

APRIL 21, 1983

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 21, 1983, in the Council Chamber in Idaho Falls, Idaho.

Prior to calling the meeting to order, the Mayor called upon David Reed to lead all those present in the Pledge of Allegiance to the Flag; welcomed several Scouts who were present in the Council Chamber and excused Councilman Art Chandler, as he was out of town. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, and Ralph Wood; absent; Councilman Art Chandler. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Council Meeting held April 7, 1983 and a Special Meeting held April 19, 1983 were read and approved.

Mayor Campbell then honored Eagle Scouts; Steven Crowley, Steven Chamberlain, Travis Jardine, John Taylor, Kevin Peterson, Mike Garner, Doug Miller, Kim Foster, Gary Tremelling, Todd Hopkins and Travis Hopkins. The Mayor said that these young men are part of an elite group, as there is only about one in every one hundred, who obtain this award. The Mayor then presented each Eagle Scout with a certificate of appreciation, after which each 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.

Dr. Duke Demick, local veterinarian, appeared to ask the Council to reconsider the request from local veterinarians that they be compensated for selling dog tags at their establishments. He said that this operation takes a lot of their employees' time and they feel the City should re-imburse them fifty cents for each tag sold. Councilmen Erickson said that some local veterinarians have felt that the City was discriminating against them because they were not selling licenses. He said that all local veterinarians should be given the opportunity to sell these dog licenses if they chose to do so. Dr. Demick said that to his knowledge, all who were interested were selling them at this time. Mayor Campbell asked if there would be any objections if the City advertised that licenses could be purchased at the veterinary hospitals. Dr. Demick said they would have no objection to this. Councilman Erickson stated that the Council recognized and appreciated the fact that the local veterinarians had cooperated with the City on animal control operations. It was moved by Councilman Erickson, seconded by Wood, that this proposal be referred back to the Police Committee for further review. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Erickson, Deist, and Hovey; No, none; carried.

The City Clerk requested Council ratification of the publishing of three legal notices calling for public hearings on May 5th, 1983. It was moved by Councilmen Wood, seconded by Deist, that this action be duly ratified. Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk reported that the following damage claims had been forwarded to the City's Liability Insurance Carrier and the City Attorney without formal Council authorization:

April 5, 1983

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

To Whom It May Concern:

APRIL 21, 1983

This letter is to advise you that Renee Marsh, a minor child, is making a claim against Kevin J. Hagen, an officer of the Idaho Falls Police Department, and the City of Idaho Falls arising out of an incident which occurred on January 31, 1983. During custodial interrogation of Renee Marsh at Skyline High School, Officer Hagen struck her on the right side of the face while attempting to conduct an unlawful search of her possessions and person.

As a result of this incident, Renee Marsh has suffered from physical and mental pain, anguish, humiliation and embarrassment, great anxiety and nervousness, all to her damage of \$5,000.00. Officer Hagen has violated her civil rights under 42 USC Section 1983, and has incurred liability to her under provisions of federal and state common law, and the Idaho Tort Claims Act.

The foregoing claim is submitted to protect whatever rights Ms. Marsh may have against Officer Hagen and the City of Idaho Falls under pertinent provisions of the Idaho Tort Claims Act, Idaho Code Section 6-901 et seq. At the time of the incident, for six months prior thereto, and at the time of filing this claim, Renee Marsh resided at 3330 S. Yellowstone, No. 24., Idaho Falls, Idaho.

Please acknowledge this claim by endorsing in the appropriate place on the bottom of this document and returning one copy thereof to the undersigned.

Very truly yours,
PETERSON, MOSS &
OLSEN
s/ Alan E. Barber

Ms. Velma Chandler
Idaho Falls City Clerk
Box 220
308 "C" Street
Idaho Falls, Idaho 83401

RE: Notice of Claim

Dear Ms. Chandler:

This firm has been retained by Mint Vitale to represent him in the claim described below against the City of Idaho Falls Police Department and the Bonneville County Sheriff's Department. This letter serves as notice of claim pursuant to Title VI, Chapter 9 of the Idaho Code.

On the morning of December 19, 1982, at approximately 3 a.m., two Idaho Falls police officers presented themselves at the Vitale home in Idaho Falls. The officers informed Mint Vitale that his wife had just been hit and killed by an automobile, and that he should go to the Buck-Sullivan Funeral Home to identify the body.

Mr. Vitale asked the police if they would take him to his brother Rocky's home, which they did. Mint was then driven by his brother, Rocky, to the funeral home. On the they picked up another brother, Craig. Upon arriving at the

APRIL 21, 1983

funeral home, they found it was locked. Mr. Vitale, who was understandably distressed and shaken, called the Idaho Falls Police Department from a pay phone and said that he needed to get into the funeral home so that he could identify his wife. He was informed that officers would be there shortly.

Mint and his brothers were waiting in the vicinity of the corner of East 17th and Holmes. When the police car arrived, Mint's brothers left. At least two city officers were present, one by the name of Nichols. Shortly thereafter, a Bonneville County Sheriff's car with one or more officers also stopped at the scene. Mint asked to be taken to the funeral home to identify his wife. The officers told him he would have to wait until morning. At that point, Mint understandably became upset and possibly somewhat furious and unruly. The officers then handcuffed Mint, hit him several times, kicked him in the groin, and shoved him into the back of the police car.

Mint was taken to the City/County jail facility. Upon arriving, approximately five officers, including the named Nichols, ripped Mint's clothes off, and threw him stark naked into a holding cell with nothing more than a bed pad on the floor. Mint remained in that condition for quite some time until an officer threw a blanket into him. Mint asked to make a phone call to his brothers. Mint had four children at home ages 14, 13, 12, and 18 months, and he needed to have them cared for. Mint's request for a phone call was refused.

Several hours later, Mint's brothers came looking for him. Officers told them to leave, or else they would be jailed. Mint did not receive any clothes at all, until approximately 9:30. He then received a pair of green inmate trousers, without any other clothing. At that time, Mint was also permitted to call his parents in Hailey. He was not released to his brothers until late in the morning. By that time, Mint's brothers had had to go to the funeral home and make the identification. In addition, at approximately 6 a.m., police officers returned to Mint's home and informed Mint's children that their mother was dead and that Mint was in jail under "protective custody".

Language is insufficient to describe the outrage and violation of civil rights suffered by Mr. Vitale. As a result of the physical abuse, outrage, loss of civil rights, and emotional stress and trauma suffered by Mr. Vitale at the hand of the Idaho Falls Police Department and Bonneville County Sheriff's Department, Mr. Vitale has been damaged in the sum of \$2,000,000.00, and hereby makes claim for said sum against the City of Idaho Falls, the County of Bonneville, officer Nichols of the Idaho Falls Police Department, and all other officers yet unidentified who were involved in this outrageous incident. Mint Vitale's current address is 5040 Decatur, Boise, Idaho, 83704. Until approximately April 1, 1983, Mint Vitale resided at 2930 South Yellowstone Space No. 2, Idaho Falls.

Goicoechea Law Office
s/ Lynn M. Luker

It was moved by Councilman Erickson, seconded by Wood, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

APRIL 21, 1983

License applications for RESTAURANT, Mama Julienne's Pizza; CONCESSION, Westside Cinema; AUCTIONEER, William S. Powell; ELECTRICAL CONTRACTOR, Craco Electric, Ken Wilson Electric; JOURNEYMAN ELECTRICIAN, Michael Terry McNamara, Craig Keele; MASTER PLUMBER, Olson Plumbing and Heating; JOURNEYMAN PLUMBER, Donnie A. Olson; BARTENDER, Helen B. Clapp, Kelly Clay, Lorraine Cunningham, Nedra Dalling, Brenda Haley, Barbara Healy, Kam Borr Kwong, Cynthia C. O'Brien, Terry O'Brien, Jr., La Rue Powell, Janet Samuels; PUBLIC RIGHT OF WAY, Burton Concrete Company, D. A. Woolf Concrete, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be approved, subject to the approval of the appropriate Division Directors. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The City Clerk reported that two LIQUOR CATERING PERMITS had been issued to Chris Nielsen to cater liquor at the Peppertree Lounge. It was noted that the Police Chief had approved these permits prior to their issuance. It was moved by Councilmen Erickson, seconded by Wood, that this action, also, be ratified. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, and Erickson; No, none; carried.

This memo from the City Clerk was then read:

April 19, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: City of Idaho Falls, ID. 83401

Gentlemen:

The Police Department has advised me that a sufficient amount of unclaimed and impounded merchandise has accumulated to warrant an auction sale. There are also several City surplus items we would like to include in this sale.

We ask for Council authorization on the following items:

Publishing of a legal notice.

Conducting of a sale on Saturday, May 7, 1983.

To retain Bill Powell to act as auctioneer.

Respectfully submitted,
s/ Velma Chandler

It was moved by Councilman Erickson, seconded by Wood, that the requests be approved as made. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Erickson, Deist, and Hovey; No, none; carried.

This memo from the City Planner was presented and read:

APRIL 21, 1983

City of Idaho Falls
April 19, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ROSEWOOD ACRES - COUNTY SUBDIVISION

Attached is a copy of the final plat of Division No. 1, Rosewood Acres Subdivision. This plat is located in Bonneville County, west of the airport, north of Airway Road and west of the Old Butte Highway.

This plat is being submitted to the City Council because it is within one mile of the City limits and must be approved by the Mayor and Council prior to recording. This matter was considered at the City Planning Commission at their last regular meeting and at that time it was unanimously recommended that it be approved.

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

s/ Rod Gilchrist

At the request of Councilman Wood, the City Planner located the subject area on a map on the wall and explained the request. Councilman Sakaguchi stated that the Public Works Committee concur with the recommendation to approve this plat. It was moved by Councilman Wood, seconded by Deist, that this plat be approved and signed by the Mayor and City Clerk. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

From the Police Chief came this memo:

City of Idaho Falls
April 18, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: REQUEST FOR ADDITIONAL LEAVE WITHOUT PAY

Karen Kelsey, hired October 11, 1982, in Services Division has been on leave without pay for three weeks. Her Doctor will not release her to report back for duty.

Your consideration to allow her two (2) more weeks of leave without pay with continued eligibility for benefits and continuous service will be appreciated.

s/ R.D. Pollock

APRIL 21, 1983

Councilman Erickson reported that the Committee feels that this is a justifiable request, therefore, it was moved by Councilmen Erickson, seconded by Wood, that this leave be extended for three weeks, without pay, as requested. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

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

City of Idaho Falls
April 20, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Ernest Craner, Director of Parks & Recreation
SUBJECT: WATER SLIDE

The Parks & Recreation Commission met Monday, April 11, 1983. One of the items on the agenda was the possibility of a water slide in Tautphaus Park. After considerable discussion, a motion was made to ask the Mayor and City Council to pursue further the business opportunity of putting in a water slide. Motion seconded -- passed.

s/ Ernest Craner

Councilman Deist stated that the Council is aware of the proposal made to the City in regard to a water slide as this proposal was covered in a previous work session. He said that the Parks & Recreation Commission has recommended that the City pursue further the proposal made to the City. Deist asked each Councilman present to express their feelings as to the water slide proposal. It was unanimous consensus of the Council that the City should enter into the water slide business only if private enterprise turns down the opportunity and, if the City does install a water slide, it should not be in Tautphaus Park as that area is already too congested and lacks sufficient parking space. It was deemed that no Council action was necessary on this item at this time.

From the General Services Director came this memo:

City of Idaho Falls
April 20, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-83-12, ROTARY MOWER

Attached is a tabulation of bids for Bid #IF-83-12, Rotary Mower. It is the recommendation of the Parks & Recreation Division and the General Services Division that the City Council accept the low bid of Turf Equipment Company to furnish one (1) Rotary Mower as per specifications with trade at \$8,020.00.

s/ Chad Stanger

APRIL 21, 1983

It was moved by Councilman Hovey, seconded by Erickson, that the Council accept the recommendation of the Parks & Recreation Division and the General Services Division and accept the low bid of Turf Equipment Company to furnish one rotary mower as per specifications, with trade, at \$8,020. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

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

City of Idaho Falls
April 20, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR
COMPUTER EQUIPMENT UPGRADE

The General Services Division respectfully requests that the City Council ratify the previous action of the General Services Director to advertise to receive bids for purposes of upgrading the City's computer equipment.

s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Erickson, that the City Council ratify the previous action of the General Services Director in advertising for bids for the purpose of upgrading the City's computer equipment. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Next, from the General Services Director came this memo:

City of Idaho Falls
April 20, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: FARM LEASE--JOHN AND LOUISE NEWMAN

Attached are signed copies of a proposed lease agreement with John and Louise Newman for approximately 10 acres of City owned property located on Market Road.

The agreement has been prepared by the City Attorney and Property Management.

It is the recommendation of the General Services Division that the City Council approve the proposed agreement and authorize the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

APRIL 21, 1983

It was moved by Councilman Hovey, seconded by Erickson, that this farm lease agreement with John and Louise Newman be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, and Erickson; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls
April 20, 1983

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AIRPORT FARM LEASE--BILL DIXON

Attached are signed copies of a proposed lease agreement with Bill Dixon for approximately 142 acres of City owned farm land located adjacent to the Airport.

The agreement has been prepared by the City Attorney and Property Management and approved by the Director of Aviation.

It is the recommendation of the General Services Division that the City Council approve the proposed agreement and authorize the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Erickson, that the airport farm lease with Bill Dixon be approved and the Mayor and City Clerk be authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Erickson, and Deist; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
April 19, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: ENGINEERING COMPUTER BID

On April 6, 1983 one (1) bid was received for the Engineering Department Computer System as follows:

Computer Management Center	\$14,969.60
System	\$13,844.60
Alternate IV	255.00
Alternate VI (Software)	900.00

Engineer's Estimate

\$15,000.00

APRIL 21, 1983

We are recommending that the Contract be awarded to Computer Management Center in the amount of \$14,969.60 for the purchase of the system with alternates IV and VI (software).

This bid is in conformance with the Office of Highway Safety Grant with 50% matching funds.

s/ Ed T. for Don Lloyd

Councilman Sakaguchi said that there was only one bid received as Computer Management Center is the only company in the area that could meet the spec as written by the Office of Highway Safety. It was moved by Councilman Sakaguchi, seconded by Deist, that the bid of Computer Management Center be accepted in the amount of \$14,969.60 for the purchase of the system with alternates IV and VI. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Erickson, Deist, and Hovey; No, none, carried.

Also, from the Public Works Director came this memo:

City of Idaho Falls
April 19, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: APPLEWOOD PLACE WATER AND SEWER CONTRACT

We are attaching hereto an Applewood Place Water and Sewer Service Contract (Outside the City) in favor of Brett Manwaring, located at 1510 Jonathan Avenue. The contract has been properly executed and the fees have been paid.

We are recommending this contract be approved and the Mayor be authorized to sign.

s/ Ed T. for Don Lloyd

Councilman Sakaguchi described and located the area involved. It was moved by Councilman Sakaguchi that the Mayor be authorized to sign this contract. Councilmember Erickson asked if the contract had been reviewed by the Legal Counsel. Councilman Sakaguchi answered that there is a standard contract which allows additional property to tie-in after paying the required fees. Sakaguchi assured the Mayor, Council and Attorney that there were no problems in this particular contract. The previous motion was then seconded by Councilman Deist. Roll call as follows: Ayes, Councilmen Wood, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
April 19, 1983

MEMORANDUM

TO: Mayor and City Council

FROM: Donald F. Lloyd, P.E.
SUBJECT: VACATION OF UTILITY EASEMENT

APRIL 21, 1983

We are attaching hereto, three originals of an agreement between the Union Pacific Railroad, the Idaho Transportation Department, and the City covering the 17th Street Railroad Underpass.

The original agreement earlier approved, inadvertently omitted the cost for additional Right of Way. The cost from City to Railroad is \$10,600.00.

The second change from the original was an updated estimate for the force account work done by the Railroad, which will not in any way affect our contract. This agreement has been reviewed by the Public Works Committee and the City Attorney.

We are recommending that the Mayor and City Clerk be authorized to execute the agreement and that the City Controller be authorized to issue a check in the amount of \$10,600.00 to the Union Pacific Railroad.

s/ Ed T. for Don Lloyd

Councilman Sakaguchi asked the City Attorney to explain the need for this agreement. Attorney Storer stated that, at the time the previous agreement was approved, the State had omitted a portion of the contract which provided that the City would have to pay the State \$10,600.00 for the easement rights which were to be granted to the City and to be used in conjunction with the 17th Street overpass. Therefore, that provision has been re-inserted into the agreement and the State is requesting that the agreement be re-approved. He said that the terms are identical to the previous agreement except for this change. It was moved by Councilman Sakaguchi, seconded by Deist, that the City Controller be authorized to issue a check in the amount of \$10,600.00 to the Union Pacific Railroad and that the Mayor and City Clerk be authorized to execute the agreement. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Finally, from the Public Works Director came this memo:

City of Idaho Falls
April 19, 1983

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: VACATION OF UTILITY EASEMENT

School District #91 is proposing an addition to their Templeview Elementary School located at the intersection of Colorado and Scorpius Drive. The building addition will require the vacation of a portion of an existing easement no longer required for utilities.

We would recommend that the City Attorney be authorized to prepare an Ordinance vacating this portion of the easement.

s/ Ed. T. for Don Lloyd

APRIL 21, 1983

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

There being no further business, it was moved by Councilman Wood, seconded by Hovey, that the meeting adjourn at 8:15 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

* * * * *