

JULY 8, 1982

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, July 8th, 1982, in the Council Chamber in Idaho Falls, Idaho. There were present at said Meeting: Mayor Tom 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 Recessed Regular Meeting held on June 15, 1982, were read and approved.

Mayor Campbell invited City employee retiree Jerry Hammer to come forward to the Council Table. The Mayor congratulated Jerry for the many things that he had accomplished during his years with the Fire Department, wished him well during his years of retirement and presented him with a gold watch as a token of appreciation for his service to the City. Jerry then received a congratulatory handshake from all City Officials around the Council Table and a round of applause from all those present in the audience.

Mayor Campbell announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request for rezoning 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
July 6, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REZONING - 580 SOUTH HOLMES AVENUE (LOTS 42, 43, AND 44, BLOCK 7, CROW'S ADDITION)

Attached is a copy of a petition submitted by R. G. Larsen, requesting a zone change from R-1 to R-3A on the above-described property. Mr. Larsen has operated a photography studio at this location as a home occupation since approximately 1967. The Larsens now wish to move to another location and retain the photography business at this address. This would not be permitted in an R-1 zone.

The City Planning Commission held a hearing on June 8th relative to this matter. At that time, no objections were expressed relative to this rezoning, however, some concern was voiced regarding the possibility of the proposed zone extending further west.

After some discussion, the Planning Commission recommended to the Mayor and City Council that the subject property be rezoned from R-1 to R-3A. This recommendation was made after considering existing zoning patterns, and the fact that the request conforms to the Comprehensive Plan.

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

s/ Rod Gilchrist

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The City Planner located the subject property on a map on the wall and explained the request. There was no one to appear either for or against this rezoning request. Mr. Larsen, the petitioner was present and Councilman Wood asked him if he had any objection to waiving the requirement of a written finding of fact statement. Mr. Larsen agreed to this waiver. Therefore, it was moved by Councilman Wood, seconded by Deist, that the rezoning be approved as requested and the Council waive the need for a written finding of fact. Attorney Storer asked if the proposed rezoning conformed to the Comprehensive Plan. The City Planner answered in the affirmative. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider several requests for variances for temporary use of mobile homes for School District No. 91, 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
July 7, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: VARIANCE REQUESTS - PLACEMENT OF MOBILE HOMES
FOR TEMPORARY SCHOOL FACILITIES

School District No. 91 has submitted several requests for variances for temporary use of mobile homes in conjunction with school activities. If granted, all variances would be for one school year.

The requests are as follows:

1. Clair E. Gale Junior High - Extension of variance for one school year. Double-wide mobile home at this location now used as classroom.
2. Edgemont Gardens - Extension of variance for two mobile homes. New construction to be completed and occupied during the school year and both mobiles will be removed.
3. Eagle Rock Junior High - Placement of mobile home, to be used as pre-vocational shop. This unit is being moved from Longfellow.
4. 6th and Lee (Central) - Extension of variance, existing mobile home used as office for migrant education.

This Department recommends approval of the variances as requested. These items are now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

There was no one who appeared concerning these requests. Councilman Wood stated that the variance for the mobile home at 6th and Lee had been allowed for some time and he would like to encourage the School District to try to find other facilities for these secretaries

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during the next year. It was moved by Councilman Wood, seconded by Deist, that all these variance requests be approved as indicated, for a one school period only, with the above explanation on Number 4. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk reported that she had received a request from the management of Taco Time Restaurant to hold an outdoor dance on their parking lot on July 24th. Councilman Erickson stated that Taco Time had held a dance last year and there had been no problems. He said that the sponsors of the dance would need to comply with the regulations set forth by the Chief of Police and that the dance would be conducted on private property. Councilman Hovey asked for the reason the dance was being held. The manager said it was for restaurant promotional purposes. Erickson said that there would be one stipulation and that would be that, during the time of the dance is being conducted, there will be no entering or exiting on Yellowstone Highway. It was moved by Councilman Erickson, seconded by Wood, that the management of Taco Time Restaurant be allowed to hold an outdoor dance on their parking lot on the evening of July 24th. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson noted from the agenda that Mr. Norbert Kleiber, owner of a hot dog stand that had been determined to be in violation of the "obstruction of sidewalks" portion of the City Code, wished to appeal to the Council and asked him to be heard at this time.

Mr. Kleiber and his Attorney, John Ohman, appeared before the Mayor and Council. Attorney Ohman presented the facts of Mr. Kleiber's operation as told to him by his client. He contended that the City has issued by Kleiber a license to operate, that his operation was not impeding either vehicular or pedestrian traffic, that the license permitted him to operate on public sidewalks, therefore, they felt that the Council should allow Mr. Kleiber to continue his operation as a hot dog vendor on the streets of Idaho Falls. Mr. Kleiber did not wish to add to the comments made by his Attorney.

Councilman Erickson stated that the license issued to Mr. Kleiber did give him the right to do business within the City of Idaho Falls as a mobile concession providing that it, of course, conformed with the law. However, the license did not give Mr. Kleiber the authority to conduct business on a public right of way. Erickson said, further, that Police Chief Pollock is charged with the responsibility of administering the laws of the City and he, the Police Chief, took the position that Mr. Kleiber's operation was, in fact, in violation of the Code. Chief Pollock visited Mr. Kleiber on July 1st and informed him of this violation. Erickson said that there are other licensees mobile concessions in the City and they also have been informed that they cannot operate on public property. Erickson said that Mr. Kleiber visited the Mayor on July 2nd and the Mayor explained to him at that time that the City has an ordinance which prohibited the operation of his business on a public right of way. Also, the City Clerk had informed Mr. Kleiber that, if he obstructed pedestrian or vehicular traffic his license could be subject to being revoked.

Councilman Erickson asked Mr. Kleiber if he did receive notification that his operation may be in violation of the City Ordinance by the City Clerk and a notice that it was in violation from the Police Chief. Attorney Ohman asked Erickson if he was referring to oral or written notice. Erickson answered that he was referring to oral notice. Mr. Kleiber stated that Chief Pollock had appeared at his operation and informed him that he was in violation of the Code and the City Clerk had told him of the violation. Attorney Ohman wanted to make it clear that, in Mr. Kleiber's opinion, he had been told by the City Clerk that his license would allow him to engage in his proposed activity on the public street.

Councilman Erickson explained that the Council approves the issuance of all licenses, subject to the approval of the proper Division Heads, and these Division Heads are charged with the responsibility to actually review and obtain required approvals before issuance. He said that the City Council is charged with the responsibility of all the public

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right of ways within the City of Idaho Falls. He said, further, that there are many things to consider, including public safety, when they try to best represent the citizens of the community.

Attorney Ohman stated that Mr. Kleiber did not want to engage in any illegal activity, only the business that he felt he had a valid license to operate. Erickson agreed that the license issued to Mr. Kleiber would allow him to operate on private property, but not on public right of way property. Attorney Ohman asked Councilman Erickson if, in his opinion, a public right of way was sidewalks or if it included City streets. Erickson answered that a public right of way would include City streets. City Attorney Storer agreed to this statement. Storer added that any type of public thoroughfare would be a public right of way, but that the City Ordinance referred to does, specifically, say sidewalks. Storer said that the license which was extended to Mr. Kleiber is nothing more than a license to operate and conduct a business and that, of course, is subject to any applicable ordinances or State Statute.

Ms. Molly Micek appeared briefly and accused the Council of picking on one man and leaving other mobile restaurant operators alone. She said that the young man operating the business was running a clean business, making money and staying out of trouble and, in her opinion, there are a lot of unanswered questions surrounding this operation. Ms. Micek referred to several other vendors on City streets that are not being cited and asked why the Police Department is allowing those to continue. She said she could see no harm in allowing this type of business operation, and, in her opinion, all should be treated the same by the Police.

Councilman Erickson stated that the Council appreciated Ms. Micek's comments. He, again stated that this type of business is allowed on private property and Mr. Kleiber could continue to operate if he moved to private property. He said that the Police Department is charged with the responsibility of enforcing the law. He repeated the statement that the City Council is charged with the responsibility for public safety in the entire City. He said that it would be impossible to enforce and unsafe for everyone if it were opened up to allow this type of operation throughout the City. Erickson said that the Council, in the past, has allowed the downtown merchants to collectively conduct a sidewalk sale for a specified period and day, but other than this specified sale, other merchants are cited if they move their wares to the sidewalk.

An unidentified young man in the audience asked why the license was given to Mr. Kleiber if he could not operate. Councilman Erickson stated that the man requested the license, the State Health Department approved it and Mr. Kleiber qualified, as far as the permit was concerned until it was determined that he was operating on a public right of way, which is not allowed under Code.

Attorney Ohman stated that he understood that part of the Council's consideration of this operation was to revoke the license issued to Mr. Kleiber. Councilman Erickson asked if Mr. Kleiber would agree to locate on private property and stated that, if he would not agree to this, then the motion he would be making would be to revoke the license. Attorney Ohman said that the Council was giving Mr. Kleiber two alternatives; to either voluntarily rescind his license or to force the Council to revoke it. He said that the result of either action is the same and Mr. Kleiber has no license. For that reason he has instructed his client not to make an election and he and his client will address, on a day to day basis, whether or not he will engage in the activities which they contend are now allowed him under the license. Also, they will await a determination by the Court, first criminally on the citations that have been issued and, depending upon that, and what the Council chooses to do if Mr. Kleiber continues to engage in further activities he and his client will then consider the appropriateness of a civil action suit against the City.

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Councilman Hovey stated that, in his opinion, the paramount issue here is the manner in which the license was issued and asked to hear from Mr. Kleiber and the City Clerk in this regard. Both Mr. Kleiber and the City Clerk responded to this request. Councilman Erickson asked Mr. Kleiber if he had a copy of the ordinance covering obstruction of sidewalks at the time he visited the City Clerk at her home. Mr. Kleiber answered that Police Chief Pollock gave him a copy of the ordinance, and that evening he went to the City Clerk's home to try to determine the problem. Attorney Storer asked Mr. Kleiber if it was correct that he still continued to operate the stand despite the fact that he was aware of the ordinance against his operation. Kleiber said that he operated under the license he had been granted and was aware of the ordinance.

Hovey asked the Attorney if the problem here is obstructing sidewalks or a public thoroughfare or is it the problem that Mr. Kleiber is conducting a business on public property, or both; and what constitutes obstruction. Attorney Storer answered by saying that the ordinance addresses both questions. There are two sections of the ordinance; one provides that it is unlawful for a person to obstruct a street, alley or sidewalk and the second section provides that it is unlawful to maintain a vehicle or structure upon the sidewalk, and either one could be applicable in this particular case.

An unidentified person questioned the fact that downtown merchants are allowed to do this for a short period once a year, not eight hours a day six days a week. Councilman Sakaguchi likened a sidewalk sale to a Fourth of July parade. It gives approval for a limited time and a specific occasion.

Another unidentified person asked why semi trucks are allowed to park and sell tools. Erickson explained that this type of operation is allowed on private property under an itinerant merchant license and they are in violation if they obstruct a near-by sidewalk.

Attorney Ohman stated that he felt it appropriate, in view of the line the discussion has taken, to make this statement. He said that the ordinance has not been set forth in its entirety and he feels it important that the Council is made aware of the fact that within that ordinance there are certain exceptions and he read those exceptions from the Code. He concluded by saying that Mr. Kleiber has a license, had indicated what his operation was to be and it was approved, therefore, it is their contention that Mr. Kleiber is operating legally.

Councilman Deist asked if Mr. Kleiber had explored the possibility of locating on private property downtown. Kleiber answered that he had not, and he questioned if there would be an area available with sufficient pedestrian traffic. Attorney Ohman stated that they would check for an appropriate space.

Councilman Erickson wanted to make it clear that the Council was not opposed to his operating in downtown Idaho Falls, as long as it was not on public property, and if Mr. Kleiber would agree to operate only on private property then would be no need to revoke his license. Attorney Ohman stated he did not want the Council to feel that his client was conceding, and they contend that Mr. Kleiber now has a valid license to operate his business on City streets.

Ms. Micek re-appeared and asked for clarification of the actions that transpired between the City Clerk and Mr. Kleiber. Attorney Storer responded to this by saying that the license is a license to operate a business only. Notwithstanding misunderstandings there may, or may not have been, between Mr. Kleiber and the City Clerk, the City Clerk does not have the authority to grant a license to contravene a public ordinance. He said, further, that Mr. Kleiber admitted that he was aware of the ordinance, advised on several occasions that he was in violation of that ordinance and yet continued to violate the ordinance and operate his business. He said, again, that the City Clerk does not have the authority to grant a license contrary to the City Statute. Attorney Ohman said that it was not what Ms. Chandler understood, but what Ms. Chandler presented to the Council that was in question.

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Ms. Micek asked where there was a record of what occurred on the night the Council originally considered Mr. Kleiber's license application. Attorney Storer said that the minutes of the Council Meeting will, certainly, reflect what was presented to the Council by Ms. Chandler, but the terms of the license are that Mr. Kleiber may operate as a mobile concession unit if he confirms to other City Codes.

Attorney Ohman and Mr. Kleiber then presented the following petition:

**BY SIGNING THIS PETITION I AM IN FULL SUPPORT OF FRANKS FOOTLONG
HOT DOGS OPERATING AT ITS PRESENT LOCATION.**

There were several others who appeared to comment to the subjects of obstruction of traffic, other cities having this type of operation, unemployment rates, free enterprises, etc.

Councilman Erickson emphasized the fact that the City Council is charged with the public safety and enforcement of the laws within the City of Idaho Falls. It was then moved by Councilman Erickson, seconded by Wood, that the license issued to Mr. Kleiber to operate a mobile restaurant unit be revoked, based on his repeated violations of Section 9-9-1, A and B, of the City Code, despite several prior warnings, and will remain revoked until such time that the applicant provides adequate assurance that he will operate on private property only. Councilman Chandler asked that, if Mr. Kleiber agreed to operate on private property, would his license be re-instated. Councilman Erickson answered that the license would be re-instated if Mr. Kleiber agreed to locate on private property. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

The Mayor then called a short recess.

Upon reconvening of the meeting the City Clerk presented a non-commercial kennel license application carrying a recommendation from the Police Chief that it not be granted. Mrs. Faith Rogers, the applicant, appeared to review her kennel operation and asked the Council to allow her to continue in that operation. Councilman Erickson told Mrs. Rogers that the City Code requires the approval of at least 75% of all persons in possession of the property within one hundred feet of her property before a non-commercial kennel license could be issued to her. He said that the Police Department has investigated and found that, out of the fifteen neighbors, two approved, six objected and the remainder could not be contacted. Therefore, it was moved by Councilman Erickson, seconded by Wood, that the Recommendation of the Police Committee be upheld and the license denied. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a petition with approximately eighty signatures from residents of Bannock Avenue:

We, the undersigned residents of Bannock Avenue, Idaho Falls, Idaho, do hereby request that the Mayor and City Council of Idaho Falls put up four way Stop Signs on Crowley-Bannock and Iona-Bannock for the Safety of our children and residents.

Mr. and Mrs. Jerry Goeken-Waller, 1145 Bannock Avenue, appeared briefly to emphasize the need for these stop signs. It was moved by Councilman Erickson, seconded by Wood, that this petition be referred to the Traffic Safety Committee for consideration. Roll call as follows: Ayes, 6; No, none; carried. Mayor Campbell explained that the Traffic Safety Committee is comprised of people who are trained in traffic control and they will review this request and make a recommendation to the Council.

This memo from the Traffic Safety Committee was then read:

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City of Idaho Falls
July 7, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: PETITION FOR RECONSIDERATION OF RAISING SPEED
LIMIT TO 40 MPH ON 17TH STREET

At the City Council Meeting of May 20, 1982, the City Council approved a recommendation submitted by the Traffic Safety Committee that: The speed on 17th Street from Boulevard on east to the City Limits be changed from the present 35 MPH to 40 MPH. The change in signing indicating 40 MPH was made shortly thereafter. A petition containing about 110 signatures was then presented requesting the City to reconsider the raising of the speed limit to 40 MPH on 17th Street from St. Clair to South Boulevard. This petition was referred to the Traffic Safety Committee.

On June 30, 1982, Traffic Safety Committee held their meeting and discussed this petition. Present at the meeting from the 17th Street area to present their opinion was:

Mr. and Mrs. Greg Dornfeld and Sherrie Johnson.

The Traffic Safety Committee holds with their recommendation of 40 MPH on 17th Street from Boulevard on east to the City Limits and desires speed checks be made in monthly intervals for further evaluation.

s/ Robert D. Pollock

There was no one present who wished to speak, therefore it was moved by Councilman Erickson, seconded by Wood, that the request made on the petition for reconsideration of raising the speed limit to 40 MPH on 17th Street be denied and the speed limit remain 40 MPH. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Traffic Safety Committee came this memo:

City of Idaho Falls
July 7, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: PETITION OBJECTING TO 35 MPH SPEED ON S. SKYLINE
DRIVE

At the City Council Meeting on May 20, 1982, the City Council approved a recommendation by the Traffic Safety Committee which read: "It is suggested that Skyline Drive have varicom signs placed to control the school crossing at

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Brentwood indicating 20 MPH during student crossing times and that Skyline Drive be 35 MPH between Broadway and Pancheri in place of the present 25 MPH”.

In just a few days a petition with about 100 signatures was submitted in objection to the increase of speed on South Skyline Drive. A hold was placed on any changes for South Skyline and the petition was referred to the Traffic Safety Committee.

A meeting of the Traffic Safety Committee was scheduled for June 30, 1982, and notice sent to Ronald Nichols who came to the meeting representing the Skyline area. Mr. Nichols requested notification when speed checks were made so he could observe them.

The Traffic Safety Committee recommends that the speed on South Skyline be raised to 35 MPH and the Varicom signs be installed to control the speed at Brentwood for student crossing at 20 MPH. There will be a speed check made at monthly intervals for the first couple of months and if the 85 percentile changes there will be a re-evaluation made.

s/ Robert D. Pollock

Councilman Erickson asked Mr. Ronald Nichols if he would like to make any comments. Mr. Nichols stated that he was the spokesman for a large number of people who live in the Skyline Terrace area. He said that the City Engineers used studies taken for Washington and Chicago when determining what speeds are safe for various streets in Idaho Falls. He contended that these figures are not correct for Idaho Falls’ streets. He accused the City Engineers of only wanting to make legal drivers out of speeders. He said that the S. Skyline residents do not feel that their needs are being considered. He stated that the residents of S. Skyline are very much opposed to the raising of the speed limit to 40 MPH on S. Skyline.

Councilman Erickson asked Mr. Nichols if he had not agreed at the Traffic Safety Committee Meeting that he had attended that the eighty-five percentile would be something that the residents of S. Skyline could live with providing it would be checked after it was put in and that he, Mr. Nichols, would be present at the time these checks were made. Mr. Nichols said that he agreed that this was the best solution they would get from the Traffic Safety Committee. He said that he and the people he represents do not feel that 33 1/2 MPH is a safe speed. Mr. Nichols agreed that the varicom signs were good but stated that there was heavy traffic at Brentwood most of the time not just during student crossing time and there are only one hundred and eight days in a year that are school days. Councilman Erickson wanted to make clear to Mr. Nichols that the Traffic Safety Committee is concerned with traffic safety, it is foremost in their minds and they represent all phases of local managements. At the request of Councilman Erickson, Design Engineer Ed Turner stated that the eighty-five percentile is used throughout the United States and other parts of the world. He said that documentation on Skyline bears out the fact that, for the last eight years, traffic has been traveling around 38.5 MPH regardless of speed signing. He listed several other areas in the City where this same plan as proposed is working very well.

Mr. Allen Fuger appeared briefly to state that he has lived on Skyline and Brentwood for several years. He said he sees the wrecks and near misses and he can’t understand why the Council would turn a deaf ear to the people who live there.

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Councilman Deist, stated that he had reviewed the area and used several means of measurement and he could not see that the visibility and that the speed limit increase would only add to the hazardous conditions that now exist.

Councilman Erickson pointed out that a decision was made at the Traffic Safety Meeting to give 35 MPH speed limit a try and if the vehicle speed increases it will be reviewed.

Mr. Mike Janeczko stated that the Council would have to shoulder the responsibility for injuries or deaths if the speed limit is increased. It was moved by Councilman Erickson, seconded by Wood, that with the questions that have been raised here tonight in reference to checking the AEC bus traffic at five o'clock, this matter be referred back to the Traffic Safety Committee and the figures be obtained. There were several questions concerning this motion. Therefore, Councilman Erickson rescinded his motion. Councilman Wood rescinded his second to that motion. It was then moved by Councilman Erickson, seconded by Wood, that this be referred to the Police Committee for further recommendation to the Council. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for Council ratification of the publishing of two legal notices calling for the two hearings held this night. It was moved by Councilman Chandler, seconded by Erickson, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of June 1982, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 624,009.03	\$ 62,424.68	\$ 41,409.19	\$ 441,410.54
SALARY	<u>456,234.35</u>	<u>27,241.20</u>	<u>12,649.83</u>	<u>59,360.39</u>
TOTALS	\$1,080,243.38	\$ 89,665.88	\$ 54,509.02	\$ 500,870.93
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW CAP</u>
MAT/SERV	\$1,482,215.98	\$ 29,431.05	\$ 10,704.10	\$ 354,566.40
SALARY	<u>96,806.27</u>	<u>30,274.72</u>	<u>20,134.33</u>	<u>.00</u>
TOTALS	\$1,579,022.25	\$ 59,705.77	\$ 30,838.43	\$ 354,566.40
	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>REV SHAR</u>
MAT/SERV	\$ 15,164.24	\$ 5,777.69	\$ 12,741.33	\$ 3,565.84
SALARY	<u>.00</u>	<u>21,149.86</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 15,164.24	\$ 26,927.55	\$ 12,741.33	\$ 3,565.84
	<u>CITY TOTALS</u>			
MAT/SERV	\$3,083,520.07			
SALARY	<u>723,850.95</u>			
TOTAL	\$3,807,371.02			

Councilman Chandler explained that these bills had been reviewed by the Fiscal Committee and, in the interest of time he would move that the Controller be authorized to pay all bills as listed on the computerized printout and provided to all Councilmen. This motion was seconded by Councilman Erickson. 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.

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License applications for RESTAURANT, Standard Works; GROCERY STORE, Beautiful Body Boutique; ELECTRICAL CONTRACTOR, Consolidated Hospital; JOURNEYMAN ELECTRICIAN, William H. Johnson, Roger Herrick, Michael T. McNamara, Harold T. Babbitt, Rick C. Butler; APPRENTICE ELECTRICIAN, Kevin Hale with Falls Electric Inc., Jim Otteson with School District #91; JOURNEYMAN PLUMBER, Jay Grayson, Warren D. Hill; FIREWORKS, Ned Sweat (6), Scott R. Hall (3), WW Sales (4), Ernst Home Center, Ben Franklin Store, Midget Market, Marlene Dutcher; BARTENDERS, Natalie Ashcroft, Patricia K. Donahoo, Desiree Ferguson, Carol E. Garrets, Florence Purcell, Janie Spencer, Robert J. Bendinger, Janet Orme, Mike Kyle; PUBLIC RIGHT OF WAY, Belloff Electric Company, Shumaker Construction Company, 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, 6; No, none; carried.

From the Police Chief came this memo:

City of Idaho Falls
July 7, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chief Pollock
SUBJECT: REQUEST FOR LOADING ZONE ON RIVERDALE DRIVE

Devere Harris, President of the Idaho Falls Temple requests a Loading-Unloading Zone on the east side of Riverside Drive directly in front of the walkway leading to west entrance of the Temple. This zone should be approximately 50 feet long to accommodate buses of which there are a number each week that unload in the area and at times have to stop in the traffic lanes. Our Traffic Section recommends this also.

s/ R. D. Pollock

It was moved by Councilman Erickson, seconded by Wood, that a loading-unloading zone on the east side of Riverside be approved as requested. Roll call as follows: Ayes, 6; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls
July 6, 1982

MEMORANDUM

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

The Falls Cab Company has submitted an extension to its Lease and Concession Agreement. This agreement permits them to operate a commercial taxicab operation from Fanning Field.

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The term of the agreement extension is for six months, during which time a new agreement will be negotiated. The Extension Agreement has been approved by the City Attorney.

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

s/ Jim Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the extension to the Lease and Concession Agreement with Falls Cab Company be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
July 7, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: GROBERG-HATCH INTERCEPTOR SEWER

On June 30, 1982 four bids were received for the Groberg-Hatch Interceptor Sewer as follows:

Idacon, Inc.	\$47,402.50
H-K Contractors, Inc.	66,913.75
Landon Excavating	68,397.50
O & F Construction	68,825.00
Engineer's Estimate	88,550.00

We are recommending that the contract be awarded to the low bidder - Idacon, Inc., in the amount of \$47,402.50.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the low bid of Idacon, Inc., be accepted in the amount of \$47,402.50 for Groberg-Hatch Interceptor Sewer project. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director came this memo:

City of Idaho Falls
July 7, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: SEAL COATING OF CITY STREETS

JULY 8, 1982

Plans and specifications are nearly completed for seal coating approximately 5.5 miles of City streets. We are requesting authorization to advertise for competitive bids on July 18, 25, 1982 and open bids on July 28, 1982.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council give authorization to advertise for competitive bids as requested. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1705

AN ORDINANCE REPEALING TITLE 4, CHAPTER 11, CITY CODE OF IDAHO FALLS, IDAHO, BEING SECTIONS 4-11-1, 4-11-2 AND 4-11-3; ADOPTING AS AN OFFICIAL CODE OF THE CITY OF IDAHO FALLS, IDAHO, THE UNIFORM BUILDING CODE, 1982 EDITION, PREPARED AND PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; PROVIDING FOR AMENDMENTS TO THE UNIFORM BUILDING CODE, 1982 EDITION; DECLARING THAT A PORTION OF THE APPENDIX OF THE UNIFORM BUILDING CODE, 1982 EDITION, IS NOT ADOPTED; PROVIDING FOR OPENING REQUIREMENTS FOR WINDOWS IN BASEMENTS OR RESIDENTIAL STRUCTURES; PROVIDING FOR SEVERABILITY AND FOR A SAVING CLAUSE; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE 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.

ORDINANCE NO. 1706

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 4-12-1 AND 4-12-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO, ADOPTING THE UNIFORM PLUMBING CODE, 1982 EDITION; PROVIDING FOR THREE COPIES OF SAID UNIFORM PLUMBING CODE TO BE KEPT ON FILE IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR SEVERABILITY AND FOR A SAVING CLAUSE, SETTING FORTH PENALTIES; AND PROVIDING FOR EFFECTIVE DATE THEREOF.

JULY 8, 1982

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.

The City Attorney presented this memo:

City of Idaho Falls
July 8, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Legal Department
SUBJECT: CHEMICAL BANK VS. WPPSS AND COLUMBIA RURAL
ELECTRIC ASSOCIATION VS. WPPSS

It has been necessary to secure legal counsel to defend the interests of the City in the above mentioned cases filed in Washington pertaining to the termination of the WPPSS projects. Various utilities have formed an informal group known as the Utilities Legal Defense Group for the purpose of collecting information, coordinating legal efforts, and spreading the costs of defending these actions. This group has retained the law firm of Riddell, Williams, Bullitt, and Walkinshaw of Seattle, Washington to represent those utilities who joined such group.

Due to the urgency of the matter, this group has been advised that the City will participate in the group. Council action is therefore requested for the following:

1. Ratification of previous action taken in executing the charter and contract of the Utilities Legal Defense Group and forwarding \$500.00 for administrative expense.
2. Ratification of previous action taken in retaining the law firm of Riddell, Williams, Bullitt & Walkinshaw to represent the City in said actions and in forwarding a retainer in the amount of \$1,500.00.

s/ Dale Storer

It was moved by Councilman Wood, seconded by Erickson, that the Council ratify the action taken in executing the charter and contract of the Utilities Legal Defense Group and forwarding \$500.00 for administrative expenses; also, the previous action taken in retaining the law firm of Riddell, Williams, Bullitt and Walkinshaw to represent the City in said actions and in forwarding a retainer in the amount of \$1,500.00. Roll call as follows: Ayes, 5; No, one; carried. Councilman Hovey voting no.

Also, from the City Attorney came this memo:

JULY 8, 1982

City of Idaho Falls
July 8, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Legal Department
SUBJECT: WPPSS VS. CITY OF IDAHO FALLS

WPPSS has filed legal action against the City seeking to compel specific performance of the City's agreement to advance \$435,358 towards termination costs of WPPSS 4 and 5. Due to the urgency of the matter, the law firm of Riddell, Williams, Bullitt & Walkinshaw has been informally retained to defend the City in this action. Council action is therefore requested on the following:

1. Ratification of pervious action taken in retaining said law firm and in forwarding the sum of \$1,500.00 as a retainer.

s/ Dale Storer

Mayor Campbell stated that the City is a party to these lawsuits regardless of which side they take or whether the Council takes any action or not and the City must be represented in Washington by a member of the Washington State Bar Association. It was moved by Councilman Wood, seconded by Erickson, that the Council ratify the previous action taken in retaining said law firm and in forwarding the sum of \$1,500.00 as a retainer. Roll call as follows: Ayes, 5; No, one; carried. Councilman Hovey voting no.

City Attorney Storer presented a City Redemption Tax Deed and Resolution in favor of Milton Standley:

RESOLUTION (Resolution No. 1982-04)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 21st day of January, 1982, recorded as Instrument No. 618925 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lots 47 and 48, Block 16, Capitol Hill Addition, to the City of Idaho Falls, Bonneville County, per the recorded plat thereof.

WHEREAS, MILTON STANDLEY, has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments subsequent to the one for which said property was sold and the due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed upon the payment of said sum of money by said purchaser to execute and deliver to the said MILTON STANDLEY a quit claim deed to said property, pursuant to the provisions of Section 5-1751, Idaho Code.

JULY 8, 1982

PASSED BY THE COUNCIL this 8th day of July, 1982.

APPROVED BY THE MAYOR this 8th day of July, 1982.

s/Mayor Thomas Campbell

ATTEST:

s/ Velma Chandler, City Clerk

It was moved by Councilman Chandler, seconded by Erickson, that the City redemption tax deed and resolution be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 9:45 P.M., carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR