

**JUNE 3, 1982**

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The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Thursday, June 3, 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 May 20th, 1982, were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to consider an amendment to the fiscal year 1981-1982 budget, and called upon Councilman Chandler, Chairman of the Finance Committee, to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Controller.

June 20, 1982

MEMORANDUM

TO: Mayor Thomas Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: AMENDMENT OF FY 1981-1982 BUDGET

The City of Idaho Falls will receive \$93,000.00 from the County Library District during the 1981-1982 Fiscal Year. This money was not available last September when the budget was completed. Therefore, we are requesting an amendment to the City of Idaho Falls Library Budget to include these funds.

s/ John Evans

Councilman Chandler explained that it was necessary to re-open the budget to provide implementation of the funds received from the County Library District. There being no questions nor objections, the following captioned ordinance was presented for Council consideration.

**ORDINANCE NO. 1703**

AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE (ORD. NO. 1692) OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR THE FISCAL PERIOD APPROPRIATION OF THE CITY OF IDAHO FALLS, IDAHO FOR THE PERIOD COMMENCING OCTOBER 1, 1981 AND ENDING SEPTEMBER 30, 1982, AND APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSES FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; PROVIDING THEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Erickson, 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 announced that this was the time and the place, as legally advertised, to consider a request for a variance to allow the placement of a mobile home at 1085 Milligan Road, and called upon Councilman Wood, as Chairman of the Planning and Zoning Committee to conduct the hearing. It was moved by Councilman Wood, seconded by Deist, that this hearing be recessed until the next Council Meeting on June 15th, 1982. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell then requested that Councilman Wood proceed with the proposed annexation of unplatted property on Milligan Road. Councilman Wood explained that there were some items included in the annexation papers that needed to be reviewed. Therefore it was moved by Councilman Wood, seconded by Deist, that the annexation proceedings and public hearing for this unplatted property on Milligan Road be recessed until the next scheduled Council Meeting on June 15, 1982. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell then invited Councilman Erickson to comment about traffic safety recommendations and petitions received by the Council since the last Council Meeting.

Councilman Erickson asked the City Clerk to read the following petition:

Susan Nicholls  
578 S. Skyline  
Idaho Falls, Idaho 83401

Dear Councilman Erickson:

After reading in the newspaper about raising the speed limit on S. Skyline Drive to 35 MPH, I contacted most of the households in the Skyline Terrace Area. Well over 90% of them were opposed to increasing the speed limit. I have enclosed over 100 signatures of people opposed to this increase. I requested only one signature per household or there would have been well over 200 signatures.

We just don't understand how the City Council could approve increasing the speed limit on S. Skyline with the hill at the intersection of Skyline and Brentwood. This hill makes it nearly impossible for traffic to move from Brentwood onto Skyline. Also, the only marked crosswalk on S. Skyline is at this intersection. How do you expect our children to cross this street? Automobiles moving south of Skyline cannot see the children in the crosswalk until they are right on top of them.

We urge the City Council to leave the speed limit at 25 MPH.

s/ Susan Nicholls

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It was moved by Councilman Erickson, seconded by Wood, that this petition be referred to the Traffic Safety Committee for further review and that any changing of the signs be withheld until such time that the Committee has had an opportunity to review this request more thoroughly. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of May, having been properly reviewed by the Fiscal Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 586,122.86	\$ 49,306.23	\$ 43,486.80	\$ 347,730.36
SALARY	<u>636,936.68</u>	<u>39,054.36</u>	<u>18,953.55</u>	<u>85,879.59</u>
TOTALS	\$ 1,223,059.54	\$ 88,360.59	\$ 62,440.35	\$ 433,609.95

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW CAP</u>
MAT/SERV	\$1,272,158.60	\$ 28,228.69	\$ 10,589.44	\$ 292,749.10
SALARY	<u>141,272.46</u>	<u>43,335.90</u>	<u>12,702.25</u>	<u>.00</u>
TOTALS	\$1,413,431.06	\$ 71,564.59	\$ 23,291.69	\$ 292,749.10

	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>REV SHAR</u>
MAT/SERV	\$ 9,271.25	\$ 7,138.53	\$ 1,831.33	\$ 397.06
SALARY	<u>.00</u>	<u>30,734.59</u>	<u>.00</u>	<u>.00</u>
TOTAL	\$ 9,271.25	\$ 26,250.65	\$ 1,831.33	\$ 397.06

CITY TOTALS

MAT/SERV	\$2,649,010.25
SALARY	<u>1,008,869.38</u>
TOTAL	\$3,657,879.63

Councilman Chandler congratulated the Finance Department for their efforts in preparing the monthly bill listing. He said that, with the Council Meeting being held on the third of the month and a recent holiday, the Finance Department had put forth special efforts to have these bills ready for this Meeting. There being no question nor comment, it was moved by Councilman Chandler, seconded by Wood, that the Controller be authorized to pay all bills as listed. Roll call as follows: Ayes, 6; No, none; carried.

Monthly reports from Division and Department Heads were presented for the Month of May 1982, 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, Meat Block, Italiano Restaurant; MOBILE RESTAURANT, Charlie's Dingee Lil Donuts; MEAT MARKET, Meat Block; JOURNEYMAN ELECTRICIAN, Robert Pattee; APPRENTICE ELECTRICIAN, Barry White and Garth Willins with Summit Electric; MASTER PLUMBER, Mathew Plumbing and Heating Company; JOURNEYMAN PLUMBER, Darwin G. Mathews, Gene Mathews, Dale McBride; CLASS C CONTRACTOR, WH, GF, Mathews Plumbing and Heating Co.; CLASS C JOURNEYMAN, WH, GF, Darwin Mathews, Dale McBride; MAGIC SHOW, Dennis M. Keating; ITINERANT MERCHANT, Douglas R. Smith with Shamrock Coin Co., Joseph Westrup with Pacific Company; FIREWORKS, Dixie Greenman; BARTENDER, Kathy Bingham, Doris Fosmore, Linda Herman, Julie Rassum; TAXI OPERATOR, Mark Denning; BEER (TO BE CONSUMED ON THE PREMISES), Italiano Restaurant; WINE BY THE DRINK, Italiano Restaurant, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a non-commercial kennel license application carrying a recommendation from the Police Chief that it NOT be granted.

Mr. James G. Barrett, the license applicant, appeared to ask the reason for the denial recommendation. Councilman Erickson asked Police Chief Pollock to respond to Mr. Barrett's question. Chief Pollock said that the City has an ordinance that required the permission of at least 75% of all persons in possession of premises within one hundred feet of the premises upon which said non-commercial kennel is to be maintained. He said that his officers had contacted eleven of Mr. Barrett's neighbors; six objected and three approved the keeping of these dogs. Mr. Barrett contended that there is only six residents living within the required one hundred feet of his property; five approve and one objects. After much discussion, it was moved by Councilman Erickson, seconded by Wood, that this matter be referred back to the Police Chief for further investigation. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Chandler stated that, in view of the proceedings that have taken place since the City Council voted to participate in the termination of WPPSS 4/5, and, on the advice of the Legal Consultant, the Finance Committee would like to make the following motion:

TO PLACE "TERMINATION COST" FUNDS IN BANK INSTEAD OF PAYING WPPSS.

WHEREAS: On March 18, 1982, the City Council approved the payment to WPPSS of \$435,358.00 to assist in avoiding "uncontrolled termination" of Nuclear Plants 4 and 5; and,

WHEREAS: Several material facts have become known since such approval which cast serious doubt upon the advisability of making such payments; and,

WHEREAS: Idaho Falls has recently been named as a party in a lawsuit which seeks, among other things, to determine whether "termination costs" should be paid to WPPSS in any event; and, it is deemed improper to make any further payment without an order from the Court;

I, therefore, move:

(1) That the payment for termination costs not be made to WPPSS until court action indicates that it is proper to do so.

(2) That all monies available in the Electric Light Division for payment of termination costs be placed at interested in a proper depository or depositories to await a court decision or further decision of this Council.

(3) That the Treasurer be instructed to carry out the directions in this Motion.

(4) That the City Attorney be authorized to advise WPPSS the reason for this action.

Councilman Hovey said that he would like to make a statement concerning the motion by Councilman Chandler. He said that he feels that the City residents should be told that this proposal is not without hazard. He said, further, that in his opinion, the City's refusal to

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make the payments could force uncontrolled termination of the plants and hike the costs two to three times more than it would cost under controlled termination. Hovey said that he did not challenge the Legal Consultants' statement concerning this plan, but the City has been informed by WPPSS that, if the City refuses to honor the previously made agreement, they intent to sue and collect the amount due, plus fifteen percent interest and court costs. He said that only a possible six of the forty-two who have agreed to controlled termination costs are considering not living up to their previous agreement. Hovey further pointed out that the City entered into this agreement after considerable discussion of the situation and upon advice from the Attorney that the City could enter into an amended agreement. He asked, "Where does all this end? Will there still be further suits?" Hovey said that the felt the City has one foot in legal quicksand and could continue to be drawn into situations that could create considerably more cost to the City. He said that, in his opinion, it would be difficult for WPPSS management to pursue any constructive course if the City chooses to renege on previous agreements.

Mayor Campbell said that he appreciates Councilman Hovey's point of view, but in his opinion, the statement that uncontrolled termination would mean more expenses to the City is rather speculative.

Councilman Chandler stated that the basic format at the time the Council voted to participate in WPPSS 4/5 was that, effective January 1st, monies would come back to the City as part of the costs, because the debt service would be retiring and the City would be credited for these payments. He said that the City cannot be sure that this will happen now that there are pending lawsuits and the City may never recover these monies.

Mayor Campbell pointed out that the City had made a loan to WPPSS earlier this year, and that loan, for the mothballing will never be paid back. Councilman Hovey stated that the felt this mothballing money could possibly be accounted for. Mayor Campbell said he felt that the real question to be considered is "What is the alternative?" Councilman Chandler said he wanted to point out that the City is not saying that they will not pay, they are just saying that, under the pending litigation, the City is setting the money aside so that, if the courts rule that the City must pay, the funds will be the to do so. Councilman Deist stated that he voted against making payments last March and he still feels the same way. He said that the Legal Counsel says that the City has a fifty-fifty chance of winning a lawsuit and he feels the Council owes it to the rate payers to take that chance.

Mayor Campbell stated that he did not feel that the citizens of this area want the Council to pay up without a fight. There being no further comment, this motion was seconded by Councilman Wood. Roll call as follows: Ayes, 5; No, none; carried.

From the City Planner came this memo:

City of Idaho Falls  
June 1, 1982

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: FINAL PLAT, DEVELOPMENT AGREEMENT - ROSE  
NIELSEN ADDITION, DIVISION NO. 104

Attached is a copy of the final plat and the development agreement of the above described property. This is a four-lot subdivision at the intersection of Channing Way and 25th Street. This property was previously annexed to the City and zoned C-1, and it is now being platted so that it can be developed.

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The Planning Commission recently reviewed this matter and recommended that the final plat be approved. This Department concurs with their recommendation and the matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Wood, the City Planner located the subject property on a map on the wall and explained the proposal. It was moved by Councilman Wood, seconded by Deist, that the Council accept the final plat for Rose Nielsen Addition, Division #104, and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Wood, seconded by Deist, that the Council accept the Development Agreement for Rose Nielsen Addition, Division #104 and authorize the Mayor and City Clerk to sign. Roll call as follows; Ayes, 6; No, none; carried.

This memo from the City Controller was then read:

City of Idaho Falls  
June 2, 1982

MEMORANDUM

TO: Mayor Thomas Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: ADVERTISE FOR BIDS - COMPUTER EQUIPMENT

The Finance Committee has presented to the Council at a work session the need to replace and upgrade the City computer equipment. At the present time the system is being used to its full capacity and we have needs that we are unable to meet.

We have received a letter from Bonneville County Commissioner Burtenshaw indicating that the County will participate in the cost with the City as it has in the past on a 50% basis.

Therefore, we request authorization from the Council to advertise for bids to replace the City computer equipment.

s/ John D. Evans

It was moved by Councilman Chandler, seconded by Erickson, that the Controller and General Services Division be authorized to advertise for bids to update the City's computer equipment. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then read:

City of Idaho Falls  
May 26, 1982

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: NEW WATER DEPARTMENT OFFICE AND SHOP

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The City Attorney was previously authorized to negotiate for the purchase of a new office and shop facility for the Water Department. The completed negotiations call for an option to purchase the Bennett's Paint & Glass building on Hemmert Avenue during the next fiscal year at a total price of \$245,000. The cost of this option will be \$25,000, the entire amount of which is deducted from the purchase price should the City exercise the option.

Public Works Committee has presented this proposal during a work session of the City Council and is now prepared to recommend the Mayor and City Clerk be authorized to sign the option agreement.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the option agreement. Roll call as follows: Ayes, 6; No, one; carried.

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

City of Idaho Falls  
June 1, 1982

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: INDUSTRIAL PRETREATMENT

We are submitting, herewith, two (2) copies of Amendment #4 to an Engineering Services Contract with James M. Montgomery. This particular amendment has to do with development of Industrial Pretreatment program in compliance with EPA regulations. To complete the program, we have estimated the cost for City Personnel at \$5,533.41 and the Consulting Engineering at \$13,813.88 of which the City's share will be 10% of the total. Since this is a mandatory program, the Public Works Committee would recommend that the Mayor and City Clerk be authorized to sign Amendment #4, subject to final approval of the Idaho Department of Health and Welfare and the EPA.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign this amendment #4 to the James M. Montgomery contract, subject to final approval of the Idaho Department of Health and Welfare and the EPA. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney presented the following resolution and accompanying City redemption tax deed in favor of Waldo Vest:

**RESOLUTION (Resolution No. 1982-03)**

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. 618926 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

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Lots 46-48, inclusive, Block 7, Capitol Hill Addition to the City of Idaho Falls, Bonneville County, per the recorded plat thereof.

WHEREAS, WALDO C. VEST 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 of assessments subsequent to the one for which said property was sold and then 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 WALDO C. VEST a quit claim deed to said property, pursuant to the provision of Section 5-1751, Idaho Code.

PASSED BY THE COUNCIL this 3rd day of June, 1982.

APPROVED BY THE MAYOR this 3rd day of June, 1982.

s/ Thomas Campbell  
MAYOR

ATTEST:  
s/ Velma Chandler  
CITY CLERK

(SEAL)

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

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

s/ Velma Chandler  
CITY CLERK

s/ Thomas Campbell  
MAYOR