

**APRIL 22, 1982**

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The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, April 22, 1982, in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Ralph Wood, Mel Erickson, Wes Deist, Paul Hovey, and Sam Sakaguchi. 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 8, 1982, and a Special Meeting held April 12, 1982 were read and approved.

This memo from the Electrical Engineer was then read:

City of Idaho Falls  
April 20, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Steve Harrison, Manager  
SUBJECT: UP&L/CITY OF IDAHO FALLS, GEM STATE LETTER OF INTENT

Attached is a copy of a letter of intent that has been jointly developed by the City and Utah Power & Light Company.

The purpose of the letter is to define the principles upon which a Power Sales Agreement will be negotiated. The letter is to define the principles upon which a Power Sales Agreement will be negotiated. The letter provides that it is the City and Company's intent to conclude the agreement within seventy-five (75) days from the date of execution.

The Mayor will require authorization to sign this letter, and the Electric Division recommends favorable Council consideration of this proposal.

s/ Steve Harrison

Mayor Campbell invited Mr. Bud Reese, Division Manager of Utah Power & Light to come forward to the Council Table. Mayor Campbell stated that City and Utah Power & Light Officials have had several meetings over the past year to work out a favorable agreement. Mayor Campbell reviewed the contents of the letter of intent:

The letter contemplates that the City will construct and operate the project.

The total annual energy produced is expected to be \$125,000.00 KWH. This is about 1/4 of the present City annual requirements. Peak capacity will be 22.3 MW.

Utah Power & Light will purchase approximately 25% of annual production with delivery during June, July, and August. This is Utah Power & Light's peak load in this area, and is at a time that the City can purchase from BPA at least cost.

The Utah Power & Light purchase price will be 25% of the total annual project cost. The City will have to pay the remaining 75% directly or through sales to other entities.

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Energy costs are expected to be in the .08/KWH range and is highly dependent on the bond market.

Utah Power & Light, their customers, and City customers all benefit from the proposed marketing arrangement.

Total capital costs are expected to be in the 80-100 million dollar range.

Mayor Campbell asked Mr. Reese if he would like to add anything to his comments. Mr. Reese stated that he felt this was a "Good Marriage" where the City is winter peaking and Utah Power & Light is summer peaking and this agreement appears to be the "best of both worlds", and a very worthwhile project. It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the letter of intent dated April 7th, 1982, and previously signed by an authorized agent of Utah Power & Light Company. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as legally advertised, to consider certain proposed amendments to the Comprehensive Plan, and called upon Councilman Wood, as Chairman of the Planning and Zoning Committee to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
April 21, 1982

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR VARIANCE - 1277 E. 17TH STREET

Attached is a copy of a variance request submitted by Charlotte Brace, requesting permission to establish a clothing consignment store at the above address, located in the R-3A zone. This proposal was originally submitted to the City as a request for a rezoning, and subsequently an amendment to the Comprehensive Plan was processed to accommodate this proposal.

After further discussion with the petitioner and members of the City Council, it was determined that a short term variance for the specified use would be preferable to the rezoning. As a result of this discussion, this department recommends that the previous action amending the Comprehensive Plan in this area be rescinded, and the requested variance be granted for a period of one year.

This item was before the City Council at their meeting on April 8th, 1982, and at that time the matter was recessed until the next regular meeting. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

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There was no one to appear either for or against this request. It was moved by Councilman Wood, seconded by Deist, that the previous action of the Council amending the Comprehensive Plan in this area be rescinded. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Wood, seconded by Deist, that the variance be granted permitting the operation of a retail clothing consignment store at 1277 E. 17th Street for a period of one year. Roll call as follows: Ayes, 5; No, none; carried. Mrs. Brace requested an extract copy of the minutes indicating the Council's action.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request for a variance submitted by Robert Barnett of 291 Valley Drive 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:

City of Idaho Falls  
April 21, 1982

MEMORANDUM

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

Attached is a copy of an appeal, regarding a variance denied by the Board of Adjustment. This variance was submitted by Robert Barnett, 291 Valley Drive, requesting permission to encroach six (6) feet into the required front yard with a proposed addition to an existing dwelling. The Board denied the request, stating that a hardship did not exist.

The Staff recommended approval, in as much as there are five encroachments in the immediate neighborhood, and a similar request was recently granted directly across the street. No protests have been received.

This Department recommends the request be granted as submitted. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

There being no one to appear either for or against this request it was moved by Councilman Wood, seconded by Deist, that the variance be approved as submitted. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Jerry Jaynes, 1568 Lola, appeared briefly to comment on the proposed fourth bulb turbine project. He said that there had been news coverage on some of the things that must be accomplished before a bond election can be held. He said, that one of the things not mentioned and, in his opinion, of great importance, was the fact that FERC has determined that such a project would have a significant impact on the quality of the human environment and, therefore, they are preparing an environmental impact statement. He said it was his understanding that the City had been asked to supply information for this study and that FERC was to complete this statement by early summer; hold a series of

public comment sessions; and, finally, render a decision as to whether or not to grant the City a license. He said, further, that he did not feel it feasible to consider a bond election

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before this process is completed, thus giving the public ample opportunity to learn all facets of the project. He urged the Council to review these facts carefully before setting a date for a bond election. Mayor Campbell asked if the environmental impact statement was part of the licensing process. Electrical Engineer Harrison answered in the affirmative saying that FERC would hold the hearings here in Idaho Falls. Mayor Campbell thanked Mr. Jaynes for his comments.

The City Clerk asked for Council ratification of the publishing of two legal notices calling for the two public hearings held this night. It was moved by Councilman Erickson, seconded by Hovey, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 5; No, none, carried.

License applications for: RESTAURANT, LeBaron's, Motel West; ELECTRICAL CONTRACTOR, Ken Wilson Electric; JOURNEYMAN ELECTRICIAN, Jack B. Dalton; MASTER PLUMBER, Alden Landon; CLASS C CONTRACTOR, WA, AND GF, Wiemer Heating, Servco Appliance Repair and Installation; CLASS D CONTRACTOR, GF, Ramark Plumbing and Heating; CLASS C JOURNEYMAN, WA, AND GF, LeRoy Stauffer, Richard Wiemer, Frank Hudek; CLASS D JOURNEYMAN, GF, AND REF, Max R. Conan; CLASS C APPRENTICE, WA, AND GF, Richard Wiemer, Jr., with Wiemer Heating; CLASS D JOURNEYMAN, GF, Mark Goyen; FIREWORKS STAND, Cleo G. Geddes; PHOTOGRAPHY, Elizabeth Bush Giacon; BARTENDER, Donald Christian Fedder, Kevin D. Hill, Regeana Locke, Debbie Morgan, Pamela Wachter, Richard Wachter; PRIVATE PATROLMAN, Bart Traveller; BEER (TO BE CONSUMED ON THE PREMISES), LeBarons; BEER ( NOT TO BE CONSUMED ON THE PREMISES), Garner's Texaco; RETAIL LIQUOR, LeBarons; PUBLIC RIGHT OF WAY, Jack Murdock and Son were presented. It was moved by Councilman Erickson, seconded by Hovey, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: SANITARY SEWER RECONSTRUCTION

On April 21, 1982 four bids were received for the reconstruction of the Pine Acres Sanitary Sewer as follows:

HK Contractors	\$27,687.00
Larry Clark Construction	28,594.90
James Paul Backhoe Service	32,698.00
O & F Construction	35,134.00
Engineer's Estimate	27,332.00

We are recommending that the contract be awarded to the low bidder - H-K Contractors, Inc., in the amount of \$27,687.00.

s/ Donald F. Lloyd

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It was moved by Councilman Sakaguchi, seconded by Deist, that the contract be awarded to the low bidder, H-K Contractors, Inc., in the amount of \$27,687.00 for the sanitary sewer reconstruction in Pine Acres Addition. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: VACATING A PORTION OF UTAH AVENUE

We have received a request to vacate that portion of Utah Avenue that is located within the Mel Brown Co. yards. Public Works Committee had reviewed this request and concluded that portion of Utah Avenue no longer benefits the City. We are requesting the City Attorney be authorized and directed to prepare the necessary ordinance and papers to dispose of this excess right-of-way.

s/ Donald F. Lloyd

At the request of Mayor Campbell, Public Works Director Lloyd further explained the need for this vacation and located the subject area on a map on the wall. It was moved by Councilman Sakaguchi, seconded by Deist, that the City Attorney be authorized and directed to prepare the necessary ordinance and papers to vacate the portion of Utah Avenue that is located within the Mel Brown Company yards. Roll call as follows: Ayes, 5; No, none; carried.

Also from the Public Works Director, came this memo:

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: RATIFY THE ACTION OF THE MAYOR

In the development of the Hitt-Hackman Road it was necessary to abandon an irrigation ditch. This abandonment was prepared by our City Attorney and required the signatures of some 35 property owners. The Mayor signed the City's approval and authorized an expenditure of \$388.11. Public Works Committee would recommend ratification of the previous action.

s/ Donald S. Lloyd

Councilman Sakaguchi explained that the Council had considered this at a work session and, because of the need, had informally authorized the Mayor to proceed. It was moved by

Councilman Sakaguchi, seconded by Deist, that the previous action of the Mayor in signing

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the City's approval and authorizing the expenditure of \$388.11, be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: APPOINTEES TO RESOURCE RECOVERY COUNCIL

Two vacancies now exist on the Mayor's Resource Recovery Council. The Council in regular session on April 21 is recommending that the Mayor fill these vacancies by appointing Bill Poitevin and Bonnie Farman.

s/ Donald F. Lloyd

Mayor Campbell explained that this Committee had proven to be very effective for the City of Idaho Falls. He said that the people on this Committee are some of the "topnotch" people in the area as far as knowledge and technology are concerned. He then appointed Bill Poitevin and Bonnie Farman to the Resource Recovery Council. It was moved by Councilman Erickson, seconded by Hovey, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: OPTION TO PURCHASE WAYNE REED PROPERTY

As part of the Airport Development Aid Program Project No. 6-16-0018-05, the City committed to purchase of land adjacent to the Airport for clear zone protection for the main runway.

An option to purchase 18 acres of farm ground had been negotiated with Mr. and Mrs. Wayne L. Reed. The purchase price of \$82,800 is the appraised value as determined by independent appraisal, and reviewed the concurred with by the Property Manager.

The Federal Aviation Administration grant will pay for approximately 90% of the purchase price, and the State of Idaho will share with the City in the remainder. The City's share will be recouped in four years through rental of the land.



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Completion of the purchase has reviewed the Option Agreement. The Airport Committee recommends that the Mayor and Clerk be authorized to accept the Option presented for consideration of \$1,000 and to exercise the Option subject to receipt of the Federal Aviation Administration's share.

s/ Jim Thorsen

Councilman Hovey stated that this was the last phase of the improvement to the Airport. He said that approximately 90% of the \$82,800 will be paid by FAA, the City's share being approximately 10%, and this should be recouped in four years through rental of the land for farming purposes. Hovey said that, based on the recommendation of the Airport Committee and the Airport Manager he would move that the Mayor and City Clerk be authorized to accept the option presented for \$1,000 and that the City exercise the option when and if FAA provides their share of funds. This motion was seconded by Councilman Sakaguchi. Roll call as follows: Ayes, 5; No, none; carried.

Next from the Airport Manager, came this memo:

City of Idaho Falls  
April 22, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: BIRD CONTROL OF THE AIRPORT

Due to the Airport's location, flocks of birds frequent the area and are a hazard to aircraft. The Federal Aviation Administration has recommended that we use "cracker shell" scare cartridges to dispense these flocks. The shells are non-lethal but do require firing from a 12 gauge shotgun.

It is requested that the Director of Aviation be granted a permit to discharge a firearm only on the Airport and using only cracker shell cartridges.

The Police Chief has reviewed this request.

The Airport Committee recommends that this request be granted.

s/ Jim Thorsen

Councilman Hovey explained that this action was necessary so that the City would comply with their own ordinance covering the discharging of firearms within the City limits. He said these shells would only make a noise to frighten away the birds and would not be harmful to anyone or anything. It was moved by Councilman Hovey, seconded by Sakaguchi, that the City grant to the Airport Manager to discharge a firearm within the City as prescribed in the foregoing memo. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Airport Manager, came this memo:

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City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: MODIFICATION TO RESTAURANT LEASE

The restaurant operator at the Airport has requested a modification to the Lease and Concession Agreement.

This modification would be in effect until the end of the year and has been studied by the Airport Committee.

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

s/ Jim Thorsen

Councilman Hovey gave a rundown of the lease and the modification made during the construction of the Airport restaurant area. He said that the contract had been reviewed again after the construction was completed and, based upon some requests, from the lessee, the Council continued the provisions of the temporary agreement, plus some additional changes, because the anticipated revenue did not look too promising for Mr. Burroughs at that time. Councilman Hovey then asked the City Attorney to discuss the specifics of the proposed lease.

Attorney Storer stated that Councilman Hovey had pretty much covered the essential portions of the lease agreement. He said that the proposed amendment only effects the percentage of the guaranteed rent, commencing immediately and continuing until the end of the year. He said that, at that time, if it appears that the revenues from the restaurant increase, then the City does have the option to review the lease to determine what is appropriate percentage-wise. He said that, basically, the amendment eliminates the base rent of \$36,000 and reverts back to a percentage of the gross revenues. Councilman Deist asked what percentage was allowed in the lease. Storer said that, in the proposed lease, the percentage would go from 6% to 4% or back to the same structure that the restaurant was operated under during the construction period. It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to sign the amendment to the contract for operation of the Airport restaurant. Roll call as follows: Ayes, 5; No, none; carried.

Mayor Campbell reported that Clair Bowling has retired from the Library Board. He said that he has asked Elaine Kearns to serve to fill this vacancy for a two year term and Don McKay to continue serving for a five year term on the Library Board. It was moved by Councilman Hovey, seconded by Erickson, that this appointment and re-appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Mayor Campbell announced that the Chamber of Commerce had asked him to announce that their annual parade will be on July 5th this year.

Parks & Recreation Director Craner asked if it was planned that the Fireworks display would be on that evening also. Mayor Campbell asked the Parks & Recreation Director to confirm this with the Parade Committee.

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

s/ Velma Chandler  
CITY CLERK

s/ Thomas Campbell  
MAYOR