

JULY 22, 1980

Prior to calling the meeting to order, the Mayor called upon Eagle Scout Dennis Owens to come forward and lead all those present in the pledging of allegiance to the flag. Mayor Campbell 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, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Dale Storer, Assistant City Attorney; and, all available Division Directors.

Minutes of the last Regular Meeting, held July 10, 1980, were read and approved.

Mayor Campbell then invited Eagle Scouts Edward Gulbrandson and Dennis Owens to come forward to the Council Table. He said that the City was proud of these fine young men who achieve the Eagle Scout Award, and had them tell of the projects they had supervised to finalize their requirements for this award. He then presented each boy with a Certificate of Appreciation, after which they received a congratulatory handshake from all City Officials around the Council Table.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider the extension of a variance for a mobile home placement at Edgemont Gardens Elementary School, and called upon Councilman Chandler to conduct the hearing. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

City of Idaho Falls
July 21, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR EXTENSION OF VARIANCE – EDGEMONT
ELEMENTARY SCHOOL

Attached is a copy of a request for an extension of a variance submitted by School District No. 91. There is a mobile home currently located at Edgemont Elementary School, 1240 Azalea Drive, which is used as a classroom for special education.

The School District intends to vacate this trailer when enrollment in this area allows this to be moved. They are requesting an extension of the variance for one school year. This Department recommends approval of the request and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning Department be upheld and the extension of the variance be approved for one school year. Roll call as follows: Ayes, 6, No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a request for an extension of a variance regarding the mobile home located at 6th Street and Lee Avenue (old Central School), and called upon

Councilman Chandler to conduct this hearing. Upon the request of Councilman Chandler, the City Clerk read this memo from the City Planner:

JULY 22, 1980

City of Idaho Falls
July 21, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR EXTENSION OF VARIANCE - OLD CENTRAL
JUNIOR HIGH SCHOOL

Attached is a copy of a request for an extension of a variance, submitted by School District No. 91 regarding the mobile home located at 6th Street and Lee Avenue (old Central School). This trailer is currently being used to house the administrative functions of the federally funded migrant program.

It is the School District's intent to vacate this facility when other facilities become available. They are requesting an extension of the variance for one school year. This Department recommends approval of the request and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Sakaguchi, that the extension of this variance be approved for one school year. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell then announced that this was the time and the place, as advertised, to conduct a public hearing to consider a request for an extension of a variance currently permitted placement of four mobile homes at O. E. Bell Junior High School, and called upon Councilman Chandler to conduct the hearing. Councilman Chandler requested the following memo from the City Planner to be read:

City of Idaho Falls
July 21, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: REQUEST FOR EXTENSION OF VARIANCE - O. E. BELL JUNIOR
HIGH SCHOOL

Attached is a copy of a request for an extension of a variance submitted by School District No. 91. There currently are two single-wide and two double-wide mobile homes at the O. E. Bell Junior High and Clair E. Gale Junior High Schools which are intended to be ready for occupancy in approximately one year. At that time, O. E. Bell will be phased out.

The School District is requesting this extension of the variance for one school year. This Department recommends approval of the request. This matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

JULY 22, 1980

It was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning and Zoning Department be approved and the extension of the variance be allowed for one school year. Roll call as follows: Ayes, 6, No, none; carried.

The City Clerk presented this damage claim in favor of Michele Van Wagoner:

NOTICE OF CLAIM

TO: Velma Chandler, Clerk of the City of Idaho Falls

NOTICE IS HEREBY GIVEN to the City of Idaho Falls, Idaho, pursuant to Idaho Code Section 6-901, et. seq., that MICHELE VAN WAGONER has a claim against the City of Idaho Falls for personal injury and property damage incurred in an accident on the 23rd day of June, 1980.

Conduct and Circumstances of Claim. The injuries and damage as a result of a one (1) vehicle accident at or about the intersection of Broadway and Memorial Drive in Idaho Falls, Idaho. MICHELE VAN WAGONER was driving a Honda Express motorcycle on Broadway and had stopped at the traffic sign located at the intersection of Broadway and Memorial Drive. As she proceeded through the intersection at approximately ten (10) to fifteen (15) miles per hour the Honda Express motorcycle, which she was riding, hit a large hole in the approach to the Broadway Bridge causing her to lose control of the motorcycle, landing on her back and rolling into the outside westbound lane of traffic, coming to rest in front of an INEL bus.

During the day of June 23, 1980, Intermountain Gas Company had dug a trench across the approach of the Broadway bridge. Said trench was improperly filled in, leaving a trench to approximately eighteen (18) inches wide and twelve (12) inches deep remaining. The City of Idaho Falls, responsible for the proper maintenance of roadways within the City of Idaho Falls, negligently failed to oversee the repair to the roadway and failed to place a barricade and/or other markings and/or warnings indicating the condition of the roadway.

Injury and Damage. MICHELE VAN WAGONER received injuries in the accident, including a permanent scar above the left eye on her forehead, various abrasions and bruises on her body, pain as a result of said injuries, and emotional distress. The motorcycle of MICHELE VAN WAGONER was damaged, requiring repairs of approximately \$250.00. The clothing that MICHELE VAN WAGONER was wearing was damaged beyond repair, included in said clothing was a leather coat which was ruined, valued at approximately \$225.00. Also glasses and contents of her purse was destroyed, valued at approximately \$100.00.

Time and Place of Injury. The injury occurred on Monday, June 23, 1980, at approximately 10:45 P.M., at or about the intersection of Broadway and Memorial Drive in the County of Bonneville, City of Idaho Falls, State of Idaho.

Names of Persons Involved. MICHELE VAN WAGONER was the only individual involved in the accident, although various witnesses were present.

JULY 22, 1980

Residence of Claimant. MICHELE VAN WAGONER resided at 3044 Dalmation, Idaho Falls, Idaho 83401 at the time of the filing of this claim and has resided there for at least six (6) months prior thereto.

Claimant has been damaged in the amount of approximately seven hundred fifty dollars (\$750.00) for property damage to her vehicle and clothing. Medical expenses are unknown at the present time, but claimant is incurring medical expenses at the present time. MICHELE VAN WAGONER has suffered emotional distress as a result of this accident and requests ten thousand dollars (\$10,000.00) as a result of said mental distress. General damages for pain and suffering in ten thousand dollars (\$10,000.00)

Dated this 10th day of July, 1980.

s/ Michele Van Wagoner

STATE OF IDAHO)
)
County of Bonneville)

On this 10th day of July, 1980, before the undersigned, a Notary Public in and for said state, personally appeared MICHELE VAN WAGONER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year this certificate was first written.

s/ Blake G. Hall
Notary Public for Idaho

It was noted that this claim had been forwarded to the City's Liability Insurance Carrier on July 16th, without formal Council approval. It was moved by Councilman Erickson, seconded by Chandler, that the action of the City Clerk in forwarding this damage claim to the Liability Insurance Carrier be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification, according to the City Clerk, was publishing of three legal notices, calling for the three public hearings held this night. It was moved by Councilman Chandler, seconded by Sakaguchi, that this action of the City Clerk, also be ratified. Roll call as follows: Ayes, 6, No, none; carried.

License applications for GROCERY STORE, John Adams Quick Stop; CLASS B CONTRACTOR FOR GAS, WARM AIR, AND REFRIGERATION, Wyatt Heating and Air Conditioning; CLASS B JOURNEYMAN FOR GAS, WARM AIR AND REFRIGERATION, Warren Wyatt; CLASS D JOURNEYMAN FOR WARM AIR, Steven N. Thompson; ELECTRICAL CONTRACTOR, Arrow Electric; APPRENTICE ELECTRICIAN, John Morgan, Boyd Roberts; BARTENDERS, William Beal, Veola Hodson, Larry Connolly, Annette Cramer, Jana Purcell, Sonja Campbell, Kathy Peterson, Sharon Frazier, were presented. It was moved by 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.

This memo from the City Controller was then presented:

JULY 22, 1980

City of Idaho Falls
July 22, 1980

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: MODIFICATION OF DOE AGREEMENT - BULB TURBINE PROJECT

Requesting that the Mayor and Council approve a modification of the Department of Energy Cooperative Agreement No. DE-FC07-78RAO1699 allowing DOE to commit \$1,600,000.00 to their budget prior to October 1, 1980.

The essence of this Modification is to reduce a milestone percentage figure from 50% to 25% as described in ARTICLE VI FUNDING AND PAYMENT, Sub-paragraph 4 of Paragraph A revised to read as follows:

“4. At such point, after 25% completion of fabrication of the turbine-generator units, as further progress payments, based on actual costs incurred, are due to the fabricator, up to a total of:

\$600,000 plus any carryover from A.3.”

Copies of the Modification Agreement are attached for execution by the Mayor and City Clerk.

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the modification to the DOE Cooperative Agreement No. DE-FC07-78RAO1699, as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, came this memo:

City of Idaho Falls
July 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SANITARY SEWERLINE PROJECTS

On July 22, 1980 two bids were received for the construction of sanitary sewerlines in the alley in Block 74 Highland Park Addition, Houston Street, Tendoy Street and South Yellowstone Highway as follows:

H-K Contractors \$37,448.00

O & F Construction	43,686.00
Engineer's Estimate	45,730.00

JULY 22, 1980

These bids have been checked and it is the recommendation of the Public Works Committee that a contract be awarded to the low bidder, H-K Contractors, Inc. in the amount of \$37,448.00.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the low bid of H-K Contractors, Inc. in the amount of \$37,448.00, for sanitary sewerline projects, be accepted and the Mayor and City Clerk be authorized to sign the contract. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was presented:

City of Idaho Falls
July 21, 1980

MEMORANDUM

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

Attached is a bid tabulation and recommendation from CH2M Hill relative to the construction of the 161 KV South Loop. The present budget provides sufficient funds for payment of this contract plus City supplied materials for this project.

CH2M Hill and the Electric Division recommends awarding the contract to the low responsive bidder of Wasatch Electric Company of Salt Lake City in the amount of \$473,089.53.

Council consideration of this proposal is requested.

s/ G. S. Harrison

Councilman Hovey stated that the bid of Wasatch Electric Company was not the low bid received, but it had been determined that the two lower bidding firms were not properly licensed for this type of operation, thus not qualified bidders. It was moved by Councilman Hovey, seconded by Wood, that the responsive low bidder, Wasatch Electric Company, be awarded the contract for the construction of the 161 KV South Loop, in the amount of \$473,089.53 and the Mayor and City Clerk be authorized to sign the contract. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Electrical Engineer, this memo was read:

City of Idaho Falls
July 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager of Electric Division

SUBJECT: CHANGE ORDER, LOWER POWER PLANT

JULY 22, 1980

Attached is a claim from S. J. Groves, for additional work and increased culvert size related to the relocation of an irrigation ditch along the east side of Sunnyside Road near the lower power plant.

IECO is preparing the Change Order based on the claim of \$19,995.99.

The claim is a result of designing the culvert to handle a flow sufficient to irrigate all ground with water rights from this ditch. Thirty (30) inch pipe was delivered and installation begun when the irrigation district issued IECO an order to use thirty-six (36) inch pipe.

This work and pipe change has already been accomplished in the interest of time.

Approval of this change is requested.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Change Order to construct with S. J. Groves be approved as recommended, and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Electrical Engineer came this memo:

City of Idaho Falls
July 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager of Electric Division
SUBJECT: H-K CHANGE ORDER NO. 3, DAM NO. 1

This Change Order does not involve a change in the correct price. The completion time of Dam No. 1 will be extended sixty-seven (67) calendar days if approved.

The new completion time by this change will be July 31, 1980.

Another request for additional time of completion is anticipated.

Council consideration of this extension is requested.

s/ G. S. Harrison

Councilman Hovey explained this Change Order would not increase the cost, but that, because of problems such as the wash out of the coffer dam and delay in delivery of gates, a time extension was necessary. It was moved by Councilman Hovey, seconded by Wood, that Change Order No. 3 to the H-K Contractors Contract for work on Dam No. 1 be approved as recommended.

Also, from the Electrical Engineer, came this memo:

JULY 22, 1980

City of Idaho Falls
July 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: H-K CHANGE ORDER NO. 4, DAM NO. 1

Change Order No. 4 will raise the H-K contract price by \$6,274.80. The current contract is for \$2,113,923.50 and if approved, the new contract will be \$2,120,198.30.

This is a recommended electrical change and is the result of substituting open cable tray and wiring for conduit. The change will facilitate maintenance during freezing weather as the conduits will contain water or ice and hamper the removal and repair of wiring.

Consideration of this change is requested.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that Change Order No. 4 to the H-K Contractors contract for work on Dam No. 1, increasing the amount of the contract by \$6,274.80, be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Still, from the Electrical Engineer, came this memo:

City of Idaho Falls
July 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: H-K CHANGE ORDER NO. 5, DAM NO. 1

Change Order No. 5 will increase the contract price by \$13,244.00 if approved. The new contract will then be for \$2,133,442.30.

This change is for applying an epoxy surface to the piers at each end of the first 150' gate that was installed.

The fabricated gate was shorter than specified and this epoxy surface is intended to reduce the gap between pier face and seals at the gate ends.

This cost should be recoverable from Neyrpic because of their manufacturing error.

Consideration of this change is requested.

s/ G. S. Harrison

JULY 22, 1980

It was moved by Councilman Hovey, seconded by Wood, that Change Order No. 5 to the H-K Contractors contract on Dam No. 1 be approved, increasing the contract price by \$13,244.00 and H-K Contractors be authorized to proceed with the project. Councilman Erickson asked if the cost of this would be recovered from Neyrpic or whom and, if not received, who would pursue payment. Hovey answered by saying that Neyrpic had volunteered to make the adjustment and if they did not do so, after a reasonable length of time the City Legal Counsel should take action. There being no further comment, the Mayor called for a roll call, the results being: Ayes, 6; No, none; carried.

Next, from the Electrical Engineer, came this memo:

City of Idaho Falls
July 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager of Electric Division
SUBJECT: UNION PACIFIC RAILROAD AGREEMENT, L. D. 14844

Attached is a copy of a proposed Union Pacific Railroad Agreement for encroachment of the 161 KV Line near Hackman and York Roads. This agreement provides for an advance payment of \$50.00 and thereafter, an annual payment of \$50.00.

Council consideration of this agreement is requested.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Union Pacific Railroad Agreement for encroachment of the 161 KV Line near Hackman and York Roads be approved and the Mayor and City Clerk be authorized to sign and payments be made as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Electrical Engineer, came this memo:

City of Idaho Falls
July 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager of Electric Division
SUBJECT: FISCAL AGENT

Attached is a copy of a proposed agreement with Idaho First National Bank for consulting services related to the proposed sale of an additional \$7,000,000.00 in electrical revenue bonds for the hydro project.

Approval of this agreement, will require \$11,750.00 compensation to Idaho First upon issuance and delivery of the bonds.

Consideration of this agreement is requested.

s/ G. S. Harrison

JULY 22, 1980

It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the agreement with Idaho First National Bank, naming them as "consultants" for the selling of \$7,000,000.00 additional bonds for the Hydroelectric Project. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Attorney Storer presented the following captioned Ordinance:

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A CHARGE FOR DEVELOPMENT OF DRAINAGE INTERCEPTORS, AND TREATMENT AND DISPOSAL FACILITIES FOR SURFACE DRAINAGE OF LAND WITHIN THE CITY OF IDAHO FALLS, IDAHO, AND FIXING THE AMOUNT THEREOF AT .75 CENTS PER SQUARE FOOT; PROVIDING THAT SUCH CHARGE SHALL APPLY ONLY TO LANDS BEING DEVELOPED OR THOSE BEING ANNEXED TO THE CITY; DEFINING TERMS USED IN THE ORDINANCE; PROVIDING WHEN AND TO WHOM SUCH CHARGE SHALL BE PAID; ESTABLISHING A "SURFACE DRAINAGE FUND" INTO WHICH ALL SUCH DRAINAGE CHARGES SHALL BE DEPOSITED; PROVIDING THAT MONEYS IN THE SURFACE DRAINAGE FUND MAY BE EXPENDED ONLY FOR CERTAIN PURPOSES AND PARTICULARLY SETTING FORTH SAID PURPOSES; RESERVING TO THE CITY OF IDAHO FALLS THE RIGHT IN ACCORDANCE WITH LAW TO ESTABLISH LOCAL IMPROVEMENT DISTRICTS FOR SURFACE DRAINAGE; PROVIDING THAT LAND FOR WHICH SURFACE DRAINAGE CHARGES HAVE BEEN PAID PURSUANT TO THE PROVISIONS OF THIS ORDINANCE SHALL RECEIVE CREDIT THEREFOR AGAINST ASSESSMENTS WITHIN ANY LOCAL IMPROVEMENT DISTRICT WHEREIN DRAINAGE INTERCEPTORS OR TREATMENT OR DISPOSAL FACILITIES FOR SURFACE DRAINAGE ARE CONSTRUCTED OR ACQUIRED; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Attorney Storer noted that this ordinance had been presented and passed on its first reading only at the last regular Council Meeting. It was moved by Councilman Sakaguchi, seconded by Deist, that this Ordinance be passed on its second reading. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Attorney Storer then presented an amended agreement between the City of Idaho Falls and James M. Montgomery, covering consulting and design engineering services in connection with the City of Idaho Falls' Westside Interceptor Line and Snake River Crossing. He said that an agreement had been approved by the Council at the meeting on July 10, 1980, but several ambiguities were found in that agreement. Therefore, the agreement had been amended and was now ready for Council consideration.

There being no questions nor objections, it was moved by Councilman Sakaguchi, seconded by Deist, that the amended contract be accepted. Roll call as follows: Ayes, 6; No, none; carried.

JULY 22, 1980

Noting that the Council had accepted the amended agreement with James M. Montgomery, Inc., it was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the amended agreement. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting be adjourned at 8:25 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
