

SEPTEMBER 18, 1980

Prior to calling the meeting to order, the Mayor called upon Eagle Scout Tom Beesley 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 Tom Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, and Ralph Wood. Absent: Councilman 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 4th, 1980, were read and approved.

Mayor Campbell invited Eagle Scouts Lance Petersen, Tom Beesley, Randy Beard and Tucker Smith to come forward to the Council Table. The Mayor thanked these young men for this achievement and presented each with a Certificate of Appreciation, after which each young man received a congratulatory handshake from the City Officials around the Council Table.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider certain revisions to the Comprehensive Plan for the City of Idaho Falls, and called on 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
September 17, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: COMPREHENSIVE PLAN

Attached is a copy of the proposed Comprehensive Plan for the City of Idaho Falls. This Plan is made up of two parts consisting of the text and land-use map. The Plan is based on population and economic projections of the year 2000, and provides for land-use patterns to accommodate these projections.

The Planning Commission recently held a public hearing on this matter and at that time several interested citizens appeared to comment, and several of the comments made were included in the Planning Commission's final recommendation. The Planning Commission unanimously recommended adoption of the Comprehensive Plan.

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

s/ Rod Gilchrist

This memo was accompanied by the following resolution:

R E S O L U T I O N (Resolution No. 1980-13)

WHEREAS, the City adopted a Comprehensive Plan on August 22, 1968; and

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WHEREAS, the City desires to repeal said existing Comprehensive Plan; and

WHEREAS, The City desires to promote the health, safety and welfare of the citizens of the City of Idaho Falls for the purposes set forth in Local Planning Act of 1975, Idaho Code, Section 67-6502; and

WHEREAS, the City has certain goals and objections which are set forth in the Comprehensive Plan attached hereto; and

WHEREAS, the City desires to retain sufficient flexibility and adaptability to accommodate future changes in the growth pattern and development of the City and to assure that the Plan can accommodate the needs of the citizens as the such needs arise; and

WHEREAS, the City desires the Plan to be adopted as a guide to assist in its future planning processes and the orderly development of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

1. That the Comprehensive Plan of 1968 be, and the same is hereby repealed;

2. That the Comprehensive Plan attached hereto, together with and including all maps, charts and reports appended thereto, be and the same hereby adopted by the City pursuant to the provisions of Title 67, Chapter 64, I.C., as amended;

3. That three (3) copies of the said Comprehensive Plan, together with the maps, charts and reports appended thereto, shall be placed on file and remain on file in the office of the City Clerk.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of September, 1980.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

Councilman Chandler asked City Planner Gilchrist to review the proposed revisions. Gilchrist used maps on the wall to explain some of the proposed revisions, stating that this would basically be an up-dating of the so-called Rupeiks Plan adopted by the City of Idaho Falls in 1968. He said the plan is based on the projection of population and economic conditions out to the year 2000 and projected desired land-use patterns to accommodate the population during that period of time. He said that if this was adopted by the Council, it would provide a general guide for the growth of the City. He said, also, that the actual Comprehensive Plan to be adopted is only for the area within the City limits; the area outside the City limits is a suggested configuration of land-use patterns which, at this point, has been agreed upon by both the City and County Planning Commissions, and although no official action has been taken to date, it could at some time be a part of the County's Comprehensive Plan. Mayor Campbell asked if consideration tonight was for only that portion lying within the City limits. Gilchrist answered in the affirmative, stating that

the only portion the Council can adopt is that portion lying within the City limits. Gilchrist said the various components addressed in the text of the plan were population, economic development, public services and utilities, housing, planned use, inventory and analysis, natural resources, recreation, transportation, community design, and implementation of the land-use plan.

At the end of the presentation by the City Planner, Councilman Chandler asked if there was anyone present in the Council Chamber who had questions or comments on the proposed revisions to the Comprehensive Plan.

Mr. Brian Campbell, 925 John Adams Parkway, appeared briefly to ask how flexible a land-use plan can be. Gilchrist answered that the plan is a general guide and can be adopted by a resolution. Campbell asked the difference of adopting the plan by a resolution rather than an ordinance. Assistant City Attorney Storer responded by saying that basically, an ordinance is a statement by the Council that becomes a matter of law, and a resolution differs from an ordinance in that rather than becoming a law, it is a statement of policy. He said the Lane-use Planning Act permits the Comprehensive Plan to be adopted by either a resolution or an ordinance. He said the legal staff had advised the adoption by resolution, as this permits a greater degree of flexibility while it still assures some continuity in the planning process. Campbell asked why not adopt by an ordinance and consider it to be binding, and if changes were deemed necessary, would this not be more cumbersome in a resolution than an ordinance. Storer stated that the Idaho Code sets forth procedures by which the Comprehensive Plan can be amended and the Statute requires that citizens be given opportunity to respond to any proposed amendment and a hearing be held to consider any amendments before they are made. He said, further, that amendments cannot be made more frequently than every six months. Campbell then stated that in a recent supreme court ruling, it was mandated that detailed and specified land-use decisions be made. He asked if the Attorney felt that this policy proposed would stay within this mandate. Storer answered that the case referred to by Mr. Campbell was still before the court and it was not the intent of the Council nor the legal counsel to try that case, and with that in mind, basically it is the position of the City that when the Council makes a decision which affects individual rights, those individuals are entitled to a public hearing with certain procedural requirements that are set forth by the laws in the Constitution. He said there are many actions that the Council must take which do not impact directly upon one individual, but have a broad impact and when the Council acts in that capacity, the laws in the Statute accord them a great amount of discretion and the strict procedural requirements are not as applicable when the Council acts in a legislative manner as compared to a quasi-judicial manner.

Mr. John Burt, 784 E. 16th Street, appeared briefly to urge the City Council to give further consideration to adopting this plan by resolution rather than ordinance. Attorney Storer said that he did not care to respond to that issue, as it was part of that consideration before the supreme court, but stated again that basically, the intent is to adopt the plan and allow sufficient flexibility to accommodate the needs of the citizens and the City as it develops.

There being no further comment, it was moved by Councilman Chandler, seconded by Deist, that the Resolution adopting the Comprehensive Plan be approved and the Mayor and City Clerk be authorized to sign the Resolution. Roll call as follows: Ayes, 5; No, none; carried.

License applications for ELECTRICAL CONTRACTOR, Dale Garner Electric; APPRENTICE ELECTRICIAN, Nick Richards; PAWN BROKER, Dennis Farnes; PRIVATE PATROLMAN, Terry Danner, E. A. Roadhouse; BARTENDER, Audrey A. Evans, Donna Sue Martin, Christine Merkley, Sharon McCafferty, Billie A. O'Neil, Laurie Stafford and Brenda Beazer were presented. It was moved by Councilman Erickson, seconded by Deist, that

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these licenses be approved, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented an application for an Electrical Contractor License in the name of Kerbs Electric, carrying a recommendation from the Electrical Inspector that it NOT be granted. It was moved by Councilman Erickson, seconded by Deist, that the recommendation be upheld and the license not be granted. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk asked for Council authorization to publish a legal notice calling for a public hearing on October 9th, 1980, to consider the annexation and initial zoning of Old Fashion Way, Division #3. It was moved by Councilman Hovey, seconded by Chandler, that the City Clerk be authorized to publish the legal notice as requested. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk also requested authorization to publish a legal notice calling for a public hearing on October 9th, 1980, to consider the annexation and initial zoning of property to be known as Marshall Research Park. It was moved by Councilman Hovey, seconded by Chandler, that the City Clerk be authorized to publish the legal notice described above. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk asked for Council ratification of action taken in forwarding the four following damage claims to the City's liability carrier. It was noted that this had been done in the interest of time, without formal Council approval.

Petersen, Moss & Olsen
September 2, 1980

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

RE: Notice of Claim - Flooding Problem at Ike's Gun Shop, July 12, 1980

Dear Clerk:

The undersigned claimant hereby notifies the City of Idaho Falls that it has a claim against the City for the flooding problem which occurred at Ike's Gun Shop, 257 "A" Street, Idaho Falls, Idaho, on the 3rd day of July, 1980, at the approximate hour of 10:30 o'clock p.m. At that time a rather severe thunder storm caused severe flooding at Ike's Gun Shop, apparently for the reason that there is an improper hookup to the storm sewer or an adverse grade or other problems slowing or restricting the flow of flood waters into the City sanitary or storm sewer systems.

Over the years these installations of the sewer service lines have been on the basis of plans, specifications and building permits approved by the City personnel and in accordance with instructions and the requirements of the City personnel in carrying out their responsibilities to allow hookons to the City's sanitary and storm sewer mainlines.

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There may be other reasons not now known or discovered in which the City's negligence or its acts or omissions would have contributed to the problem and therefore claim for any such after-discovered defects is also made herein.

The currently alleged amount of damages suffered by Ike's Gun Shop was approximately \$5,000.00; and claim for that amount or for indemnification of the undersigned against any such claim is hereby made against City. Will you kindly turn this to your insurance carrier and ask them to either contact the undersigned or its attorney.

The actual residence or business location of the George Watkins Family Partnership at the time of filing this claim and for a period of six (6) months prior thereto has been P.O. Box 781, 355 River Parkway, Idaho Falls, Idaho 83401.

Respectfully submitted,
PETERSEN, MOSS & OLSEN
s/ Reed L. Moss

CLAIMANTS:
GEORGE WATKINS FAMILY PARTNERSHIP
By s/ George W. Watkins, Sr.
Mr. George W. Watkins, Sr.

ORMOND CONSTRUCTION CO.
September 5, 1980

City of Idaho Falls
Electric Light Division
140 South Capital Avenue
Idaho Falls, Idaho 83401

ATTN: Steve Harrison

SUBJECT: Power Outage & Damage - Letter Dated 7/22/80

Dear Sir:

Per our letter of July 22, 1980, the enclosed bills are costs we incurred. Will you please arrange to pay us and we will make payment to the repairman:

Northwest Electric.....	\$385.00
Atlas Mechanical.....	\$494.19
TOTAL.....	\$879.19

Very truly yours,
ORMOND CONSTRUCTION
s/ J. Keith Ormond
President

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Idaho Falls, Idaho
September 10, 1980

Mayor Campbell

Dear Sir:

Upon returning to our home Sunday we find the City had been out and turned off our power. We had to dispose two deep freezers of our storage which was spoiled and melted ice cream on the carpet.

We notified the City we were working a job for the forest and would be out of town. Three weeks ago they were notified again we had extended work and would be in and pay as soon as we got our check, which we have received at this time and our bill is paid up completely, as our promise.

We have been customers with City for forty years and have never beat them out of any money.

Do you carry any insurance to cover our loss? If not, we will have to consult our attorney. We feel where we notified the City twice they are responsible for our loss.

Hope you can let us know soon if you can help. I paid Mrs. Sadie Walters \$20.00 to help me dispose and clean freezers. Also have an estimate of rug cleaning enclosed.

Here is a list of dumped food:

2 1/2 Gallon Ice Cream	41 Bottles of Frozen Jam
7 Large Cans Frozen Orange Juice	4 Fryers
13 Large 3# Pkgs. of Lard	3 Pkgs. of Short Ribs
2 Large Beef Roasts	5 Pkgs. of Liver
8 Pkgs. Sausage	4 Pkgs. Bacon
10 3# Pkgs. Hamburger	8 Boxes Donuts
38 Pkgs. Pork Chops	9 Pkgs. Sliced Ham
2 Beef Hearts	2 Ham Shanks
1 Fresh Pork Shank	3 # Nucoa
3 Fruit Cakes	4 Pkgs. Home-made Salami
4 Mountain Trout	30 # Raisins
35 Pkgs. Carrots	6 Pkgs. Cauliflower
40 Pkgs. Peas	15 Pkgs. Corn
4 Pkgs. French Fries	2 Bricks Cheese
2 Pkgs. Rhoades Frozen Bread	3 Loaves Bread
4 Pkgs. Cinnamon Rolls	

Witness to the throw away:

s/ Mrs. Sadie Walters

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5. That subsequent to the completion of the work the claimant learned that the City of Idaho Falls had previously issued a permit and allowed the installation of the sewer line as it had heretofore been located. That such authorization came in approximately the year 1948 and was given to Mr. Ray Browning, the contractor involved in the construction of said premises.

6. That as a direct result of the representations of the City of Idaho Falls, its agents and employees and the express or implied revocation of the original building permit and /or the negligent acts of said employees and agents of the City of Idaho Falls the claimant has sustained damages by incurring an expense with H-K Contractors, Inc. in the sum of \$2,039.35, as particularly described in the invoice #7990 attached hereto and by this reference incorporated in this claim.

7. The claimant, G. Merrill Tate, respectfully makes claim of the City of Idaho Falls for the payment of said invoice in the amount of \$2,039.35.

DATED this 3rd day of September, 1980.

s/ G. Merrill Tate

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

This memo from the Airport Manager was then presented:

City of Idaho Falls
September 16, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AMENDMENT NO. 1 TO GRANT AGREEMENT NO. 6-16-0018-05

The Federal Aviation Administration had agreed to amend ADAP Project Number 6-16-0018-05 to permit construction of aircraft parking pads at each loading bridge position, concurrent with present construction.

The increased federal funding is in the amount of \$17,726.

The pads are required due to the fact that aircraft repeatedly parking in exacting the same spot will cause the asphaltic pavement to deflect, resulting first in ruts, and eventually in failure.

By completing the pads this year, concurrent with present construction, the City will obtain a better job at less cost.

The Airport Committee recommends that the Council authorize the Mayor and City Clerk to execute Amendment Number 1, and the necessary Change Order No. 9.

s/ Jim Thorsen

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It was moved by Councilman Wood, seconded by Deist, that the Mayor and City Clerk be authorized to execute Amendment #1 and the necessary Change Order No. 9 to the Grant Agreement described above. Roll call as follows: Ayes, 5; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
September 12, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-80-28, AIRPORT TERMINAL SEATING

It is the recommendation of the General Services Division that the City Council accept the low bid of Petersen Furniture Company to furnish the Airport Terminal Seating as specified, with the exception of quantity ordered. It is recommended that the quantity of four (4) seat units be reduced by one (1), from eleven (11) units to ten (10) units, making the total bid award \$27,186.80.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the low bid of Petersen Furniture Company to furnish the Airport Terminal seating as specified, with the stipulated quantity changes, in the amount of \$27,186.80, be accepted. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the General Services Director this memo was read:

City of Idaho Falls
September 12, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: #IF-80-29, TRACTOR

It is the recommendation of the General Services Division that the City Council accept the low bid, meeting specifications, of Demott Tractor to furnish one (1) tractor at \$12,385.79 without trade-in.

Thank you.
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the low bid of DeMott Tractor to furnish one tractor at \$12,385.79 without trade-in be accepted. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the General Services Director came this memo:

City of Idaho Falls
September 10, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: OLD PUBLIC LIBRARY

It is the recommendation of the General Services Division that the City Council receive the report from the Old Idaho Falls City Library Study Commission and authorize the General Services Committee to pursue negotiations for terms of a lease arrangement with Eastern Idaho Vo-Tech School.

Thank you,
s/ Chad Stanger

Councilman Erickson thanked the Committee appointed by the Mayor to review uses of the Old Library. He said they covered every aspect of what they were asked to do in every detail and were still standing by to assist if it was deemed necessary. Erickson requested that the Mayor write a letter of appreciation and thanks for the services rendered. It was moved by Councilman Erickson, seconded by Chandler, that the Council review the report from the Old Idaho Falls Library Study Commission and authorize the General Services Committee to pursue negotiation for terms of a lease arrangement with Eastern Idaho Vo-Tech School. Roll call as follows: Ayes, 5; No, none; carried.

City Attorney Storer then presented an addendum to an agreement between the City of Idaho Falls and the State of Idaho Public Employee Retirement System. He explained that said agreement essentially merged the Policemen's Retirement Fund into P.E.R.S. and that the addendum provides for additional contributions to be made by the City in addition to those which were initially provided for in the agreement which was set forth previously. Storer said that the addendum had been reviewed by the Legal Department and they would recommend that it be approved. It was moved by Councilman Erickson, seconded by Hovey, that the addendum to the agreement between the City of Idaho Falls and the State of Idaho Public Employee Retirement System be approved. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Chandler, seconded by Wood, that the meeting adjourn at 8:20 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
