

DECEMBER 4, 1980

Prior to calling the meeting to order, the Mayor welcomed several scouts who were present in the Council Chamber and called upon one of them, Steve Heaton, to come forward and lead all those present in the Pledging 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 Thomas Campbell; Councilmen Art Chandler, Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Arthur Smith, City Attorney, and all other available Division Directors.

Minutes of the last regular Council Meeting held November 20th, 1980, were read and approved.

Mayor Campbell expressed deep gratitude and appreciation to the members of the Swimming Pool Committee who had spent many hours to inform the public about the proposed swimming pool. He then presented each member of the Committee with a Certificate of Appreciation, after which each member received a congratulatory handshake from all Councilmen around the Council Table.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the last regular Council Meeting on November 20th, to consider a request to re-zone Lots 20 through 24, Block 5, Crow's Addition, and called upon Councilman Chandler as 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
November 18, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR REZONING - SOUTHEAST CORNER OF
BOULEVARD & 2ND STREET

Attached is a copy of a request to rezone the above described property from R-3 to R-3A. This petition has been submitted by the property owners, Nelson Properties, and cover Lots 20 through 24, Block 5, of the Crow's Addition. This property includes the vacant lots at the immediate corner of 2nd Street and Boulevard as well as the two small rental houses, 114 and 120 2nd Street. The property owners have proposed to construct a professional office building on the vacant property at this time, and possibly in the future to remove the small houses at such time the professional building should expand and require additional parking.

The Planning Commission recently considered this matter at a public hearing, and at that time recommended approval of the request. Several people in the audience made inquiries regarding the planned usage of the property and questioned if the two houses would be removed.

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

s/ Rod Gilchrist

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Councilman Chandler explained that this request had been considered at the last Council Meeting and it was deemed necessary that the property owners be requested to appear to state their intent. He then invited anyone who was in favor of the proposal to be heard at this time.

Mr. Mark Nelson, representing Nelson Properties, the owners of the property, appeared and gave a history of the property. He said that they wanted to get rid of the rental business and so the property was put up for sale. He said that an interested buyer said he would purchase the land if they would have it re-zoned. He said a petition was circulated in the neighborhood and the residents were told that the buyer planned to construct a professional building and take out the two small homes. Nelson said that this interested buyer then backed out of buying the property, so they started looking for another buyer. He said that the next interested buyer also expressed that he would tear down the houses and build a professional building, but he also wanted the property re-zoned. He said that he then continued circulating the petition. He said, in his opinion, the residents probably got the impression that a dental office would be built when he told them that a professional building would be constructed. Nelson said that this potential buyer also backed out of buying. He said that they now have a another buyer that is interested in purchasing the property. Nelson said that he could not promise that this buyer would tear down the houses or what he intends to do with the property, but he feels that the first step in getting these houses removed and the property up-graded would be to re-zone the property.

Councilman Hovey asked Mr. Nelson what he planned to do with the property if it was not re-zoned and there was no buyer. Nelson said they were not in the building business or the rental business and they wanted to sell this property. He said they would continue to rent the two small houses until they could sell the property. Nelson said he did not want any feelings among the residents and he had not tried to mislead them in any way. He said he had no idea what this present potential buyer intended to do with the property.

At the suggestion of the City Attorney, City Planner Gilchrist explained the potential for the property should it be re-zoned. He compared the existing R-3 zoning to an R-3A zone, saying that R-3 is unlimited density for apartment dwellings and an R-3A zone would also allow construction of professional offices. Gilchrist said that the Planning Commission felt that the potential of this property being developed into professional offices was probably greater than the potential for apartment buildings. He stated that the comprehensive Plan shows the frontage along Boulevard and this area as either professional office or apartment buildings.

Councilman Erickson asked the Planner if he felt the reason the request was not for P-B zone was so there would be flexibility for multiple dwellings. The Planner answered in the affirmative, explaining that the Planning Commission took the zoning of the adjacent property into consideration when making their recommendation.

Councilman Hovey asked if it was correct that neither the current owner nor any potential owner is under any obligation to move or tear down the buildings or do any specific construction on the property. Gilchrist stated that was correct that the owners were under no obligation to move the buildings or change the property.

Assistant Attorney Storer asked the City Planner if he had examined the proposed zone change with respect to whether or not it would conform to the Comprehensive Plan. Gilchrist answered in the affirmative, stating the entire easterly side of South Boulevard between First Street and Seventeenth Street is shown as either professional offices or apartments. Attorney Storer then asked if the rezoning change would have any impact in regard to traffic hazard or any other public health or safety hazard. Gilchrist stated that this is something that always has to be considered in zone change and it was felt that this R-3A zoning would actually be a buffer to the commercial zoning across the street.

Councilman Chandler asked if there was anyone else who would like to speak in favor of this proposal.

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Mr. Jerry Murdock, 347 "C" Street, appeared and presented maps and pictures as evidence in favor of the zoning change.

Councilman Chandler then asked if there was anyone present who would like to speak against the rezoning proposal.

Ms. Mary Atkinson, 124 Second Street, appeared briefly to ask why stipulations were included in the petition and letters the property owners had received, if nothing could be done to insure removal of the buildings and control over construction. She said she was not opposed to the rezoning, but she felt the residents who signed the petition were under the impression that the two houses would be removed. She said the past renters had created problems in the area.

Mr. Bert Strong, 128 Second Street, appeared briefly stating he had no objection to the rezoning of the property, but did object to the type of people who had been allowed to rent the homes. He said he would like to see something done to make this area a more desirable neighborhood.

Councilman Chandler reminded those present that the Legal Counsel had advised that, whether the area is zoned R-3 or R-3A, the City cannot require that the presently existing houses be removed.

Mayor Campbell asked Mr. Strong if he felt there would be a greater change that these two houses would be removed if the zone was left as R-3, rather than changed to R-3A. Strong answered in the affirmative.

Mr. Nelson re-appeared briefly to apologize for the action of the tenants of the homes. He said the type of houses and the rent that can be charged attracts that type of a tenant. He said they were not intentionally in the rental business and were desirous of selling the property to get out of that business.

Councilman Sakaguchi asked, if the rezoning was allowed and the property was sold, would it not be realistic to demand parking spaces around the building and removal of the two existing houses when construction was begun. Councilman Chandler said it was his understanding that specifications would have to be met before a building permit was issued. City Planner Gilchrist stated that before a building permit could be issued, parking facilities would have to be provided and it was possible that, to provide adequate parking, these two existing houses would have to be removed. Councilman Chandler asked Planner Gilchrist if, in his opinion, the existing homes would be more apt to be torn down in an R-3A zone than in the existing zone. Gilchrist answered in the affirmative, stating that the R-3A zone was one of the considerations of the Planning Commission, that rezoning would allow a greater chance that the houses would be removed or torn down.

There being no further questions or comments, Councilman Chandler ordered the hearing to be closed. It was moved by Councilman Chandler, seconded by Sakaguchi, that the request for rezoning of Lots 20 through 24, Block 5, Crows Addition be granted. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell stated that the Attorney had advised him that under a recent court decision, citizens have the right to request, and receive, a written factual statement covering the basis on which the Council reached their decision. It was noted that Mrs. Atkinson requested one copy and Mr. Nelson two copies of this statement.

The Mayor announced that this was the time and the place to conduct a public hearing, as legally advertised, to consider a request for a variance to add an additional mobile home to a non-conforming mobile home court, and called upon Councilman Chandler to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Planner:

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City of Idaho Falls
December 2, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: VARIANCE REQUEST - MOBILE HOME, CROWS
ADDITION, BLOCK 61, LOTS 42 THROUGH 44 (LESS
SOUTH 40 FEET)

Attached is a copy of a request for a variance to add an additional mobile home to a non-conforming mobile home court at the above location. This request was presented to the Mayor and Council earlier this fall. At that time, the City Council recommended denial of the variance and instructed the property owners to submit their proposal to the Planning Commission in the form of a rezoning request.

The Planning Commission recently reviewed this matter and after much deliberation, recommended denial of the rezoning in that they felt the rezoning of this property to RMG (residential mobile home) in this area would constitute "spot" zoning and establish a precedent for similar future zoning in the area. This property and adjacent property is now zoned R-2 and the Planning Commission felt this was a better long range use for the property. They felt the existing mobile home court should continue as a non-conforming use and they further recommended that the original request to place an additional mobile home in the area should be granted by the Mayor and City Council.

The Department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Chandler explained that this request had been considered by the Council previously and was denied with the understanding that the petitioner return to the Planning Commission and request re-zoning. He said this had been before the Planning Commission and they recommended denial of the re-zoning. Therefore, the petitioner was again asking for a variance to allow placement of one mobile home. Chandler then asked if there was anyone present who would like to speak on this proposal.

Mr. Owen Edwards, 1651 South Boulevard, the petitioner, appeared briefly to state that he was still very desirous of building the mobile home. Councilman Chandler stated that by handling his variance request in this manner, the Council now had the Planning Commission's recommendation and proper hearings had been held, giving anyone the opportunity to protest this variance if they so desired, and so, in his opinion, all legal steps had been covered. There being no further comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that the request for a variance to allow one more mobile home be granted. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Leonard Wright, owner of property on Lomax Avenue, appeared to state that he and other property owners, businessmen and renters along Lomax and First Street were surprised that this Council had changed the traffic pattern without giving them a

chance to voice their objection. He said the people of this area feel that the traffic flow pattern had been set and settled about four years ago. He said, in his opinion, this traffic

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flow change would place a penalty on both the customer and the merchant. He asked that the Council listen to some of the people affected. He then called upon Ray Shipley to state his protest.

Ray Shipley, 188 Lomax, used car dealer, appeared to state he had taken a survey and found that out-of-town customers see his sign and turn east on Lomax to his business. He anticipated a loss the twenty percent of his business if Lomax was made one-way westbound, and stated he could not afford that loss of business.

Mr. Larry Brown, owner of R & L Data Systems, appeared briefly to ask the Council why traffic patterns are changed without the residents being advised and considered. He said he had observed the corner where accidents reportedly occur and he felt that the problem was not sufficient and critical enough for the change. He said, in his opinion, it is not justified to make Lomax one-way unless First Street is also changed. He said if this pattern was enforced, he would probably be forced to relocate his business.

Councilman Erickson stated it was his understanding that the residents of the area had been contacted, and asked Chief Pollock to comment.

Police Chief Pollock stated that the residents along the north side of Lomax had been contacted at the time the parking problem was being considered. He said this had been considered many times and the Committee felt that the best solution was to make Lomax one-way for the last block before entering Yellowstone.

Mayor Campbell stated that Mr. Wright had brought to his attention that the affected merchants on the south side of Lomax had not had a chance to be heard on this issue and so he had told Mr. Wright that the Council would discuss the issue at this meeting. Mr. Brown asked if the decision for one-way had already been made. Councilman Erickson answered that action was at the last Council Meeting to make Lomax one-way west. He said that, after that meeting, Mr. Wright contracted the Mayor and the Council met in a work session to discuss Mr. Wright's proposal of removing the parking on the south side of Lomax and making one lane east. He said it was felt that this would not be a feasible solution as far as the one-way east traffic was concerned, as it would create congestion when turning off of Yellowstone.

Mr. Larry Brown re-appeared, stating that a three-lane street from Lee Avenue out to Yellowstone with two lanes flowing west would solve the traffic problem and so there would be no reason to leave Lomax two-way east from Lee to Holmes Avenue unless First Street was made one-way east. Councilman Erickson stated that it was not the intent of the Council to change the traffic pattern on First Street at this time.

Mr. Wright said that Mrs. Havens of the Storage Basket Shop has stated that she had not been contacted about a change in the traffic pattern. He also mentioned other concerned business operators on Lomax. Mr. Wright then called upon Mr. Grant Earl, co-owner of Earl's Foodliner, 424 First Street, to comment. Mr. Earl stated that this was serious business and asked the Council to take another look at the situation. He said that he understands the problems of the Traffic Safety Committee and asked why money was spent to improve Second Street when he felt it could have been used more wisely somewhere else. Mayor Campbell informed Mr. Earl that the funds used for this project was money designated to be used in a low or moderate income area when received from H.U.D. Mr. Earl said he had been fighting this one-way battle since 1961 and he felt it would definitely put people out of business if First Street was made one-way. He gave examples of poor planning actions of the Traffic Safety Committee in other areas of the City. He gave thanks to the past and current administrators who have helped make it possible for him to remain in business to date.

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Mr. Marvin Shurtluff, a businessman on first Street, appeared briefly to note that at one time "E" Street had been made one-way and then changed back to two-way because of problems it created. He said he could see no reasoning to this one-way proposal, and could not see how the merchants could survive if it is changed.

Mr. Wright then asked that this petition with nine signatures be made a matter of record:

November 28, 1980

We hereby express our approval of the plan of the City of Idaho Falls to provide for safe and orderly traffic, in both easterly and westerly directions, on the block of Lomax Street lying between the Northgate Mile on the west and Lee Avenue on the east.

The Plan provides for two full sized lanes leading into the Northgate Mile and one full sized lanes leading west into the Northgate Mile and one full sized lane leading east thru the block.

The present curb parking and loading spaces for the businesses on the north side of Lomax will be maintained as they now are.

Because of lack of street width no curb parking spaces can be provided on the south side of the street. The adjacent property owners and all others hereto understand the elimination of curb parking on the south side of Lomax in this block.

Signed:

These signatures represent 100 percent on the owners and tenants whose businesses face on this block of Lomax Street.

Mr. Wright asked the Council to reconsider their plan, as he felt it better for all concerned that the traffic pattern remain as it has been for the past few years.

Councilman Erickson stated that he appreciated the comments of Mr. Earl making note of the problems that need to be handled and that this situation has existed for at least fourteen years. He said that First Street east is being designed to carry the westbound traffic. He said, further, that Lomax cut-off was designed to avoid the central business district because of a heavy traffic flow. Erickson stated that there has been some very serious accidents at the corner of Lee and Lomax, created by the density of vehicles and the site distance problem that exists there. He said it was his understanding that the Police Chief had contacted the area merchants on this proposed change. He then asked Chief Pollock to comment on what has been accomplished at this intersection over the past several years.

Police Chief Pollock stated that this issue had been reviewed for over nineteen years. He said he had been approached from personnel of the City Engineering Department with a proposal to extend the corner to allow earlier turning off of Lomax to the north. He said that the State Highway Department is planning to install traffic signals but that they recommend at least two lanes of traffic coming out onto Yellowstone, and no left turns off of Lomax. He said, further, the plan proposed from the Engineering Department was to remove the parking south side of the street with two westbound lanes on the north side, one

eastbound on the south side. He said he had discussed this proposal with several of the businessmen and they objected to having any of the parking removed and he personally felt

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that some businessmen would be out of business if the parking was removed and a lane designated on the north side of Lomax, but he had made no recent contact with these merchants.

Mr. Wright re-appeared suggesting that the elimination of parking on the south side of Lomax would help make a better view for traffic coming off of Lee and going down to Yellowstone.

Mayor Campbell stated that there was some concern that if Lomax was made one lane of traffic on the south side, trucks would have a problem getting out of Lomax. Chief Pollock agreed that this would create a problem for truck traffic.

Marvin Shurtliff re-appeared to state that, in his opinion, one-way going west would not make any difference with truck travel, as there was very few trucks using Lomax Street that turn north onto Yellowstone.

Councilman Erickson stated that, after hearing testimony of the affected businessmen within one block of Yellowstone and Lee, he would move that the Council accept the "Jorgensen Proposal" of removing the parking on the south side and making Lomax one lane traffic east to Lee Avenue. Councilman Deist asked Erickson if he would withdraw his motion and allow another work session to discuss this proposal more fully. Councilman Sakaguchi stated he felt this should be considered very carefully from the safety standpoint. Councilman Deist said he would second the motion to allow Council voting. Councilman Chandler asked if the motion was to have parking on the north side, two lanes westbound, one lane eastbound with no parking on the south side to Lee Avenue, requiring that everyone going eastbound make a right turn at Lee Avenue. Councilman Erickson answered in the affirmative. Roll call as follows: Ayes, Councilman Erickson; No, Councilmen Chandler, Deist, Hovey, Sakaguchi, and Wood.

Mayor Campbell stated that by the vote taken, Lomax would be a one-way street from the cut-off on First Street to Yellowstone Avenue.

The City Clerk asked for Council ratification of publishing of a legal notice calling for a public hearing, held this night, to consider the granting of a variance to permit the placement of a mobile home in an R-2 zone. It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, in need of ratification, according to the City Clerk, was the forwarding of a summons, claiming damages in favor of Dale A. and Kathleen J. Jose to the liability insurance carrier:

John G. St. Clair, Esquire
ST. CLAIR, HILLER,
WOOD AND MCGRATH,
Chartered

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

THE STATE OF IDAHO SENDS GREETINGS TO THE ABOVE NAMED
DEFENDANT, CITY OF IDAHO FALLS:
City Clerk, 308 "C" Street, Idaho Falls, Idaho

You are hereby notified that a complaint has been filed against you in the
District Court of the Seventh Judicial District of the State of Idaho, in and for

the County of Bonneville, by the above named plaintiff, and you are directed to file a written answer or written motion in defense to the said complaint within

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twenty days of the service of this summons; and you are further notified that unless you do so within the time herein specified, the plaintiff will take judgment against you as prayed in said complaint.

The nature of the claim against you is an action for the collection of monies due and owing on damages sustained in an auto accident on or about September 14, 1975.

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

Next, in need of ratification was the forwarding of a damage claim to the liability insurance carrier, without formal Council approval, in favor of Janice K. Longue:

November 25, 1980

City Clerk
City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho 83401

Gentlemen:

Re: Auto Accident
Case No. 80 21062
Officer Sorensen

On November 5, 1980, at approximately 1:30 p.m., while driving on St. Clair Avenue, I ran over a manhole which did not have a manhole cover on it. There were no barriers or markers indicating that this cover had been removed.

Attached are invoices which cover repairs on my automobile (1979 Buick Regal) totaling \$154.78. These are for front-end alignment, new rim, new tire, and new hub cap. These invoices have all been paid by me.

I would appreciate being reimbursed by the City of Idaho Falls for these unexpected expenses.

Sincerely,
s/ Janice K. Longue

It was moved by Councilman Hovey, seconded by Chandler, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Still in need of ratification, was the forwarding of a damage claim in favor of Theo Cropper to the City liability insurance carrier, without formal Council approval.

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Ririe, Lee and Jenkins
Attorneys at Law,
November 21, 1980

Mrs. Velma Chandler
Clerk of the City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho 83401

Dear Mrs. Chandler:

This office has been retained by Theo Cropper to represent her in a claim against the City of Idaho Falls for personal injury she incurred in an accident on the 12th day of September, 1980. As is indicated by the Notice of Claim, Mrs. Cropper was injured as a result of the negligence of maintenance of the sidewalks within the City of Idaho Falls.

If you have any further questions concerning this matter, please feel free to contact me.

Very truly yours,
s/ Blake G. Hall

It was moved by Councilman Hovey, seconded by Chandler, that this action of the City Clerk also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification was the forwarding of a damage claim to the liability insurance carrier in favor of Leon Wayne Lambert:

NOTICE OF CLAIM

TO: CITY OF IDAHO FALLS
Idaho Falls, Idaho

BONNEVILLE COUNTY, IDAHO
Idaho Falls, Idaho

NOTICE OF CLAIM is hereby given by LEON WAYNE LAMBERT, an individual, for the damages, costs and expenses for personal injuries received and damage inflicted upon the person of the said Leon Wayne Lambert, by the negligent actions and/or omissions of the City of Idaho Falls, and/or Bonneville County, State of Idaho, their agents, employees, and/or servants.

This Notice of Claim is made pursuant to the Idaho Tort Claims Act, Chapter 9, Title 6, Idaho Code and/or Idaho Code Section 50-219, and in compliance therewith, the undersigned states as follows:

1. That on or about October 1, 1980, at approximately 4:00 o'clock a.m. of said day, that said Leon Wayne Lambert was seriously injured in a one-car motor vehicle accident which occurred on the North Yellowstone Highway at

a point approximately 146 feet South of its intersection with Garfield Street,
in the City of Idaho Falls, Bonneville County, Idaho.

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2. conducted the investigation of said accident following which he placed said Leon Wayne Lambert in custody in the joint Bonneville County/City of Idaho Falls Jail Facility located in the Bonneville County Law Enforcement Building, 605 North Capital Avenue, Idaho Falls, Idaho, denying him proper and reasonable medical care notwithstanding Officer Stommel's notice of severe bruising to the chest, incontinency, incoherency and shock experienced by said Leon Wayne Lambert.
3. That as a result of the negligence of Officer Stommel and/or others in failing to obtain prompt, reasonable and necessary medical care for said Leon Wayne Lambert, and by virtue of said Officer's incarceration of said Leon Wayne Lambert in the Bonneville County/City of Idaho Falls Jail Facilities, said Leon Wayne Lambert was prevented from obtaining prompt, reasonable and necessary medical care for several hours.
4. That as a direct and proximate result of the acts and/or omissions of Officer Stommel and/or others, said Leon Wayne Lambert suffered severe aggravation of the injuries sustained by him in the aforementioned accident.
5. That said Leon Wayne Lambert remains hospitalized and requires medical attention and treatment for numerous internal injuries. That the full extent and determination of said injuries has not yet been ascertained, however, the special damages incurred to date are in excess of the sum of \$75,000.00.
6. That for the purpose of giving notice to the said City of Idaho Falls and Bonneville County Idaho, in making claim for the damages incurred, as required by the provisions of the Tort Claims Act, Chapter 9, Title 6, Idaho Code and/or Idaho Code Section 50-219, the undersigned claimant does hereby claim general damages in the amount of \$300,000.00, but that Leon Wayne Lambert's injuries are progressive and continuing, and that claimant herein expressly reserves the right to modify the claim so as to reflect the actual damages sustained by Leon Wayne Lambert when ascertained.
7. That prior to said accident Leon Wayne Lambert resided at 199 East Elva, Idaho Falls, Idaho 83401, for a period of six (6) months immediately prior to October 2, 1980, and now since the date of the aforementioned occurrence been hospitalized at Idaho Falls Consolidated Hospitals, Parkview Facility, 2525 South Boulevard, Idaho Falls, Idaho, and is totally incapacitated by virtue of the aforementioned injuries and that this claim is therefore filed in his behalf by his natural mother, Mary Horner, and his attorneys,
8. Dated this 1st day of December, 1980.

s/ Mary Horner
Natural Mother of Leon
Wayne Lambert

It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified.
Roll call as follows: Ayes, 6; No, none; carried.

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The Mayor then called for a short recess.

Upon re-convening of the meeting, the bills for the month of November, having been reviewed by the Fiscal Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 502,851.97	\$ 32,294.62	\$ 38,666.79	\$ 234,000.80
SALARY:	<u>592,877.09</u>	<u>41,495.43</u>	<u>18,573.71</u>	<u>86,112.81</u>
TOTAL:	\$1,095,729.06	\$ 73,790.05	\$ 57,240.50	\$ 320,113.61

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAPITAL</u>
SERV/MAT:	\$ 762,474.09	\$ 40,779.08	\$ 5,451.99	\$ 65,350.00
SALARY:	<u>138,213.25</u>	<u>47,712.00</u>	<u>12,577.15</u>	<u>.00</u>
TOTAL:	\$ 900,687.34	\$ 88,491.08	\$ 18,029.14	\$ 65,350.00

	<u>LIBRARY FUND</u>	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COMM DEVELOP</u>
SERV/MAT:	\$ 6,532.06	\$ 337.55	\$ 913.31	\$ 9,388.04
SALARY:	<u>31,680.05</u>	<u>1,444.77</u>	<u>.00</u>	<u>2,166.00</u>
TOTAL:	\$ 38,212.11	\$ 1,782.32	\$ 913.31	\$ 11,554.04

CITY TOTALS

SERV/MAT: \$1,699,040.30
SALARY: 972,852.26
TOTAL: \$2,671,892.56

Councilman Hovey reviewed all the major expenditures. It was moved by Councilman Hovey, seconded by Chandler, that the Controller be authorized to prepare warrants or checks for payment of the bills as listed on the computer printout. Roll call as follows: Ayes, 6; No, none; carried.

Monthly reports from Division and Department Heads were presented for the month of November, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

The City Clerk noted that, in the essence of time, several wine licenses had been issued with the approval of the Police Chief, but without formal Council approval: RETAIL WINE, Albertsons Food Stores #133, #138, and #145, Ray's Minit Market, J.H. Boozer Oil Co., Elm Street Jiffy Mart, Skagg's Drug Center, Inc. #66, Skagg's Drug Center, Inc. #259, Grand Central Stores, Inc., Ray's IGA Foodliner, Skyline Market, Inc., Smith's Food King #58, Midget Market, Maverick Country Store #141, Buttrey Food Store #43, Savings Center, The Wine Issue, Safeway Store #232, Safeway Store #365; WINE BY THE DRINK, El Ranchito, Inc, were presented. It was moved by Councilman Erickson, seconded by Deist, that the action of the City Clerk in issuing these licenses be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, K.O.A., Reed's Minit Market, Speedi Mart; RESTAURANT, Jake's, Yuko's Catering Service; DAIRY, Western General Dairies, Inc.; JOURNEYMAN PLUMBER, Robert D. Heuberger; CLASS C JOURNEYMAN, Grant Wilcox; CLASS D JOURNEYMAN, Marshall S. Jacoby; PHOTOGRAPHER, Olan Mills, Inc. of Ohio; BARTENDER, George Selva, Colette Cohen, Arthur J. Fiedler, Dan Henrickson, David E.

Reese, Paula Wilhite, Lori Armstrong, Braxton Barnet; BEER (canned & bottled, not to be consumed on the premises), The Wine Issue, Albertson's Food Store #138, Elm Street Jiffy

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Mart, K.O.A., Safeway Store #232, Albertson's Food Store #133, Reed's Minit Market, Speedi Mart, Safeway Store #365, Smith's Food King, Albertson's Food Store #145, Skagg's Drug Center #66, Grandview Exxon, Fearless Ferris Corporation; BEER (canned, bottled, and draught, to be consumed on the premises), Stardust Restaurant and Lounge, Shakey's Pizza Parlor, Buckhorn Garden, Dusty's, Mister B's Lounge, Jake's; LIQUOR, Jake's, Stardust Restaurant & Lounge, RETAIL WINE, Speedi Mart, Smith's Food King #58, Safeway Store #365, Safeway Store #232, Skagg's Drug Center #259, Jiffy Mart, J. H. Boozer Oil Co., Albertson's Food Stores #133, #138, and #145, Skagg's Drug Center #66; WINE BY THE DRINK, MiCasa, Inc., 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.

From the Electrical Engineer, came this memo:

City of Idaho Falls
December 2, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: S.J. GROVES, CHANGE ORDER NO. 6

The deck over the radial gates at the lower plant has been redesigned to accommodate prestressed sections rather than cast in place concrete.

This design results in a negative change order in the amount of \$8,298.00 IECO and the Electrical Division recommends Council approval of this change.

s/ G S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that Change Order No. 6 to the S.J. Groves contract be approved in the amount of \$8,298.00. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
December 1, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: EAGLE ROCK PARKING LOT LEASE AGREEMENT

Attached are copies of a revised lease agreement between the Idaho State Building Authority and the City of Idaho Falls for the Eagle Rock Parking Lot, located immediately to the south of the State of Idaho Office Building. The lease agreement has been revised to include a clause which indemnifies and hold harmless the City of Idaho Falls.

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The attached copies of the proposed agreement have been signed by Mr. Wayne Mueleman, authorized representative for the Idaho State Building Authority. The General Services Division respectfully request authorization for the Mayor and City Clerk to sign copies of the attached lease agreement.

Thank you,
s/ Chad Stanger

Councilman Erickson explained that the Property Manager had found that the "hold harmless" clause was not included in the agreement, so this action was deemed necessary. Councilman Deist asked if this agreement involved any parking west of Shoup Avenue. General Services Director Stanger answered that it only involved parking east of Shoup Avenue. It was moved by Councilman Erickson, seconded by Chandler, that the Mayor and City Clerk be authorized to sign the lease agreement. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the General Services Director, came this memo:

City of Idaho Falls
December 2, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-81-3, AIR COMPRESSOR

It is the recommendation of the Public Works and General Services Divisions that the City Council accept the low bid, meeting specifications of Foulger Equipment Company, Pocatello, Idaho, to furnish one (1) air compressor at \$8,870.00 without trade.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the low bid of Foulger Equipment Company be accepted to furnish one air compressor at \$8,870.00 without trade. Roll call as follows: Ayes, 6, No, none; carried.

Also, from the General Services Director came this memo:

City of Idaho Falls
December 2, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, General Services Director
SUBJECT: BID NO. IF-81-2, TWO (2) FOUR DOOR SEDANS

It is the recommendation of the General Services Division that the City Council accept the low bid of Imperial Motors, Idaho Falls, to furnish two (2) four door sedans at \$6,083.40 per each with an add Alternate No. 1, automatic transmission, for one (1) sedan at \$305.15 each.

Thank you,
s/ Chad Stanger

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It was moved by Councilman Erickson, seconded by Chandler, that the low bid of Imperial Motors, to furnish two four-door sedans at \$6,083.40 each with an add Alternate No. 1, automatic transmission, for one sedan at \$305.15 be accepted. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Attorney Storer explained that he had three ordinances to present to the Council and that these were, basically, clean-up ordinances covering license fee increases.

ORDINANCE NO. 1668

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-3-2, CITY CODE OF IDAHO FALLS, IDAHO; REQUIRING THE PAYMENT OF A PERMIT FEE IN THE AMOUNT OF \$20.00 FOR PERSONS OPERATING A GROCERY STORE, BAKERY, CANDY FACTORY OR KITCHEN, CONFECTIONERY STORE, VEGETABLE AND FRUIT MARKET OR STAND, OR OTHER PLACE WHERE FRUIT PRODUCTS ARE MADE, SOLD, OR HANDLED; PROVIDING WHEN ORDINANCE BECOMES EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Hovey, 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. 1669

AN ORDINANCE REPEALING SECTION 4-9-6, CITY CODE OF IDAHO FALLS, IDAHO AND RE-ENACTING SAID SECTION; DEFINING THE TERMS "ELECTRICAL CONTRACTOR", "JOURNEYMAN ELECTRICIAN", AND "APPRENTICE ELECTRICIAN", PROHIBITING PERSONS TO CARRY ON THE BUSINESS OF ELECTRICAL WIRING WITHOUT SECURING A LICENSE: REQUIRING A LICENSED ELECTRICIAN TO FILE APPLICATION FOR AN ELECTRICAL CONTRACTOR'S LICENSE AND REQUIRING PAYMENT OF A FEE OF \$35.00, REQUIRING AN ELECTRICAL CONTRACTOR TO FURNISH A BOND IN THE SUM OF \$1,000.00; REQUIRING A JOURNEYMAN ELECTRICIAN TO SECURE A JOURNEYMAN ELECTRICIAN'S LICENSE AND TO PAY A FEE OF \$10.00; REQUIRING AN

APPRENTICE ELECTRICIAN TO MAKE APPLICATION
FOR AN APPRENTICE ELECTRICIAN'S LICENSE

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AND TO PAY A FEE OF \$5.00; SETTING FORTH THE TERM OF SUCH LICENSES; PROVIDING THAT SUCH LICENSES ARE NONTRANSFERABLE; PROHIBITING ISSUANCE OF A LICENSE TO ANY FIRM UNLESS SUCH FIRM HAS AT LEAST ONE LICENSED JOURNEYMAN ELECTRICIAN OVER THE AGE OF 18 YEARS; PROVIDING FOR APPLICATION FOR LICENSE BY PERSONS DOING BUSINESS AS FIRM, AND REQUIRING NOTICE TO CITY IN THE EVENT OF SEVERANCE OF EMPLOYMENT BY A LICENSED JOURNEYMAN ELECTRICIAN FROM SUCH FIRM, MAKING IT UNLAWFUL FOR ANY PERSON TO DO ELECTRICAL WIRING UNLESS LICENSED, SETTING FORTH REQUIREMENTS FOR CERTIFICATE OF COMPETENCY, AND REQUIRING PAYMENT OF A FEE OF \$35.00 FOR EACH RENEWAL; PROVIDING FOR EXPIRATION OF JOURNEYMAN ELECTRICIAN'S LICENSE AND REQUIRING PAYMENT OF A FEE OF \$10.00; PROVIDING FOR EXPIRATION OF APPRENTICE ELECTRICIAN'S LICENSES AND PROVIDING FOR RENEWAL THEREOF UPON PAYMENT OF A FEE OF \$5.00; PROVIDING THAT ALL ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS ARE RESPONSIBLE FOR THEIR WORKMANSHIP AND ARE SUBJECT TO EXAMINATION BY ELECTRICAL INSPECTOR AND SETTING FORTH CONDITIONS FOR SUSPENSION OF LICENSES; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Hovey, 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. 1670

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 5-12-1, 5-12-2, 5-12-10, AND 5-12-15 OF THE CITY OF IDAHO FALLS, IDAHO, RELATING TO THE SALE OF LIQUOR BY THE DRINK; SETTING FORTH DEFINITIONS OF CERTAIN WORKS AND

PHRASES USED IN SUCH CHAPTER; REQUIRING
PERSONS DESIRING TO SELL LIQUOR BY THE

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DRINK AT RETAIL TO OBTAIN A LICENSE THEREFORE FROM THE CITY COUNCIL; REQUIRING ANY PERSON ACTING AS A BARTENDER OR COCKTAIL WAITER IN ANY PREMISES LICENSED TO SELL LIQUOR BY THE DRINK TO OBTAIN A PERMIT THEREFORE AND SETTING FORTH QUALIFICATIONS FOR THE ISSUANCE OF SUCH PERMIT; SETTING FORTH THE EXPIRATION DATE OF SUCH PERMIT AND THE CONDITIONS UNDER WHICH SUCH PERMIT MAY BE REVOKED; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Hovey, 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 Chandler, seconded by Sakaguchi, that the meeting adjourn at 9:55 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor