

DECEMBER 18, 1980

Prior to calling the meeting to order, the Mayor called upon Mark Atkinson, a Cub Scout from Troop No, 555, to come forward and lead all those present in the Council Chamber in the Pledging of Allegiance to the Flag.

Mayor Campbell then invited Eagle Scouts Aaron Atkinson, Robert Howell, Steve McLaughlin and Tim Beasley to come forward to the Council Table. The Mayor congratulated these fine young men for earning this achievement and told them that the City was proud of them. The Mayor then presented a certificate of appreciation to each of these young men, after which they received a congratulatory handshake from all City Officials around the Council Table.

The Mayor then called the meeting to order, and upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler, Mel Erickson, and Wes Deist. Also present: Velma Chandler, City Clerk; Arthur Smith, City Attorney, and all other available Division Directors.

Minutes of the last regular Council Meeting held on December 4th and a Special Meeting held on December 11th, 1980, were read and approved as amended.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request for an illuminated pole sign in an R-3 zone, and called upon Councilman Chandler, Chairman of the Planning and Zoning Committee, to conduct the hearing.

At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls
December 17, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR AN ILLUMINATED POLE SIGN - FAMILY
EMERGENCY CENTER

Attached is a request for an illuminated pole sign, submitted by the Family Emergency Center. This Center is located at 1687 E. 17th Street. The request for the variance is made necessary in that illuminated pole signs are not permitted in the R-3A zone.

The proposed sign would be located on the corner of the property which is situated at the northeast corner of 17th Street and Woodruff Avenue. The sign would be located in compliance with the setback requirements of the Zoning Ordinance, and inasmuch as there are several other similar signs located within close proximity, this Department recommends approval of the request.

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

s/ Rod Gilchrist

Councilman Chandler asked if there was anyone present who would like to speak concerning this variance request.

Dr. Bart Brower appeared briefly, representing himself and three other local physicians who are establishing the Family Emergency Center and requesting the variance. He said he would answer questions if there might be any.

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Councilman Erickson asked if the corner across from this location was zoned R-3A. Councilman Chandler answered in the affirmative. There being no further questions or objections, it was moved by Councilman Chandler, seconded by Sakaguchi, that the request for a variance to allow an illuminated pole sign at 1687 East 17th Street be approved. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a request for an extension of a variance for two mobile homes located at the Riverview Hospital, and called upon Councilman Chandler to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this memo from the City Planner:

City of Idaho Falls
December 17, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR AN EXTENSION OF A VARIANCE -
CONSOLIDATED HOSPITALS

Attached is a copy of a request to extend an existing variance for two mobile homes located at the Riverview Facility. A similar request was submitted to the Mayor and Council last June, and at that time there were three mobile homes located on the property. The Variance was granted on the condition that the Hospital make every effort to move forward toward a permanent facility and the eventual removal of the mobile homes.

One of the mobile homes has been removed and plans are being prepared for remodeling to accommodate the facilities located in the other two. On the basis that the Hospital is moving toward a permanent solution to their space requirements, the Department recommends approval of the requested 6-month extension.

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

s/ Rod Gilchrist

Councilman Chandler asked if there was anyone present who wished to speak concerning this variance request.

Mr. William Simpson, Assistant Administrator of the Riverview Facility, appeared briefly, stating he would answer any questions the Council might have concerning this request. Councilman Hovey stated that it was his understanding the last time the hospital had asked for and received an extension, that the Council had been promised that actual plans would be in hand and a definite start date for the construction of permanent accommodations. City Planner Gilchrist stated that his office had been in contact with the hospital administration and the architect and he felt that they were proceeding in good faith to correct the problems that have arisen, and a solution should be forthcoming. Mr. Simpson stated that he had preliminary plans available for the second trailer. Hovey asked

if there was an anticipated date when construction could begin. Simpson said that it would depend upon when the final draft was returned from the architects, but he felt construction could begin within the next six months. He said they did not have fiscal assessment on the

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emergency room for the third trailer, and this would probably take close to a year to complete. There being no further questions or comments, it was moved by Councilman Chandler, seconded by Sakaguchi, that this variance be granted an extension for a six-month period. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell introduced Mr. Jerry Schied, who then introduced Roger Wilding, Travis Fuger and Anne Fuger, stating these three children had circulated a petition regarding development of a new park on the west side of the City.

At the request of Mayor Campbell, this letter and the petition with approximately one hundred and sixteen signatures, was read, as follows:

City of Idaho Falls
November 14, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Planning Commission
SUBJECT: PETITION REGARDING DEVELOPMENT OF A NEW PARK
ON THE WESTSIDE

The attached petition was recently presented to the Planning Commission by a representative group of children, residing on the westside of Idaho Falls. The request is that the City acquire and develop as a park, the property located at the southwest corner of South Skyline Drive and Carmel Drive. The petition has 116 signatures and although a few adults have signed, the majority of the names are children.

The Planning Commission recommends the Mayor and Council give serious consideration to this request, as this is in an area of the City where very few parks exist.

s/ Ann Larson
Chairman

PETITION

This is a petition for the kids of the Westside. This is for a park in the field on South Skyline. Us kids think Mr. Shivley should sell it to the City cheap so they can turn it into a park.

Mayor Campbell asked the City Planner to locate the area for the proposed park. During the discussion that followed, it was determined that Jerry Shively owned the property, but that he had not been contacted to see if the property could be obtained. It was moved by Councilman Chandler, seconded by Hovey, that the letter be accepted and referred to the Parks and Recreation Committee for study and recommendation. Councilman Deist commended these children for their initiative and enthusiasm on this project and invited them to attend the next Parks and Recreation Committee Meeting, when this proposal could be discussed.

Councilman Chandler also commended and thanked these children for their efforts. Roll call as follows: Ayes, 6; No, none; carried.

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Attorney Skip French appeared representing Jim Klaus. He said that Mr. Klaus is interested in purchasing the Red Baron Flying Service and wanted to try to conclude the negotiations by the year end. He said that before negotiations proceed further, it is necessary that they have Council acceptance and assurance concerning the Fixed Base Operator License Agreement and possible assignments of that Lease Agreement. He said his client would like to have the Council authorize the Airport Committee, Airport Manager, and Mayor Campbell to review their proposal and possibly reach some preliminary understandings about what requirements would be imposed for the fixed base operator, before the end of the year. Mayor Campbell stated that the City does not have a Lease with Red Baron after December 31, 1980. French stated that, in his opinion, there has been some lack of understanding on critical points in the past Leases and these should be made clear before new Leases are accepted. Mayor Campbell agreed that the City also wanted a clearer, better Lease than has been in force in the past. French said they were not trying to put the Council in any particular pressure or constraints, but they would like some assurance that they would be considered as future fixed base operator, and obtain some information as to changes in the Lease, before finalization and the purchase of Red Baron Flying Service.

Councilman Wood stated he would recommend that the Airport Committee work with Mr. Klaus and any other interested leasees to study and review all proposals.

Mayor Campbell asked if there were any questions or comments from Councilmen. Councilman Chandler asked the City Attorney if he felt a decision could be made on a fixed base operator lease by the end of the year. Attorney Smith said he would recommend that it could not be done prior to the end of the year without the Council and the Legal Department receiving more information and then possibly calling a Special Session to consider that information, as there were still several unanswered questions concerning the leasing of the fixed base operation, and he would advise the Council that they do not enter into any type of a resolution of intention until several items are pinned down and official Council action taken.

Mayor Campbell wanted it clarified that the City Council has not, at this time, offered a lease to Red Baron. He said the Attorney has advised the Council that Red Baron does have some legal claims concerning a lease, but no official offer has been made. He said further, that if the City does enter into a Lease with Red Baron, they then, upon City's approval, can assign that Lease to another party.

Councilman Erickson stated that the City Council has to first establish a Lease with Red Baron before it can be assigned to another party, and he suggested that Mr. Klaus submit an application for an assignment to the Lease to the City, for review.

Mayor Campbell asked the Airport Manager to explain what the City has to do before an assignee can be accepted. Airport Manager Thorsen said that, according to ordinance, the City has to know who is involved, have a financial background of those involved, and some specific items, including hours of operation, restrooms, etc. He said the Committee would also like to have a resume' on operational experience of a new assignee.

Councilman Deist asked the City Attorney if it would be out of order for Mr. Klaus to submit a proposal before any action was taken concerning the Red Baron Lease. Attorney Smith answered that it would not be out of order as long as it is understood that final formal action of the City on approval of a Lease, there is no approval of said proposal.

Councilman Hovey asked if the City has any formal notice of intent to sign a Lease from Red Baron management. Airport Manager Thorsen said that Idaho Falls Aviation dba Red Baron Flying Service was the current Lessee, and at this time, the City is negotiating with them to determine if the Lease would be renewed. Hovey said he felt there should be some notification from Red Baron that they intend to assign their lease before

considering a proposal from some other firm. City Attorney Smith agreed, stating that there may be other firms desirous of submitting proposals.

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Attorney French asked what the status of the Red Baron lease would be after December 31, 1980. City Attorney Smith answered that they would have somewhat lesser rights than they currently have, but nevertheless, they still would have rights and this was the reason the City was negotiating with them at this time.

Mr. Klaus stated that they had talked with Mr. Browning and he felt that Mr. Browning would be willing to submit a letter of his intentions concerning the lease.

Councilman Sakaguchi stated that he wanted it made clear that the Committee has been working on this lease for some time and he felt that a commitment from Red Baron was necessary before any assignment could be reviewed, and he did not feel it was the Committee's position to be shopping for any assignee without a commitment from Red Baron as to their intentions and a valid lease approved. There being no further questions or comment, it was moved by Councilman Wood, seconded by Sakaguchi, that this referred to the Airport Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Jerry Jayne appeared, stating that he had appeared at a recent Council Meeting to make some recommendations concerning the proposed fourth bulb turbine. He said he had received a copy of the environmental statement from the Electrical Engineer covering the application for license on the current three bulb turbines, and this was very helpful to him. He suggested that the citizens of Idaho Falls be given more chance for public involvement and an opportunity to be heard concerning environmental, social and economic impact of future turbines. He recommended that public hearings be held before action is taken to begin construction of a fourth turbine. He also commented about a recent news article, stating that the City was in favor of construction of a cobalt refinery in the area, and asked who had given approval for a local location. Mayor Campbell stated that he nor any of the Councilmen had been contacted on this issue. Mr. Jayne suggested that, if the Council is contacted on this subject, they have hearings to allow for public input.

Mr. Ronald Politowski, 420 Linden Drive, appeared stating that in his opinion, there is a lack of communication in advising the people of the full intent of the Council or public officials when proposing changes affecting the public. He uses two examples: mainly, first, changing the traffic pattern on Lomax Street without public hearings; and secondly, a recent presentation given by Montgomery Engineers involving the Facilities Planning Study that, in his opinion, was inadequate and misleading to the public. He suggested hand-outs be given with full proposals outlined and funding explained in detail, including the possibility of local improvement districts being a source of funding for the project.

Councilman Erickson stated that Mr. Politowski's point was well taken. He said there is an extensive process to establish a local improvement district and that the City's legal counsel more or less hand-walks the Council through the public hearings that are legally necessary before forming a district. He assured Mr. Politowski that, if necessary to form a local improvement district on this or any other project, public hearings would be held and the people property notified of said hearings.

The City Clerk asked for council ratification of her issuing a Liquor Catering Permit, with the approval of the Police Chief, but without formal Council approval, to Bonneville Lounge to cater liquor on December 18, and December 20, 1980, at the Senior Citizen's Center. It was moved by Councilman Hovey, seconded by Erickson, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification, according to the City Clerk was the publishing of a legal notice calling for a public hearing, held this night, to consider an extension of a variance for mobile homes at the Riverview Hospital. It was moved by Councilman Hovey,

seconded by Chandler, that the action of the City Clerk in publishing this legal notice be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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The City Clerk also asked for Council ratification of publishing a legal notice calling for a public hearing, held this night, to consider the granting of a variance to permit the placing of a lighted pole sign in an R-3A zone. It was moved by Councilman Hovey, seconded by Chandler, that this action, also, be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for Council authorization to publish legal notice calling for a public hearing on January 8th, 1981, to consider the re-zoning of Lot 2, Block 1, Division No. 1 and Lot 3, Block 1, Division No. 2, Westfield Plaza Addition. It was moved by Councilman Hovey, seconded by Chandler, that authorization be given for the City Clerk to publish the legal notice as indicated. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, Albertsons' Food Stores # 133, #138, and #145, Elm Street Jiffy Mart, Buttreys Food Store, Earls Food Store, Maverick Country Store; RESTAURANT, Albertson's Food Stores #133, and #138, Bonneville Restaurant, Hudson's Cafe, MiCasa, B.P.O.E. Elks #1087, Gaslampe Pizza, Gay Nineties Pizza, L.D.S. Temple, Littletree Inn, Remos, Skaggs Drug Store #66, Skyline Lanes Restaurant, Stardust, Stockyard Cafe; ELECTRICAL CONTRACTOR, Whipple Electric, Howard Electric; JOURNEYMAN ELECTRICIAN, Elmer Bishop, Jack Dalton, Ariel Hill, Walter Whipple, Weldon Whipple, Wesley Whipple, Wilford Whipple; APPRENTICE ELECTRICIAN, Bart Van Orden; MASTER PLUMBER, Greene Plumbing and Heating, Home Plumbing & Heating, Modern Plumbing & Heating, Forest Pendelton Plumbing, Rigby Plumbing & Heating; JOURNEYMAN PLUMBER, J. Dale Browning, Max Groom, Cyril Lempke, Forest Pendelton, Rex Rolfe, Ron Summers, Clarence P. Wilde; APPRENTICE PLUMBER, Neil Jeffs, Randy Madsen, Randy Rolfe; CLASS C CONTRACTOR (Gas Fitting & Wet Heat), Home Plumbing & Heating; CLASS C CONTRACTOR, (Wet Heat & Warm Air), Modern Plumbing & Heating, Inc.; CLASS D CONTRACTOR (Warm Air), Whipple Electric; CLASS D CONTRACTOR (Warm Air), Whipple Electric; CLASS D CONTRACTOR, (Gas Fitting), Paul's Gas Service Co.; CLASS D JOURNEYMAN, (Warm Air), Walter Whipple, Wilford Whipple; CLASS D JOURNEYMAN (Gas Fitting), Gary Ostler, Cyril Lempke; HOTEL Grand Hotel, MOTEL, Stardust Motel, Littletree Inn; BOWLING ALLEY, BPOE Elks #1087, Skyline Lanes; DANCE HALL, BPOE Elks #1087, Hub Bar, Stardust, Littletree Inn, Matador Lounge; AUCTIONEER, Woodring Auction; NON-COMMERCIAL KENNEL, Isaac Underwood; PAWN BROKER, Archer Arms; TAXI OPERATOR, Robert Daly; PUBLIC RIGHTS OF WAY, Asphalt Maintenance, Grimmatt Building & Supply, G.H.G. Investment Company, Hick-Adams Contractors, Mt. States Tel. & Tel. Co., C. Reinhart & Son Inc; BARTENDER, J. W. Banks, Kent Buist, Caryn Cotner, Linda Craig, Clyde D. Hiller, Rose Jenkins, Gary Lemon, Vicki Nave, Sherrill Sweeney; BEER (Canned & Bottled, Not to be Consumed on the Premises), Buttreys' Store, Conrad & Bischoff, Earls Food Store, Maverick Country Store, Nave's Conoco, Save Fast Gas, Circle K Store; BEER (Canned & Bottled, to be Consumed on the Premises), Eagles #576, Elks #1087, Golden Crown Lounge, Matador Lounge; BEER (Canned, Bottled & Draught, to be Consumed on the Premises), Bonneville Lounge, Dog House Bar, Ford's Bar, the Grand Bar, Hub Bar, Lantern Pizza, Littletree Inns, MiCasa, Remo's, Gas Lampe Pizza, Gay Nineties Pizza, Skyline Lanes Restaurant; LIQUOR, Bonneville Lounge, Eagles #576, BPOE Elks #1087, Golden Crown Lounge, Ford's Bar, Hub Bar, Littletree Inn, Matador Lounge, Remos Restaurant; RETAIL WINE, Buttrey Foods, Maverick Country Store, Earls Food Store, Circle K Store; WINE BY THE DRINK, Dog House Bar, MiCasa, Lantern Pizza, were presented. It was moved by Councilman Erickson, seconded by Deist, 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.

This memo from the City Clerk was then presented:

DECEMBER 18, 1980

City of Idaho Falls
December 9, 1980

MEMORANDUM

TO: The Honorable Mayor and City Council
FROM: Velma Chandler, City Clerk
SUBJECT: RATIFICATION OF LICENSE APPLICATIONS

Between now and the end of the year, we anticipate receiving many applications for license renewals. In some instances, particularly those who apply for beer and liquor licenses, applicants are anxious to receive their licenses as quickly as possible. Therefore, we request that the City Council authorize the City Clerk to issue all license renewals between now and January 1st as soon as they are approved by the appropriate Division Director, to be ratified by the Council at a regular Council Meeting.

Respectfully submitted,
s/ Velma Chandler

It was moved by Councilman Erickson, seconded by Deist, that the City Clerk be authorized to issue beer, liquor and wine license renewals between now and January 1st, 1981, as soon as they are approved by the appropriate Division Director. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer this memo was read:

City of Idaho Falls
December 17, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: 161 KV SOUTH LOOP

Wasatch Electric had requested a four (4) day time extension for completion of the 161 kV South Loop. The new completion date is December 19, 1980.

The Electric Division has authorized the extra time at no cost to the City. Energization of the line is not delayed because Utah Power and Light has not completed their west side 161 kV portion.

Ratification of this action is requested.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that a four-day time extension for the completion of the 161 kV South Loop, in favor of Wasatch Electric, be approved. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, came this memo:

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City of Idaho Falls
December 17, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: OUTSIDE THE CITY WATER SERVICE CONTRACT

We are attaching hereto an Outside the City Contract for water service in favor of Lord Auto Supply located on the east side of Holmes Avenue just north of V-1 Oil Company. The Contract has been properly executed, street right-of-way has been committed and the fees paid. We are recommending that this contract be approved and the Mayor be authorized to sign.

Respectfully submitted,
Donald F. Lloyd, P. E.

It was moved by Councilman Sakaguchi, seconded by Deist, that the Outside the City Water Service Contract in favor of Lord Auto Supply be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
December 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: SEVENTEENTH STREET - BOULEVARD TO SNAKE RIVER

We are submitting herewith Supplemental Engineering Agreements with J-U-B Engineers, No.'s 2, 3, and 4 covering additional items necessary to complete the engineering work on 17th Street, Boulevard to Snake River.

Agreement No. 2	(revision in street lighting)	\$3,641.97
Agreement No. 3	(traffic control plan)	\$4,324.17
Agreement No. 4	(signing and striping)	\$8,759.90

This work is required to finalize the plan and specifications and cannot be accomplished in house. This project has verbal State approval and these supplemental agreements should be eligible for Federal Aid. Public Works would recommend the Mayor be authorized to sign the City's approval subject to Federal Aid approval.

Respectfully submitted,
s/ Donald F. Lloyd

Councilman Sakaguchi stated that it is necessary for Council approval so that application for State Funding can be made to make better assurance that State Funding will be available and forthcoming. It was moved by Councilman Sakaguchi, seconded by Deist, that the

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Mayor be authorized to sign the City's approval to the J-U-B Engineering Agreement, subject to Federal Aid approval. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell said he had received several questions from Councilmen concerning tax increases in Bonneville County. He said that the one percent initiative, coupled with some pre-court decisions shifted a great deal of burden from public utilities to the local taxpayer in the amount of about \$400,000 and actually reduced the taxes paid by utilities by more than fifty percent what they were paying. He said it is difficult for people to understand that this shift took place, but he wanted the Council to know that neither they nor the County Officials had a choice in this; it was the way the law was prescribed and had to be enforced. He said the four percent as earlier designated was all the increase in spendable income the City would have. He said the City added to the burden by increasing the budget by four percent for approximately \$130,000; the State Firemen's Fund was required to be funded and added to the burden, as did the insurance for the City. He said the amount of money that the Council contributed to this increase was very minor, in fact, the City itself is not dependent on the property tax, as are school districts and other highly tax-oriented agencies. He said only eighteen percent of the City's budget relies upon funds from property tax and most of the City's services are provided from something other than property taxes. Consequently, though, the things that the City provides from property taxes are very important and expensive, essentially the Fire and Police services. He said there had been comment about the amount of money taken for administrative purposes. He used the Treasurer's office as an example, explaining that most operative funds come from the utilities fund, as does financial department, auditors, clerk's administration expenses. He concluded by saying that, regardless of the impact the taxes made on the taxpayer, the City Council has no more money to spend than the four percent anticipated when the budget was put together. He said it was unfortunate that so much money was transferred to the home owner but this was not done because of any Council action.

There being no further business, it was moved by Councilman Chandler, seconded by Hovey, that the meeting be adjourned at 9:00 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor