

FEBRUARY 4, 1982

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, February 4th, 1982, in the Council Chamber in Idaho Falls, Idaho. There were present at said Meeting: Mayor Tom Campbell; Councilmen Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood, and Art Chandler. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney, and all other available Division Directors.

Minutes of the last Regular Council Meeting held on January 21, 1982, were read and approved.

Mayor Campbell introduced Steve Anderson, Chairman of the United Way Campaign for the City, and asked him to come forward to the Council Table at this time.

Steve Anderson presented the Mayor with a silver award for outstanding service from City employees in this United Way Campaign, and stated that the City employees had exceeded their goal.

Mayor Campbell congratulated Steve for doing a tremendous job in handling their assignment.

Mayor Campbell then invited retiring City Attorney Art Smith to come forward to the Council Table. Mayor Campbell stated that Art had been City Attorney for many years and the City would truly miss Art and the fine things he had accomplished for the City. Mayor said that Art had been a personal friend and advisor and thanked him for this. Mayor Campbell said, further, that Art would be retained as a consultant for the City on certain projects. The Mayor then presented a gold watch to Art as a token of appreciation, after which, Art received a congratulatory handshake from all City Officials around the Council Table and a round of applause from all present in the Council Chamber.

Mayor Campbell then presented a certificate to Controller John Evans as a Certified Clerk/Finance Officer of the Idaho City Clerks and Finance Officers Association. John then received a congratulatory handshake from all City Officials around the Council Table.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request for a variance submitted by Lee Fuchs of the 17th Street Dairy Queen Restaurant, and called upon Councilman Wood, 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
February 2, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE - 17TH STREET DAIRY QUEEN RESTAURANT

Attached is a copy of an application for a variance submitted by Lee Fuchs, doing business as the Dairy Queen at 1562 E. 17th Street (Hall Park Shopping Center). This application is requesting permission to construct a convenience window on the west side of the existing building.

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

s/ Rod Gilchrist

Councilman Wood then asked if there was anyone present who would like to speak in favor of this request.

Mr. Lee Fuchs, the petitioner, appeared briefly, stating that a convenience window would increase his business about thirty percent. Fuchs noted that the Council had previously reviewed his request and denied it at that time. He said that he waited the required six month period and then re-submitted his request. He said that he would not be changing the building except to knock a hole in the west side to install a convenience window. He asked the Council to reconsider and grant his request for this variance.

City Attorney Storer asked Mr. Fuchs to explain and describe what his business is at this time and what he proposes to change.

Mr. Fuchs said that his existing business is strictly a drive-up, walk in and take out food business. He said that he plans to install the convenience window midway in the building on the west side. He said that the structure on the building would protrude out about eight feet. He said that vehicles would drive in from the St. Clair side of the Hall Park Shopping Center directly toward the front of his building and then turn so that food could be picked up on the drivers side of the vehicle. He said that he would have to install a railing along the existing walkways to keep the people out of the line of traffic. He said that he would install a double door for safer entry and exit of his walk-in customers. He said that he would provide litter cans along the route so he did not feel that there would be any additional litter in the area. He said, further, that, in his opinion, he did not have a litter problem now and he did not anticipate any change. He said he would install two speaker systems to help speed up service.

Attorney Storer asked Mr. Fuchs if one of the primary reasons he is requesting this variance is to increase the volume of his business? Mr. Fuchs answered in the affirmative, stating that, in the cold weather, he loses a lot of business because people do not like to get out of their cars and so they go elsewhere. Attorney Storer asked Mr. Fuchs what his hours of operation were. Fuchs said that he is open from ten in the morning until ten at night during the winter months and ten until eleven in the summer. Attorney Storer asked Mr. Fuchs if he owned or leased the facility. Fuchs answered that he leased from Hall Park Shopping Center.

Councilman Wood asked the City Attorney to define the terminology of a variance.

Attorney Storer stated that the local planning act does not spell out everything. He said that there has been some recent Supreme Court Decisions which gives some degree of guidance with respect to what requests may be properly considered as a variance. He said that a variance is not designed to permit a change in the use of the premises, but rather is designed to permit a modification of the requirements of the zoning ordinance with regard to lot size, set back, depth, side yard requirements and things of this nature. He said, in his opinion, Mr. Fuchs' request is to enlarge the present use from an enclosed restaurant to a drive-in facility, and therefore not properly considered as a variance. He said that, in his opinion, the only basis upon which Mr. Fuchs' request could be granted is if the Council could find that it is a permitted use under the zoning ordinance. He said that the present zoning of RSC-1 permits a use of restaurant, cafes, and tea rooms, but not including drive-ins. He said that, in his opinion, the questions for the Council to consider is whether or not the use as proposed by Mr. Fuchs is a drive-in. He said, if this is considered a drive-in, then it would not be a permitted use. Councilman Hovey asked if the zoning ordinance specifically states, "not including drive-ins?" Storer said that the ordinance specifically states, "not including drive-ins." Storer said that the purpose for the RSC Zone is to permit a series of rather low level commercial uses, as it is designed to integrate with the adjacent residential area. He said that, in his opinion, the purpose for excluding drive-ins is that they tend to be a rather higher level commercial use. He said there is, generally, more traffic, noise, litter and commotion than there is with a traditionally enclosed restaurant.

Councilman Hovey asked that, if this variance is permitted, would the Council then be in a position of having to approve a business which was referred to or called drive-in type business somewhere else on the property, if requested? Attorney Storer answered by saying that, if the Council finds that a drive-in window is not a "drive-in" then a drive-in window could be permitted in the RSC zone throughout the City.

Councilman Erickson asked the Attorney if he understood correctly that a variance does not necessarily deal with use. Attorney Storer answered in the affirmative. Erickson said that, where there is a request for a change of use, then there is an actual request for a change in zone. Attorney Storer answered that this would be more likely to request a rezone.

City Planner Gilchrist was asked to respond at this time. Gilchrist stated that the ordinance does not specifically define a drive-in as such. He said that, in the past, the Planning Commission and his staff have taken the attitude that any establishment that has an exterior serving of food is considered a drive-in although it is not defined per say in the ordinance.

Attorney Storer asked the Planner if he had experienced a problem of litter with the drive-in type restaurants. City Planner said that, in general, the objections to drive-in eating establishments, are traffic problems, noise and hours of operation.

Councilman Deist asked the City Planner why this area was zoned RSC in the initial zoning. The City Planner answered that it was zoned such at the request of the developers when it was originally annexed into the City.

Councilman Chandler noted that the original permit for the Dairy Queen was granted under the stipulation that there would be no drive-in window and would close at eleven o'clock.

Councilman Wood then asked if there was anyone present who wished to speak in opposition of this variance.

Mr. Neal DePue, 1469 Custer, appeared briefly stating that he strongly opposed the variance as it would cause more traffic and litter, and he feared other businesses would also request this type of a variance.

Attorney Storer asked Chief Pollock if he had experienced any litter problem with drive-in window businesses. Police Chief Pollock stated that there seemed to be an inclination for the youth to meet and congregate at the drive-ins throughout the City and this does create litter and other problems.

Mr. Donald Macleod, 1575 E. 17th Street, appeared briefly to protest the granting of this variance based on the litter problem.

At the request of Councilman Wood, this letter of protest for Mel Dyer was read:

February 3, 1982
Idaho Falls, Idaho

To Mayor Campbell and City Council

I have to attend a meeting in Boise on February 4, 1982. Therefore, I am unable to attend the hearing on Dairy Queen Restaurant. If the window is not allowed in the RSC-1 zone, then I oppose it. I am definitely against changing the zoning.

I am giving this letter to my neighbor, Mr. Neil DePue to present to you in my behalf.

Sincerely,
Mel Dyer

FEBRUARY 4, 1982

There being no further comments or questions, it was moved by Councilman Wood, seconded by Deist, that this variance request be denied, primarily on the grounds that it would change the usage of the property, based on the definition given by the Attorney. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as legally advertised, to consider clarification of permitted uses in an R-32A zone, 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
February 2, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: CLARIFICATION OF PERMITTED USES IN R-3A ZONE

This office has, over a period of several years, received several inquiries and/or requests regarding the establishment of prescription services in the R-3A zone. Many other types of medically related facilities are permitted in this zone, such as doctors' and dentists' offices, and clinics and hospitals for the treatment of humans. The dispensing of prescriptions has been permitted as an integral part of a hospital and it would appear this would be a logical use to add to the permitted uses in the R-3A zone.

We are requesting the City Council to make a determination under the clause in the Zoning Ordinance which reads "other uses which have been ruled by the City Council to be similar to the uses hereinabove listed".

A distinction must be made between prescription centers and drug stores if the Council wishes to make a ruling on this matter. A suggested wording would be "prescriptions services, limited to the dispensing of medicines for human use and consumption, and not for the sale of household and/or consumer foods or services".

s/ Rod Gilchrist

Councilman Wood asked the City Planner to explain this request.

City Planner Gilchrist stated that they have had several requests in the past as to whether or not a prescription service could be allowed in R-3A zones. He said that this particular request was brought about when the Medical Mart wished to expand their prescription dispensing portion of the center. He said that the Medical Mart has been at this location for some years and in a non-conforming use of the area. Attorney Storer added that the existing zone in this case permits uses such as physicians, dental offices, hospitals and medical clinics, and has a "catch all" provision that says other or similar uses. He said that the question then becomes, is a prescription center sufficiently similar to the use of a physicians office, dental office, hospital or medical clinic, so that it can fall within that "catch all" provision. He said that the distinction must be made as to whether or not a prescription center is limited just to the dispensing of medicines, unlike the traditional drug store which entails retail sales of consumer goods, wares and other items. He said, further, that the

FEBRUARY 4, 1982

question that needs to be answered is "if a prescription center is limited to just the sale of prescription medicines for human consumption, and is that use sufficiently similar to a hospital, dental office, etc?" Storer said that, in his opinion, it is sufficiently close enough, as long as the business is not expanded to include the use of consumer goods, etc.

Councilman Hovey said that an ordinance change could "open up a can of worms" because it may allow the sale of consumer items typically found in drug stores, in other R-3A zones in the City. Councilman Sakaguchi stated that the definition was for prescription services limited to the dispensing of medicine for human use and consumption. Hovey stated that this definition could, basically, open the door to a pretty extensive retail trade. He said that, in his opinion, even a health food store would qualify under this definition. Storer said that this could be a decision that the Council may be confronted with.

Councilman Deist stated that Councilman Hovey had brought up a good point, that there is a difference in a pharmacy and a drug store.

Councilman Wood then reviewed the memo from the Building Administrator to clarify the request.

Councilman Erickson noted that this memo deals with R-3A zone uses, not a specific business.

After further discussion, it was moved by Councilman Wood, seconded by Deist, that the ordinance be clarified to state that prescription services, as described in the memo, and prescribed by a medical doctor, be allowed in the R-3A zone. Roll call as follows: Ayes, 5; No, one; carried. Councilman Erickson voting no.

Noting that annexation proceedings for property north of the Yellowstone Mall were to be considered at this time, Mayor Campbell asked Councilman Wood to proceed. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls
February 2, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION & INITIAL ZONING - PROPERTY N. OF
YELLOWSTONE MALL

Attached are copies of the annexation agreement and annexation ordinance for a parcel of unplatted ground on the westerly side of Hemmert Drive, north of the Yellowstone Mall. The owner of this property is requesting annexation to the City and initial zoning of I&M-1.

Utilities have been installed in this area and Hemmert Drive has been improved. This work was done at an earlier date and financed by an L.I.D.

The Planning Commission, at an earlier meeting considered this request and at this time recommended annexation to the City and initial zoning of I&M-1. 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

FEBRUARY 4, 1982

City Planner Gilchrist located the area on a map on the wall and explained the request. It was moved by Councilman Wood, seconded by Deist, that the annexation agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1700

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (NORTH HYLANDER FARM PROPERTY)

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 Mayor then declared open a public hearing to consider the initial zoning of this newly annexed property. It was moved by Councilman Wood, seconded by Deist, that the initial zoning be established as I&M-1 as recommended. 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 two of the public hearings held this night, namely; 17th Street Dairy Queen, and permitted use requirements in an R-3A zone. It was moved by Councilman Erickson, seconded by Chandler, that the previous action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented the following damage claim:

Idaho Falls, Idaho
February 2, 1982

Dear Mrs. Chandler:

On January 22, 1981, the City Electrical Department in an effort to keep their lines clean, topped a couple of trees in our yard. This was done with our permission to one of the fellows a few days prior to the work.

In an effort to help the City from this time forward, we plan to cut them down completely.

Our problem now is, in the process of the removal, there were three large limbs that bent our cyclone type fence, on one section of it. The fellows did try to straighten it, and did to a certain extent. I was at home, but they did not stop to say anything about it.

FEBRUARY 4, 1982

My husband called the Department and was told a letter had to be submitted to you.

Realizing the weather is a definite deterrent at this time, we would appreciate some type of action in the future. The fence is new enough that we are still making monthly payments.

We would appreciate your attention to this matter. Thank you very much.

s/ Mrs. Oral W. Anderson

It was moved by Councilman Erickson, seconded by Wood, that this claim be forwarded to the City's Liability Insurance Carrier for proper handling. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of February, 1982 were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 735,455.07	\$ 111,752.96	\$ 96,865.49	\$ 151,619.52
SALARY	<u>409,875.72</u>	<u>32,836.03</u>	<u>13,082.66</u>	<u>58,704.68</u>
TOTALS	\$1,145,330.79	\$ 144,588.99	\$ 109,948.15	\$ 210,324.22
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>POLICE RET</u>
MAT/SERV	\$ 879,045.39	\$ 56,632.13	\$ 3,522.13	\$ 218,719.87
SALARY	<u>87,683.83</u>	<u>29,694.53</u>	<u>5,630.28</u>	<u>.00</u>
TOTALS	\$ 966,729.22	\$ 86,326.66	\$ 9,152.46	\$ 218,719.87
	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>CITY TOTALS</u>
MAT/SERV	\$ 54,184.48	\$ 5,537.58	\$ 2,270.00	\$2,315,604.67
SALARY	<u>.00</u>	<u>19,818.24</u>	<u>.00</u>	<u>657,325.97</u>
TOTAL	\$ 54,184.48	\$ 23,355.82	\$ 2,270.00	\$2,972,930.64

Councilman Chandler reviewed all major expenditures. It was moved by Councilman Chandler, seconded by Erickson, that the City Controller be authorized to pay all bills as listed on the computerized print-out. 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, Canteen Corporation, Hot Diggity Dog No. 1 and No. 2, Maranatha Cafe, Mr. E's Sweet Treat Cookery, Arctic Circle, Sizzler Steak House, Corn Dog Factory, Dairy Queen, Ada's Cafe, A & W Family Restaurant, Burger King, Chicken Broaster, Dean's Prairie Dog No. 1 and No. 2, Dimple's Donuts, Harry's Jade Tree, Homely's Fast Food, Hudson's, Idaho Falls Temple, Kentucky Fried Chicken #1 and #2, Me-N-Eds Pizza, Nibley's Donut House, Orange Julius, Rainbow Cafe, Sandwich Round-up, Scotty's Drive In, Sensuous Sandwich, Standard Works, Sybil's Husky Cafe, Taco Bandido, Taco Johns, Yuko's; GROCERY STORE, D.C. Natural Foods, Circle K #84, Kesler's Skyline IGA, Mar Lyns Nutrition Center, Safeway #232 and #365, Speedi Mart; MEAT MARKET, Kesler's Skyline IGA, Safeway #232 and #365; SNACK BAR, Riverview Hospital, Rosie's Grapevine; ICE CREAM STORE, Baskin-Robbins; FOUNTAIN, Don Wilson's Skyline Drug, Don Wilson's Drug; DAIRY, Reed Brothers, Western General Dairies, Inc.; CATERING,

FEBRUARY 4, 1982

Leonard's Catering; FOOD PROCESSING, Ampco, King B/Romar; BEVERAGE COMPANY, Coca-Cola Bottling Company, Old Faithful Company; ELECTRICAL CONTRACTOR, Sager Sign Company, Howard Electric Company, Jewel Electric, Richard's Electric, Curtis Electric, Eagle Heating and Electric, Davis Electric; JOURNEYMAN ELECTRICIAN, Richard J. Davis, Ramon Curtis, Richard Van Orden, Elmer L. Bishop, Robert Lazzarotto, Harold Clifford, Dennis J. Williams, George C. Bidstrip, Rosslyn Bidstrip, Scott Davis, Richard Linger, Wayne Landers; ELECTRICAL APPRENTICE, Scott Curtis with Curtis Electric, Lynn Coleman with Curtis Electric; MASTER PLUMBER, Lew Thompson Plumbing, J & R Plumbing and Heating, M & M Plumbing and Heating; JOURNEYMAN PLUMBER, Marvin E. Hill, Bruce Siqueiros, Gordan Mathews, Darryl Mathews, Daren Mathews, Kim Sibbett, Robert Livesay, Stephen Mathews; HEATING AND COOLING, CLASS B CONTRACTOR, WA, WH, GF, M & M Plumbing and Heating; HEATING AND COOLING, CLASS B CONTRACTOR, WA, GF, REF, Warren Wyatt; HEATING AND COOLING, CLASS C CONTRACTOR, WA, GF, Wilcox Heating; HEATING AND COOLING, CLASS D CONTRACTOR, GF, Amcor Plumbing and Heating Services, First Street Plumbing and Heating; HEATING AND COOLING, CLASS C JOURNEYMAN, WA, GF, Wilford Wilcock; HEATING AND COOLING, CLASS D JOURNEYMAN, GF, Bruce Siqueiros, Robert Livesay, Jay Rowley, Jamie McNett, Cecil Lofthouse; HEATING AND COOLING, CLASS B APPRENTICE, WA, GF, REF, Gene Holmes with Jewel Electric; HEATING AND COOLING, CLASS C CONTRACTOR, WH, GF, J & R Plumbing and Heating Company; HEATING AND COOLING, CLASS B JOURNEYMAN, WA, WH, GF, Dale Martin; HEATING AND COOLING, CLASS D JOURNEYMAN, REF, George C. Bidstrip; HEATING AND COOLING, CLASS B APPRENTICE, WA, WH, GF, Gordon Mathews; DRAY BUSINESS, Garrett Freightlines, Browning Freightlines, Emloe Moving and Storage, IML, Westergard Transfer and Storage Company, Wycoff Company; PHOTOGRAPHY, King's Image, Franz Gisin Photography, D & M Photo Service, Design Photographics, Perk's Photo Service, Photography by Larsen, Photographics L.F.D., Stoddard Photography; NON-COMMERCIAL KENNEL, Janice Cave, Stella Burch, Ambronetta Walters; COMMERCIAL KENNEL, Eastside Veterinary Hospital, Northgate Veterinary; MOTEL, Motel West, Haven Motel; HOTEL, Nelson Hotel; CONCESSION, Rio Theatre, Center Theatre, United Artists Theatre Circuit, Inc.; PAWN BROKER, Leymaster Jewelry, Shamrock Coin and Pawn Shop; SECOND HAND STORE, The Attic; JUNK DEALER, Pacific Recycling; ITINERANT MERCHANT, Florida Shrimpers, Warehouse Tools #1 and #2; MOVIE THEATRE, United Artists Theatre Circuit, Inc.; BARTENDER, Dalrie Bradley, Monte Christopherson, Alfred C. Crandall, Ronda Lynn Huffaker, Daniel Johnson, Peggy Lepzinski, Bonnie Newman, Ruby Doris Pearrell; TAXI OPERATOR, Darrell E. Colby, John E Hodge, Mark Campbell, Flint Gohr; PRIVATE PATROL SERVICE, American Protective Services; PRIVATE PATROLMAN, Lawrence B. Bridgeford, Randolph Osborn, Richard Rohweder Jr.; BEER (NOT TO BE CONSUMED ON THE PREMISES), Kesler's Skyline IGA; RETAIL WINE, Kesler's Skyline IGA, 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 Golf Advisory Board came this memo:

City of Idaho Falls
February 4, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: W.B. Allen, Chairman
SUBJECT: GOLF FEE SCHEDULE FOR 1982

FEBRUARY 4, 1982

It is the unanimous recommendation of the Golf Advisory Board that the City Council accept the proposed Golf Fee Schedule for 1982 which is attached to this memo:

s/ W.B. Allen

FEE SCHEDULE - 1982

Combination Season Ticket (Play Both Courses)	\$ 180.25
Second Combination Ticket	144.20
College and Vo-Tech Students with Activity Card	92.70
Junior Full Time Ticket – Combination	92.70
Junior Part Time Ticket - Combination (Until 4:00 p.m. Daily) (After 3:00 p.m. - Weekends & Holidays)	51.50
Junior Green Fees (17 and under) (Play Both Courses) (Until 4:00 p.m. Daily) (After 3:00 p.m. Weekends & Holidays)	4.15
Daily Green Fees 18 Holes - Saturdays, Sundays, and Holidays (Play Both Courses)	6.70
Weekdays (Play Both Courses)	5.70
9 Holes - Sand Creek – Weekdays	4.15
Weekends	4.15
Pinecrest - Weekdays before 7:00 a.m.	4.15
Weekdays after 6:00 p.m.	4.15
Saturdays, Sundays, and Holidays after 3:00 p.m.	4.15
Senior Citizens Combination Ticket (62 Years and Older)	
Full Time	92.70
Full Time (Husband and Wife)	180.25
Monthly	30.90
18 Holes Anytime	4.15
Lockers - Men and Ladies – Large	10.00
Small	7.50

Golf Carts, Pull Carts, and Club Rentals available at Pro Shop.

FEBRUARY 4, 1982

IN CASE OF AN ACCIDENT OR INJURY, A WRITTEN REPORT MUST BE
SUBMITTED TO GOLF MANAGER WITHIN 24 HOURS.

Councilman Erickson stated that the Golf Advisory Board represents a cross section of golfers in the City of Idaho Falls. He said that, at the time the 1981-82 budget is set, the Council Committee committed to the Council and Controller that fees would off-set the expenditures of the operation of the golf courses. He said, further, that the Advisory Board accepted that commitment and have presented this fee schedule, which they feel will accomplish that commitment. Erickson said that the sales tax had been included for each amount. He said that the Committee had always viewed the fees as a means of "breaking even" with the operational costs of the golf courses, where the golfer actually pays for his recreation.

Councilman Hovey asked, how the City's golf fees would compare with other cities in the area.

Councilman Erickson answered that the fees are consistent with the surrounding areas as far as the 18 hole fees are concerned and, also the fees are consistent with the municipal courses in Salt Lake and other cities in the Pacific North-West area.

Councilman Deist stated that the City golf fees are a better deal than fees of most other courses in the area. There being no further questions nor comments, it was moved by Councilman Erickson, seconded by Deist, that the City Council accept the fees schedule for the golf courses for fiscal year 1982 as proposed by the Golf Advisory Board. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
February 3, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: ENGINEERING CONTRACT AMENDMENT

We are submitting herewith the Supplemental Engineering Agreement in favor of J-U-B Engineers. This supplemental agreement is specifically for the work associated with developing two (2) construction contracts from the now single 17th Street Project.

The Phase I will be 17th Street from the Snake River to Rollandet and include the railroad underpass. Phase II will be the balance of 17th Street from Rollandet to Boulevard.

The terms of this agreement have been reviewed by the Public Works Council Committee and we are recommending the Mayor be authorized to sign the City's approval.

s/ Donald Lloyd

FEBRUARY 4, 1982

Councilman Sakaguchi stated that this had been submitted to the State under one project, but the City has been given the opportunity to split the project, which will decrease the costs and will allow for earlier funding. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign this agreement. Roll call as follows: Ayes, 6; No, none; carried.

Next from the Public Works Director came this memo:

City of Idaho Falls
February 3, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: VACATION OF EASEMENT - MELBOURNE PARK

Developers of Melbourne Park have requested vacation of a temporary Construction Easement. The Planning and Engineering Departments have reviewed this request in detail and offer no objections.

Public Works Council Committee has reviewed and is requesting City Attorney be directed to prepare an Ordinance to vacate the easement.

s/ Donald Lloyd

At the request of Councilman Sakaguchi, Public Works Director Lloyd located the subject area on a map on the wall. It was moved by Councilman Sakaguchi, seconded by Deist, that the City Attorney be authorized to prepare an ordinance to vacate the easement. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was then read:

City of Idaho Falls
February 3, 1982

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: COMMUNITY DEVELOPMENT - FINAL AUDIT

The Fiscal Committee recommend that the City of Idaho Falls engage the firm of Galusha, Higgins, & Galusha to perform the final audit of the Community Development Block Grant Funds for the years 1975, 76, 77, 78 & 79.

As of February 28, 1982, we will have received and spent \$2,721,125.74 Block Grant allocations, \$267,253.00 program income (Urban Redevelopment), amounting to \$2,988,378.74 total funds.

Your favorable consideration is requested by authorizing the Mayor and City Clerk to sign the attached engagement letter.

s/ John D. Evans

FEBRUARY 4, 1982

Councilman Chandler stated that this was necessary to complete the final audit and fill the requirements for the Block Grant Funds. It was moved by Councilman Chandler, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the engagement letter as requested. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Controller came this memo:

City of Idaho Falls
February 3, 1982

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
REPROGRAMMING

Council action is requested to approve reprogramming of Community Development Grant Funds. Namely, Fremont Avenue, Capital Avenue - Green Belt, Local Option, Urban Renewal, Program Administration, Senior Citizens Center, Local Housing Authority - Rehabilitation and Administration, Crow Addition - 2nd and 3rd Streets and Pocket Park - Bel Aire. Summary of details is attached.

Your favorable consideration is requested.

s/ John D. Evans

It was moved by Councilman Chandler, seconded by Erickson, that the Council take the necessary action to implement this reprogramming. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
February 2, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Electric Division Manager
SUBJECT: WESTSIDE SUBSTATION

Attached is a copy of a letter of intent prepared by Bonneville Power Administration (BPA). BPA is in the process of ordering material for the Westside Substation. Prior to ordering material to accommodate the City's South Loop and future 12.5 kV bay position, they are requesting that the City agrees to reimburse them. A Trust Agreement will be prepared by BPA if the signing of the letter of intent is authorized.

The Electric Division has reviewed their estimate of \$487,000.00 and find it reasonable. Money has been budgeted for this purpose.

s/ Steve Harrison

Attorney Storer noted that this is just a letter of intent, not a final agreement. Hovey said it was his understanding that BPA will actually prepare a Trust Agreement if the letter of intent is executed by the City. It was moved by Councilman Hovey, seconded by Wood, that Electrical Engineer Harrison be authorized to sign the letter of intent for the City. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Electrical Engineer came this memo:

City of Idaho Falls
February 2, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Electric Division Manager
SUBJECT: RESIDENTIAL ELECTRIC WATER HEATER JACKETS

The Electric Division requests authorization to solicit bids for the installation of approximately 8,000 electric water heater jackets. BPA will advance funds to the extent of \$32.00 per jacket for this project.

It is contemplated that a contractor will both furnish and install jackets in the residential sector under this program.

The Council has previously entered into an Agreement with BPA for this service.

s/ Steve Harrison

Councilman Hovey stated that this would be the first phase in the City's commitment to BPA under the Northwest Public Power Act for conservation measures.

Councilman Deist asked, what control the City would have, if the contractor is to furnish the jacket. Electrical Engineer Harrison answered that BPA has provided the required specifications and the contractor would be required to meet those specifications.

Councilman Erickson asked, what basis would be used to determine where the eight thousand jackets would be installed. Hovey said that all electric hot water heaters could be wrapped if requested and that the eight thousand figure was only an estimate. Councilman Deist asked who would be required to do the final inspection. Electrical Engineer Harrison said that the City would be responsible for the final inspection. Deist asked if the City would be reimbursed for this. Harrison answered that BPA will pay \$32.00 per jacket installed, and it is hoped that the bid will be less than that to cover costs for these additional requirements. It was noted that the Council would have the opportunity to reject the bids if they deemed it to be necessary. Mayor Campbell said that he wanted to make it clear that everyone with an electric water heater could have a jacket installed if he wanted one. It was moved by Councilman Hovey, seconded by Wood, that the Electric Division be authorized to solicit bids for installation of electric water heater jackets. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Electrical Engineer came this memo:

FEBRUARY 4, 1982

City of Idaho Falls
February 2, 1982

MEMORANDUM

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

The failure of the WPPSS 4/5 Mothball Program has resulted in a proposal from the Supply System to advance funds to control the termination process.

As presently proposed, the City would pay to the Supply System \$865,948.00 prior to January, 1983. This advance is being requested based on language contained in the participants agreement that does not require payment by the participants for one year after termination. However, contractor liens and other outstanding debts must be satisfied prior to that time to prevent system default.

Council consideration of this proposal to advance termination funds is requested.

s/ Steve Harrison

Councilman Hovey stated that this item had been the subject of a recent work session, which was very well covered by radio, TV and the press. He covered a few of the salient facts concerning this proposal. He said it is called an agreement to advance termination costs, implying that the money that would be paid out would be an advance or loan to be used by WPPSS during the one year interim period from the date that termination was declared, which was January 22, 1982, and to January 22, 1983. It is proposed that the City of Idaho Falls would advance \$865,948 and this amount would then be subject to call by the system at any time during the interim period. He said that it appears that the first call for money under this advance program would probably be around June or July of 1982 and then for whatever period might be required until the \$865,948 is paid. He said that this is also an advance or a loan in the sense that the system guarantees to pay back to the City of Idaho Falls a like amount, with 15% interest. Hovey said that the security for that advance or loan would be all of the participants themselves because that's where the money has to come from, the eighty-two participants. Hovey said that the reason for requesting this advance is to prevent what would be called an uncontrolled termination, which means that there is not sufficient money in the system on a day to day basis to meet the demands of the creditors and, in effect, the system is in default or bankrupt. He said this is the reason for the interim advances or liens. Under the original participants agreements the system cannot fall back upon the participants for money until one year from the date of termination. Hovey said that, if Idaho Falls is the only one that does not sign the agreement, there is no particular problem because the agreement is effective upon the signatures of eighty percent of the participants shares. Therefore, on that theory, twenty percent of the participants shares would not have to cast a vote in favor of this to make it become effective. Hovey predicted that the system will get the money one way or the other even if some choose not to sign. He said the idea was for the system to have money to prevent the system from going into an uncontrolled termination mode. He said that, if the monies are not available to meet the creditor demands during this interim period of one year it is unlikely that the bond rating of WPPSS No.'s 1, 2 and 3 would slip even further and may result in much higher interest

costs, and those higher interest costs would then be passed onto the rate payers because Bonneville Power Administration is under-writing WPPSS Nos. 1, 2 and 3. Hovey said, further, that, if the City does not sign the agreement it might mean that the bond rating for the City of Idaho Falls might be less than it is at the present time. If the City does sign, there may be some problems from the rate payers who feel that perhaps it may not be legal or constitutional for a City in Idaho to sign the agreement because the constitution provisions in Idaho are different than they might be in Washington, Montana, Oregon or elsewhere. There being no questions nor comment, Councilman Hovey said that, based on the advise of Attorney Consultant Smith and others, he would move that the City Council disapprove the participants agreement to advance termination costs furnished by Washington Public Power Supply System concerning costs of terminating nuclear projects Nos. 4 and 5, for the reason that execution of the agreement would or might be, in violation of the Idaho Constitution, and further move that the City Council approve the principle of controlled termination of the projects. This motion was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell stated that the City has been interviewing underwriters and fiscal people to help with the Gem State Project. He said that he felt the need to have a fiscal advisor during the Legislative Session and to help choose an underwriter for the Gem State Project. Mayor Campbell asked for a motion to appoint the Idaho First National Bank, specifically Rich Michels, as Fiscal Agent for the Gem State Project. It was so moved by Councilman Chandler, seconded by Wood. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell then re-appointed Jerry Scheid, Ann Larson, and Don Williams to five-year terms on the Planning Commission. It was then moved by Councilman Erickson, seconded by Wood, that these re-appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Storer presented the following Resolution:

R E S O L U T I O N (Resolution No. 1982-02)

**(Washington Public Power Supply System Nuclear
Project Nos. 4 and 5)**

BE IT RESOLVED by the City of Idaho Falls, Idaho:

That the Northwest Power Planning Council and Bonneville Power Administration immediately take what ever action is deemed necessary for BPA to acquire Washington Public Power Supply System Nuclear Projects Nos. 4 and 5 (WNP 4/5), or the output thereof, under the Pacific Northwest Electric Power and Conservation Act in order to recognize the costs of the projects and prevent the consequences of uncontrolled termination.

That it is the sense of this Resolution that there should be no delay in acquiring the projects, and that a decision cannot be delayed until April, 1983, as suggested by the Northwest Power Planning Council.

That this City urges all utilities and public agencies impacted by the termination of the projects to take the action detailed in this Resolution.

FEBRUARY 4, 1982

That a copy of this Resolution be delivered to each Idaho participant; the Northwest Power Planning Council; the Honorable Governor John V. Evans; the Honorable Peter Johnson, Bonneville Power Administrator; the Honorable Senators James A. McClure and Steven Symms; the Northwest Public Power Association; and the Washington Public Power Supply System.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 4th day of February, 1982.

s/ Thomas Campbell
MAYOR

ATTEST:
s/ Velma Chandler
CITY CLERK

It was moved by Councilman Hovey, seconded by Wood, that this resolution be adopted. Roll call as follows; Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 9:00 o'clock P.M., carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR