

OCTOBER 9, 1980

Prior to calling the meeting to order, the Mayor called upon Connie Meppen, one of the members of a singing group called the "Sweet Adelines", to come forward and lead all those present in the Pledge of Allegiance to the Flag.

The Mayor then introduced a group from the Gem-ette Chapter of Sweet Adelines and their conductor, Clyde Carroway. The group presented a medley of patriotic songs, after which the Mayor proclaimed the month of October as "Share A Song Month, 1980". Mayor Campbell thanked the group for their presentation. The singing group the received a round of applause from all those present in the Council Chamber.

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

Minutes of the last Regular Council Meeting held September 18, 1980, were read and approved. At this time, Councilman Deist appeared and took his seat at the Council Table.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a variance requesting permission to lower the required height of a guardrail around an open stairwell in a house now under construction at 1771 Laguna, and called upon Councilman Chandler, as Chairman of the Planning Commission, 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
October 7, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VARIANCE REQUEST - 1771 LAGUNA

Attached is a copy of a request for a variance submitted by Dixie Murphy. This request is to lower the required height of a guardrail around an open stairwell in a new residence now under construction. The Uniform Building Code requires the guardrail to be a minimum of 36 inches in height.

The petitioner is requesting this requirement be lowered to 32 inches. This Department recommends denial of the request, inasmuch as no hardship or unusual or extenuating circumstances have been presented.

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

s/ Rod Gilchrist

Councilman Chandler invited comments from anyone in the audience, concerning this request. Mrs. Dixie Murphy, the petitioner, appeared stating that she was building a quarter of a million dollar home and would pay alot of taxes into the City. She resented anyone telling her what she could and could not do in that home. She said the Uniform Building

Code has been in effect since 1948, but only enforced in the City for the last two to three years; thus, in her opinion, there are many homes in Idaho Falls that were built between

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1948 and 1977 that have guardrails that do not meet this code. She cited several public buildings that had handrails not meeting the code requirements. She said she felt the code should be examined and revised to make it fair for all. Mrs. Murphy asked if she was not correct in her thinking, that most of the codes come in a bulk package from California and acted on by the Council as a package, instead of the Council considering each item to determine if that rule applies to Idaho Falls. Mayor Campbell answered by saying that the Council generally accepts the State of Idaho Code. Assistant Attorney Storer stated that Mrs. Murphy was probably referring to the Uniform Building Code. He said that code is promulgated by a commission of building officials comprised of the National Board and is adopted by many states and cities. He said the codes are reviewed by the legal staff before they are presented to the City Council, and in many cases, a City Ordinance does make certain revisions or modifications prior to adoption, and this is done to insure that they conform to the prevalent building practices and existing features of the community. Mrs. Murphy questioned if each and every code in the code book was reviewed by the City Council so that they were aware of its contents and how to enforce it. Attorney Storer said that the planning staff and the legal staff review the code and then make recommendations to the City Council. Mrs. Murphy appealed to the Council that she be allowed to do what she wants in her own home and stated that she would be responsible for anything that happens within that home. Mayor Campbell stated that this may be the first time that some of the Councilman had heard of the request that Mrs. Murphy was presenting. Mrs. Murphy then explained in detail, the events leading up to her appearance this night and her request for a variance, including problems of getting on the agenda for the meeting. Mayor Campbell stated that, even though Mrs. Murphy feels that the building code is an infringement on her rights, a young couple building their first home appreciates the help of the building code and the Council's enforcement of it. He said that sometimes enforcement of a code is not a denial of rights, but a protection of rights, insuring the buyer that the building meets certain standards.

At the request of Councilman Chandler, City Planner Gilchrist explained what Mrs. Murphy wished to do, stating that her request did not meet the criteria of the building code. Councilman Hovey asked what was the potential danger of allowing the variance. Gilchrist stated that it was an "L" shaped stairway, which is pretty well standard in a split entry-home, and the code required a 36-inch guardrail. Mr. Richard Skidmore, the building contractor, appeared stating he has been building homes in Idaho Falls for twenty-four years and he said he has built 32-inch guardrails up until the last two or three years, when the Building Administrator advised him he could no longer continue to do so because of a change in the code. He said the code allows for a 30-inch guardrail on stairways and he feels the area involved is a stairway and this complies to the code.

The Mayor asked Attorney Storer to address the issue as to whether or not the City may be sued on issues of this type. Storer said there was a potential that the City could be sued, but in his opinion, it would be remote chance. He said the City has an obligation to insure that buildings are properly constructed and do not create a health and safety hazard. He said it would require that the City was aware of an existing health hazard and that there was a reasonably great possibility that injury would result, and if that injury did result, that the variance was the approximate cause of the accident. He said, in his opinion, the possibility in this case would be remote, but nevertheless, it did exist.

Councilman Hovey asked if that possibility would not be true of any variance the Council considered. Storer stated that, if by doing so it creates a great possibility that an accident could occur, there would be a remote chance a law suit could succeed. Councilman Hovey said it seemed to him that everything the Council acted on has some risk in it and he felt the difference between 32 inches and 36 inches would not be a sufficient

difference to create a clear and present danger. Hovey said he felt that government can interfere into a person's private life to the extent that pretty soon you can't do anything and,

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in his opinion, the chances of the City being liable were so remote that he certainly could support this request for a variance. Councilman Wood asked the City Planner if a 32-inch guardrail was dangerous. Gilchrist said that, according to the Uniform Building Code, it was dangerous. Wood also asked if there was a reason why this requirement had not been enforced previously. The Planner answered that he felt it had been. Councilman Erickson stated that Mr. Skidmore had read from the code book and asked the Planner the difference between the entry-way as it exists at this residence, and a guardrail. The Planner said that when you have an open stairway with no wall on either side, a guardrail becomes the same as a handrail.

Assistant City Attorney Storer requested he be allowed to address the issue briefly. He said the code provides that the Council has the discretion to permit variances to the building code and, primarily, the Council should consider whether or not the proposed method of construction or materials used are sufficiently suitable, such that they would comply with the intent of the provision within the building code. He said he would caution the Council about granting the variance if they were doing it merely for cosmetic or aesthetic purposes. He said the Council should find that there is a just cause or just reason for this before approving a variance. He said further, if the proposal can still comply with the spirit and purpose, the Council has the authority and the discretion to grant the variance. He said the purpose of the ordinance is primarily safety, and the question before the Council now is, will the reduction of the height of the guardrail create a greater possibility of injury.

Councilman Chandler asked Mr. Skidmore, the contractor, if in his opinion, the rail in question does qualify as a handrail or if it is definitely a guardrail. Skidmore answered that, according to his interpretation of the code, it would be a guardrail. He said the Uniform Building Code Book was very difficult to read and understand and there is no way that every home in Idaho Falls can conform to every aspect of that code. Councilman Erickson stated that it was the responsibility of the Council to enforce the intent of the building code. Fire Chief Call appeared briefly to state it would be sad if the variance were granted for purely cosmetic reasons, because fire safety inspectors have been very stringent in enforcing the building code. He said it helps provide more safety for firemen when fighting fires inside homes.

There being no further comment, it was moved by Councilman Chandler, seconded by Deist, that the variance request be denied. Roll call as follows: Ayes, Councilmen Chandler, Deist, and Wood; No, Councilmen Erickson and Hovey; carried.

The Mayor announced this was the time and the place, as advertised, to consider a request for a variance to allow placement of a mobile home at 1650 South Lee Avenue, and asked Councilman Chandler to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this memo:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE - 1650 SOUTH LEE AVENUE

Attached is a copy of a variance submitted by O.S. Edwards requesting permission to place an additional mobile home adjacent to an existing

residence. This property is located between South Boulevard and South Lee, 17th Street on the southerly boundary and the alley to the north. An existing

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non-conforming trailer court has occupied this property for a number of years. The request is to place a new additional mobile home in this court.

This department recommends denial of this request inasmuch as this would be adding to an existing non-conforming use. 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 in behalf of this request.

Mr. O.S. Edwards, 1651 South Boulevard, the petitioner, appeared briefly to state that he planned to place a pre-manufactured home on this property. He said all the nearby residents approve this type of home in the area. He said the water and sewer lines were already there and would be no problem to properly locate this home. Councilman Chandler asked Mr. Edwards if there was sufficient room to place this house. Edwards answered in the affirmative. Mrs. O. S. Edwards appeared briefly to state that all mobile homes in the lot had their own meters for electric services and all paid monthly garbage, water, and sewer charges.

Mr. Paul Gerard, 178 East 16th Street, appeared briefly to state he felt this mobile home would make a great improvement to the area.

Councilman Erickson asked the City Planner if the non-conforming use description stated in the memo was designated such by Council action. The City Planner answered that he doubted it, as those mobile homes had been there for many years and he knew of no Planning Commission or Council action in this regard, and he could find no record on it. Councilman Hovey asked for the definition of a mobile home. Planner Gilchrist said that State Code differentiates a mobile home from a permanent home in the type of construction. He said most mobile homes that are placed do not have wheels under them.

Councilman Deist asked Mr. Edwards if he started this mobile home unit. Mr. Edwards answered in the negative, stating he purchased it about ten years ago. Mayor Campbell asked if everything else in this lot was a trailer house. Edwards said there was a small house on one space that should be torn down within the next five years.

Reverend Breelan appeared briefly stating that he lives in the house next to where the mobile unit would be placed and he approved this proposal. Councilman Chandler asked if this area met the criteria to be a trailer park if it were to be re-zoned for that purpose. City Planner Gilchrist said he knew of no reason why this area could not be re-zoned to a trailer court zone. Councilman Erickson asked how much awareness was made of the R-1 Zone to the nearby residents. Gilchrist said a petition had been circulated and there were a number of signatures on it approving the mobile home, with no objection registered. During the discussion, it was determined by the Council that it would be more feasible for the petitioner to request a re-zoning of the area to allow placement of this unit, rather than grant the variance. It was moved by Councilman Chandler, seconded Deist, that the petitioner submit a request for re-zoning to make the area a trailer park, and if passed by the Council, would allow the placement of the mobile home. Attorney Storer stated that, in his opinion, the motion should be to deny the variance and give Mr. Edwards the indication that the Council would likely favor a re-zoning request. Councilman Chandler stated that, with the consent of Councilman Deist, who seconded the foregoing motion, he would withdraw said motion. It was then moved by Councilman Chandler, seconded by

Deist, that this request for a variance be denied. Roll call as follows: Ayes, 5; No, none; carried.

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Noting from the agenda that annexation proceedings for Marshall Research Park were to be considered this night, the Mayor asked Councilman Chandler to proceed. Chandler asked the City Clerk to read the explanatory memo from the City Planner:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT - ANNEXATION & INITIAL ZONING - MARSHALL RESEARCH PARK

Attached is a copy of the final plat, annexation ordinance and annexation agreement for the above described property. This property is a 10-acre parcel, located adjacent to and on the west side of North Boulevard. The City Planning Commission recently held a public hearing on this matter and at that time, recommended approval of the final plat, annexation to the City and initial zoning of I&M-1.

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

s/ Rod Gilchrist

The City Planner located the property on a map on the wall and explained what was proposed. At the invitation from Councilman Chandler for anyone present to speak in favor or against this proposal, Mr. Hank Beers appeared briefly to state that he was associated with EG&G and would be available to answer any questions concerning the property. There being no questions or comments, it was moved by Councilman Chandler, seconded by Deist, that the final plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried. Councilman Hovey abstaining. Councilman Hovey requested that the record show that his abstention was based on actual or potential conflict of interest. It was moved by Councilman Chandler, seconded by Deist, that the annexation agreement be approved and the Mayor and City Clerk be authorized to sign the agreement. Roll call as follows: Ayes, 4; No, none; carried. Councilman Hovey abstaining for the same reason as indicated in the preceding motion.

ORDINANCE NO. 1656

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. (MARSHALL RESEARCH PARK)

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The

question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE
REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED

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WITH?" Roll call as follows; Ayes, 4; No, none; carried. Councilman abstaining. 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, 4; No, none; carried. Councilman Hovey abstaining. It was noted that Councilman Hovey abstained for the same reason as previously indicated.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider the initial zoning of the newly-annexed Marshall Research Park. There being no questions nor comment, it was moved by Councilman Chandler, seconded by Deist, that Marshall Research Park be initially zoned I&M-1 and the City Planner be directed to amend the Comprehensive Plan accordingly. Roll call as follows: Ayes, 4; No, none; carried. Councilman Hovey abstaining for the same reason as previously indicated.

Next, to be considered for annexation was the area to be known as Old Fashion Way, Division #3. At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT, ANNEXATION AND INITIAL ZONING - OLD FASHION WAY, DIV. #3

Attached is a copy of the final plat, annexation ordinance and annexation agreement for the above mentioned plat. This annexation request covers approximately five acres and includes 21 residential lots.

This matter was recently considered by the City Planning Commission at a public hearing and at that time it was recommended the final plat be approved, the property be annexed to the City, and initial zoning of R-1 be established,

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

s/ Rod Gilchrist

Mr. Doug Wenzel, Rt. 9 Box 185, appeared briefly to state that he was very concerned about the continued drainage problems that annexations create on the west side of the City. He said the City does not have proper drainage provisions now to handle the load already there, and he questioned if the Council knew just how serious the problem was, and said the dry wells used now were the only things that keep the area from flooding. He said these dry wells are rapidly being destroyed. He said there were flooding problems last winter along Broadway and stated it was not "if" he was going to be flooded, but "when". He said he predicted that he had an 80 percent chance of being flooded this coming winter, and he felt the correction being attempted now was too little and too late. Councilman Deist asked Mr.

Wenzel where he lived in relation to this area being considered for annexation. Wenzel stated he lived approximately one-half mile south of this area. Mr. Wenzel offered to show

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the Council pictures of the problem areas, stating he has documented this case in the event he gets flooded. Mayor Campbell asked Public Works Director Lloyd if he planned to use dry wells in this area being considered this night. Lloyd answered it was planned to use dry wells, plus holding ponds. Wenzel contended that the dry wells now in use were not adequate to handle the storm drainage run-off and holding ponds would just create additional problems.

There being no further questions or comment, it was moved by Councilman Chandler, seconded by Deist, that the final plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. It was moved by Councilman Chandler, seconded by Deist, that the annexation agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1657

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. (OLD FASHION WAY, DIVISION NO. 3)

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; 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, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the initial zoning of the newly-annexed Old Fashion Way, Division #3. It was moved by Councilman Chandler, seconded by Deist, that the initial zoning of the newly-annexed Old Fashion Way, Division #3 be established as R-1 and the City Planner be directed to amend the Comprehensive Plan accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Mayor Campbell then asked the City Clerk to read the following petition. It was noted that the petition contained approximately twenty signatures of Skyline Drive and Beverly Road residents:

**PETITION TO THE MAYOR
AND CITY COUNCIL OF IDAHO FALLS**

We the undersigned residents of Skyline Drive and Beverly Road, request that street parking be limited to 8 hours in the following area:

Beverly Road - Between Claireview and Reed
Skyline Drive - Between Casseopia and Charlene

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The number of non-resident site workers who park their cars in this area for 10-20 hour periods in order to catch the buses are a menace and aggravation to the neighborhood. The safety problems posed by the lack of visibility to back out of one's driveway or to cross the busy Skyline Drive intersection should be sufficient cause for this action. In addition, we feel that the limited street parking should be made available to people who are visiting or have business in the residential section and not a "Parking Lot" solution to a DOE-INEL problem.

Mr. Dick Pierce, 802 North Skyline, appeared briefly, stating that the situation has deteriorated over the last two years, both in the number of persons parking in the area and also in posting and enforcement. He requested help in alleviating this problem. It was moved by Councilman Erickson, seconded by Chandler, that this petition be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Bill Dick, Executive Director of the Alcohol Rehabilitation Association, appeared stating he had a problem that he hoped the Council could help him with. He said the City formerly has helped with the power bill for this association, but with the onset of the bulb turbine project, it has been explained that no more free power can be given to any agencies in the City. He listed a few facts about his organization to prove the value of the association. He concluded by asking the Mayor and Council to consider making a cash donation to help the association cover the power bill and help keep the association in operation. It was moved by Councilman Hovey, seconded by Erickson, that this be referred to the Finance Committee for further study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of September, 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: \$	658,777.42	\$442,054.71	\$211,995.51	\$ 791,869.12
SALARY:	<u>357,986.53</u>	<u>21,445.90</u>	<u>9,612.24</u>	<u>47,065.23</u>
TOTAL:	\$1,016,763.95	\$463,500.61	\$221,607.75	\$ 838,934.35
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAP</u>
SERV/MAT: \$	\$1,198,861.51	\$301,489.30	\$ 33,595.22	\$ 183,215.36
SALARY:	<u>79,137.86</u>	<u>24,922.31</u>	<u>8,212.21</u>	<u>.00</u>
TOTAL:	\$1,277,999.37	\$326,411.61	\$ 41,807.43	\$ 183,215.36
	<u>POLICE RET</u>	<u>LIBRARY FD</u>	<u>REG LIBRARY</u>	<u>BRIDGE/ART ST</u>
SERV/MAT: \$	1,221.40	\$ 3,981.46	\$ 434.10	\$ 3,814.90
SALARY:	<u>.00</u>	<u>15,820.68</u>	<u>1,506.01</u>	<u>.00</u>
TOTAL:	\$ 1,221.40	\$ 19,802.14	\$ 1,940.11	\$ 3,814.90
	<u>WATER CAP IMP</u>	<u>REVENUE SHAR</u>	<u>COMM DEV</u>	<u>CITY TOTALS</u>
SERV/MAT: \$	675.16	\$ 85,333.31	\$ 85,476.46	\$4,569,503.91
SALARY:	<u>.00</u>	<u>.00</u>	<u>1,425.60</u>	<u>567,134.57</u>

TOTAL:	\$	675.16	\$ 85,333.31	\$ 86,476.46	\$4,569,503.91
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It was moved by Councilman Hovey, seconded by Chandler, that the City Controller be authorized to issue warrants on checks for payment of the bills as listed on the printout. Roll call as follows: Ayes, 5; No, none; carried,

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

License applications for RESTAURANT, Godfather's Pizza, Skyline Lanes Restaurant (transfer); JOURNEYMAN ELECTRICIAN, Neal W. Pifer, William R. Taylor; MASTER PLUMBER, Gordon L. Holley; JOURNEYMAN PLUMBER, Gordon L. Holley; APPRENTICE PLUMBER, Ellis Dean Moon with Gordon Holley as responsible managing Journeyman; PRIVATE PATROLMAN, Joseph M. Dove, Lonnie LeRoy Wilde; BARTENDER PERMIT, Paul Bowman, Kenneth Crocker, Michael D'Ordine, Barbara Hancock; M. Grant Kunz, James A. Letterman, Robert Steven Smith, Evelyn B. Weeks, Randy Young, Shauna M. Young; BEER (CANNED & BOTTLED, NOT TO BE CONSUMED ON PREMISES), (manager transfer only), Skaggs Company Inc; BEER (CANNED & BOTTLED & DRAUGHT, TO BE CONSUMED ON PREMISES), (manager transfer only) Skyline Lanes, Bourbon Street; LIQUOR, Bourbon Street, were presented. It was moved by Councilman Chandler, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk asked for formal council approval of the 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 at 1650 South Lee Avenue. It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk also asked for Council ratification of publishing a legal notice calling for a public hearing, held this night, to consider a request for a variance to permit the use of a 32-inch guardrail over the basement stairs at 1771 Laguna. 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, 5; No, one; carried.

Also in need of ratification, according to the City Clerk, was the publishing of a legal notice calling for a public hearing on October 23, 1980, to consider the initial zoning of property to be known as Alice Dickson Estates, Division No. 5. It was moved by Councilman Hovey, seconded by Chandler, that this action also, be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk then asked for formal Council ratification of publishing a legal notice calling for a public hearing on October 23, 1980, to consider amendments to Ordinance #1115, said ordinance being the Zoning Code of the City of Idaho Falls. It was moved by Councilman Hovey, seconded by Chandler, that ratification of this action be approved. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under items in need of Council ratification, was the forwarding of a damage claim in the name of Michele Van Wagoner, to the City's liability insurance carrier on October 1, 1980:

Ririe, Lee & Jenkins
October 1, 1980

Ms. Velma Chandler
Idaho Falls City Clerk
P O Box 220
Idaho Falls, Idaho 83401

Dear Ms. Chandler:

OCTOBER 9, 1980

RE: Michele Van Wagoner

On July 15, 1980, we forwarded a letter to you explaining Miss Van Wagoner's claim against the City of Idaho Falls for negligence maintenance of roadways within the City of Idaho Falls. Enclosed with that letter was a Notice of Claim. Since there were some changes which were made to that prior notice, we are forwarding to you an Amended Notice of Claim.

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

Sincerely,
s/ Blake G. Hall

It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Clerk was then presented:

City of Idaho Falls
October 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
City of Idaho Falls

Gentlemen:

The Police Department has advised that a sufficient amount of unclaimed and impounded merchandise has accumulated to warrant an auction sale.

We ask authorization to conduct said sale at the usual time and place on Saturday, November 1, 1980, and that the City Clerk be authorized to publish legal notice accordingly and that a professional auctioneer be retained to conduct the sale.

Respectfully submitted,
s/ Velma Chandler
City Clerk

It was moved by Councilman Hovey, seconded by Erickson, that the City Clerk be authorized to hold the auction sale for the items as indicated, on November 1, 1980, and a professional auctioneer be retained to conduct the sale. Roll call as follows: Ayes, 5; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Mayor and City Council

FROM: Airport Committee
SUBJECT: AGREEMENT FOR APPRAISAL SERVICES

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Under the Airport Development Aid Program Grant No. 6-16-0018-05, the Federal Aviation Administration agreed to provide funds for the acquisition of land adjacent to the Airport to protect the Airport from incompatible development and for future expansion of the runway.

Under Federal procedures, the City must enter into an agreement with a qualified appraiser to provide appraisal services.

The City has previously used the services of Mr. Gene E. Kelley, A.R.A., in Federal Aviation Administration-assisted projects at the Airport.

The Agreement has been approved by the FAA and the City Attorney.

The Airport Committee recommends that the proposed Agreement for Professional Services with Mr. Gene E. Kelley be accepted and that the Mayor and City Clerk be authorized to execute said Agreement.

s/ James Thorsen

It was moved by Councilman Wood, seconded by Erickson, that the Agreement with Mr. Gene E. Kelley for professional services be accepted and the Mayor and City Clerk be authorized to execute said Agreement. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Airport Manager, came this memo:

City of Idaho Falls
October 8, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: MANSFIELD ENTERPRISES D/B/A DOLLAR RENT-A-CAR

The City has reviewed an application and signed lease agreement from Mansfield Enterprises to conduct a rent-a-car business on the Airport.

Space is available in the terminal building for the rental counter space, and land is available to the south of the building for a ready car lot. All capital improvements will be done by the Lessee with no cost to the City.

The terms and conditions are the same as for the rent-a-car agencies now operating at the Airport. The leased areas amount to 100 square feet in the terminal and approximately 25,000 square feet of undeveloped land.

The Lease agreement has been approved by the City Attorney.

The Airport Committee recommends that the Airport Lease and Concession Agreement with Mansfield Enterprises be accepted and that the Mayor and City Clerk be authorized to execute said Agreement.

s/ James Thorsen

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It was moved by Councilman Wood, seconded by Erickson, that the Airport Lease and Concession Agreement with Mansfield Enterprises be accepted and the Mayor and City Clerk be authorized to execute said Agreement. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
October 8, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: OPERATING AGREEMENT FOR GROUND HANDLING SERVICES OF CHARTER FLIGHTS - DAN HAHN

The City has received a signed lease agreement from Dan Hahn to conduct ground handling service which includes the loading and unloading of air carrier charters' baggage, equipment servicing and all ground services incidental to the operation of such charter flights.

The Lease Agreement has been approved by the City Attorney.

The Airport Committee recommends that the Airport Use Agreement and Lease with Dan Hahn be accepted and that the Mayor and City Clerk be authorized to execute said Agreement.

s/ James Thorsen

It was moved by Councilman Wood, seconded by Erickson, that the Airport Use Agreement and Lease with Dan Hahn be accepted and the Mayor and City Clerk be authorized to execute the Agreement. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the General Services Director was then read:

City of Idaho Falls
October 6, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: ADVERTISEMENT FOR BIDS - EQUIPMENT

The General Services Division respectfully requests authorization to advertise to receive bids for that equipment approved in the 1980-1981 Budget.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the General Services Director be authorized to receive bids for that equipment approved in the 1980-1981 Budget. Roll call as follows: Ayes, 5; No, none; carried.

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

OCTOBER 9, 1980

City of Idaho Falls
October 6, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: ADVERTISEMENT FOR BIDS - ELECTRICAL APPARATUS &
CONDUCTOR

The Electrical and General Services Divisions respectfully request authorization to advertise to receive bids for electrical apparatus and conductor requirements for the fiscal year 1980-1981.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the General Services Director be authorized to receive bids for electrical apparatus and conductor requirements for the fiscal year 1980-1981. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the General Services Director, this memo was submitted:

City of Idaho Falls
October 6, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: ADVERTISEMENT FOR BIDS - SUBSTATION ELECTRICAL
TRANSFORMER

The Electrical and General Services Divisions respectfully request authorization to advertise to receive bids for the purchase of one (1) 161-44 KV, 70 MVA Transformer for temporary use as a spare at the Sugar Mill Substation. At such time as BPA constructs the Westside Substation they have agreed to purchase this transformer.

s/ Chad Stanger

Councilman Erickson explained that, in case the City should have a power outage, by purchasing this transformer at this time, it would be functional and be energized at the Sugar Mill substation to take care of problems. Erickson said that when the location of the Westside Substation is determined, it is agreed in writing, that BPA will then purchase the transformer to be placed at the Westside Substation. It was moved by Councilman Erickson, seconded by Chandler, that the memo be approved as stated. Roll call as follows: Ayes, 5; No, none; carried.

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

OCTOBER 9, 1980

City of Idaho Falls
October 8, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: SALE OF SURPLUS USED EQUIPMENT

The General Services Division respectfully requests authorization to advertise to receive bids for the sale of used equipment which has been determined by Property Management to be surplus to the City's needs.

s/ Chad Stanger

Councilman Erickson explained that this was surplus equipment that builds up as certain changes are made in the City and the equipment does have value. Therefore, it was moved by Councilman Erickson, seconded by Chandler, that authorization be given for the General Services Director to advertise and receive bids for the sale of used equipment which is determined to be surplus to the City's needs by Property Management. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: PURCHASE OF A FUTURE WELL SITE

Negotiations have been completed for a future well site located on Hoopes Avenue near 25th Street. The cost of this acquisition is \$50,000 and has been budgeted. The site includes a total of 7 acres. Arrangements have been approved by the Public Works Committee and we are requesting authorization for the City Attorney to complete all the necessary transactions and the City Controller to issue a \$50,000 Warrant when completed.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Deist, seconded by Chandler, that the City Attorney be authorized to complete all the necessary transactions for purchase of a future well site and the City Controller be authorized to issue a \$50,000 Warrant when completed. Roll call as follows: Ayes, 5; No, none; carried.

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

OCTOBER 9, 1980

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: PURCHASE OF RIGHT-OF-WAY FOR HITT-HACKMAN ROAD

Negotiations have been completed for a small parcel of property on 17th Street required for Hitt-Hackman Road. The property is owned by Ivan Ashment and the negotiated price was \$65,350.00 for a total of 1.128 acres. The Council's Public Works Committee is recommending that the arrangements be approved and that the City Attorney be directed to complete the arrangements and the City Controller be authorized to issue a warrant when completed.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Deist, seconded by Chandler, that the City Attorney be authorized to complete the arrangements for purchase of Right-of-Way for Hitt-Hackman Road and the City Controller be authorized to issue a warrant when completed. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director this memo was presented:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: 17TH STREET

We are attaching hereto two (2) copies of an Agreement between the City and the Idaho Department of Transportation. The Transportation Department has agreed to review all appraisals for land and easements which are required to improve 17th Street from Boulevard to Yellowstone. The Council's Public Works Committee is recommending that the Mayor be authorized to sign and that the City Controller be authorized to issue a warrant in the amount of \$3,500.00.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Deist, seconded by Chandler, that the Mayor be authorized to sign the agreement between the City and Idaho Department of Transportation covering improvement of 17th Street, from Boulevard to Yellowstone, and the City Controller be

authorized to issue a warrant in the amount of \$3,500.00. Roll call as follows: Ayes, 5; No, none; carried.

From the Electrical Engineer came this memo:

OCTOBER 9, 1980

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison
SUBJECT: S. J. GROVES, CHANGE ORDER NO. 4

Attached is a copy of a proposed change order for the S. J. Groves Contract.

This change order is for the purpose of documenting all state sales and use taxes paid by S. J. Groves and his subcontractors on the Hydroelectric Project. Cost of such work is not to exceed \$20,000.

Council consideration of this change order is requested.

s/ Steve Harrison

Councilman Hovey stated he felt the Council was well familiar with this situation and the reason for asking S.J. Groves to make the necessary documentation, and on that basis he would move the Change Order No. 4 with S.J. Groves in an amount not to exceed \$20,000, be accepted. This motion was seconded by Councilman Chandler. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Electrical Engineer, this memo was presented:

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: 161 KV LINE, CHANGE ORDER NO. 1

Several revisions to certain quantities and procedures associated with the 161 KV construction contract have been required. Some changes are at no cost while some are increases and decreases. Net changes amount to an \$8,329.98 decrease in the contract amount.

Attached for your consideration is the proposed change order.

s/ Steve Harrison

Councilman Hovey stated this was the kind of change order that he liked to deal with, as the net result was a decrease in the contract in the amount of \$8,329.98. It was moved by Councilman Hovey, seconded by Wood, that Change Order No. 1 in the 161 KV Construction Contract with Wasatch Electric be approved in the amount as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Electrical Engineer this memo was read:

OCTOBER 9, 1980

City of Idaho Falls
October 7, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: UTAH POWER & LIGHT CUSTOMER TRANSFERS

Two (2) Utah Power & Light accounts on the S.W. corner of Lincoln and Woodruff Avenue have requested City Electric services.

The customers are within the City limits and Utah Power & Light has agreed to the transfer.

Cost of the transfer is \$7,092.52 for the account plus \$429.89 for facilities. Council consideration of this transfer is requested.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the City pick up this customer transfer in the amount of \$7,092.52 plus \$429.89 for facilities. Roll call as follows: Ayes, 5; No, none; carried.

Mayor Campbell re-appointed Pat McGahn to the Planning Commission for a term of five years. It was moved by Councilman Chandler, seconded by Wood, that this action be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Assistant City Attorney Storer presented a proposed settlement agreement between the City of Idaho Falls and Mr. Brent Wirkus. He said this action was the result of negotiations conducted by the legal staff with Mr. Wirkus. He said a suit resulted after a vehicle Mr. Wirkus was driving collided with a City Police vehicle. He said there was a dispute as to the color of the light, and after evaluating the conflict in the testimony, it was the recommendation of the Legal Department that the City accept the settlement based upon the problems that were encountered. It was moved by Councilman Erickson, seconded by Chandler, that the recommendation of the Legal Counsel be accepted. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 9:40 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor