

NOVEMBER 5, 1980

The City Council of the City of Idaho Falls met in recessed regular meeting November 5, 1980 at 7:30 p.m. in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Dale Storer, Assistant City Attorney; and, all available Division Directors.

Minutes of a regular meeting held October 23, 1980 and a special meeting held October 28, 1980 were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request for a variance to place an illuminated non-flashing free-standing sign in a P-B Zone for the Bank of Commerce at the corner of Grandview Drive and Skyline Drive, and asked 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 5, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR VARIANCE-LIGHTED FREE-STANDING SIGN

Attached is a copy of a request for a variance to place an illuminated non-flashing free-standing sign in the P-B Zone for the Bank of Commerce at the corner of Grandview and Skyline Drives. This variance is made necessary in that the sign code permits a lighted wall-mounted sign but does not permit illuminated free-standing signs in the P-B Zone.

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

s/ Rod Gilchrist

Councilman Chandler asked if there were any questions or comments from Councilmen or anyone present in the audience. Councilman Wood asked if there would be an obstruction of vision created by the power station across the street. Chandler answered by saying that the sign would be set back the required distance and should not create a problem. There being no further comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that this variance be granted and the Building and Zoning Division be directed to insure that the sign complies with the required setback. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell asked Councilman Chandler to proceed with Annexation Proceedings for Alice Dickson Estates Addition, Division No. 5, said proceedings having been recessed from the last regular Council Meeting until this night. There being no questions or comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that the Annexation Agreement for Alice Dickson Estates Addition, Division No. 5 be approved and the Mayor and City Clerk be authorized to sign said Agreement. Roll call as follows: Ayes, 6; No, none; carried.

NOVEMBER 5, 1980

ORDINANCE NO. 1658

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (ALICE DICKSON ESTATES ADDITION, DIVISION NO. 5)

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Sakaguchi, 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 to conduct a public hearing, recessed from the last regular Council Meeting, to consider the initial zoning of the newly annexed Alice Dickson Estates Addition, Division No. 5. There were none who appeared to protest or comment. It was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning Commission be upheld and the property be initially zoned RP-A and R-2 as recommended, and that the land use Comprehensive Plan be amended accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Noting several persons in the audience who were interested in the licensing for selling wine, Mayor Campbell asked Council Hovey to explain the proposed fee for a wine license and a proposal to increase other license fees which are now required by City Code. Councilman Hovey stated that, at the time the budget was being reviewed, it was recommended that the actual costs of issuing licenses be reviewed. He said that this had been accomplished and it was felt by the Committee that increases were warranted, as these fees had not been reviewed and increased for many years and the cost of issuing them has increased substantially. He said a list of these anticipated increases had been submitted to the Councilmen for review. He said, further, that it was recommended that a fee of \$100.00 be assessed for the sale of retail wine, as that amount was in conformity with State Code. Mayor Campbell asked Hovey if the proposed fee for retail wine was in line with the fee charged in other cities in Idaho. Councilman Hovey answered in the affirmative. It was explained that anyone interested in selling retail wine for the remainder of the year should apply for a City license as soon as possible so that preliminary investigations can be completed and the license issued after State and County license numbers are available. Councilman Hovey stated there was no provision in the Code to pro-rate other required City licenses and, in his opinion, if such a provision were allowed it would create real procedural problems and defeat the purpose of trying to minimize the amount of cost and time involved in the issuance of licenses. During the discussion it was noted that the City could possibly be ready to issue licenses so that sale of retail wine could begin around November 24, 1980. Councilman Erickson stated that it should be understood that the City administration was not promising clearance would be given by November 24, only that the City would be in a position to issue wine licenses by that date if State and County requirements had been met.

Mr. Robert Bennett, 1770 West Broadway, appeared briefly to ask two questions. First, will there be a limitation on the number of licenses issued for the sale of wine; second, can wine by the drink be served in a bar now holding a beer to be consumed on the premises license.

NOVEMBER 5, 1980

At the request of the Mayor, Assistant City Attorney Storer answered these questions by saying there would be no limit on the number of wine licenses issued, but in his opinion, the wine issue recently passed covered only retail sale of wine not to be consumed on the premises; therefore, wine could not be consumed at a beer bar without a liquor license and these liquor licenses were governed by the State law. Mr. Bennett re-appeared stating that he had talked with a State employee who had told him that a wine license could be obtained for consumption on the premises without having a full liquor license. Assistant City Attorney Storer again said it was his understanding that the wine issue covered only retail sale of wine, not to be consumed on the premises. There being no further questions or comment, it was moved by Councilman Hovey, seconded by Chandler, that the City Attorney be directed to revise and up-date the ordinance pertaining to licenses and permits, and present it at the next regular Council Meeting on November 20th, 1980. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of October, 1980, having been properly audited by the Finance Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 519,886.94	\$ 31,250.52	\$ 36,138.46	\$ 301,252.68
SALARY:	<u>373,586.46</u>	<u>22,774.24</u>	<u>11,044.16</u>	<u>50,806.88</u>
TOTAL:	\$ 893,473.40	\$ 54,024.76	\$ 47,182.62	\$ 352,059.56

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAPITAL</u>
SERV/MAT:	\$ 807,615.98	\$ 34,444.94	\$ 10,702.90	\$ 55,500.00
SALARY:	<u>78,934.39</u>	<u>26,800.63</u>	<u>7,346.50</u>	<u>.00</u>
TOTAL:	\$ 886,550.37	\$ 61,245.57	\$ 18,049.40	\$ 55,500.00

	<u>LIBRARY FUND</u>	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COMM DEVELOP</u>
SERV/MAT:	\$ 4,755.62	\$ 237.90	\$ 76,344.02	\$ 92,855.02
SALARY:	<u>18,738.39</u>	<u>796.51</u>	<u>.00</u>	<u>1,510.40</u>
TOTAL:	\$ 23,494.01	\$ 1,034.41	\$ 76,344.02	\$ 94,365.42

CITY TOTALS

SERV/MAT:	\$1,970,984.98
SALARY:	<u>592,338.56</u>
TOTAL:	\$2,563,323.54

Councilman Hovey explained all major expenditures. It was moved by Councilman Hovey, seconded by Chandler, that the bills be allowed and the City Controller be authorized to prepare warrants or checks for proper payment. Roll call as follows: Ayes, 6; No, none; carried.

Monthly reports from Division and Department Heads were presented for the month of October, 1980, 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 GROCERY STORE, Ray Groth Food Mart; ELECTRICAL CONTRACTOR, Ray Johnson Electric; JOURNEYMAN ELECTRICIAN, Harold Ray Johnson, Bruce Claxton; TAXI OPERATOR, Doug Bloom; JUNK DEALER, Tim Derine for Pacific Recycling; BARTENDER, Shanna Anne Karinen, Debbie K. Katseanes, Robert Todd McKelley, John D. Porter, Lucille A Spencer; BEER (canned & bottled, not to be consumed on the premises), Ray Groth Oil Company, Highland Market, were presented. It was moved by

NOVEMBER 5, 1980

Councilman Erickson, seconded by Deist, that these licenses be approved, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for Council ratification of the issuance of a liquor catering permit to LeBaron's to serve liquor on November 5, 1980, at the Senior Citizens' Center. It was noted this permit was issued with the approval of the Police Chief, but without formal Council approval. It was moved by Councilman Erickson, seconded by Deist, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of Council ratification was the forwarding of a damage claim in the names of Phil Hitz and Don & Jackie Moore, to the City's Liability insurance carrier on October 31, 1980. It was moved by Councilman Hovey, seconded by Chandler, that this action also, be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was then read:

City of Idaho Falls
October 29, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison, Manager
SUBJECT: UTAH POWER AND LIGHT COMPANY

Utah Power & Light Company is preparing to construct a 161 kv Line from their Goshen Substation and will be routed west of Idaho Falls. A tap from this line will also be built by the company to serve a Westside Substation for BPA and the line will be capable of double circuit to accommodate approximately one mile of the City's 161 kv North Loop Line.

BPA will provide a 161 kv Oil Circuit Breaker (OCB) at the Westside Substation and Utah Power & Light will provide an OCB at Sugarmill to terminate City's 161 kv South Loop.

The attached Utah Power & Light Company letter agreement proposes that the City pay the following estimated costs:

- (1) One-half the cost of one mile of the unframed 161 kv Line associated with the City's North Loop.....\$25,200.
- (2) UP&L Company O&M on this line, etc. at.....100 per month This cost will continue for the life of this agreement.
- (3) A continuing charge for UP&L Co.'s investment in the 161 kv OCB at Sugarmill of.....6,171 per month
- (4) From the date of energization until October 1, 1981, a monthly charge.....8,745 per month

The attached letter from BPA proposes that they (BPA) will assume the \$8,745 monthly charge beginning October, 1981.

NOVEMBER 5, 1980

The Electric Division recommends approval of this letter agreement, however, it is the intent of the Division to request a future right to purchase the UP&L Company OCB at Sugarmill and also any line segment that may be required to connect the City's South Loop to BPA's Westside Substation.

s/ G. S. Harrison

Councilman Hovey stated that it is hoped that the City can re-negotiate some of the provisions of this agreement at a later date, but it is necessary that the Council approve this agreement at this time in order to get Utah Power & Light Company's portion of the 161 kv Line under construction. It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the agreement as indicated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Planner was presented:

City of Idaho Falls
November 5, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: COUNTY PLAT - ARNOLD'S MOBILE HOME PARK,
DIVISION NO. 1

Attached is a copy of the final plat of Arnold's Mobile Home Park, Division No. 1. This plat is located east of the City, adjacent to the Ammon-Lincoln Road. Approval by the City is necessary in that it is located within one (1) mile of the City Limits.

The plat has been approved by the Company and the City Planning Commission recently considered it and at that time recommended approval. This Department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There being no questions, or comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that the final County plat for Arnold's Mobile Home Park, Division No. 1 be approved and the Mayor and City Engineer be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Airport Manager was then read:

City of Idaho Falls
November 5, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ADVERTISEMENT FOR REQUEST FOR PROPOSALS

NOVEMBER 5, 1980

The Airport Committee has decided to advertise for requests for proposals for lease of the General Aviation Operator (Fixed Base Operator) facilities at Fanning Field.

The Committee requests authorization for the City Clerk to advertise for said proposals.

s/ James Thorsen

Councilman Wood, as Chairman of the Airport Committee, invited comments from the floor.

Attorney Fred Hahn, representing Idaho Falls Aviation Service, appeared stating there were several factual and legal points that he felt should be brought before the Council concerning Mr. Ed Browning dba Red Baron Flying Services' lease as the present fixed base operator at the airport. He said he had visited with former Airport Manager Pete Hill and also Councilman Wood, to try and determine what was happening. He said that Idaho Falls Aviation Services was purchased by Brownings, Inc. in 1974 and he was personally involved in preparation of the lease, and in his opinion, one of the critical points negotiated in the lease was the opportunity to have five options to renew. He said the factual issue that has arisen is that, under the lease, both the Westside property next to the new terminal and also the old Eastside facility were included, but in his opinion, at the time the lease was approved, it was within the contemplation of the parties at that time that the Eastside facility would be phased out. He invited the Council and the City Attorney to check this fact for verification. He stated, further, that the result was that five successive options were primarily directed towards the Westside property adjacent to the new terminal. He said the lease specifically called for the lessee to develop that property by putting in a "partial line service building". He said Mr. Browning presented a plan for a feasible building to Mr. Pete Hill, but approval to go ahead was never given to Mr. Browning. He said that the City has not met their responsibilities such as painting the building. He said the lease requires that Mr. Browning notify the City if he desires to extend the lease at least ninety days prior to the expiration date, and Mr. Browning is ready to negotiate with the City and the fact that the development did not take place on the Westside was done with the concurrence of the City in the "give and take" happenings of the last five year period.

Mr. Jim Thorsen, Airport Manager, responded by saying that the lease agreement approved in 1974 provides for five concessive options to renew the lease and covered the Westside building area only; it did not make any references to the Eastside. He said it also provides that the lessee should build the partial line service building within one year of the date of the agreement, and this has not been accomplished. Mayor Campbell stated that, as Attorney Hahn pointed out, the City was aware of the fact that nothing was being built on the west side. Thorsen said that the Committee was recommending that competitive bids be received, as there were other persons interested in leasing this facility and they should be given an opportunity to bid. Mayor Campbell stated he felt the City Attorney should review the lease agreement before any decision was made.

Attorney Hahn re-appeared stating that, unless the negotiations that took place in 1974 were fully understood, the language becomes difficult to decipher. He said that in truth and in fact, the City contemplated phasing out the log building by this date and in truth and in fact, the City did not contemplate Ed Browning having options on one side and someone else leasing the log building. He said it was contemplated that the log building be phased out, but it was also contemplated that the fixed base operator have five, five-year leases. There being no further comment, it was moved by Councilman Wood, seconded by Sakaguchi, that this matter be referred to the legal counsel for review and recommendation. Mayor Campbell asked if there was a deadline to be met on this issue. Councilman Sakaguchi answered that the lease expires on December 31, 1980. Assistant Attorney

NOVEMBER 5, 1980

Storer said he could see no time problem in referring this to the legal counsel for their review and recommendation by that date. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Airport Manager, this memo was read:

City of Idaho Falls
November 4, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: LEASE AND CONCESSION AGREEMENT FOR INTER-COMMUNITY BUS SERVICE

Sun Valley Stages, Inc. has submitted a renewal request to provide inter-community bus service between the Airport and certain terminus outside the City. This service is primarily for ski charters from Sun Valley. The lease provides for prepayment of fees in the same amount as for other such carriers, i.e., Yellowstone, Jackson Stages, etc.

No space is required within the Terminal building. The buses will load and unload in the exclusive bus, taxi and limousine lane.

The Airport Committee recommends that the City Council approve this lease and instruct the Mayor and City Clerk to execute the lease in behalf of the City.

s/ James Thorsen

It was moved by Councilman Wood, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute the lease and concession agreement with Inter-Community Bus Service, in behalf of the City. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Attorney Storer presented a lease agreement between the City of Idaho Falls and Ivan Ashment covering purchase of land required for the extension of Hitt-Hackman Road. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the agreement, subject to the proper signatures being obtained. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson presented the following Resolution, accompanied by an agreement between the City of Idaho Falls and the Idaho Transportation Department, Division of Highways, covering revamping of the signalization from Cliff Street to Lomax Street:

R E S O L U T I O N (Resolution No. 1980-14)

WHEREAS, the Idaho Transportation Department, Division of Highways of the State of Idaho has submitted a Cooperative Traffic Signal Agreement stating obligations of the State and City of Idaho Falls in the installation of traffic signals on Yellowstone Avenue at Cliff, Broadway, A, B, C, D, E, and Lomax Streets in the corporate limits of the City of Idaho Falls.

NOVEMBER 5, 1980

WHEREAS, the allotment of State funds for the installation is contingent upon compliance with the laws governing State Highways and State Highway traffic, availability of necessary right of way, adequate provisions for the maintenance of the completed installation and the establishment of traffic control measures and means of enforcing them.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Traffic Signal Agreement is hereby accepted and approved.
2. That the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Idaho Falls.
3. The duly certified copies of this resolution shall be furnished to the Division of Highways.

Councilman Erickson explained that the estimated cost of the construction is \$380,490.00; work by State and City forces, \$10,000.00, for an estimated cost of \$390,490.00. He said included in this project is the installation where the fire truck can actuate the traffic light allowing the public safety unit to travel through the traffic. He said that this portion of the cost is \$30,000.00, which has been handled under another Federal Grant, reducing the project to \$360,490.00. He said that the State share of this project is \$21,000.00, Federal share is \$324,000.00, City share is \$14,780.00, and this amount is a budgeted item. He said, further, that the \$30,000.00 for the pre-emption installation, the Federal share is \$27,000.00 and the City's share is \$3,000.00 which is also a budgeted item. There being no questions or comment, it was moved by Councilman Erickson, seconded by Deist, that the Mayor and City Clerk be authorized to sign the agreement with the State of Idaho, Department of Transportation for the revamping of the signalization on the Yellowstone Highway as indicated. 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 8:30 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor