

AUGUST 4, 1983

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 4, 1983, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Tom Campbell; Councilmen Wes Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler and Mel Erickson. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Council Meeting held July 21, 1983, were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider amendment of the budget for the fiscal year October 1, 1982 through September 30, 1983, and called upon Councilman Chandler to conduct the hearing. At the request of Councilman Chandler, the City Clerk read the following memo from the City Controller:

MEMORANDUM

TO: Mayor Tom Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: AMENDMENT - 1982/1983 FY BUDGET

Council action is hereby requested to approve amendment of the budget for the fiscal period October 1, 1982-September 30, 1983.

The 1982-1983 FY Budget is being amended in the amount of \$515,000 due to the additional revenue being generated through a Community Development Block Grant of \$340,000 and the Highway User Fees of \$175,000.

s/ John D. Evans

There being no one present who wished to comment, the following captioned ordinance was presented:

ORDINANCE NO. 1723

AN ORDINANCE AMENDING ORDINANCE NO. 1707, ORDINANCES OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE APPROPRIATION ORDINANCE FOR THE FISCAL PERIOD COMMENCING OCTOBER 1, 1982, AND ENDING SEPTEMBER 30, 1983; AMENDING SECTION 24 ADDING NEW SECTIONS 40 AND 41; APPROPRIATING AND APPORTIONING MONIES FOR THE STREET FUND AND THE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND; PROVIDING WHEN 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, Erickson, and Deist; No, none; carried.

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Bills for the month of July, 1983, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>	<u>ELECTRIC</u>
SERV/MAT:	\$ 581,329.59	\$ 54,306.18	\$ 30,563.95	\$ 145,803.07	\$1,362,295.73
SALARY:	<u>497,982.77</u>	<u>28,722.92</u>	<u>9,754.20</u>	<u>66,131.21</u>	<u>93,265.12</u>
TOTAL:	\$1,079,312.36	\$ 83,029.10	\$ 40,318.15	\$ 211,934.28	\$1,455,560.85

	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAP</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>
SERV/MAT:	\$ 24,991.47	\$ 14,197.12	\$ 136,299.29	\$ 5,408.48	\$ 97,299.00
SALARY:	<u>32,435.81</u>	<u>19,210.74</u>	<u>.00</u>	<u>20,323.03</u>	<u>.00</u>
TOTAL:	\$ 57,427.28	\$ 33,407.86	\$ 136,299.29	\$ 25,731.51	\$ 97,299.00

	<u>REV SHARE</u>	<u>CITY TOTALS</u>
SERV/MAT:	\$ 1,731.40	\$2,454,225.28
SALARY:	<u>.00</u>	<u>767,825.80</u>
TOTAL:	\$ 1,731.40	\$3,222,051.08

Councilman Chandler summarized all major expenditures. There were no questions nor objections, therefore, it was moved by Councilman Chandler, seconded by Erickson, that the bills be allowed and the City Controller be authorized to pay all bills as listed on the computerized print out. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

Reports for the month of July were presented from all Division and Department Heads. There being no questions or objections, these were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for FRUIT STAND, Thomas E. Albaugh at Sears Parking Lot and 260 First Street; GROCERY STORE, Reed's Minit Market; RESTAURANT, Tom's Pizza Shoppe; POOL HALL, Tom's Pizza Shoppe; LIQUOR CATERING PERMIT, Bonneville Restaurant & Lounge to cater for Idaho Falls High Class of '73 Reunion; PRIVATE PATROLPERSON, Toni R. Lemons; BARTENDER, Colleen Clark, Sherill Sweeney, Raymond R. White, were presented. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be issued subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

BEER license applications for Reed's Minit Market (NOT TO BE CONSUMED ON THE PREMISES) and Tom's Pizza Shoppe, transferred from Lantern Pizza, (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 applications be referred back to the City Council. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk requested Council ratification of the issuance of a CONCESSION license for Snow Shack #2 with the approval of the appropriate Division Directors, but without 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, Erickson, and Deist; No, none; carried.

The City Clerk also requested Council ratification of the forwarding of the following damage claim to the City's Liability Insurance Carrier and the City Attorney:

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NOTICE OF CLAIM

Clerk, City of Idaho Falls
308 "C" Street
Idaho Falls, Idaho 83402

Zuela M. Nelson-Mordus
535 North Capital
Idaho Falls, Idaho 83402

Joseph E. Watson, Sr. of 1148 Lake, Idaho Falls, Idaho, 83401, hereby presents his claim to the City of Idaho Falls, pursuant to Idaho Code Section 6-901, et. seq.

1. The address to which Mr. Watson desires correspondence regarding this claim be sent is:

COX AND OHMAN, CHARTERED
P.O. BOX 621
IDAHO FALLS, IDAHO 83402

2. On May 2, 1983, at approximately 1:30 a.m. at 1148 Lake, Idaho Falls, Idaho, claimant received personal injuries under the following circumstances:

Mr. Watson was assaulted and battered by Officer Nelson-Mordus of the Idaho Falls Police Department without provocation on Mr. Watson's part. Additional injuries were caused by negligence, police misconduct and denial of civil rights.

3. The doctor who treated Claimant's injuries is David H. Hume, M.D., 870 Memorial Drive, Idaho Falls, Idaho 83402.
4. So far as is known to Mr. Watson at the date of this claim, Mr. Watson has incurred special damages in the approximate amount of \$1,500 due to the following injuries: torn ligaments in right knee, bruises on wrists and face; and seeks \$150,000 as general damages for his pain and suffering, humiliation and embarrassment.
5. The name of the public employee causing the above described injuries and damages is Officer Zuela Nelson-Mordus.

DATED this 25th day of July, 1983.

s/ Joseph E. Watson, Sr.

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

This memo from the General Services Director was then presented:

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, General Services Director
SUBJECT: BID IF-83-20, DISTRIBUTION TRANSFORMERS

Attached is a tabulation of bids for Bid #IF-83-20, Distribution Transformers and a copy of the evaluated cost provided by the Electrical Division.

The bid security for General Electric Supply Company and Electrical Wholesale Supply were received after the deadline designated for receipt of bids and were therefore declared informal.

The Electrical and General Services Divisions recommend that the City Council accept the low evaluated bids as follows:

ITEM NO.	DESCRIPTION kVA, LO VOLTAGE, φ'S.	RECOMMENDED SUPPLIER/MFG.	UNIT COST \$	# OF UNITS	TOTAL ITEM COST \$
1.	150,208,3φ,U.D.	#7/Amfac/A.B.Chance	\$ 3,359.00	3	\$ 10,077.00
2.	300,277,3φ,U.D.	#5/Graybar/G.E.	7,865.00	1	7,865.00
3.	112,208,3φ,U.S.	#6/Dowzer/Dowzer	3,134.00	3	9,402.00
4.	300,208,3φ,U.S.	#8/Wesco/W	4,292.00	1	4,292.00
5.	300,277,3φ,U.S.	#5/Graybar/G.E.	6,363.00	1	6,363.00
6.	750,277,3φ,U.S.	#7/Amfac/W	10,779.88	8	86,239.04
7.	1000,277,3φ,U.S.	#7/Amfac/W	12,113.83	1	12,113.83
8.	50,240/120,1φ,U.S.	#5/Graybar/G.E.	1,323.00	10	13,230.00
9.	50,240/120,1φ,U.S.	#5/Graybar/G.E.	1,347.00	10	13,470.00
10.	300,2400,3φ,U.S.	#3/Square D/sq.	6,514.00	1	6,514.00
11.	100,120/240,1φ,S.D.	#5/Graybar/G.E.	1,639.00	1	1,639.00
12.	167,120/240,1φ,S.D.	#5/Graybar/G.E.	1,463.00	2	2,926.00
13.	100,120/240,1φ,O.S.	#5/Graybar/G.E.	1,390.00	3	4,170.00
			<u>TOTAL</u>		<u>\$178,300.87</u>

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Hovey, that the Council accept the low evaluated bids as recommended, in the amount of \$178,300.87. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Attorney presented the following captioned ordinance:

ORDINANCE NO. 1724

AN ORDINANCE VACATING A UTILITY EASEMENT
LOCATED IN LAKEWOOD ASPENS ADDITION
DIVISION NO. 1 WITHIN THE CITY OF IDAHO
FALLS, IDAHO; PARTICULARLY DESCRIBING SAID

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

City Attorney Storer reported that he had been working with the appropriate Division Directors for several months to prepare an ordinance reflecting changes in the electrical billing and collection procedures. He said that this proposed ordinance had been reviewed by the Council at a previous work session. There being no questions or objections, the following captioned ordinance was presented:

ORDINANCE NO. 1725

AN ORDINANCE REPEALING SECTIONS 4-4-1, 4-4-2, 4-4-3, 4-4-4, 4-4-5, 4-4-11, AND 4-4-12 OF THE CITY CODE OF IDAHO FALLS, IDAHO AND RE-ENACTING SECTIONS 4-4-1, 4-4-2, 4-4-3, 4-4-4, AND 4-4-5, 4-4-11, 4-4-12, AND 4-4-13 OF SAID CODE; VESTING THE MANAGEMENT AND CONTROL OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM IN THE MAYOR AND CITY COUNCIL; REQUIRING ALL ELECTRIC EQUIPMENT TO BE IN COMPLIANCE WITH THE BUILDING AND ELECTRICAL CODES AND REQUIRING INSPECTION BY THE ELECTRIC INSPECTOR; SETTING FORTH APPLICABILITY OF THE PROVISIONS OF THIS ORDINANCE; DEFINING TERMS; SETTING FORTH MANNER IN WHICH APPLICATION FOR ELECTRIC SERVICES MAY BE MADE; SETTING FORTH MANNER IN WHICH RATES AND SCHEDULES ARE ESTABLISHED; PROVIDING FOR VOLUNTARY TERMINATION OF SERVICES; IMPOSING CERTAIN LIMITATIONS UPON USE OF ELECTRIC SERVICES; REQUIRING PAYMENT OF A METER INSTALLATION FEE AND SETTING FORTH STANDARDS FOR INSTALLATION OF METERS; SETTING FORTH METHOD OF MEASURING ELECTRICAL CONSUMPTION; PROHIBITING

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TAMPERING WITH ELECTRICAL METERS; SETTING FORTH MANNER OF READING METERS; SETTING FORTH BILLING PROCEDURE AND PROCEDURE FOR TERMINATION OF ELECTRIC SERVICES IN THE EVENT OF DEFAULT; IMPOSING FEES FOR DISCONNECTS; PROVIDING FOR ARRANGEMENTS OR PLANS FOR PAYMENT OF DELINQUENT ACCOUNTS; IMPOSING A TRANSFER CHARGE FOR PERSONS TRANSFERRING FROM ANOTHER ELECTRIC SUPPLIER; ESTABLISHING PENALTY FOR VIOLATIONS; PRESERVING VALIDITY OF EXISTING ORDINANCE FOR PRIOR VIOLATIONS; PROVIDING FOR SEVERABILITY OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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, Sakaguchi, 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, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Councilman Erickson gave the following report on the weed control program:

The weed control program under the Fire Department was implemented on June 6, 1983 with the hiring of a Weed Control Supervisor. Subsequently a crew of three persons was hired to clear weeds from properties whose owners failed to comply with the requirements of the City Code and the property owners have been billed for the cost of the removal. When requested, property owners are being referred to local businesses or individuals who are performing this type of service.

The owners of 567 parcels of land within the city limits have been notified and 339 have been abated.

Councilman Sakaguchi reported that the War Bonnet Roundup had been a special event of the area for 72 years but they could not continue to operate unless they obtained support of the City Council to help upgrade the facilities. Sakaguchi requested that the Council members give this request some consideration.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 7:50 P.M., carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR
