

**JUNE 15, 1982**

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The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, June 15, 1982, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, Mayor Campbell invited Cub Scout Jeremy Sargent to come forward and lead all those present in the Pledge of Allegiance to the flag. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler, Mel Erickson, and Wes Deist. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all other available Division Directors.

Mayor Campbell then invited Eagle Scouts Shawn Coleman and Monte Davis to come forward to the Council Table. The Mayor asked these young men to introduce their parents and tell the Councilmembers about the project they had completed to finalize the earning of this Eagle Scout Award. Mayor Campbell then presented a Certificate of Achievement to each Scout, after which they received a congratulatory handshake from all City Officials around the Council Table.

Minutes of the last Recessed Regular Council Meeting held on June 3, 1982, were read and approved.

Noting from the Agenda that Annexation Proceedings for unplatted property on Milligan Road had been recessed until this meeting, Mayor Campbell asked Councilman Wood to conduct the proceedings. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
June 1, 1982

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: ANNEXATION AND INITIAL ZONING - UNPLATTED  
PROPERTY ON MILLIGAN ROAD

Attached are copies of an Annexation Ordinance and Annexation Agreement covering an unplatted parcel of ground adjacent to Milligan Road. This Annexation contains approximately four (4) acres. A portion of this property is occupied with the City's substation. The remainder presently belongs to Bitterroot Investment Company. Approximately one (1) acre of this property is located between Milligan Road and the Snake River and this will be deeded to the City for continuation of the greenbelt. The remainder of the property will be occupied with an office building and equipment yard.

The Planning Commission recently reviewed this matter and at that time recommended the property be annexed to the City and initial zoning of I & M-1 be established. This Department concurs with the recommendation of the Commission and the matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

The City Planner located the subject property on a map on the wall and explained what is proposed for this location. There being no questions nor objections, it was moved by

Councilman Wood, seconded by Deist, that the Council accept the Annexation Agreement and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, 6; No, None; carried.

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**ORDINANCE NO. 1704**

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. (MILLIGAN ROAD, CITY SUBSTATION AND BITTERROOT INVESTMENT 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.

Mayor Campbell then declared open a public hearing to consider the initial zoning of the newly annexed area. It was moved by Councilman Wood, seconded by Deist, that the initial zoning be established as I&M-1 for the parcel of property as previously indicated. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the last Council Meeting, to consider a request for temporary placement of a mobile office trailer and called upon Councilman Wood, as Chairman of the Planning and Zoning Division, 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  
June 5, 1982

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: VARIANCE REQUESTING TEMPORARY PLACEMENT OF MOBILE OFFICE TRAILER

Attached is a copy of a request submitted by Bitterroot Investment Company to temporarily place a mobile home to be used as a portable office on a parcel of ground adjacent to Milligan Road. This mobile home is used as a portable office on a parcel of ground adjacent to Milligan Road. This mobile home is used as a construction office and is transported to various locations as needed.

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

s/ Rod Gilchrist

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City Planner Gilchrist located the area on a map on the wall and explained the reason for this request. Councilman Deist asked if this unit would be hooked-up to any City utilities. Planner Gilchrist answered that it would be hooked-up to City Electric services only and used mostly for storage. There being no further questions nor any objections, it was moved by Councilman Wood,, seconded by Deist, that this variance be granted for a one (1) year period. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented the following petition with approximately 110 signatures of 17th Street residents:

We, the undersigned, petition the City of Idaho Falls to reconsider the raising of the speed limit to 40 miles per hour on Seventeenth from St. Clair Road to S. Boulevard.

The majority of this portion of 17th Street is residential. Many of the home owners are young families with small children forced to live on a busy thoroughfare because of current economic conditions.

The children living in Jennie Lee and Rose Nielsen must cross 17th Street to have access to many other parts of Idaho Falls. The Little League Baseball games are played at KID and most of the boys must ride their bicycles along 17th Street to get to and from practices and games. There are no "Walk and Wait" cross-lights for these children to use. The existing cross-walks are poorly painted and faded almost beyond recognition.

Raising the speed limit to 40 miles per hour will mean the majority of cars will be traveling at 45 miles per hour in a highly pedestrian traveled, residential area. Please consider the safety threat this poses to our children and reconsider your decision.

s/ 100 signatures

It was moved by Councilman Erickson, seconded by Wood, that this petition be referred to the Traffic Safety Committee for review, and that the Police Chief be authorized to schedule a meeting of the Traffic Safety Committee and notify the sponsors of the petition to attend if they so wished. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for Council ratification of the forwarding of a Summons in the name of Jennie Evans to the City Attorney and the City's Liability Insurance Carrier on June 9th, without formal Council approval:

Marvin R. Stucki  
Attorney at Law  
520 Legion Drive  
P.O. Box 217  
Idaho Falls, Idaho 83402  
(208) 529-5067  
Attorney for Claimant

**CLAIM FOR DAMAGES**

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



**JUNE 15, 1982**

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

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

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

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

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

DATED this 4th day of March, 1982.

s/ Marvin R. Stucki  
Attorney for Jennie  
Evans, Claimant

**CLAIM FOR DAMAGES**

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

Also in need of Council ratification, according to the City Clerk, was the forwarding of a damage claim in favor of Lillian Romondo to the City's Liability Insurance Carrier without formal Council approval:



**JUNE 15, 1982**

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June 8, 1982

Ms. Velma Chandler  
City Clerk  
308 "C" Street  
Idaho Falls, Idaho 83401

RE: Notice of Tort Claim

Claimant: Lillian Romondo  
Date of Injury: April 10, 1982  
Location: 196 W. Elva

Dear Ms. Chandler:

Our office represents Lillian Romondo who is presently under a physician's care in the State of Washington for injuries she sustained on April 10, 1982, in the vicinity of 196 W. Elva, Idaho Falls, Idaho when she was injured due to a defective sidewalk causing injuries to her back when she tripped on an uneven and raised portion of sidewalk.

She was hospitalized for approximately one week following said incident under the care of Dr. Rheim Jones, an Idaho Falls orthopedic surgeon, and is presently under the care of physicians in the state of Washington.

The persons involved were Mrs. Romondo and other witnesses, at this time not known.

The dollar damages claimed are unknown, however Mrs. Romondo was hospitalized, has been treated by physicians Boyd Hammond, M.D. and Rheim Jones, M.D. and is presently under the care of her physicians for this incident.

The actual residence of Mrs. Romondo at this time and for a period of six months immediately prior to the time the claim arose has been 985 Westchester, Idaho Falls, Idaho 83401.

Please make your investigation and direct all correspondence to the undersigned.

s/ Larry M. Boyle

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

License applications for MOBILE RESTAURANT, Evan Heaton; CONCESSION, Cub Scout Pack #150; JOURNEYMAN ELECTRICIAN, Neal W. Pifer; APPRENTICE ELECTRICIAN, Merlin V. Gray and Leslie D. Bingham with C.P. Jeppesen and Son Electric Company; JOURNEYMAN PLUMBER, Gardelle V. Cope; CLASS D CONTRACTOR, REF, Mander Sales and Engineering; CLASS C, JOURNEYMAN, WA AND GF, Kay Covert; CLASS D, JOURNEYMAN REF, D.W. Mander; FIREWORKS, Skagg's Drug Center, Digital Doochkeys, Inc., Maverick Country Store, Kings, K-Mart, Sears, Skaggs, Slusser Wholesale, Burger King, Speedi Mart, Katz Pharmacy; BARTENDER, Ron A. Bates, Mike Bean, Kevin Benfro, Joyce B. Melville, were presented. It was moved by Councilman Erickson, seconded

by Wood, that these license applications be approved, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

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This memo from the Police Chief was then read:

City of Idaho Falls  
June 14, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chief Pollock  
SUBJECT: NON-COMMERCIAL KENNEL LICENSE - REFERRED  
FROM COUNCIL

The Non-Commercial Kennel Application for Mr. James G. Barrett, 450 Renny Avenue, Idaho Falls, was referred back for further investigation at the Council Meeting of June 3, 1982.

The question was the distance from 450 Renny of those contacted who were opposed to the kennel being approved.

Measurement show ten residents within the 100 feet of 450 Renny. Seven (7) of these have indicated that they are not in favor of the kennel.

s/ R. D. Pollock

Councilman Erickson asked Mr. Berrett, the applicant, if he wished to make a statement. Mr. James Barrett appeared stating that he had measured for the required one hundred foot distance and he had determined that there are only six homes within one hundred feet of his residence and he questioned the police report that there are ten homes in the required distance. Councilman Erickson presented a map indicating that there are ten residences and had Police Chief Pollock review it with Mr. Barrett. Erickson said that seven of these ten have indicated that they do not want the kennel in the area. Mr. Barrett asked if there was any way he could appeal or carry this matter further. Erickson answered that he, certainly had the right to appeal to the courts if the Council did deny his request. Mr. Barrett said that six of his neighbors had changed their minds or were telling him one thing and the Police Officer another. Barrett accused the Police of harassing his neighbors to the point that they changed their minds. Barrett asked if he could resubmit an application in the near future. Attorney Storer answered by saying that there would be nothing to prohibit Mr. Barrett from submitting another application, but if there is no change in the feelings of the nearby residents, the Council would, probably still deny the request. Councilman Hovey stated that, in his opinion, if a person presents a valid petition, this should supersede anything else until there is something in writing to the contrary. He asked if the City had obtained signatures that some people had changed their minds. Attorney Storer stated that the Council should act upon the information obtained by the Police Department. Councilman Erickson explained that Mr. Barrett had submitted a petition with the signatures of six of his neighbors and two of these have since changed their minds.

Mr. Barrett stated that he had measured from his front door and not the property boundary and asked for further time to petition for the additional signatures. Mrs. Barrett appeared briefly to ask why the signatures were accepted as valid and then deemed invalid after the check by the Police Department. Councilman Erickson said that a record of the original signatures is on file and the Police Department is required to verify that these

signatures are valid. When obtaining verification, the officer was informed by two residents that they were not in favor of the kennel license being allowed.

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Councilman Erickson stated that, based upon the information obtained and the recommendation of the Police Department he would move that the request be denied. This motion was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Barrett was informed that there was no specific length of time stipulated for him to get rid of his dog. Attorney Storer said that the law stated that it must be accomplished within a reasonable length of time. Councilman Hovey asked if there was a stipulation on the time period Mr. Barrett would have to wait before submitting another petition. Attorney Storer said that Mr. Barrett could make another application as soon as he obtained the required signatures.

From the Electrical Engineer came this memo:

City of Idaho Falls  
June 14, 1982

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Steve Harrison, Manager  
SUBJECT: S. J. GROVES CONTRACT, CHANGE ORDER NO. 11

Attached for your consideration is a copy of Change Order No. 1 for the S. J. Groves Contract. The \$198,013.46 increase in contract price is largely due to unit price items, with some lessor costs associated with additions or changes in work. Approval of this change order will adjust the contract to \$22,278,665.60.

An increase of contract time is also contemplated by this change order. The current contract specifies completion by June 22. The Contractor claims that delays by others will require an extension of up to eighty-five (85) calendar days to complete the electrical work at City and Upper Plants. Compensation to Groves for this additional time will be at the rate of \$167.00 per day starting June 23.

IECO and the Electric Division recommends approval of this change order.

s/ Steve Harrison

Councilman Hovey explained that this memo covered two changes which are, basically, the same as other change orders approved previously, dealing with the unknown quantities electrical wiring, concrete, rock removal, etc. He said that, due to problems with other contractors, they require an extension of eighty-five (85) calendar days to complete the work. It was moved by Councilman Hovey, seconded by Wood, that this change order to the S.J. Groves Contract be approved, subject to review, verification and possible modification of the period of time needed to complete the work. Councilman Deist registered concern that this work would be completed in time to comply with the sale of power to BPA. Electrical Engineer Harrison assured Councilman Deist that the work would be completed within the time limit. Councilman Hovey noted that this change order would not be an "over-run" of the project. He said that these changes were anticipated and covered in the original contract amount. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then read:



**JUNE 15, 1982**

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City of Idaho Falls  
June 15, 1982

MEMORANDUM

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

Plans and Specifications are completed for the Groberg-Hatch Sanitary Sewer Interceptor Construction. We are requesting authorization to advertise for competitive bids on June 20, 27, 1982 and open bids on June 30, 1982.

s/ Donald F. Lloyd

At the request of Councilman Sakaguchi, Public Works Director Lloyd located the subject property on a map on the wall. It was moved by Councilman Sakaguchi, seconded by Deist, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was then read:

City of Idaho Falls  
June 15, 1982

MEMORANDUM

TO: Mayor Tom Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: BID AWARD - INSURANCE COVERAGE

Requesting Council action to approve insurance proposals as recommended by the bid evaluator from the State of Idaho Office Risk Management, Ed Fridenstine. Insurance coverage will begin June 30, 1982, with acceptance of Mr. Fridenstine's recommendations as follows:

Property/Liability Package

Contractors Equipment Insurance, Comprehensive Bodily Injury, Property, Property Damage Liability, Automobile Liability, Ambulance Malpractice, Property Insurance, Public Officials Errors and Omissions, Fidelity Insurance and \$1,000,000.00 Umbrella.

To be awarded to - Homer-Koster Co., Agent  
in behalf of - Home Insurance Co.  
Hansen and Rowland  
Twin City Fire--Total Premium \$107,075.00

Boiler & Machinery



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Recommend coverage stay with current carrier -

C N A Insurance Company  
United Agencies, Agent

Premium \$ 10,854.00

Airport General Liability

Recommend coverage stay with current carrier -

Association of Aviation Underwriters  
Tandy and Wood, Agent

Premium \$ 5,221.00

s/ John D. Evans

Councilman Chandler explained that the Finance Division had completed an extensive study of these coverages and they had also been reviewed by a bid evaluator, and the Committee feels this is the best insurance coverage for the bid proposals. It was moved by Councilman Chandler, seconded by Erickson, that these proposals be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Chandler thanked the Agency of Fred A. Martin, particularly Mike Jeppeson, for preparing the specifications for bidding.

This memo from the City Planner was then read:

City of Idaho Falls  
June 15, 1982

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: ADOPTION OF THE UNIFORM BUILDING CODE, 1982 EDITION AND UNIFORM PLUMBING CODE, 1982 EDITION

The City of Idaho Falls is currently using the 1979 Edition of both the Uniform Building and Plumbing Codes. These Codes are updated every three years, primarily to incorporate new building materials and methods. The 1982 Editions of both Codes have been received by this office and are being submitted to the Mayor and City Council for your consideration.

The Uniform Building Code has in the past been adopted with some minor modifications, primarily the deletion of the appendixes. We are recommending the same procedure, with one exception. Chapter 7, Part I of the appendix pertains to covered mall buildings and should be adopted. This was previously adopted as a supplement.

In approving the Uniform Building Code as submitted, there will be a slight increase in fees.

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We recommend the Uniform Plumbing Code be adopted as submitted. The plumbing permit fees were adjusted approximately one year ago and we are recommending no increase at this time.

This office respectfully requests the Mayor and City Council to adopt these Codes as submitted.

s/ Rod Gilchrist

Councilman Wood asked the City Planner to review the changes included in the Ordinances covering the Uniform Building Code and the Uniform Plumbing Code.

Councilman Hovey asked if the building and real estate people had been advised of these anticipated increases. During discussion it was decided that time should be given for a response to these anticipated fee increases.

**ORDINANCE NO.**

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, 192 EDITION; DECLARING THAT A PORTION OF THE APPENDIX TO 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.**

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,

**JUNE 15, 1982**

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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.

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.

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

s/ Velma Chandler  
CITY CLERK

s/ Thomas Campbell  
MAYOR