

OCTOBER 7, 1982

The City Council of the City of Idaho Falls, met in Regular Meeting, Thursday, October 7, 1982, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order Mayor Campbell welcomed several scouts who were present in the Council Chamber and called upon one of them, Duane Humphries, to come forward and lead all those present in the Pledge of Allegiance to the Flag.

Mayor Campbell honored Eagle Scouts Gregory Staker and Barry Jensen and presented them with a certificate as a token of appreciation for achieving this award. Each Eagle Scout then received a congratulatory handshake from all City Officials around the Council Table.

The Mayor then called the Meeting to order and, upon roll call, the following were found to be present: Mayor Thomas 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 September 23, 1982 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 the rezoning of property located north of 17th Street and west of Hoopes Avenue, and called upon Councilman Wood, as Chairman of the Planning & 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

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR REZONING FROM R-1 TO PB

Attached is a copy of a rezoning petition submitted by Medical Facilities Company requesting a rezoning of a parcel of property located north of 17th Street and west of Hoopes Avenue. The petitioners are requesting a rezoning to PB to permit the eventual expansion of the medical facilities located in this area.

This matter was recently considered by the Planning Commission and, at that time, several interested citizens appeared. No objections were voiced at the Meeting; however, three objections were telephoned into the office. After some discussion, the Planning Commission unanimously recommended approval of the request.

This Department concurs with the recommendation of the Planning Commission and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Wood then asked the City Planner to locate the subject property on a map on the wall and explain the request and the difference in PB and R-3A zoning. Attorney Storer asked the City Planner if the PB zoning would be compatible with the zoning of the

surrounding property. City Planner Gilchrist answered that, in his opinion, it would be compatible. There being no further comment, it was moved by Councilman Wood, seconded

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by Deist that this property be rezoned PB as requested. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the temporary placement of a mobile home to be used as a branch bank, and called upon Councilman Wood to conduct this hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR TEMPORARY PLACEMENT OF A MOBILE HOME

Attached is a copy of a request to place a mobile home at the north-east corner of the intersection of 17th Street and Hoopes Avenue to be used as a branch bank. This request has been submitted by First Security Bank. They are requesting the use of the mobile home while plans for a permanent structure in the area can be completed. The application states that the mobile home could possibly be there for a period not to exceed two years.

This Department recommends approval of the request, but for a period not to exceed one year, with a review at that time. The matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Wood, the City Planner explained the request and located the subject property on a map on the wall. It was moved by Councilman Wood, seconded by Deist, that this variance be approved for a period not to exceed one year. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mr. Milton Adam, 1438 S. Woodruff, appeared representing the "Voice of the Hospital Served Public, Inc". He said that, as everyone is aware, there is a controversy going on as to whether or not there will be a new hospital will cost the City and the City taxpayers a lot of money. Adam read several news articles and quoted from TV and radio broadcasts that, to him, indicated that the City Administration has already made commitments to the Idaho Falls Hospital Board concerning annexations of property, etc. He asked for a statement from the City verifying or denying the fact that they have entered into preliminary negotiations with the Hospital Board. Mayor Campbell, all Councilmen and the City Planner assured Mr. Adam that the City of Idaho Falls had made no commitment to the hospital board, they have answered questions covering the possibility of annexation and utility services for the proposed sites.

Mr. Allen Clark, 181 Beacon Dr., appeared briefly stating that there had been problems at Freeman Park during the Little League baseball year and asked for the cooperation of the City Officials to alleviate these problems for the next seasons.

The City Clerk asked for Council ratification of the publishing of a legal notice calling for the rezoning hearing held this night. It was moved by Councilman Erickson, seconded by Chandler, that the previous action of the City Clerk be duly ratified. Roll call as

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follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Clerk reported that a damage claim had been forwarded to the City's Liability Insurance Carrier on September 24, without formal Council approval:

Keith M. Walker
Grover & Walker Chartered
P.O. Box 36
Rigby ID

NOTICE OF CLAIM

TO: Velma Chandler, City Clerk - City of Idaho Falls, P.O. Box 220,
Idaho Falls, Idaho

PLEASE TAKE NOTICE that Andy DeVon Helm, as Personnel Representative of the estate of Maude Pauline Helm, has a claim and hereby maintains a claim against the City of Idaho Falls, in the County of Bonneville, State of Idaho, for and in the behalf of the estate of Maude Pauline Holm, deceased, and the personal representative as claimant herein, for the damages and wrongful death of Maude Pauline Helm as hereinafter set forth, and pursuant to Idaho Code Sec. 6-906 and 6-907.

The claimant states as follows:

1. That Andy DeVon Helm is the personal representative of the Estate of Maude Pauline Helm, and is further the son of the deceased, Maude Pauline Helm.
2. That Andy Devon Helm resides in Menan, Jefferson County, Idaho. The deceased Maude Pauline Helm, resided at Route 1 Box 100, Menan, Idaho for a period in excess of six (6) months prior to the time the claim arose.
3. The time when death occurred at intersection No. 32 at the corner of Fifth Street and South Holmes, Idaho Falls, Bonneville County, Idaho.
4. The wrongful death occurred at intersection No. 32 at the corner of Fifth Street and South Holmes, Idaho Falls, Bonneville County, Idaho.
5. The wrongful death was in part caused by the negligence and carelessness of the City of Idaho Falls, and its agents, representatives and/or employees of said City, in connection with the City's failure to maintain an adequate street crossing for pedestrians at the intersection. As far as the individuals who are involved are concerned, claimant is not aware of who such specific individuals might be.

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6. To the best of the claimant's knowledge, conduct and circumstances which brought about the wrongful death of Maude Pauline Helm and the result and damages, was failure of the City of Idaho Falls and its agents, representatives, or employees, to adequately maintain the intersection for the safety of pedestrians, and in particular, the failure to paint the cross walk so that oncoming vehicles could more adequately see pedestrians, and also, the failure of the City to adequately control the traffic signals so that pedestrians would have adequate time to cross the intersection before oncoming traffic was allowed to proceed. As a result of the City's failure to maintain this intersection, Maude Pauline Helm was stricken by an oncoming vehicle on the 5th day of June, 1982, and was mortally injured.

Sandra Fay Elverud, while driving a vehicle owned by Kirk and Denise Green, and because of the failure for the City to adequately mark the cross-walk and to further control the traffic light, Sandra Fay Elverud struck and killed Maude Pauline Helm.

7. By reason of the negligence and carelessness of the City of Idaho Falls and its agents, representatives, and/or employees, the claimant, the Estates of Maude Pauline Helm, has suffered damages and injury in the sum of \$10,000.00, this far.

THEREFORE, Claimant requests the City of Idaho Falls to honor and pay the claim herein in the amount of \$10,000.00, plus such additional sums as may hereafter be determined, the amount of which such future damages cannot yet be determined.

DATED this 23rd day of September, 1982.

The Estate of Maude
Pauline Helm
s/ Andy D. Helm
Personal Representative

It was moved by Councilman Erickson, seconded by Wood, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of September, having been properly audited by the Fiscal Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 683,569.06	\$ 123,353.52	\$ 30,912.36	\$ 275,597.14
SALARY:	<u>437,001.34</u>	<u>23,253.34</u>	<u>12,787.00</u>	<u>58,077.68</u>
TOTAL:	\$1,120,570.40	\$ 146,606.86	\$ 43,699.36	\$ 333,674.82

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW FD</u>
SERV/MAT:	\$1,229,829.06	\$ 22,919.95	\$ 13,639.66	\$ 97,034.85

SALARY:	<u>94,948.47</u>	<u>30,698.73</u>	<u>9,540.80</u>	<u>.00</u>
TOTAL:	\$1,324,777.33	\$ 53,518.68	\$ 23,181.46	\$ 97,034.85

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	<u>MUN CAP FD</u>	<u>LIBRARY</u>	<u>REG LIBRARY</u>	<u>BRIDGE/ART ST</u>
SERV/MAT:	\$ 90,639.40	\$ 5,504.37	\$ 355.13	\$ 388.00
SALARY:	<u>.00</u>	<u>20,135.44</u>	<u>1,176.00</u>	<u>.00</u>
TOTAL:	\$ 90,639.40	\$ 25,639.81	\$ 1,531.13	\$ 388.00
	<u>REV SHAR</u>	<u>CITY TOTALS</u>		
SERV/MAT:	\$ 5,097.63	\$ 2,578,840.13		
SALARY:	<u>.00</u>	<u>687,618.80</u>		
TOTAL:	\$ 5,097.63	\$ 3,266,458.93		

There being no questions nor objections, it was moved by Councilman Chandler, seconded by Erickson, that the Controller be authorized to pay all bills as listed. Roll call as follows: Ayes, 6; No, none; carried.

Monthly reports from Division and Department Heads were presented and there being no questions nor objections were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Y-Not; FOOD CATERING, Jack's Catering; BARTENDER, Dian Anderson, Margaret M. Grimesey, Michael Campbell, Christine Campbell, Karen Harder, Jacqueline D. Arropo, Brenda Beazer, Michael McGuffy, Tina Christopherson, Robert James Daugherty, Lynell Erickson, Wanda Ferguson, Sherry Hooks, Lori Magnus, Marilyn Kinney, Paul Ryan Maloney, Sandra Peterson, Pojana Ward, Sara Saline, Jo BoSanco, Wade Gord, Laurie Stafford, Larry S. Walrath, Janelle Anderson, Pattie Anderson, Carolyn Bene', Doyle Bingham, Mable Bingham, Christie Bowcutt, Sheila Bowman, Laurie Butterfield, Kymme Carpenter, Linda Craig, Sheryl Daniels, Stacy George, Barbara Jean Grant, Donna Haight, Shawna Hansen, Delsi Humphries, Dennis Michael Keating, Nancy Kishiyama, Julie Kudla, Clinton Martin, Sherry Mitchell, Cherie Pendleton, Liz Pendry, Mike Purcell, Patsy Reynolds, Jeanie Rowberry, Cherie Sanders, Debra Solis Secrist, Cheri Severson, Korby Smith, Sherry Soulis, Esther Thornock, and Gloria Walrath; MASTER PLUMBER, Upper Valley Mechanical, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued, subject to that approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk reported that three bartender licenses had been issued to Dorinda Buchman, Teresa Chandler, and Ruth Langston, with the approval of the Police Chief but without formal Council approval. It was moved by Councilman Erickson, seconded by Wood, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk presented an extension rider to Union Pacific Railroad Agreement L&T 11983. It was moved by Councilman Sakaguchi, seconded by Deist, that this lease extension be approved as requested. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the Fire Chief came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and Council
FROM: Douglas C. Call, Fire Chief

SUBJECT: LEASE FOR STORAGE OF RESERVE AMBULANCE
EQUIPMENT

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A need for storage of reserve ambulance and fire equipment has been identified. General Services has located the storage area, negotiated a lease, the City Attorney has prepared the proper documents, and because of the necessity to act expediently, the Mayor has signed the appropriate documents and ratification of his action is requested.

This storage is located in the old Snake River Equipment facilities on River Parkway.

The lease is to be effective for a period of one (1) year at a cost of \$5,400.

s/ Douglas Call

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

From the Public Works Director came this memo:

City of Idaho Falls

ATTENTION: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: EDWARD L. JOHNSON

Because of an injury received in a vehicle accident Edward L. Johnson, an employee of the Water Department has requested a Leave of Absence, without benefits, through October 16, 1982. The Public Works Committee is requesting this be approved.

Sincerely,
s/ Donald F. Lloyd

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

From the Electric Engineer came this memo:

City of Idaho Falls

MEMORANDUM

ATTENTION: Honorable Mayor and City Council
FROM: G.S. Harrison, Manager
SUBJECT: BPA WEATHERIZATION PROGRAM II

The Electric Division requests authorization to solicit bids to acquire a contractor to perform energy audits on homes under the BPA Weatherization Program II. The Council has previously entered into an agreement for this service.

It is estimated that approximately 4,000 audits will need to be performed over a two year period. The auditor will provide an energy analysis of homes with

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electric space heating, explain to the homeowner any financing available from BPA to accomplish the energy saving measures.

The City will be reimbursed \$160.00 by BPA for each home that installs an energy saving measure recommended by the auditor in accordance with BPA specifications.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Electric Engineer be authorized to solicit bids to acquire a contractor to perform energy audits on homes under the BPA weatherization program II. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the City Controller came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and City Council
FROM: John D. Evans
SUBJECT: APPROVAL OF LEASE - IBM SYSTEM/38 COMPUTER

I hereby request the City Council to approve and authorize the Mayor and City Clerk to sign the attached lease. The lease is with the Idaho First National Bank acting as financing agent and Citizens Development, Inc. acting as lessor of an IBM/38 Computer, which was approved by the Council on August 5, 1982 subject to finding an acceptable lessor. The lease calls for a \$79,901.01 payment for a term of five years.

s/ John D. Evans

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

This memo from the City Planner was then read:

City of Idaho Falls

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF AN EXISTING EASEMENT

This office has received a request to vacate an existing utility easement on the property located at the northeast corner of 17th Street and Woodruff Avenue. A new utility easement will be granted by the property owner. The existing easement has no utilities in it at this time.

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The Department recommends approval of the request and recommends the City Attorney be authorized to prepare the necessary paperwork to vacate the existing easement and establish the new easement as indicated on the attached drawing.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Deist, that the vacation of the existing utility easement be approved and the City Attorney be authorized to prepare the necessary paperwork to vacate the existing easement. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Also from the City Planner came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FLOOD CONTROL ORDINANCE

Attached is an original and three copies of the Flood Control Ordinance. This Ordinance is made necessary by the Department of Housing & Urban Development National Flood Insurance Program. This Ordinance will enable residential and/or businesses within the City of Idaho Falls to purchase flood insurance. The ordinance established minimum standards for construction within portions of the City designated as flood hazard areas. There is only one small area within the City so designated and that is the area south of 17th Street, between the Yellowstone Highway and the Snake River.

This Ordinance has been reviewed by the City Attorney and is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

ORDINANCE NO. 1710

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, AND TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS OF THE CITY BY METHODS AND PROVISIONS DESIGNED FOR THE CONTROL AND USE OF PROPERTY IN THE CITY OF IDAHO FALLS, IDAHO FLOOD PLAN; PROVIDING FOR THE ADOPTION OF DEFINITIONS FOR USE IN SAID ORDINANCE; PROVIDING FOR THE DESIGNATION OF THE LANDS TO WHICH THIS ORDINANCE SHALL APPLY AND THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS; PROVIDING FOR

THE ADMINISTRATION OF SAID ACT IN THE
ESTABLISHMENT OF PROCEDURES FOR

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OBTAINING A DEVELOPMENT PERMIT; PROVIDING FOR THE LOCAL ADMINISTRATOR OF SAID ACT AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF SUCH ADMINISTRATOR; PROVIDING THE PROCEDURE FOR AND REVIEWING OF PERMITS; PROVIDING FOR USE OF OTHER BASE FLOOD DATA; PROVIDING FOR THE INFORMATION TO BE OBTAINED AND MAINTAINED WITH RESPECT TO ALL NEW OR STRUCTURALLY IMPROVED STRUCTURES; PROVIDING FOR ALTERATIONS OF WATER COURSES; INTERPRETATION OF "FLOOD INSURANCE RATE MAP" (FIRM) BOUNDARIES; PROVIDING GENERAL STANDARDS REQUIRED IN ALL AREAS OF SPECIAL FLOOD HAZARDS WITH RESPECT TO ANCHORING, CONSTRUCTION, MATERIALS AND METHODS, UTILITIES, SUBDIVISION PROPOSALS, REVIEW OF BUILDING PERMITS, RESIDENTIAL CONSTRUCTION, NON-RESIDENTIAL CONSTRUCTION, MOBILE HOMES, AND FLOODWAYS; PROVIDING FOR MINIMUM FLOOD-PROOF BASEMENT DESIGN REQUIREMENTS; PROVIDING FOR SHALLOW FLOODING AREAS WITH DEPTH DESIGNATIONS PROVIDING FOR A WARNING A DISCLAIMER OF LIABILITY BY THE CITY OF IDAHO FALLS, IDAHO, AND THE FEDERAL INSURANCE ADMINISTRATION; PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Wood, 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 DISPENSED WITH?" Roll call as follows: Ayes, 6; 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, 6; No, none ; carried.

This memo from the Airport manager was then read:

City of Idaho Falls

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: FAA LEASE AGREEMENT

The Federal Aviation Administration wishes to relocate and modify the approach light system on the instrument landing system at the Airport. The

FAA has submitted Supplement No. 1 to the existing navigational aid land

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lease to permit these changes, which consist primarily to relocation of the small equipment shelter building.

These changes will enhance safety on the Airport and will not require any expenditure by the City.

The supplement has been reviewed by the City Attorney. The Airport Committee recommends that the Mayor and Clerk be authorized to execute Supplement No. 1 to the subject lease.

s/ James Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute Supplement No. 1 to this FAA lease. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Also, from the Airport Manager came this memo:

City of Idaho Falls

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Airport Committee
SUBJECT: RATE ADJUSTMENT FOR FAA SPACE RENTAL

The City has renegotiated the rental rate for space occupied at the Airport by the Federal Aviation Administration. The agreed upon rate fully recovers the City's cost for all services.

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

s/ Jim Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute the rate adjustment for FAA space rental. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi and Wood; No, none; carried.

Mayor Campbell stated that Marvin Quinton had resigned from the Planning Commission and that he, the Mayor, had appointed Terry Brooks to that Commission. It was moved by Councilman Erickson, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Councilman Wood expressed appreciation on behalf of his family for kind words and actions due to the death of his mother. Parks & Recreation Director Craner also expressed appreciation for kind actions of all after the death of his sister.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 8:30 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor