

MARCH 18, 1982

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, March 18, 1982, in the Council Chamber in Idaho Falls, Idaho. There were present at said Meeting: Mayor Thomas Campbell; Councilmen Wes Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood, and Art Chandler. Absent, Councilman 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 March 4, 1982, were read and approved.

Mayor Campbell then presented a Class III Idaho Water Operator Certificate to Larry B. Christensen and congratulated him for this achievement. The Mayor likened the earning of this award to obtaining a college degree. Mr. Christensen then received a congratulatory handshake from all City Officials around the Council Table.

Mayor Campbell welcomed Scout Troop #6 to the Council Meeting and thanked them for their presence and interest in local government.

The Mayor announced that this was the time and the place, as legally advertised, to consider certain proposed amendments to the zoning ordinance 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
March 17, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE - RP-A ZONE

The City Planning Department has, in the past, received several inquiries from individuals who wished to establish home occupations in residential areas zoned RP-A. The Zoning Ordinance, at the present time, does not permit this use in the RP-A zone. We have also received requests for variances to place accessory buildings, such as storage sheds or greenhouses, in the rear portion of a lot. The Ordinance requires a 25-foot rear yard for accessory buildings in the RP-A zone.

Based on these requests, the staff prepared two proposed amendments to the Zoning Ordinance, both pertaining to the RP-A zone. One proposes to delete the rear yard requirement for accessory buildings, and the other would permit home occupations. These amendments were presented to the City Planning Commission, and on January 12th, 1982, the Commission held a public hearing on this matter. No objections were heard at that time, and after some discussion, the Planning Commission recommended approval of the proposed amendments.

Since the date of the Planning Commission's hearing, this office, as well as other City offices have received considerable protests to the amendments. Based on these protests, this office recommends the proposed amendments be denied.

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This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilman Wood asked the City Attorney if the two proposed amendments should be considered separately. Attorney Storer answered in the affirmative. Councilman Wood stated that the rear yard requirements for accessory buildings would be considered first, and asked for anyone who wished to speak in favor of this proposal to come forward and be heard at this time.

Mr. Ralph Cheney, 260 West 19th Street, appeared briefly to state that he has had a wood working and cabinet shop at his home for many years and he feels that people should move if they do not like home businesses in their area.

Mayor Campbell informed Mr. Cheney that the proposed amendments to be considered this night were for RP-A zones only.

There being no one else to speak in favor of this request and no one to speak in opposition, it was moved by Councilman Wood, seconded by Deist, that the proposed amendment concerning accessory buildings be denied. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood then invited anyone present who wished to speak concerning the proposed amendment covering home occupations in an RP-A zone to speak at this time.

City Planner Gilchrist stated that his office and other City offices had received several phone calls and written protests to this amendment. There being no one to appear either for or against this proposal, it was moved by Councilman Wood, seconded by Deist, that the proposed amendment to the zoning ordinance concerning home occupation in an RP-A zone be denied. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor introduced and welcomed a quartet from the Sweet Adeline singing group. The quartet sang several musical numbers, after which the Mayor signed a proclamation designating March 21 through March 27, as "Sweet Adeline Week".

Mr. Adrian Hill, 2389 Malibu, appeared requesting that the City Officials inform the public before hearings are held to consider changes such as were considered this night. Mayor Campbell informed Mr. Hill that there were many people living in RP-A zones in the City and the law does not require that letters be sent on this type of public hearing.

The City Clerk asked for Council ratification of the forwarding of a damage claim to the City's Liability Insurance Carrier on March 5th, without formal Council approval:

CLAIM FOR DAMAGES

TO: The City of Idaho Falls and to their legal counsel:

JENNIE EVANS, by and through her legal counsel, MARVIN R. STUCKI, submits this document to the City of Idaho Falls and the Idaho Falls City Council and their legal counsel, as a formal claim for damages.

JENNIE EVANS, of 742 12th Street, Idaho Falls, Idaho 83401, went to the City Building, 308 C Street, Idaho Falls, Idaho, on February 18, 1982, to make a payment on her utility bill. After making the payment, the Claimant, JENNIE EVANS, came through the entry door and began walking down the steps to the street. Ms. Evans tripped on a patch that was protruding into the walkway on

the top landing of the stairway and fell down the stairs and fractured her left hip.

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JENNIE EVANS was admitted to Idaho Falls Consolidated Hospital on February 18, 1982, and JENNIE EVANS was in surgery on February 19, 1982, and a prosthesis was inserted in the left hip. JENNIE EVANS has incurred and will continue to incur expenses for medical diagnoses and care and treatment and hospital and other medical services. JENNIE EVANS has also suffered substantial pain and suffering and loss of enjoyment of life. She will require a substantial period of time to recover from this injury, and because of her advanced age she may never completely recover, and she will also require assistance for normal day-to-day living and housekeeping functions following her release from the hospital.

On behalf of JENNIE EVANS we hereby demand full payment of all hospital, doctor, and other medical expenses, as they may be shown from medical and doctor billing statements, and we further demand full payment of all expenses incurred for nursing and housekeeping care following the release of JENNIE EVANS from the hospital, and we further demand the payment of the sum of \$50,000.00, as general damages, for pain and suffering and loss of enjoyment of life.

This claim for damages is made pursuant to the provisions of Idaho Code Section 50-219. A formal action for damages will be filed against the City in the event the City and the City Council do not resolve to pay this claim within sixty (60) days from its receipt.

DATED this 4th day of March, 1982.

s/ Marvin R. Stucki
Attorney

It was moved by Councilman Chandler, seconded by Hovey, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for CONCESSION, Ruth's Circle; ELECTRICAL CONTRACTOR, Electrical Equipment Company, Inc.; ELECTRICAL JOURNEYMAN, Allen G. Landon, Francis Irving Shearer, Rodney Dockstader; ELECTRICAL APPRENTICE, Bobby Dean Smout with Electrical Equipment Company, Carl Lynn Shearer with Electrical Equipment Company; MASTER PLUMBER, LaVar Turpin Plumbing; JOURNEYMAN PLUMBER, Melvin L. Turpin, Larry L. Turpin, Allen H. Barlow; HEATING AND COOLING CLASS D JOURNEYMAN, GAS FITTER, Duane G. Sibbett; PHOTOGRAPHY, Champion Studios, Cibatron Photography, Headington Photography, Jones and Presnell Studios, Inc.; AUCTIONEER, Eugene Slaughter; POOL HALL, The Corner Arcade; BARTENDER, Joseph P. Sasinouski, Leon K. Bailey, Donald F. Barker, Roger K. Bates, Denise A. Green, Connie Groves, Vickie Jordan, Robert F. Kuhlman, Cynthia O'Brien, Terry M. O'Brien, Cheryl Padgen, Stacy W. Ritchie, Kery Wyn Secrist; TAXI OPERATOR, Robert Daly; BEER (NOT TO BE CONSUMED ON THE PREMISES), Grape Expectation; WINE BY THE DRINK, Grape Expectations; RETAIL WINE, Grape Expectation; PUBLIC RIGHT-OF-WAY, Bingham Mechanical and Metal Products, Inc., Wilbur L. McKean Excavating, were presented. It was moved by Councilman Wood, seconded by Chandler 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 City Controller came this memo:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: RATIFICATION - PAYMENT OF BILLS FOR MONTH OF FEBRUARY, 1982

As previously authorized at the Council Meeting of March 4, 1982, I am requesting Council's ratification for payment of February, 1982 bills in the amount of \$2,929,528.74. Payment of the bills was made on March 13, 1982.

s/ John D. Evans

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 730,591.09	\$ 119,591.57	\$ 114,546.50	\$ 200,797.17
SALARY	<u>408,465.67</u>	<u>26,645.33</u>	<u>13,118.64</u>	<u>61,432.44</u>
TOTALS	\$1,139,056.76	\$ 146,236.90	\$ 127,665.14	\$ 262,230.07

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW CAP</u>
MAT/SERV	\$ 988,714.17	\$ 47,147.97	\$ 4,214.49	\$ 62,014.46
SALARY	<u>88,725.20</u>	<u>28,943.73</u>	<u>6,495.50</u>	<u>.00</u>
TOTALS	\$1,077,439.37	\$ 76,091.70	\$ 10,709.99	\$ 62,014.46

	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>COMM DEV</u>
MAT/SERV	\$ 75.00	\$ 5,601.00	\$ 386.10	\$ 2,066.78
SALARY	<u>.00</u>	<u>19,955.47</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 75.00	\$ 25,556.47	\$ 386.10	\$ 2,066.78

	<u>CITY TOTALS</u>
MAT/SERV	\$2,275,746.76
SALARY	<u>653,781.98</u>
TOTALS	\$2,929,528.74

It was moved by Councilman Chandler, seconded by Hovey, that the action of the Controller in paying the bills as listed be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Next from the City Controller, came this memo:

City of Idaho Falls
March 18, 1982

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller

SUBJECT: GEM STATE HYDROELECTRIC PROJECT - APPOINTMENT
OF BOND UNDERWRITER

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The Electric and Finance Divisions and respective Council Committees recommend acceptance of the proposals of Kirchner Moore & Co. and Bache Haisey Stuart Shields, Inc., as co-underwriters with Kirchner Moore & Co. as Manager. This will provide the City with the essential assistance necessary in preparing for a bond election. We understand that there will be no obligation on the part of the City until a written contract is presented and accepted by the Mayor and Council.

We also request authorization for the Mayor to notify the firms of their appointment.

Your favorable consideration is requested.

s/ John D. Evans

It was moved by Councilman Chandler, seconded by Hovey, that the Council accept the proposals of Kirchner Moore & Co. and Bache Haisey Stuart Shields, Inc., as co-underwriters for the Gem State Project, with Kirchner Moore & Co. as Manager, and authorize the Mayor to notify the firms of their appointments. Roll call as follows: Ayes, 5; No, none; carried.

From the General Services Director, came this memo:

City of Idaho Falls
March 17, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-82-12, CRASH/FIRE/ RESCUE VEHICLE

Attached is a tabulation of bids on bid #IF-82-12, for a Crash/Fire/Rescue Vehicle. The low bidder did not comply with the bid specifications. Therefore, it is the recommendation of the Fire Department and General Services Division that the City Council accept the bid of Starline Equipment Company to furnish one (1) 1982 Model, Crash/Fire/Rescue Vehicle for \$114,330.00.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Hovey, that the City Council accept the bid of Starline Equipment Company to furnish one 1982 model, crash/fire/rescue vehicle for \$114,330.00. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Electrical Engineer was then read:

City of Idaho Falls
March 17, 1982

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Steve Harrison, Manager
SUBJECT: CONSULTING ENGINEER, GEM STATE PROJECT

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The Electric Division will require the services of a consulting engineer to assist the underwriter, bond attorney, and fiscal agent in developing bond sales criteria for the Gem State Project.

The Division recommends that CH2M Hill be retained for this service. The work will be done under the terms of their standard engineering agreement.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that CH2M Hill be retained as consulting engineer to assist the underwriter, bond attorney and fiscal agent, in developing bond sales criteria for the Gem State Project. Roll call as follows: Ayes, 5; No, none; carried.
From the Electric Engineer came this memo:

City of Idaho Falls
March 18, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: CONTRACT FOR BPA'S PURCHASE OF PROJECT OUTPUT

You have previously received the March 16th draft of the proposed contract for BPA's purchase of the output from the Bulb Turbine Project. This draft is essentially in final form and contains all of the elements discussed in previous work sessions.

Debt service payments begin in April and in the interest of time, the Electric Division recommends that the Mayor be authorized to sign this contract subject to approval of the attorney.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Mayor be authorized to sign the contract of BPA's purchase of the output from the Bulb Turbine Project, subject to the approval of the City Attorney as to form. Roll call as follows: Ayes, 5; No, none; carried.
Finally, from the Electrical Engineer, came this memo:

City of Idaho Falls
March 17, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: TERMINATION OF WPPSS 4/5

Attached is a copy of a letter from the participants requesting that the City Council reconsider participating in the controlled termination of WPPSS 4/5.

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The City's legal department had advised the Electric Division that participation to the extent of \$425,358 this budget year is permissible.

If the Council elects to participate, the Mayor and Clerk will require authorization to sign the agreement to "Advance Termination Costs".

The transmittal of the contract should be accompanied by a letter from the attorney with respect to the waiver of rights that the City may have against certain other parties.

s/ Steve Harrison

Councilman Hovey explained that this matter had been subject of recent work session meetings, and WPPSS has agreed that participation to the extent of \$435,358 this budget year is permissible. It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the agreement to "Advance Termination Costs", subject to said contract being accompanied by a letter from the Attorney with respect to the waiver of rights that the City may have against other parties. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Deist asked if the City would give up their right for a lawsuit if they accepted this agreement. Hovey answered that, accepting this agreement would not forfeit the City's right to sue. Attorney Storer stated that the purpose for the waiver of rights was to reserve the City the right for suit.

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

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR