trujillo, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of all required Division Directors. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk presented NOT TO BE CONSUMED ON THE PREMISES BEER license applications for Speedi Mart, Osco Drug #2066, Northgate Mile and Albertson's #133. It was noted that these applications carried all required approvals. It was moved by Councilman Erickson, seconded by Deist, that the City Clerk be authorized to issue these licenses. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The City Clerk asked for Council ratification of issuing a RESTAURANT license to the Chicken Coop, with all required approvals, but without Council authorization. It was moved by Councilman Erickson, seconded by Deist, that the Council ratify the previous action. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk, also, asked for Council ratification of the publishing of legal notices for the hearing held this night and three to be held on December 5th, 1985. It was moved by Councilman Wood, seconded by Deist, that the Council ratify the previous action of the City Clerk in this regard. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk requested Council authorization to publish summaries of the voluminous Ordinance Nos. 1806 and 1807, in conjunction with the refunding of the 1981 Electric Revenue Bonds. It was moved by Councilman Chandler, seconded by Hovey, that the City Clerk be authorized to publish summaries of Ordinance Nos. 1806 and 1807, as requested. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

From the Police Chief came this memo:

City of Idaho Falls  
November 13, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chief Pollock  
SUBJECT: SUGGESTED UPDATING OF CITY ORDINANCE TO  
COINCIDE WITH STATE

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It is suggested that Section 5-12-12 (A) of the City Ordinance be updated to coincide with Idaho State Code 23-927 a.

See attached copy of 23-927 a, which is underlined, also attached is a copy of Section 5-12-12 (A).

s/ R. D. Pollock

Councilman Erickson asked the City Clerk to, also, read the following section from the State Code:

“provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility”.

Councilman Erickson stated that the State Code had recently been updated to provide that a properly licensed establishment may dispense liquor during designated days and hours, if they have facilities separate and apart from the bar or dining area that could be closed to the public and used for banquet, convention and reception purposes. He said that the Police Council Committee and Police Chief feel that the City Code should be up-dated to conform with State Code. Therefore, it was moved by Councilman Erickson, seconded by Deist, that the City Attorney be authorized to re-draft the City's Ordinance in this regard, to comply with State Law. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, and Erickson; No, Councilman Chandler; carried.

From the City Planner came this memo:

City of Idaho Falls  
November 20, 1985

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: CONTRACTOR'S APPEALS & STANDARDS BOARD

The Contractor's Licensing Ordinance which the Council recently passed provided for a Contractor's Appeals & Standards Board consisting of five (5) members. This Board is to act as a board of appeals regarding decisions of the Building Official, to supervise examination of applicants for contractor's licenses, to assist in administration and enforcement of the Ordinance and to act as a board of adjustment regarding alternative materials and methods of construction allowed by the Uniform Building Code.

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The Ordinance provides for the members to be appointed for 4-year terms; however, initially two members shall be appointed to 2-year terms. The recommended members are as follows:

Kerry Beyeler - Architect  
Robert Gustafson - Structural Engineer  
Chris Hart - Builder (Class B)  
Ivan Shively - Builder (Class C)  
Don Ormond - Builder (Class A)

We respectfully request that the Mayor and Council appoint these people as members of the board.

s/ Rod Gilchrist

Mayor Campbell appointed Kerry Beyeler, Architect and Robert Gustafson, Structural Engineer for two (2) year terms and Chris Hart, Builder, Ivan Shively, Builder and Don Ormond, Builder for four (4) year terms to the Contractor's Appeals & Standards Board. It was moved by Councilman Wood, seconded by Deist, that these appointments be confirmed. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

From the Municipal Services Director came this memo:

City of Idaho Falls  
November 14, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS ON  
MOTOR FUELS, LUBRICANTS, AND HEATING OIL

The Municipal Services Division requests authorization to receive bids for Motor Fuels, Lubricants, and Heating Oil for the year 1986.

Respectfully submitted,  
s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Sakaguchi, 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 Municipal Services Director, came this memo:

City of Idaho Falls  
November 18, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-86-03, PURCHASE AND REMOVAL OF THE HOUSE  
AND GARAGE LOCATED AT 9870 WEST RIVER ROAD

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Attached is the tabulation for Bid #IF-86-03, Purchase and Removal of the House and Garage, located at 9870 West River Road.

It is the recommendation of the Electric Division and the Municipal Services Division that we accept the high bid of Kim Jorgensen in the amount of \$11,992.00 for the purchase and removal of the house and garage.

Respectfully,  
s/ S. Craig Lords

There being no questions nor comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that this bid be awarded. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

This memo from the Airport Manager was then read:

City of Idaho Falls  
November 19, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: FEDERAL AVIATION ADMINISTRATION GRANT

The Federal Aviation Administration has offered a grant in the amount of \$248,338.00 for completion of the Airport Improvement Project including the runway overlay and grooving, acquisition of equipment for the Fire Department and an additional snow removal machine.

This grant is the second half of the multi-year grant previously accepted by the City.

The grant offer has been reviewed by the City Attorney.

The Airport Committee respectfully requests that the Mayor and Clerk be authorized to accept the grant offer.

s/ James H. Thorsen

It was moved by Councilman Chandler, seconded by Sakaguchi, 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  
November 19, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: EXTENSION TO LEASE AGREEMENT - SUN VALLEY STAGES

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Sun Valley Stages has submitted a signed extension to their agreement permitting their use of the airport for the picking up and discharging of passengers.

No space either within or outside the terminal is occupied by Sun Valley Stages on an exclusive use basis.

The lease extension form has been previously reviewed by the City Attorney.

The Airport Committee respectfully requests that the Mayor and Clerk be authorized to execute the agreement.

s/ James H. Thorsen

It was moved by Councilman Hovey, seconded by Chandler, that the Mayor and City Clerk be authorized to sign the lease between the City of Idaho Falls and Sun Valley Stages. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls  
November 20, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: ZIEGLER BUILDING - 3916 SOUTH YELLOWSTONE

Public Works has budgeted for construction of a building to house the Sewer Department's offices and provide for storage for sewer collection equipment. Originally, this construction was planned at or near the Sewage Treatment Plant. During the final planning stages of this project, it was brought to our attention that an existing building was available that met the Sewer Department's needs and was located in close proximity to the Sewage Treatment Plant.

Negotiations with the owners of the Ziegler Building Center have resulted in Ziegler offering for sale their building located at 3916 South Yellowstone, formerly Ziegler's Plumbing and Electrical Building, to the City of Idaho Falls with site improvements and immediate occupancy for an amount of \$300,000.

This is within the budgeted amount for the Sewer Department building, and it is the recommendation of the Public Works Committee that the City Council accept the sale offer provided by Ziegler and direct the City Attorney to prepare the documents necessary to conclude this purchase and authorize the Mayor's signature on those documents.

Respectfully,  
s/ Chad Stanger

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Councilman Sakaguchi explained that, quite some time ago, the Council had decided that the City had too much expensive equipment to have damaged by leaving them out in the winter weather. He said that the Committee is very pleased to be able to obtain the Ziegler building as it is larger than what they planned to construct, already fenced, near the sewage treatment plant, and the purchase price is far below the appraisal price. It was moved by Councilman Sakaguchi, seconded by Deist, that the Council authorize the Mayor to sign the documents when prepared.

Next, from the Public Works Director, this memo was read:

City of Idaho Falls  
November 20, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: ENGINEERING SERVICES AGREEMENT - WELL #8

Attached is a proposed agreement from CH2M Hill to provide engineering services related to the renovation of the Water Department's Well #8. CH2M Hill has provided data on this project previously and possesses the background knowledge required.

It is the recommendation of the Public Works Division that the City Council approve this proposal for engineering services, Phase I well analysis approximate cost \$5,000.00 and authorize the Mayor to sign the necessary documents.

Respectfully,  
s/ Chad Stanger

Councilman Sakaguchi stated that there is a sand problem at Well #8 and it is anticipated that, through these services, a solution to this problem may be obtained. It was moved by Councilman Sakaguchi, seconded by Deist, that the Council authorize the Mayor to sign the necessary documents to allow CH2M Hill to make this study. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Finally, from the Public Works Director came this memo:

City of Idaho Falls  
November 21, 1985

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: CHANGE ORDER NO. 1 - BECO CONTRACT BEL-AIRE WATERLINE - PROJECT NO. 12A-175

Attached is proposed Change Order No. 1 to the above referenced project, in the amount of an additional \$3,512.50 and an additional eleven (11) days to the contract completion date.

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This proposed Change Order was necessitated as a result of conditions unknown to the City or the contractor prior to construction, but were discovered after construction began.

Both the Engineering Department and the Contractor, BECO CORPORATION, are in agreement with the terms of this proposed Change Order. It is the recommendation of the Public Works Committee that the City Council approve the proposed Change Order and authorize the Mayor to sign subject to final review by the City Attorney.

Respectfully,  
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council approve this proposed change order and authorize the Mayor to sign, subject to final review by the City Attorney. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Attorney presented a City Redemption Tax Deed and Resolution in favor of the Community Church of God. Following is that resolution:

**RESOLUTION (Resolution No. 1985-11)**

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 5th day of May, 1983, recorded as Instrument No. 642955 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lots 13 and 14, Block 31, in the Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, Community Church of God has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, 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 Community Church of God a quit claim deed to said property, pursuant to the provision of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 21st day of November, 1985.

APPROVED BY THE MAYOR this 21st day of November, 1985.

s/ Thomas Campbell  
MAYOR

ATTEST:  
s/ Velma Chandler  
CITY CLERK

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It was moved by Councilman Chandler, seconded by Wood, 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.

Mayor Campbell stated that he had anticipated the presentation of a snow removal ordinance this night and asked Public Works Director Stanger to explain why this had not been presented.

Public Works Director Stanger said that they have been working on an ordinance and are in the final stages of those arterials and collectors which will be restricted from parking during the evening hours during the snow removal season. He said that they wanted to drive through this area again at night to see what problems may be encountered or have not been discovered yet. Stanger asked that a Special Session be scheduled for the first part of next week for Council review of the ordinance.

Mayor Campbell stated that the largest part of snow removal is man hours and so, if the time of removal could be shortened, the cost of removing snow could be lowered.

There being no further business, it was moved by Councilman Erickson, seconded by Sakaguchi, that the meeting adjourn at 8:05 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor

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