

**NOVEMBER 10, 1983**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 10, 1983, in the Council Chamber in Idaho Falls, Idaho.

Prior to calling the meeting to order, the Mayor called upon Frank Brown to come forward and lead all those present in the Pledge of Allegiance to the flag. The Mayor then called the meeting to order, and upon roll call, the following were found to be present: Mayor Thomas Campbell; Councilmen Ralph Wood, Art Chandler, Mel Erickson, Wes Deist, and Paul Hovey; absent, Sam Sakaguchi. Also present: Velma Chandler, City Clerk, Dale Storer, City Attorney, and all other available Division Directors.

Minutes of the last Regular Council Meeting held October 20th and Special Sessions held October 27th and November 2nd, 1983, were read and approved.

Mayor Campbell honored Eagle Scouts Gary Orchard and John Maxfield. He congratulated them for their accomplishments, presented each with a certificate of appreciation, after which each scout received a congratulatory handshake from all City officials around the Council table and a round of applause from all those present.

Noting several people in the audience, who were present concerning a proposed Work Release Center, Mayor Campbell called upon Councilman Chandler to conduct this portion of the meeting. At the request of Councilman Chandler, the City Clerk read this memo from the General Services Director:

November 8, 1983

MEMORANDUM

ATTENTION: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: PROPOSED LEASE AGREEMENT - ORMOND BUILDERS, INC.

Attached is a proposed lease agreement between Ormond Builders, Inc. and the City of Idaho Falls for City owned property located on Lindsay Boulevard. It is proposed that Ormond Builders, Inc. lease the subject property for the purpose of construction thereon, a Work Release Center for the State of Idaho.

This proposed agreement has been prepared by the City Attorney, executed by Ormond Builders, Inc. and is presented for City Council action.

s/ Chad Stanger

General Services Director Stanger located the subject property on a map on the wall.

Councilman Chandler then invited those present, who wished to speak concerning this lease agreement, to be heard at this time.

Mr. Sid Jensen appeared briefly to state that he was concerned about the safety of his family, if the Work Center is constructed, and asked the Council members to listen to the residents of the area and to what they have to say before voting. He said that this area has been used for recreational purposes and said that he felt it should be left for that purpose. He asked for assurance that dangerous criminals would not be placed in the facility if it were built. Councilman Chandler informed Mr. Jensen that the State would have control over the facility. Mr. Jensen asked for fences, bars, alarms and twenty-four hour security if the facility is built. Mayor Campbell stated that the City would not be running the facility, they are only asked to lease the land to the State. Mr. Jensen asked the Mayor if he could not give that assurance.

Mr. Darrell Gertsch appeared and presented the following petition, with approximately 145 signatures:

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TO: Idaho State Dept. of Corrections

We, the undersigned, violently protest and oppose the construction of the 60 bed Minimum Security Prison proposed on the Westside of Idaho Falls. This petition is also to inform the State Board of Corrections that we, the undersigned, intend to block its construction with the help of legal counsel.

Mr. Gertsch strongly urged the City to compel the State Board of Education that this construction will only add to the congestion and traffic hazards for the farmers coming into Idaho Falls.

Attorney "Chuck" Carr appeared, representing the residents of the area who strongly feel that this is not the right place for a Work Center. He said that, in his opinion, the present zoning is not correct for this usage, as a penal type facility is not identified in the M-1 zone. He said that the people he represents feel so strongly that, if the City does make a determination to go ahead and lease this property to Ormond Builders, Inc. they fully intend to have him go ahead and fight in every way they can to keep this from happening. He said that his first intent was to follow his belief that the City is in error when they say that the zoning is properly zoned for this type of usage. He said, further, that as he reviews and interprets the zoning code, not one of the uses specifically enumerated comes close to this kind of a facility and a Work Center is totally out of context. He said that a penal facility is not, in his opinion, to be allowed in a M-1 zone. He threatened to go to court if necessary to argue this issue. He said that such a facility in this area would constitute a nuisance and will be detrimental to the residents of this area.

Councilman Deist took exception to Attorney Carr threatening the Council and advised him that legal action could be a "two-way street." Attorney Carr said he was not threatening the Council, only advising them of actions they must take if the Council chooses to lease the property to Ormond Builders, Inc. for the proposed use. Carr suggested that the facility be constructed in Nampa, Caldwell, Pocatello or other cities in the State. He said that this decision is on the Council's shoulders, and nobody else's, as to whether or not the facility will be built in Idaho Falls, it is not just a simple decision that the City is just a landlord leasing a spot of ground. He asked the Council to use wisdom and concern, as it is their moral obligation to represent all of the citizens of this community and see that this facility is not in the best interests of the people that live in the area.

Councilman Erickson agreed that the Council does have a moral responsibility to the community and that all of the Councilmen have had an opportunity to discuss this matter with many Idaho Falls residents. He said most of the people he has talked with understand what the State is trying to do with the proposed facility and fully endorse the program. He said that he had spent most of his years on the Council as Chairman of the Police Committee and he fully recognizes the needs in the community for a facility of this type. He said that this is the first time in many years that there has been an opportunity to control supervision for offenders who do not need to go to a penitentiary. Councilman Erickson invited Prosecutor Mason to comment.

Prosecutor Mason reviewed the need for this type of a facility in the area. He said that he would favor it being built, even if it were next door to him, as these inmates are free and living in our community now without supervision. Attorney Carr said he realized there is a need for facilities of this kind, but suggested that it go to another city.

Mr. George Hancock appeared to state that he endorsed the project but opposed the site being considered.

Mr. Greg Landon appeared briefly to ask if the City and County are not giving up some of their rights to the State. He suggested that the City let other communities house this facility and see how it works out before "jumping on the bandwagon".

Ms. Gloria Cartan appeared to ask the Council to support this project as, in her opinion, Idaho Falls would be a safer place to live if this facility is constructed here.

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The following letters of support for this facility were then presented:

TO WHOM IT MAY CONCERN:

November 9, 1983

This letter concerns the potential selection of Idaho Falls as the site for a Department of Corrections Work-Release Center. If the work-release center is located in Idaho Falls, the Eastern Idaho Vocational-Technical School would be willing to provide educational support.

The Eastern Idaho Vocational-Technical School provides both full and part time vocational training programs in the College District #VI Area. Our Adult Educational Program also provides individualized learning programs in the areas of Adult Basic Education, High School Equivalency, life skills training and pre-vocational education.

The School has also worked successfully with area employers in conducting on-the-job training programs, and in providing specialized classroom training programs that have resulted in unsubsidized employment for participants.

I feel that many of the clients in a work-release center of the type described by Department of Corrections officials, could benefit from the type of educational services that EIVTS can provide. Many of the clients that have been housed in the Boise Work-Release Center have attended a variety of similar programs conducted by the Boise State University Adult Education Program. My discussions with BSU officials indicated that inmates attending their programs received positive benefits.

Again, we are most willing to work with the Department of Corrections. Please keep us informed of the status of this project.

s/ Kenneth Erickson

**RESOLUTION**

October 19, 1983

Greater Idaho Falls Chamber of Commerce

Whereas the purpose of the Community Work Release Center is to make available the services of lodging, guidance, security and counseling necessary for assisting individuals to complete or fulfill obligations to county, state or federal authorities having jurisdiction over the activities for a specified time.

And being that the Community Work Release Center is first concerned with the security of the community in which it operates, but is equally committed to providing an opportunity for individuals to live a worthwhile existence within society's structure and in an environment that builds personal self-esteem and respect for the rights of others, be it resolved that the Board of Directors of the

Greater Idaho Falls Chamber of Commerce passed this resolution in support of siting the Community Work Release Center in Idaho Falls.

s/ Cliff Brady

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Councilman Chandler said that there had been some questions raised during the discussion that he would like to have answered. He asked the City Attorney if, in his opinion, the zoning of this land does not meet the qualifications needed for the proposed structure? Attorney Storer answered that, in his opinion, the property is zoned M-1 and one of the permitted uses in that zone is a public building. He said the proposed facility will be owned and operated by the State of Idaho, it will be controlled by the State of Idaho and subject to the control of the Department of Probation and Parole, and ultimately the legislature. Therefore, it will be a public building and will conform to the zoning.

Mayor Campbell asked the Attorney if the zoning ordinance must, specifically, list a building to qualify? Storer answered that the ordinance does not need to list a specific building, it lists categories. He said that, if a building were used for public usage, it would be qualified as a public building.

Councilman Chandler asked Mr. Bodily, from the State Corrections Department, to respond to the comment previously made that such a facility would create traffic problems. Mr. Bodily stated that there would be very little added traffic to the area. Chandler asked Mr. Bodily if the State anticipated the need to enlarge the facility at a later date. Bodily said that they did not anticipate enlarging the facility. He said that forty to sixty inmates at these facilities are considered optimum and he felt other facilities would be constructed rather than to add onto this structure.

Attorney Storer asked the General Services Director if this site being considered this night is needed now or will be needed in the future for public purposes. General Services Director Stanger answered that there was no anticipated use for the property.

There being no further questions nor comment, it was moved by Councilman Chandler, seconded by Deist, that the lease with Ormond Builders, Inc. be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The Mayor then called for a five minute recess.

After the reconvening of the meeting, Mayor Campbell asked Councilman Wood to conduct a hearing to consider a request for annexation and initial zoning for property located on Mill Road. Councilman Wood reported that the developer has withdrawn his request so that there is no need for action on this request.

The Mayor announced that this was the time and the place, as advertised, to consider a request to rezone Lot 1, Block 2, Old Fashion Way, Division #1, 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:

November 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST TO AMEND COMPREHENSIVE PLAN (INITIATED BY A REQUEST FOR REZONING)

Attached is a copy of a request for rezoning of Lot 1, Block 2, Old Fashion Way, Division No. 1. This request is being submitted by Marvin, Ella and Bradley Morgan, requesting a change from R-3A to HC-1. The petitioners are requesting this change in order to remodel the existing barn into a restaurant.

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Favorable consideration of this request requires an amendment to the Comprehensive Plan before the rezoning can be granted. The Planning Commission, at their regular meeting in October, considered these two items and at that time unanimously recommended that the Comprehensive Plan be amended to show commercial land use in this area. also, they recommended approval of the requested rezoning, with the stipulation that the northerly 100 feet of the subject property would remain in R-3A to keep commercial structures away from the existing residences. It has since been determined that the existing structures would encroach into this recommended 100 feet of R-3A property.

It is this Department's recommendation that this distance be reduced to 50 feet of R-3A zoning. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

City Planner Gilchrist located the subject property on a map on the wall and explained the request. There being no questions nor objections, it was moved by Councilman Wood, seconded by Deist, that the Comprehensive Plan be amended to show commercial land use (HC-1) in this area, excepting the northerly 50 feet which will be R-3A zoning. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The Mayor announced that this was the time and the place, as legally advertised, to consider a request for a conditional use permit and asked Councilman Wood to conduct the meeting. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

November 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT - CHARLOTTE  
BRACE & LAJEAN HARRIS

Attached is a copy of a request for a conditional use permit. This request has been filed by Charlotte Brace and LaJean Harris dba Cheap Frills, a clothing consignment store, located at 1277 E. 17th Street in an R-3A zone. This matter was in front of the City Council approximately one year ago, and at that time, a variance was granted for a period not to exceed one year. In the interim, an amendment was made to the Zoning Ordinance permitting this type of a business to operate after a valid conditional use permit has been approved by the Planning Commission and the City Council.

The Planning Commission, at their regular meeting in October, reviewed this request and at that time, unanimously recommended the permit be granted and allowed to remain in operation until either the nature of the business or ownerships change. This Department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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

Councilman Wood then conducted the annexation proceedings for a portion of Freeman Park, and asked the City Clerk to read this memo from the City Planner:

November 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: ANNEXATION & INITIAL ZONING - PORTION OF FREEMAN PARK

Attached is a copy of an annexation ordinance for a portion of Freeman Park. It has recently come to our attention that this parcel of property has never been annexed into the City.

The City Planning Commission considered this matter at their regular meeting in October and at that time unanimously recommended this parcel of property be annexed into the City and zoned RP-A. This department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

**ORDINANCE NO. 1739**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (PORTION OF FREEMAN PARK)

The forgoing 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 WITH?" Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; 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 Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The Mayor announced that this was the time and the place to consider the initial zoning of the newly annexed area. It was moved by Wood, seconded by Deist, that this newly annexed portion of Freeman Park be zoned PR-A and the Building Official be instructed to reflect said zoning on the official zoning map located in his office. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

Annexation proceedings for a portion of South Boulevard and a portion of Gustafson Ditch were then reviewed:

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MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: ANNEXATION OF A PORTION OF SOUTH BOULEVARD &  
PORTION OF GUSTAFSON DITCH

Attached is a copy of an annexation ordinance for the above described property. This is a portion of the street and the Gustafson ditch which is currently outside the City. It is now being annexed to the City to conform to current State Law.

The Planning Commission recently considered this matter and unanimously recommended annexation and initial zoning to conform with the adjacent property. This Department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

**ORDINANCE NO. 1740**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (ANNEXATION OF SOUTH BOULEVARD NORTH OF SUNNYSIDE AND A PORTION OF THE GUSTAFSON DITCH)

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 WITH?" Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; 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 Hovey, Wood, Chandler, Erickson, and Deist; No, none; carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area. It was moved by Councilman Wood, seconded by Deist, that the initial zoning of this area be R-1 and the Building Official be instructed to reflect said zoning on the official zoning map located in his office. Roll call as follows: Ayes, Councilman Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Annexation proceedings for unplatted property adjacent to Anderson Street were then presented.

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MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: ANNEXATION & INITIAL ZONING OF UNPLATTED  
PROPERTY ADJACENT TO ANDERSON STREET

Attached is a copy of an annexation ordinance for a parcel of property approximately 20.6 acres in size. This property is located north of Anderson Street, between the L.D.S. cannery and A.H. Bush Elementary School. The owners of the land are requesting annexation to the City and initial zoning of R-3A prior to platting.

The City Planning Commission considered this matter at their regular meeting in October. At that time the Commission unanimously recommended this property be annexed to the City and zoned R-3A prior to platting. This recommendation was made inasmuch as this is now a county island.

This department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

City Planner Gilchrist located the area on a map on the wall and explained the request.

**ORDINANCE NO. 1741**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (PROPERTY LOCATED ON NORTH SIDE OF ANDERSON STREET)

The City Attorney asked the Planner if there was an annexation agreement for this property. The City Planner answered that there is an annexation agreement that will be reviewed each time a request for development is received. 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 WITH?" Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS AND THE MAYOR AND CITY CLERK BE AUTHORIZED TO SIGN THE ANNEXATION AGREEMENT?" Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood and Chandler; No, none; carried.

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It was then moved by Wood, seconded by Deist, that this newly annexed area be zoned R-3A and the Building Official be instructed to reflect said zoning on the official zoning map located in his office. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk presented a request for renewal of Union Pacific Railroad Agreement LD#19158-3. It was moved by Councilman Wood, seconded by Chandler, that this renewal be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

Bills for the month of October were presented after having first been properly audited by the financial committee:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 855,891.54	\$ 284,994.13	\$ 48,111.19	\$ 188,761.74
SALARY	<u>724,996.53</u>	<u>41,522.24</u>	<u>15,262.62</u>	<u>99,305.55</u>
TOTALS	\$1,580,891.07	\$ 326,516.37	\$ 63,373.81	\$ 288,067.29
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW CAP</u>
MAT/SERV	\$1,517,665.08	\$ 25,371.31	\$ 7,107.47	\$ 500.00
SALARY	<u>136,210.84</u>	<u>48,731.01</u>	<u>7,466.20</u>	<u>.00</u>
TOTALS	\$1,653,875.92	\$ 74,102.32	\$ 14,573.67	\$ 500.00
	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>COM DEV</u>
MAT/SERV	\$ 156,926.64	\$ 8,397.82	\$ 18,898.75	\$ 327,750.00
SALARY	<u>.00</u>	<u>35,929.53</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 156,926.64	\$ 44,327.35	\$ 18,898.75	\$ 327,750.00
	<u>DEV GRANT</u>	<u>TOTAL</u>		
MAT/SERV	\$ 327,750.03	\$ 3,443,524.03		
SALARY	<u>.00</u>	<u>1,109,424.52</u>		
TOTAL	\$ 327,750.03	\$ 4,552,948.55		

Councilman Chandler reviewed all major expenditures. It was moved by Councilman Chandler, seconded by Erickson, that the Controller be authorized to pay all bills as listed on the computerized printout. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

Reports from Division and Department Heads were presented for the month of October, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, B. & B. Chevron, Hickory Farms of Ohio (1515 Northgate Warehouse and Country Club Mall), 7-Eleven Food Store #24406; RESTAURANT, The Bottom Line, Brady's Restaurant, Jade Tree Restaurant, Stardust Restaurant, Yogurt Loft; MOTEL, Stardust Motel; DANCE HALL, Stardust Lounge; DELIVERY SERVICE, R & R Taxi Company; TAXI COMPANY, R & R Taxi Company; ELECTRICAL CONTRACTOR, Jolly Electric, Reiman Electric; JOURNEYMAN ELECTRICIAN, Dale Clements, Frank C. Hulse, Ivan Jolley, Robert L. Reiman, Roger H. Sandberg; APPRENTICE ELECTRICIAN, Jeff Smith with Falls Electric; LIQUOR, Bottom Line (Transfer from William F. Rigby to Phyllis S. Burroughs), Stardust Lounge; RETAIL WINE, Stardust

Lounge, 7-Eleven Store #24406; BARTENDER, Carrie L. Berwick, Ellis Brown, Linda Brown, Christine Merkley Campbell, Paulette Cordon, C. Ray Delaney, Linda Herman, Joe David

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Hernandez, Viola M. Hodson, Timothy John Hutchins, Lynn Jensen, Diana B. Knight, Ercel Monsen, David F. Offutt, Teresa Ogren, Mike Price, Sharon Radford, Debbie Rowberry, Debra Solis Secrist, Laurie Stafford, Fred W. Wallin; TAXI OPERATOR, Neale Bradshaw, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be approved subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

BEER license applications for Bottom Line (transfer from William Rigby to Phyllis S. Burroughs) and Stardust Lounge (TO BE CONSUMED ON THE PREMISES) and 7-Eleven Store #24406 (NOT TO BE CONSUMED ON THE PREMISES) were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued subject to the investigation and approval of the Chief of Police, provided that, upon failure to obtain such approval, the application be referred back to the City Council. Roll call as follows: Ayes, Councilmen Chandler, Wood, Hovey, Deist, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuing of a CONCESSION license to Idaho Falls Ski Training Facility; an AUCTIONEER license to Robert Hoskins; a PHOTOGRAPHERS license to Austin Color Studio; a LIQUOR CATERING PERMIT to Eagles #576 and a LIQUOR license to Bowl-ero Bowling Lanes. It was noted that these had been approved by the appropriate Division Director before issuance. It was moved by Councilman Erickson, seconded by Wood, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk requested Council authorization to publish a legal notice calling for a public hearing on November 21st to consider an appeal from a Board of Adjustment decision. It was moved by Councilman Wood, seconded by Chandler, that the City Clerk be authorized to publish the notice as requested. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Wood, and Chandler; No, none; carried.

This memo from the Controller was then read:

November 2, 1983

MEMORANDUM

TO: Mayor Tom Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: FRED KIENLEN - BONNEVILLE PLASTER & DRYWALL  
PERSONAL PROPERTY TAXES ASSESSED

As per the attached memo and related correspondence from City Attorney Dale Storer regarding taxes assessed to Bonneville Plaster & Drywall which states the following:

“Mr. Kienlen advises that he was assessed personal property taxes against certain items of property owned by his business which were not located within the City in the taxable year. Mr. Kienlen advises that he moved his business from the City in December of 1981. He apparently did not catch the error until after the period of time for making complaint to the Board of Equalization had expired.

Based upon the foregoing, it is my recommendation that notwithstanding his failure to file a timely protest, the City would have

no jurisdiction to enforce the tax in any event. That being the case, I suggest that the City waive the amount of personal property tax.”

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Therefore, I request that you instruct Attorney Storer to prepare the necessary document for execution by the Mayor and City Clerk which will waive these taxes.

s/ John D. Evans  
Controller

It was moved by Councilman Chandler, seconded by Erickson, that the City Attorney be authorized to prepare the necessary legal documents and the Mayor and City Clerk be authorized to sign same. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

From the Public Works Director came this memo:

October 27, 1983

ATTENTION: Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: AIRPORT SECURITY FENCING

On October 26, 1983, three (3) bids were received for the Airport Security Fencing Project No. 15A-64a, as follows:

Haddon's Fencing, Inc.	\$ 48,128.73
Mountain States Fencing	55,754.75
Steel Systems, Inc.	67,295.05
Engineer's Estimate	46,050.00

The Public Works Council Committee and the Airport Council Committee are recommending that the contract be awarded to the low bidder, Haddon's Fencing, Inc., in the amount of \$48,128.73 upon written approval from FAA.

s/ Donald F. Lloyd, P.E.

It was moved by Councilman Deist, seconded by Chandler, that the bid be awarded to Haddon's Fencing, Inc., in the amount of \$48,128.73 for airport security fencing. Roll call as follows: Ayes, Councilmen Erickson, Chandler, Wood, Hovey, and Deist; No, none; carried.

This memo from the City Planner was then read:

November 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST TO VACATE EXISTING EASEMENTS -  
PARKWOOD ADDITION, DIVISION NO. 4, FIRST AMENDED  
PLAT

Attached is a copy of a request to vacate two (2) easements in the above named plat. There are no utilities in these two easements and we do not anticipate the

need for them. The developer wishes to use these for construction of garages and permanent structures are not permitted to encroach into utility easements.

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We respectfully request the City Council instruct the City Attorney to prepare the necessary ordinance to vacate these two easements.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Deist, that the City Attorney be authorized to prepare the necessary ordinance to vacate the easements as requested. Roll call as follows: Ayes, Councilmen Hovey, Deist, Wood, Chandler, and Erickson; No, none; carried.

From the Personnel Director came this memo:

November 10, 1983

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Personnel Director  
SUBJECT: LEAVE WITHOUT PAY EXTENSION FOR BILL LEWIS

Bill Lewis, Sanitation Department employee, was injured on the job August 23, 1983. Since that time Bill has used all of his accident on duty benefits, sick leave, and vacation. It is respectfully requested that Bill be allowed to take leave without pay through the month of November. We request this would have no effect on his benefits.

s/ S. Craig Lords

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

From the Personnel and General Services Directors came this memo:

November 8, 1983

MEMORANDUM

TO: The Honorable Mayor and City Council  
FROM: Personnel and General Services Directors  
SUBJECT: EMPLOYEE LEAVE OF ABSENCE (CAROL CRAM)

Carol Cram, Building Maintenance custodian, has requested an 18 week leave of absence without pay from her employment beginning January 1, 1984. Her husband received a temporary job assignment earlier this year which requires his relocation until late 1984. She would like to join her husband for a portion of this time without jeopardizing her own employment.

Carol is a good employee and has provided us with the name of an acceptable substitute during her absence.

It is the recommendation of the Personnel and General Services Directors that this leave of absence be granted with the provision that Carol does not receive benefits during her leave without pay. However, we do feel it appropriate that Carol does not lose seniority or any benefits tied to length of service.

s/ S. Craig Lords  
s/ Chad Stanger

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It was moved by Councilman Chandler, seconded by Erickson, that the leave of absence be approved for Carol Cram as requested. Roll call as follows: Ayes, Councilmen Erickson, Chandler, Wood, Hovey, and Deist; No, none; carried.

This memo from the Electrical Engineer was then read:

November 3, 1983

MEMORANDUM

ATTENTION: Mayor and Council  
FROM: Steve Harrison, Manager  
SUBJECT: S.J. GROVES CONTRACT

The Electric Division requests that the Council authorize the close out of the S.J. Groves contract.

An additional \$332,245.47 will be required to conclude this contract. Approval of this amount will close out this portion of the project at a total cost of \$23,443,226.07.

We ask approval of said additional amount of \$332,245.47 and that the Mayor be authorized to sign the appropriate compromise and settlement documents.

s/ G. S. Harrison

Councilman Hovey reported that this has been reviewed by the Council and legal department and he would move that the change, in the amount of \$332,245.47, be approved reaching a new total of \$23,443,226.07 for the S. J. Groves contract and that the Mayor be authorized to sign the document entitled "compromise and settlement". This was seconded by Councilman Wood. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

This memo from the Electrical Engineer was then presented, accompanied by an appropriate ordinance:

November 3, 1983

MEMORANDUM

ATTENTION: Mayor and Council  
FROM: Steve Harrison, Manager  
SUBJECT: ELECTRIC RATES

BPA has increased their wholesale electric rates to the City of Idaho Falls by approximately 22% effective November 1, 1983.

The Electric Division requests that the Council also consider adjusting City retail electric rates. We propose to increase the retail electrical rates by an average of 15.5%. This will provide sufficient revenue to recover the additional cost associated with the BPA increase. We would further propose that the rate adjustment become effective November 15, 1983.

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The City Attorney has prepared an ordinance for your consideration that will provide for the adjustment of rates for all customer classes. A copy of the proposed new rate schedule is attached.

s/ G. S. Harrison

**ORDINANCE NO. 1742**

AN ORDINANCE ESTABLISHING AND FIXING A REVISED SCHEDULE OF RATES TO BE CHARGED CUSTOMERS OF THE IDAHO FALLS MUNICIPAL LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM; REPEALING SECTION 4-4-10, OF THE CITY CODE; THE SAME CONSTITUTING THE EXISTING SCHEDULE OF RATES FOR ELECTRIC SERVICE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Councilman Hovey reviewed the reason this proposed increase is necessary and the proposed increases for each category of user. After a question concerning an anticipated refund from BPA for residential customers, Councilman Hovey said that it would appear that the proper credit could reduce or offset a portion of this increase for residential customers after said refund is received from BPA. The foregoing ordinance was presented in title. It was moved by Councilman Hovey, seconded by Wood, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Hovey, Deist, Wood, Chandler, and Erickson; 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 Hovey, Deist, Wood, Chandler, and Erickson; No, none; carried.

Also from the Electrical Engineer came this memo:

November 7, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Steve Harrison, Manager  
SUBJECT: WEATHERIZATION PROGRAM

BPA will now fund only 85% of the cost of measures installed under the current weatherization program, as opposed to 100% under the short-term program.

A number of customers have been audited under the provisions of the short-term agreement, but the work was not completed prior to September 30. The Electric Division requests authorization to utilize approximately \$53,000 of Electric Division funds to fully fund qualifying measures under the short-term

agreement for those customers who had audits and returned bids to the Weatherization Office prior to this cutoff date.

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The City Attorney is currently exploring the possibility of seeking reimbursement of these funds from BPA.

s/ G.S. Harrison

Councilman Chandler asked the City Attorney if the City of Idaho Falls has any legal responsibility to those persons who had audits and had submitted bids for the weatherization program prior to September 30th. Attorney Storer answered that, basically, there are two groups of people which are included within the proposal reflected in the memo; first, there are those who had their audits and bids submitted but who had not received a notice to proceed. Storer said that, in his opinion, the City does have a legal obligation to those persons who have received a notice to proceed as, in his opinion, the issuance of this notice to proceed would constitute a binding contract for which the City would have the obligation to pay. He said, in regard to those who have not received the notice to proceed, it is, also, his opinion, that the City does not have a binding contract with them and, accordingly, the City would not have a legal obligation to pay those people in that category. Councilman Deist asked if the City had an "oral" contract with this last category of people. The Attorney answered that he did not believe the City had any oral contract with them. Councilman Chandler asked Customer Service Representative, Van Ashton, to explain what was discussed with these customers at the time of their audits and after the City was aware that the plan was about to be changed. Ashton said that, first of all, a number of the group could have had an audit as far back as the beginning of the program. The contractors had advised many of these people that there may be a change in the program when they visited their residence. He said he had no knowledge as to whether or not the anticipated change in the program had been discussed with all of the applicants at the time of the audit. Councilman Erickson asked if people were told of the change in the program. Ashton answered that, if the applicant asked the question of the auditors, they would have been told that the program would change on October 1st, but, as a practice, the auditors did not go into the home and, specifically, say the program would change on October 1st. Mayor Campbell asked Ashton if, to his knowledge, an auditor had informed the clients to hurry up and get the applications in by October 1st so they could qualify for the first program. Ashton answered that he could not be sure that, maybe, one of the auditors might have told them to do this, but, by-and-large he would answer that the auditors did not tell the customers to turn the applications in by October 1st and they would then be included in the first program.

Councilman Erickson asked how many of the 120 people being eluded to, fall into the category that the Attorney advised that the City does have a contract with, and how much would it amount to. Ashton said that, of the 120, none of those would qualify to fall in this category. In the category that the City would have an obligation, there were 160 people and, after payment by BPA, the City would have to pay approximately \$17,000.00. During the discussion that followed it was determined that the City would have an obligation to cover \$17,000.00 that BPA would not cover to 160 customers. Councilman Hovey stated that he could not see how the Council could incur a legal obligation for more than what the Council previously accepted. He said that the Council accepted a program from BPA that said they would cover 100 percent to a certain time. The Council was notified in July that its program would be changed, and the City, supposedly, cut off the program in early September, but at that time, the City had already exceeded what BPA had authorized. Hovey said that he supposed that the City is stuck with the \$17,000.00 but the additional \$36,000.00 he could not see any justice, or legal obligation to pay. He said he felt it an unfair and discriminatory practice to select a certain group and say the City will pay them. It was then moved by Councilman Hovey that the City authorize re-imbursement up to the

\$17,000.00 to cover those that, apparently, BPA will not cover and were legitimate in that they met all of the qualifications prior to September 30th, but that the City not re-imburse

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the other group for any amount. Prior to seconding the motion, Councilman Chandler asked the Attorney if there may be an avenue to pursue to, possibly, obtain further monies from BPA. Attorney Storer answered that it may be a possibility, but not a strong possibility, to further pursue. This motion was then seconded by Councilman Wood. Roll call as follows: Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

It was moved by Councilman Chandler, seconded by Erickson, that the Council instruct the City Attorney to attempt to recover any additional funds for those persons who submitted their plans and they were on file in the Electrical Office prior to September 30th cut-off date. Roll call as follows: Ayes, Councilmen Erickson, Chandler, Wood, Hovey, and Deist; No, none; carried.

This memo from the Airport Manager was then read:

November 9, 1983

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: EXTENSIONS TO LEASE AGREEMENT FOR SUN VALLEY STAGES, INC. AND YELLOWSTONE PARK DIVISION

Sun Valley Stages, Inc. and Yellowstone Park Division, TWA Services have each submitted a signed extension to their lease and concession agreement to operate their commercial bus service to and from the airport.

The extensions reaffirm all existing contract items, and each are for a one year period.

The extensions have been reviewed by the City Attorney.

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

s/ James Thorsen

It was moved by Councilman Hovey, seconded by Wood, that the extensions to lease agreements for Sun Valley Stages, Inc., and Yellowstone Park Division be approved and the Mayor and City Clerk be authorized to sign both agreements. Roll call as follows: Ayes, Councilmen Deist, Wood, Erickson, Chandler, and Hovey; No, none; carried.

Councilman Erickson congratulated the incumbent Councilmen for conducting a fine campaign and for all three having been re-elected to the Council.

The Mayor announced that this was the time and the place, as required by law, for an official canvass of all votes cast at the General Municipal Election held November 8, 1983. The Councilmen and Mayor met at 3:30 p.m. this day to tabulate the votes. The following results were revealed:

**NOVEMBER 10, 1983**

**GENERAL MUNICIPAL ELECTION**  
**NOVEMBER 8, 1983**  
**CITY VOTE BY PRECINCTS**

<u>PRECINCTS</u>	<u>COUNCIL</u>						<u>TOTAL NO. VOTED</u>
	<u>CHANDLER</u>	<u>DEIST</u>	<u>PRICE</u>	<u>SAKAGUCHI</u>	<u>SCHOW</u>	<u>TRUNZER</u>	
# 1 ARMED FORCES RESERVE	175	198	72	190	86	47	282
# 2 EAGLE ROCK JR. HIGH	112	145	55	136	41	30	182
# 3 TEMPLE VIEW SCHOOL	105	111	50	130	52	28	165
# 4 EAGLE ROCK JR. HIGH	93	88	33	97	28	20	128
# 5 A. H. BUSH SCHOOL	118	104	110	102	55	33	183
# 6 IDAHO FALLS LIBRARY	43	42	21	42	21	8	63
# 7 ART GUILD	139	128	72	132	35	12	183
# 8 BONNEVILLE CTY COURTHOUSE	106	93	48	100	29	26	142
# 9 CLAIR E. GALE JR. HIGH	106	106	49	121	63	23	163
#10 IDAHO FALLS HIGH SCHOOL	74	66	28	84	45	14	105
#11 EMERSON SCHOOL	105	97	49	105	49	33	151
#12 EMERSON SCHOOL	106	127	40	120	57	23	169
#13 IDAHO FALLS LIBRARY	51	54	27	62	30	18	84
#14 HAWTHORNE SCHOOL	107	103	38	98	48	28	146
#15 HAWTHORNE SCHOOL	173	139	61	175	65	23	222
#16 LONGFELLOW SCHOOL	308	337	96	323	84	36	422
#17 LINDEN PARK SCHOOL	155	173	52	195	65	26	236
#18 LINDEN PARK SCHOOL	104	117	47	128	58	25	169
#19 THERESA BUNKER SCHOOL	121	132	59	147	82	32	194
#20 EDMONT GARDEN SCHOOL	213	227	74	235	87	39	309
#21 FALLS VALLEY SCHOOL	68	65	23	61	37	20	97
#22 DORA ERICKSON SCHOOL	55	72	19	77	28	8	88
#23 FALLS VALLEY SCHOOL	108	126	33	133	34	13	153
#24 FALLS VALLEY SCHOOL	80	78	52	99	42	22	127
#25 FIRST CHRISTIAN CHURCH	155	166	51	170	58	32	217
#26 BANK OF COMMERCE	99	128	63	127	64	22	176
TOTALS:	3079	3222	1323	3389	1343	633	4551

It was noted that 19,497 persons registered for the election and that 4,551 of those had appeared at the polls to cast their votes, which is 23.3% of those registered. It was moved by Councilman Erickson, seconded by Chandler, that the foregoing tabulation be approved and accepted as the official canvass by the Mayor and all Councilmen. Roll call as follows; Ayes, Councilmen Deist, Hovey, Wood, Chandler, and Erickson; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Chandler, that the meeting adjourn at 9:35 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor

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