

NOVEMBER 18, 1982

The City Council of the City of Idaho Falls, met in Regular Meeting, Thursday, November 18, 1982 in the City Council Chamber in Idaho Falls, Idaho.

Prior to calling the meeting to order, the Mayor invited scout Tim Foster to come forward and lead all those present in the Pledge of Allegiance to the Flag. The Mayor then called the meeting to order, and upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Art Chandler, Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Meeting held November 4th, 1982 were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

November 17, 1982

MEMORANDUM

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

Attached is a copy of an appeal from a decision of the Board of Adjustment relative to a variance requested by Ralph E. Murdock at 805 12th Street. This property is located at the northeast corner of the intersection of 12th Street and June Avenue.

Mr. Murdock has originally requested permission to build a detached garage which would be located 8 feet from the property line on June Avenue and on the alley right-of-way on the rear of the property. The Zoning Ordinance required a 15 foot setback from June Avenue and 3 feet from the alley right-of-way.

This request was denied and Mr. Murdock resubmitted the petition with a 14 foot setback from June Avenue and a zero setback from the alley right-of-way. The board denied this petition, indicating they were willing to grant the one-foot encroachment on June but felt that the new structure should conform to the required 3 foot setback off the alley right-of-way. This decision was made because they felt Mr. Murdock's request presented no real hardship and there was adequate room on the property to conform with this requirement.

This Department concurs with the decision of the Board of Adjustment and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Wood then asked the City Planner to explain the request.

Councilman Wood then invited anyone who wished to speak in favor of this request to be heard at this time.

Mr. Ralph Murdock, the petitioner, 805 12th Street, appeared stating that he felt that he had a legitimate reason for appealing this Board of Adjustment decision. He said that there is an existing structure on the property and it was his intent to enter this structure from the new building, and it would be very expensive for him to meet the three foot setback requirement. He said that he could see no valid reason for a twenty-one foot alley as compared to a sixteen foot alley, and the five foot difference would make extra backyard space for his children to play in.

Councilman Hovey asked Mr. Murdock if there is a fence along the alley at the present time. Mr. Murdock answered that there is no fence at the present time. He said that there is a cinder block fence approximately one hundred feet to the east of this property.

Councilman Erickson asked if there were any buildings across the alley from Mr. Murdock's property. Mr. Murdock answered in the affirmative. Councilman Erickson then asked how close these buildings were to the property line. Murdock answered that they were directly on the property line. It was noted that these structures existed prior to the ordinance change governing setback requirements.

Councilman Hovey asked the City Planner what would be gained by building the structure back three feet. City Planner Gilchrist stated that the current ordinance would not allow a fence to be constructed in this zoning. He said that the ordinance had been changed about ten years ago because of problems created in the past. Gilchrist said, further, that Mr. Murdock initially indicated that he would remove the existing structure after he built the new one. He said that he is aware that there are several structures in the City that do not conform with the Code, but his department is working to eventually correct this situation.

Councilman Wood asked the Planner if the Council has previously allowed requests of this nature. Gilchrist answered that he could not recall that one similar to this had ever been granted.

Councilman Hovey felt that the City would not gain anything by denying this request.

City Planner Gilchrist explained that Mr. Murdock's home does not meet current setback requirements for new construction in the City.

Councilman Erickson asked the Planner if there was any new construction in the area that had met with the current setback requirements. Gilchrist answered that there were some to the west of this property. Councilman Hovey asked the Planner if there was a similar instance of an existing structure and a new structure sitting side by side. Gilchrist said he could not answer this question.

There was no one to appear in opposition to this request. It was moved by Councilman Wood, seconded by Deist, that this request be denied. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, and Sakaguchi; No, none; carried.

Mr. Milton Adam appeared, representing the Voice of the Hospital-Served Public, and requested that the City put to a referendum vote the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE REJECTING ANNEXATION, AS PART OF THE CITY OF IDAHO FALLS, OF ANY TRACT OF LAND DESIGNATED FOR OR TO BE USED AS THE SITE OF ANY NEW HOSPITAL FACILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO.

Section 1. No tract of land eligible for annexation by the City of Idaho Falls pursuant to the laws of the State of Idaho shall be so annexed for the purpose of allowing construction of any new hospital facility.

Section 2. EFFECTIVE DATE:
This Ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED by the City Council and APPROVED
by the Mayor this _____ day of _____,
1982.

ATTEST: s/ _____
Mayor

s/ _____
City Clerk

Mayor Campbell stated that the State of Idaho had adopted a procedure for the annexation of land and the City must comply with that State Statute. Attorney Storer agreed to this. Adam said that it was his belief that something of this nature could be put to a referendum at any time. Mayor Campbell said that, in his opinion, it would be a little presumptuous to put something to a referendum that had not even been requested. Adam answered that it was a sure thing that the annexation request would be made.

Mayor Campbell asked if the Council would like to act on Mr. Adam's request to have a referendum stating that a hospital could not be constructed within the City of Idaho Falls? Councilmen Hovey stated that he did not feel such action would hold up in court. Mayor Campbell stated that, in hearing no motion, he would assume that the Council had rejected Mr. Adam's request. Councilman Deist asked Mr. Adam, why he was requesting this to be done? Adam answered that he felt it fair to allow the people of Idaho Falls a voice in this matter. He said that his organization had obtained many signatures on a petition of people who were not in favor of the construction of a new hospital. Mayor Campbell said that the City Council could not make a decision whether or not a new hospital would be built in Idaho Falls or in any other area. Councilmen Chandler asked Mr. Adam if his petition specifically stated that the signers were opposed to a new hospital in Idaho Falls? Adam answered in the affirmative. Mayor Campbell said that this had nothing to do with annexation of property and the City has made no commitment to the Hospital Board. Mayor Campbell stated that, from the failure of the Council to take any action, he would determine that they had rejected his appeal.

Adam stated that this action would only allow them the alternative of going for an initiative petition requesting this referendum.

Joseph Auer, 342 Marjacq, appeared and asked if the Hospital Board had requested that the City provide them with services. Mayor Campbell explained the responsibility of the City when property is annexed, including fees that the developer must pay to the City. Mayor Campbell stated again, "there have been no deals made with the Hospital Board, they have not requested annexation, and when they do it will be treated the same as annexation of any other commercial property".

The City Clerk asked for Council ratification of the forwarding of the following damage claim to the City's Liability Insurance carrier on November 12th, without formal Council approval:

NOVEMBER 18, 1982

TO: CLERK, CITY OF IDAHO FALLS

NOTICE OF TORT CLAIM

Pursuant to the provisions of I.C. Section 6-901 et seq., Denise Emerick and Athena Emerick, by and through their mother, Carol Emerick, and Bart Davis, Esq., their attorney, does hereby present and make demand for the payment of their claim against the City of Idaho Falls, in the sum of \$100,000.00 for injuries resulting in an automobile/pedestrian accident between Denise and Athena Emerick, pedestrians, and Larry Wood, driver.

On August 18, 1982, at approximately 9 P.M. Denise and Athena Emerick were walking down the sidewalk on Higbee Avenue, at approximately 21st Street, in the City of Idaho Falls, County of Bonneville, State of Idaho. As they approached the intersection, the pedestrians were forced off the sidewalk and onto Higbee Street because the City failed to maintain proper street lighting in that vicinity. The City was on prior notice of this condition. Soon after leaving the sidewalk, Mr. Larry Wood, struck the pedestrians. As a proximate result of the City's negligence in failing to keep that vicinity adequately lighted, Denise and Athena Emerick were severely injured.

Denise Emerick has had contusions to the body and a broken leg, which has required substantial time to heal. Athena Emerick was in critical condition for several days with both internal and external injury. Both pedestrians have suffered greatly, both emotionally and physically.

The actual residence of the claimants at the time of the filing of this notice of tort claim is:

301 E. 18th Street
Idaho Falls, Idaho 83401

Prior to that address, the residence of the claimants was:

1849 S. Higbee
Idaho Falls, Idaho 83401

Dated October 29, 1982.

s/ Bart M. Davis, Esq.
s/ Carol Emerick
Carol Emerick, as parent
of Athena and Denise
Emerick

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

The City Clerk asked for authorization to publish a legal notice calling for a public hearing on December 9th, to consider certain amendments to the zoning ordinance. It was moved by Councilman Chandler, seconded by Erickson, that the City Clerk be

NOVEMBER 18, 1982

authorized to publish the legal notice as requested. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

License applications for GROCERY STORE, Hickory Farms, Reed's Mini Mart; RESTAURANT, Chicken Broaster, Hickory Hut, Stardust; MOTEL, Stardust; DANCE HALL, Stardust; POOL HALL, Samoa; ITINERANT MERCHANT, Embassy Auctioneer; ELECTRICAL CONTRACTOR, The Carlson Company; JOURNEYMAN ELECTRICIAN, Harland A. Schulz, Jr., Jay Sluder, Art Carlson; ELECTRICAL APPRENTICE, Mike Ruffridge, with The Carlson Co.; AUCTIONEER, B & P Auction Co.; PRIVATE PATROLMAN, Roy Glen Monk; BARTENDER, Lawrence D. Bridgeford, Jewel Clark, Kimberli R. Dougherty, Karen Hansen, Merrill Ingelstrom, Ercel Monsen, Shirley M. Rowland, Paul Sloup, Bret Alan Templeton, Catherine Wagoner, Vanessa Young; BEER (NTBCOP), Albertson's #133, #138, #145, Reed's Mini Mart; BEER (TBCOP) McDermott Field, Samoa Club, Stardust; RETAIL LIQUOR, Samoa Club, Stardust; RETAIL WINE, Albertson's #133, #138, #145, Stardust, 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 Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk asked for Council ratification of the issuance of an ITINERANT MERCHANT license to Pocatello Auction Company and a BARTENDER license to Fred Willin. It was noted that both of these applications had been approved by the Police Chief before issuance. It was moved by Councilman Erickson, seconded by Wood, that this action be duly ratified. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS -
MOTOR FUELS, LUBRICANTS, AND HEATING OIL

The General Services Division request authorization to advertise to receive bids for motor fuels, lubricants and heating oil for the year 1983.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Erickson, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison, Manager
SUBJECT: BPA POWER ADMINISTRATION

NOVEMBER 18, 1982

Bonneville Power Administration has offered the City an amendment to the General Contract provision of the Power Sales Agreement.

Under present language Bonneville Power Administration would have to develop and public methodologies implementing Section 7(b)-(2) of the Regional Act by July 1, 1983.

Bonneville Power Administration proposed delaying implementation of this section until March 1, 1984.

Section 7(b)-(2) of the Act related to wholesale power costs that Bonneville Power Administration may charge preference customers.

The Electric Division recommends Council approval of this amendment.

s/ G. S. Harrison

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

This memo from the Public Works Director was then read:

City of Idaho Falls

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: 17TH STREET WIDENING - AGREEMENT W/STATE

Attached hereto are two (2) copies of a Cooperative Agreement with the State of Idaho Transportation Department. This agreement covers the financing, construction, and future maintenance of the 17th Street project. The City's share of the estimated \$1.4 million project is about \$120,000, of which City can be credited approximately \$80,000 for Engineering Fees.

This Agreement has been reviewed by the Public Works Committee and the City Attorney and we are requesting:

1. Mayor and City Clerk be authorized to execute this agreement.
2. City Controller be authorized to forward City share of the cost, to State, when the exact amount is known.

Sincerely,
s/ Donald F. Lloyd, P.E.
Director of Public Works

Said memo was accompanied by the Resolution:

NOVEMBER 18, 1982

R E S O L U T I O N (Resolution No. 1982-05)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of the 17th Street between Yellowstone Avenue and Rollandet Avenue in Idaho Falls; and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway system when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, the State can only pay for work associated with the State Highway System; and

WHEREAS, the City is fully responsible for its share if project costs; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive federal participation;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal-Aid Highway Project M-MG-(006).
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City.
3. That duly certified copies of the Resolution shall be furnished the Idaho Transportation Department, Division of Highways.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a regular, duly called special (X-out non-applicable term) meeting of the City Council, Idaho Falls, Idaho, held on November 18, 1982.

s/ Velma Chandler
City Clerk

Councilman Sakaguchi gave background of the 17th Street widening project. He said that this phase will be from the Snake River Bridge to Rollandet. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to execute the resolution and agreement and that the City Controller be authorized to forward the City's share of the cost to the State, when the exact amount is known. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Also, from the Public Works Director came this memo:

NOVEMBER 18, 1982

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST TO ADVERTISE

The Specifications are nearly complete for the renovation of the 17th Street Bridge over the Snake River. The project has been reviewed by the Public Works Committee and we are requesting authorization to advertise for competitive bids.

s/ Donald F. Lloyd
Director of Public Works

Councilman Sakaguchi stated that the Committee has been working on this project for sometime and they now feel that it is ready to go. It was moved by Councilman Sakaguchi, seconded by Deist, that the Public Works Committee be authorized to advertise for bids for the renovation of the 17th Street Bridge. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

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

City of Idaho Falls
November 17, 1982

MEMORANDUM

ATTENTION: Mayor and City Council
FROM: Donald F. Lloyd. P.E.
SUBJECT: ASPHALT PAVING OF SLUDGE LAGOONS

On November 17, 1982 three (3) bids were received for the Asphalt Paving of the Sludge Lagoons at the Sewage Treatment Plant as follows:

Asphalt Sales	\$36,308.00
Hicks-Adams Contractors	\$37,584.00
H-K Contractors	\$40,252.00

We are recommending that the contract be awarded to the low bidder, Asphalt Sales, in the amount of \$36,308.

s/ Donald F. Lloyd P.E.
Director of Public Works

It was moved by Councilman Sakaguchi, seconded by Deist, that the contract be awarded to the low bidder, Asphalt Sales, in the amount of \$36,308. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

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

NOVEMBER 18, 1982

City of Idaho Falls
November 15, 1982

MEMORANDUM

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

We are attaching hereto an outside the City sewer contract for sewer service in favor of Mariner and Arline Bair, located on Pioneer Road. The Contract has been properly executed and the fees have been paid.

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

s/ Donald F. Lloyd
Director of Public Works

It was moved by Councilman Sakaguchi, seconded by Deist, that the outside the City sewer service contract be approved and the Mayor be authorized to sign said contract. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: EXTENSION TO LEASE AND CONCESSION AGREEMENT

Teton Stage Lines, Inc., had submitted an Extension to their Lease and Concession Agreement to provide inter-community bus service at the airport.

The Extension of the Agreement is for the calendar year 1983.

The Extension has been reviewed by the City Attorney.

The Airport Committee recommends that the Mayor and Clerk be authorized to execute this agreement.

s/ James Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute the extension to the lease and concession agreement between the City and Teton Stage Lines, Inc. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Also, from the Airport Manager, came this memo:

NOVEMBER 18, 1982

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: EXTENSION TO LEASE AND CONCESSION AGREEMENT

Sun Valley Stages, Inc., has submitted an Extension to their Lease and Concession Agreement to provide inter-community bus service at the airport.

The Extension of the Agreement is for the calendar year 1983.

The Extension has been reviewed by the City Attorney.

The Airport Committee recommends that the Mayor and Clerk be authorized to execute this agreement.

s/ James H. Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to sign the extension to the Lease and Concession Agreement with Sun Valley Stages, Inc. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Still, from the Airport Manager, came this memo:

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ASSIGNMENT OF LEASE

Mr. Glenn Corbett has proposed to assign his interest in a hangar lease to Mr. Roger Cox, Mr. Jack Draney, Mr. John Ohman and Mr. Ed Woolstenhulme.

The assignment would transfer all obligations from Mr. Corbett to the new group.

The assignment has been reviewed by the City Attorney.

The Airport Committee recommends that the Mayor and Clerk be authorized to sign the consent to the Assignment of the Lease.

s/ James Thorsen

NOVEMBER 18, 1982

It was moved by Councilman Hovey, seconded by Sakaguchi, that this be approved and the Mayor and City Clerk be authorized to sign the consent to the assignment of the lease. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Still, from the Airport Manager , came this memo:

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: LEASE AGREEMENT - CASCADE AIRWAYS

Cascade Airways, Inc., has submitted an Airport Use Agreement for their operations at the Airport.

The term of this agreement ends December 31, 1982. However, it is understood by all parties that an amending extension will be executed to provide, among others, newly agreed upon rates and charges for calendar year 1983.

The City Attorney has reviewed the agreement.

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

s/ James Thorsen

Councilman Hovey stated that this item and the item to follow are occasioned to the pull-out of Republic Airlines which required a re-allocation of space at the Airport, and requires changes in the contracts of all those involved, effective January 1, 1983. At that time all contracts will be re-negotiated at a new rate. It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute this agreement with Cascade Airways. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk then read this memo from the Airport Manager:

City of Idaho Falls
November 17, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: LEASE AGREEMENT - SKYWEST AIRLINES

Skywest Airlines had submitted an Airport Use Agreement for their operations at the airport.

NOVEMBER 18, 1982

The term of this agreement ends December 31, 1982. However, it is understood by all parties that an amending extension will be executed to provide, among others, newly agreed upon rates and charges for calendar year 1983.

The City Attorney has reviewed the Agreement.

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

s/ James Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute this agreement with Skywest Airlines. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Airport Manager, came this memo:

City of Idaho Falls
November 18, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: D & M CHARTER SERVICES

D & M Charter Services has submitted an airport use agreement which will permit them to perform ground handling services, primarily for ski charter flights.

Appropriate rental fees will be paid to the City.

The agreement has been reviewed by the City Attorney.

The Airport Committee recommends that the Mayor and Clerk be authorized to execute this agreement.

s/ James Thorsen

Councilman Hovey stated that D & M Charter Services are a local corporation and they are requesting authorization to perform ground handling services for ski chartered flights arriving at the airport. It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute this agreement with D & M Charter Services.

Councilman Erickson asked how this would effect the fixed base operators. Hovey answered that the fixed base operation operators handle the fuel and other servicing of the aircrafts. Airport Manager Thorsen stated that ski chartered planes arrive at all hours, even late at night, and therefore there is a need for the services D & M Charter Services would provide.

Councilman Erickson asked if this proposal had been reviewed with the present fixed base operators? Thorsen answered that, to some extent there is an area of competition in this, but D & M and the fixed base operator would not be in direct competition, as they would be providing different services. Erickson asked if the present

NOVEMBER 18, 1982

fixed base operator had been given an opportunity to provide the service that D & M are requesting. Councilman Hovey answered by saying that the fixed base operator was in this proposed business, to some extent, in the past. Councilman Hovey said that it is his understanding that the City cannot prevent other businesses from providing services such as unloading bags and other services. D & M could not provide fuel and other items that the fixed base operator has a contract to provide.

Councilman Deist stated that, usually, chartered flights are sold out by September or October and it would appear to him that, if the fixed base operator was interested in this type of operation, they would have "hustled" the charter companies for their business.

Councilman Erickson stated that the City has a contract with the fixed base operator and he felt this proposal should be reviewed with them. He asked how the fixed base operation and that operation proposal by D & M Services differed?

Hovey stated that the contract being proposed with D & M Services is a valid contract and, in his opinion, the present fixed base operator did not have a monopoly on this type of service. Attorney Storer, stated that the Federal law requires that any airport receiving Federal funds cannot grant an exclusive right to operate, therefore, by law, the City must make that type of service available. He said in his judgment this proposed service would be in conformity with the laws of the State of Idaho and the United States Government. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Storer presented a findings of fact and conclusion of law and decision covering the November 4th, 1982 public hearing held concerning an amendment to the development plan of Roy H. Bennett Shopping Center, submitted by Albertsons. It was moved by Councilman Wood, seconded by Sakaguchi, that the findings of fact, conclusions of law and decision be accepted as presented. Roll call as follows: Ayes, 6; No, none; carried.

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

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
