

AUGUST 18, 1983

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 18, 1983, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Tom Campbell; Councilmen Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler, and Mel Erickson; absent, Councilman Wes Deist. Also present; Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Council Meeting held August 4, 1983 and a Special Meeting held August 16, 1983 were read and approved.

License applications for GROCERY STORE, Soney's Oil; ITINERANT MERCHANT, School-Master Sewing Machines; ELECTRICAL CONTRACTOR, Sirianni Electric Corp.; JOURNEYMAN ELECTRICIAN, Robert T. Baird, Richard D. Calvert, Harold Nephi Christensen; APPRENTICE ELECTRICIAN, Stan Wackerli, with Eagle Heating & Electric, Jim Wray, with Nelson Electric; WINE BY THE DRINK, Bowlero; PRIVATE PATROLPERSON, Carol J. Morgan; BARTENDER, Kathryn Anderson, Sandra Jean Jensen, Jackie Jones, Harry Ludwig, Helen J. Psalto, Florence Purcell; PUBLIC RIGHT OF WAY, Gardner Enterprises, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued, subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

BEER license applications for Bowlero (TO BE CONSUMED ON THE PREMISES) and Soney's Oil (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 Erickson, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk asked for Council ratification of the issuance of an ITINERANT MERCHANT license to Joe Hester, with the approval of the Police Chief, but without formal Council authorization. It was moved by Councilman Erickson, seconded by Wood, that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk presented a PRIVATE PATROLMAN license application in the name of Francesco Follaco carrying a recommendation from the Police Chief that it NOT be issued. It was moved by Councilman Erickson, seconded by Wood, that the recommendation of the Police Chief be upheld and the license denied. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council authorization to publish a legal notice calling for a public hearing on September 8th to consider a re-zoning request. It was moved by Councilman Wood, seconded by Sakaguchi, that the City Clerk be authorized to publish the notice as requested. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the Controller came this memo:

August 17, 1983

MEMORANDUM

TO: Mayor Tom Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING", 1983-1984 BUDGET

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I hereby request the Council to tentatively approve the 1983-1984 Fiscal Year Budget in the amount of \$45,858,563.

Approval is also requested to publish the attached "Notice of Public Hearing", of the 1983-1984 FY Budget with publication dates set for August 28, 1983 and September 4, 1983.

The Public Hearing is scheduled for 7:30 P.M., Thursday, September 8, 1983 in the Council Chamber at the Electric Building, 140 South Capital Avenue.

s/ John D. Evans
Controller

It was moved by Councilman Chandler, seconded by Erickson, that the Council tentatively approve the 1983-1984 Fiscal Year Budget in the amount of \$45,858,563 and authorize the publishing of the notice of public hearing for the meeting scheduled for September 8, 1983 as required by law. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

From the Personnel Director came this memo and the 1983-1984 increases:

August 16, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Personnel Director
SUBJECT: FORMAL COUNCIL APPROVAL OF 1983-1984 SALARY BENEFIT INCREASE

The Mayor and City Council instructed the Personnel Director to make a wage and benefit offer to the Fire, Police, Municipal Employees Association and other non-covered employees.

It is respectfully requested this action be formally approved by the Mayor and Council.

s/ S. Craig Lords

August 16, 1983

MEMORANDUM

TO: Mayor and Finance Committee
FROM: Personnel
SUBJECT: 1983-1984 WAGE SALARY INCREASE

Please be advised of the following increases:

Fire Fighters

- 1) 4% increase to base salaries.
- 2) \$100.00 longevity increase to eligible Fire Fighters to be paid the first pay period in October.

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After 3 years -- \$100.00
After 5 years -- 100.00
After 7 years -- 100.00
After 9 years -- 100.00
After 11 years -- 100.00

- 3) Pay the Blue Cross premium increase at no charge to the package.

The above increases will be applicable to all Fire Department personnel with the exception of the Secretary and Clerk/typist.

Police

- 1) 4% increase to base salary.
- 2) \$100.00 longevity to each ascending scale.

Non-Sworn Police Personnel

After 3 years -- \$300.00
After 5 years -- 400.00
After 7 years -- 450.00
After 9 years -- 550.00
After 11 years -- 650.00

Sworn Police Personnel

After 3 years -- \$100.00
After 5 years -- 150.00
After 9 years -- 200.00
After 11 years -- 250.00

Note: These employees will receive the MEA agreed to longevity:
Cheryl Coddling, Burnis Decker, Faye Holm, Donnie Hudson, Lorna Koster

- 3) Pay Blue Cross premium increase at no charge to package.

MEA and all other employees (does not include Electric Light with the exception of Secretary).

- 1) 4% increase to base salaries
- 2) \$100.00 longevity increase to ascending scales:

After 3 years -- \$200.00
After 5 years -- 425.00
After 7 years -- 550.00
After 9 years -- 675.00
After 11 years -- 800.00

- 3) Pay Blue Cross increase at no charge to package.

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These increases are scheduled to go into effect September 18, 1983. Councilman Chandler explained the offer and commended all City employees for their dedicated service to the City. There being no questions nor comment, it was moved by Councilman Chandler, seconded by Erickson, that this salary and benefit increase be approved. Roll call as follows: Ayes, Councilmen Erickson, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Councilman Chandler explained that it was appropriate at this time to consider a salary increase for the Mayor. He moved that the Mayor's salary be increased to \$39,499.20 effective January 1, 1984. This motion was then seconded by Councilman Erickson. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

It was noted that an ordinance had been prepared to cover the Mayor's increase, caption of which is as follows:

ORDINANCE NO. 1726

AN ORDINANCE REPEALING SECTION 1-7-1, CITY CODE OF IDAHO FALLS, IDAHO; FIXING SALARIES OF ELECTIVE OFFICERS OF SAID CITY; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

This memo from the Electrical Engineer was then read:

August 15, 1983

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison, Manager
SUBJECT: SHELLEY PROJECT

Attached is a copy of a proposed Engineering Services Agreement with CH2M Hill for a feasibility study related to the Shelley Project. The results of this study should provide the City with adequate information on whether or not to proceed with the licensing phase. The estimated cost is \$50,000 and will not be exceeded without prior written authorization.

The Electric Division recommends favorable consideration of this proposal.

s/ G. S. Harrison

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Councilman Hovey stated that this had been discussed at length by the City Council at previous work sessions. He said that this study would, basically, accomplish three things if approved; first, give information as to any problems that might be created by diverting the stream flow through the power channel; second, testing in the river bottom to determine the rock and other conditions of the stream at the place where it is proposed to build the dam; and third, it would also provide some preliminary cost estimates for the Construction of the project. There being no question nor comment, it was moved by Councilman Hovey, seconded by Wood, that an agreement be signed with CH2M Hill, giving then authority to study the Shelley site, with the stipulation that the cost of this study not exceed \$50,000. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, and Hovey; No, none; carried.

This memo from the Police Chief was then presented and read:

August 16, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: REQUEST FOR AUTHORIZATION FOR GENERAL SERVICES TO GO FOR BID

The old animal cremation chamber has been a source of trouble for the past three years. We had an estimate to make a temporary repair which amounted to several thousand with no guarantee that we would not have to repair again next year. The chamber is too small for the volume handled and has become too costly to maintain.

It is suggested that General Services be authorized to advertise for bid on a crematorium suitable for our needs. Estimated price \$32,000.00.

s/ R. D. Pollock

There being no questions nor objections, it was moved by Councilman Erickson, seconded by Wood, that the General Services Division be authorized to advertise for bids on a cremation chamber. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Hovey, and Sakaguchi; No, none; carried.

From the Airport Manager came this memo:

August 16, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: ADDENDUM TO COX-DRANEY-WOOLSTENHULME LEASE AGREEMENT

The lease agreement between the City and Messrs. Cox, Draney and Woolstenhulme for ground rental for their hangars at the airport currently designates both hangars on one parcel of land.

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The leaseholders now desire to designate separate leasehold interests for Cox and Draney-owned hangar and the Woolstenhulme-owned hangar.

An addendum to the lease to so designate these separate interests has been submitted by the leaseholders, checked for descriptive accuracy by the Engineering Department and reviewed by the City Attorney.

The addendum makes no other changes to the lease agreement. The Airport Committee recommends that the Mayor and Clerk be authorized to execute this addendum.

s/ James H. Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to sign the addendum to the present lease with Draney, Cox & Woolstenhulme. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

From the Public Works Director came this memo:

August 17, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: SEWER SERVICE CONTRACT - OUTSIDE CITY

We are presenting herewith a contract for sewer service outside the City, in favor of Ky Nii. The Public Works Committee has reviewed the arrangements, all fees have been paid, and we are recommending that the Mayor be authorized to sign the City's approval.

s/ Donald F. Lloyd, P.E.

Councilman Sakaguchi explained the need for this request. It was moved by Councilman Sakaguchi, seconded by Chandler, that the Mayor be authorized to sign the City's approval of the outside the city sewer service contract with Ky Nii. Roll call as follows: Ayes, Councilmen Erickson, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

This memo from the Parks and Recreation Director was then read:

August 17, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Ernest Craner, Director, Parks & Recreation
SUBJECT: RESOLUTION FOR LAND & WATER CONSERVATION FUNDS

The Parks & Recreation Committee & Division, respectfully request authorization to submit application for Land & Water Conservation Funds (National Parks) (50% reimbursable).

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Proposed projects include: Resurfacing four tennis courts at each of the following locations: Tautphaus Park, Skyline High School, and Idaho Falls High School. Minor repairs will be made to courts at Clair E. Gale Jr. High School. Also, minor repairs on the fences at all 4 locations.

Respectfully request authorization for Mayor to sign application.

s/ Ernest Craner

Councilman Sakaguchi explained that this was a request to submit an application to see if the City can receive these funds. It was moved by Councilman Sakaguchi, seconded by Erickson, that the Parks & Recreation Division be authorized to submit an application for these funds and the Mayor be authorized to sign the application. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the General Services Director came this memo:

August 16, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR ROAD SALT

The Public Works and General Services Divisions respectfully request authorization to advertise to receive bids for road salt for the year 1983-1984.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Wood that the Council authorize the advertisement for bids for road salt as requested. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Also, from the General Services Director came this memo:

August 17, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID IF-83-21, FOUR (4) CUBIC YARD, RUBBER TIRE LOADER

It is the recommendation of the Public Works and General Services Divisions that the City Council accept the low bid of Foulger Equipment Company of Idaho to furnish one (1) new, four cubic yard, rubber tire loader with trade at \$90,425.00 as per bid specifications.

It is requested that the City Attorney be authorized to prepare the necessary contract documents and the Mayor and City Clerk be authorized to sign the same documents.

s/ Chad Stanger

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

Mayor Campbell recognized the presence of the American Legion baseball team, coach Bob Whitney, and parents of the boys. He said that the City is proud of them for what they have accomplished and the good example they are for the youth of the community. Coach Bob Whitney thanked the City for the use of their facilities and their support. He said that this team had won 44 games and lost 7 games and were fourth place in the state. Coach Whitney then introduced the players; Jeff Adamson, Dennis Gray, Ralph Stranton, Scott Bridges, Randy Smith, Brady Lee, Jeff Royter, Todd Hansen and Bart Adamson. Mayor Campbell presented each player with a certificate of appreciation after which each player received a congratulatory handshake from all City officials around the Council table and a round of applause from all those present in the Council Chamber.

Councilman Erickson reported that, during the budget process for the fiscal year 1983-1984, the Public Safety Police Committee approached an item in the budget in relation to prisoner care. He said that ever since the beginning of the operation in the joint facility, the Police Department has budgeted for prisoner care. He said that in the previous agreement the City was also responsible for dispatch but the County would reimburse the City for manning the dispatch center at the joint facility. In reviewing this arrangement, it was agreed with the County Commissioners that, for fiscal year 1983-1984, the City of Idaho Falls be responsible for manning the dispatch center at the joint facility and that the County will take care of the expenditures for the prisoner care. He said that the City Attorney was requested to prepare an agreement for these changes in procedure. There being no questions no objections, it was moved by Councilman Erickson, seconded by Wood, that the Council authorize the Mayor and City Clerk to sign the agreement. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Councilman Erickson reported that the City of Idaho Falls and School District #91 participate in the cost for crossing guards at five school crossings. He said that, in the past, the City has maintained and managed the guards each school year. He said that Chief Pollock has been approached by Wackenhut Security Systems, who made a proposal that they are interested in actually manning these crossings. The Police Committee requested that Chief Pollock secure an actual bid from Wackenhut for this. Chief Pollock obtained the bid and it was reviewed by the Committee and they find that this operation would not only give the type of security the City requires, but there will also be a savings of approximately \$7,234.00, one-half for the City and one-half for the School District. He said, further, that the Committee feels this will provide an excellent service at a savings to the City. There being no questions nor objections, it was moved by Councilman Erickson, seconded by Wood, that the City Attorney be authorized to prepare an agreement with Wackenhut for furnishing the security at the five school crossings in Idaho Falls for one school year. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Hovey, Sakaguchi, and Wood; No, none; carried.

The City Attorney presented a City redemption tax deed and resolution in favor of the Bank of Commerce:

RESOLUTION (Resolution No. 1983-09)

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 21st day of January, 1982, recorded as Instrument No. 618943 in the records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

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Beginning at a point that is 400 feet N. 50°45' E. of a point which is 329.6 feet South and 30 feet East of the Northwest corner of the SW1/4SE1/4 of Section 8 T. 2 N. R. 38, E.B.M.; thence S. 23°54' W. 400 feet; thence S. 50°45' 150 feet to the Point of Beginning.

WHEREAS, BANK OF COMMERCE 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 be said purchaser to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 18th day of August, 1983.

APPROVED BY THE MAYOR this 18th day of August, 1983.

s/ Thomas Campbell
MAYOR

ATTEST:

s/ Velma Chandler
CITY CLERK

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

The City Attorney reported that he had been authorized by the Council to prepare several ordinances to vacate easements or portions of streets. He said that he now had them prepared and he presented them as follows:

ORDINANCE NO. 1727

AN ORDINANCE VACATING A CONSTRUCTION EASEMENT LOCATED IN MELBOURNE PARK ADDITION WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID CONSTRUCTION EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DE-LIVER A QUITCLAIM DEED CONVEYING SAID VACATED CONSTRUCTION EASEMENT TO THE OWNERS OF THE SUBSERVIENT TENEMENT; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL

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ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, 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, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

ORDINANCE NO. 1728

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 CITY A QUITCLAIM DEED CONVEYING SAID VACATED STREET TO THE OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE. (KEEFER ADDITION)

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

ORDINANCE NO. 1729

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED IN THE REPLAT NO. 1 OF THE SOLARIA TRACT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID UTILITY EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER A QUITCLAIM DEED CONVEYING SAID VACATED UTILITY EASEMENT TO THE OWNERS OF THE SUBSERVIENT TENEMENT; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, 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

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REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, 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, and Hovey; No, none; carried.

ORDINANCE NO. 1730

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED IN HOWARD ADDITION WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID UTILITY EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER A QUIT CLAIM DEED CONVEYING SAID VACATED UTILITY EASEMENT TO THE OWNERS OF THE SUBSERVIENT TENEMENT; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Chandler, that the provisions of Section 50-902 of the Idaho 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 Wood, Chandler, Erickson, Hovey, and Sakaguchi; 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 Wood, Chandler, Erickson, Hovey, and Sakaguchi; No, none; carried.

Mr. Larry Fullmer, son of Rexburg resident, Theo Fullmer, appeared to accuse the Mayor and City Council of being immoral and unjust in their obligation to the WPPSS bond holders. He requested that the City honor their moral responsibility and reimburse his father for the money he lost when he purchased WPPSS bonds. Mayor Campbell informed Mr. Fullmer that they were allies in this problem and that he was angry at the wrong party. Mayor Campbell said that the City had signed an agreement to purchase power from the WPPSS project, and Judge Coleman has ruled that it was an agreement to pay a debt, and that it was not constitutional for the City to have to pay. Fullmer said that, in his opinion, even if there is no legal obligation, the City of Idaho Falls has a moral obligation to pay his parents for their loss. Mayor Campbell reminded Mr. Fullmer that the City owns less than one percent of the WPPSS debt. Fullmer answered that one percent is enough - it is the moral question here, only secondarily is it illegal.

Mr. Theo Fullmer appeared briefly stating that he owned \$80,000 of WPPSS bonds. He said that the utility companies signed to pay for the WPPSS plants. Mayor Campbell corrected Mr. Fullmer by saying that the utility companies agreed to pay for the WPPSS, there is no power to purchase and so they do not owe a debt. Fullmer said that the utility companies started the whole project, the bond brokers rated the bonds AAA and he lost. Mayor Campbell asked why Mr. Fullmer was angry at the City when they have done everything they could do to represent the citizens of Idaho Falls.

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There being no further business, it was moved by Councilman Sakaguchi, seconded by Hovey, that the meeting adjourn at 8:30 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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