

JULY 10, 1980

Prior to calling the meeting to order, the Mayor asked Eagle Scout Brian Monosmith to come forward and lead all those present in the pledging of allegiance to the flag, after which the Mayor called for a moment of silence for purposes of meditation. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Thomas Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Joan Smith, acting City Clerk, Dale Storer, Assistant City Attorney and all other available Division Directors.

Minutes of the last meeting, a recessed regular meeting held June 24th, 1980, were read and approved.

The Mayor then introduced Mrs. Joan Smith who is acting as City Clerk this night in the absence of City Clerk, Velma Chandler.

Mayor Campbell recognized the presence of the new Airport Director Jim Thorsen and his wife and asked Jim to introduce his wife, Nancy, to all those present. The Mayor welcomed Nancy to the City and said he hoped she enjoyed living in the City of Idaho Falls.

Mayor Campbell then invited Eagle Scouts Wally Baker, Terry Bingham, and Brian Monosmith to come forward to the Council Table. The Mayor congratulated these fine young men for fulfilling the requirements for the Eagle Scout award and presented each of them with a certificate of appreciation, after which each scout received a congratulatory handshake from all City Officials around the Council Table.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the last Council Meeting, to consider a request for a variance for installing a lighted sign at Murphy's Market, and asked Councilman Chandler, Chairman of the Planning and Zoning Committee, to conduct the hearing. Councilman Chandler stated this request had been reviewed by the Committee and it was found that a variance would not be required. Therefore, it was moved by Councilman Chandler, seconded by Sakaguchi, that this request for a variance hearing be closed. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that annexation proceedings for Alice Dickson Estates, Division #5, were to be considered this night, the Mayor asked Councilman Chandler to conduct this portion of the meeting. Councilman Chandler asked the City Clerk to read this memo from the City Planner:

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ALICE DICKSON ESTATES, DIVISION NO. 5 - ANNEXATION,
FINAL PLAT & INITIAL ZONING

This item was inadvertently advertised for a public hearing on July 10. This item is not ready for Mayor and Council action; therefore, no action is required on this date.

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Sakaguchi, that consideration of annexation proceedings for Alice Dickson Estates, Division #5 be tabled and re-scheduled at a later date. Roll call as follows: Ayes, 6; No, none; carried.

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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 previously granted variance allowing placement of a mobile home at 1050 Foote Drive and asked 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 9, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR EXTENSION OF VARIANCE - ATOMIC WORKERS
CREDIT UNION

Attached is a copy of a request for an extension of a previously granted variance at 1050 Foote Drive. A mobile home was placed at this location approximately one year ago by the Atomic Workers Credit Union to serve as temporary quarters until a permanent structure could be built.

The petitioner is requesting a one-year extension of this variance due to the general economic conditions. The Credit Union officials are going forward with the design phase portion and hope to enter the construction phase within the next year.

This Department recommends approval of the request and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Darrel Tanner, General Manager of the Atomic Workers Credit Union, appeared briefly to report he had just left a Board of Directors meeting where the Building Committee had been instructed to move forward in all haste, so they hoped that construction of permanent building facilities would begin very soon. It was moved by Councilman Chandler, seconded by Sakaguchi, that the extension to a variance allowing the placement of a mobile home for the Atomic Workers Credit Union at 1050 Foote Drive, be approved, with the encouragement that construction begin as soon as possible. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Bruce M. Burtcher, owner of Rocky Mountain Music, appeared and presented this written statement, protesting the manner in which his records have been handled by the Police Department in reference to his burglary and robbery alarms.

City of Idaho Falls
June 10, 1980

A PROTEST

TO: Mayor Campbell and City Council of Idaho Falls
SUBJECT: JUNE 1ST ALARM WHERE NO OWNER WAS CONTACTED

Gentlemen:

JULY 10, 1980

I should not have to be here addressing this noble body of governing agents, however, my conscious desire to see justice dealt with forces me to take my case to you--the elected of the people.

I refer to the Ordinance #1623 dealing with Alarm Revocation. In seeking to defend by side of this case I inquired by phone to the Police Records Department for a copy of my alarm record. The person on the phone informed me she would have them for me the morning of July 9, 1980. I agreed I would pick them up at that general time. When I went to pick those papers up so I could see what my record was, I was referred to a gentleman who said that "he would not", to quote his answer. I repeated my situation and he replied that "the record will be read at the City Council Meeting". Therefore, I have no record to review to cite alarms. I was not aware of and cannot prepare an adequate defense--this is an obvious blatant breach of my right to know. Is it the intention of the City to breach it's citizen's rights?

Therefore, the evidence to be presented by the Chief of Police cannot be considered on its merit because I was deprived of my right to research their dates and conclusion on each alarm event. Believing in my elected officials' sense of right and wrong, I appeal to you to require that pertained information to an individual's case be available to him as a matter of his personal record; since penalties currently can be instituted at the discretion of the City without adequate review by the person being penalized.

Thank you.

s/ Bruce M. Burtcher
Rocky Mountain Music

Mr. Burtcher then presented the following items which he felt were problems incorporated in the Burglary and Robbery Ordinance #1623 and some suggested solutions:

ALARM PROBLEMS REFERRING TO ORDINANCE #1623

- A. The City has no right to refuse alarm services to a taxpayer.
 - (1) Because the individual has a right to protection by legally constituted authorities.
 - (2) Because the individual has a right to defend himself or herself from direct or indirect abuse from another individual.
 - (3) Because the legally constituted authorities in the area of alarm devices lack professional expertise in dealing with specification of alarms or determining causes of alarm trips.

- B. What is an alarm? See Section 3-B of Ordinance #1623.
 - (1) A closing of a circuit by a device which may sense unusual sound, motion, or pressure which in turn activates some attention-getting or warning devices.

C. What is a “false” alarm? See Sections 3-A of Ordinance #1623.

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- (1) The same as Item B-1, only activated by some action than criminal or forcible entry.
 - (2) Reasons for a "False" alarm:
 - a. Mouse running across floors.
 - b. Incoming power source variation or failure.
 - c. Broken or faulty activation device.
 - d. Noise of outside activities (extreme).
 - e. Ground vibrations.
- D. When may an alarm not show signs of entry and yet still be a valid alarm?
- (1) A would-be burglar may attempt entry by "testing" the sensitivity of the alarm without showing signs. This can be done by tapping windows for a sound-sensitive or pressure alarm, or hitting the door with a heavy object.
 - (2) Harassment or vandalism by people who pass by the business.
 - (3) Heavy air particulates near business that enter through ventilation and trip smoke-sensitive alarms.
- E. Situations that occur that trip alarms which are not controllable by the operator:
- (1) Voltage fluctuation or failure (City power).
 - (2) Electrical storms.
 - (3) High winds.
 - (4) Loud sounds or vibrations emitted by passing traffic, trains, airplanes, or other causes.
 - (5) Earthquakes, floods, explosions.
- F. Conclusion: The ordinance the City Council has imposed upon the people of Idaho Falls is invalid and unfair because of these points:
- (1) Does not recognize the possibility of uncontrollable events not necessarily natural.
 - (2) Harass the public sector because it financially penalizes the individual for attempting to protect himself or herself when the Police apparently cannot.
 - (3) The City of Idaho Falls Ordinance and the Police Department do not specify what alarms may or may not be used or what specifications those alarms must adhere to in order to prevent so-called "false alarms".
 - (4) Far too much power is vested solely in the "coordinator" as referred to in the Ordinance. He is solely responsible for determining what is "violent" or "beyond control" as referred to in Section 3-A. There he is required to determine the severity of weather, wind, electrical power outages, earthquakes, floods and whatever. Not only is he not qualified in external forces - currently, he is not a qualified alarm trouble shooter. All these

things considered should disqualify this individual as competent to make judgments resulting in a financial loss to an alarm user.

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- (5) The judgments rendered as to the nature of the alarm (false or real) are done when the alarm takes place. None of my business alarms have had the so-called expertise of the Chief of Police or the coordinator to judge all the variables at the time of the event. So how can he make a judgment when he was not on the scene of the alarm?
- G. Solution Suggestion: The Council to select a panel of three (3) persons consisting of:
- (1) Experienced City Chief of Police.
 - (2) Experienced burglary alarm technician.
 - (3) A neutral citizen of the community.

This panel would be responsible for determining the authenticity of the alarm by reviewing the alarm event from an alarm report sheet drawn up by the panel and filled out by the law officers answering the call. Since alarms require two (2) officers, the report would require two (2) signatures. This would do several things to aid the alarm user and the police:

- (1) Help to establish which type of alarm has the highest false alarm probability.
- (2) Will establish patterns of events to spotlight "trouble" spots.
- (3) To help the alarm user to set his alarm system to be as efficient as possible and yet eliminate false alarms.
- (4) To make a more fair and equitable system of rendering fines and fees where they are truly required.
- (5) To change the system of governing by fees and fines to a system of public service and protection.
- (6) To make recommendations to the City Council of the type of alarm and specifications that are most compatible with the Chief of Police and emergency systems.

Councilman Erickson responded to Mr. Burtcher's protests by stating that the Ordinance had not been hastily compiled, but very carefully thought through and had been approved by the Legal Counsel of the City. He stated that there are a great number of alarm systems in the City, very few of which have given problems. The ordinance was brought about to protect the business houses in the event of a burglary. He said, further, it was necessary to draft this ordinance because of the number of false alarms and the potential danger created when a safety unit responds to an alarm, as the officer not only endangers himself, but also the thoroughfare in which he has to travel to answer the alarm. Councilman Erickson asked Police Chief Pollock to respond to the reason Mr. Burtcher's place of business was cited.

Chief Pollock stated that he was not an expert in alarms, but he said a number of businesses have had alarms that were too sensitive and they have had the problems corrected. He said that this ordinance was patterned for the benefit of citizens such as Mr. Burtcher and others. He said much research was done before compiling the ordinance and it was felt to be a workable system. Pollock said that all police reports cannot be released to individuals, as in most cases they are confidential records. He then read the following complaint reports regarding Bruce Burtcher dba Rocky Mountain Music:

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No. 00057	January 1, 1980	N/C
No. 01942	February 3, 1980	False
No. 05875	April 8, 1980	False
No. 06643	April 19, 1980	N/C
No. 07156	April 27, 1980	N/C
No. 07884	May 7, 1980	False
No. 09594	June 1, 1980	False
Letter to Mr. Burtcher #111	June 2, 1980 June 20, 1980	False
Letter to Mr. Burtcher Received demand for hearing	June 23, 1980 June 27, 1980	
#11915	June 30, 1980	False
Letter delivered on hearing	July 3, 1980	

Mayor Campbell asked Chief Pollock how many alarms there were in the City. Chief Pollock said roughly two hundred. The Mayor asked Pollock, how many of those two hundred, have been turned off because of violation. Pollock answered that only one has had to be turned off in the past.

Upon the request of Councilman Erickson, Assistant City Attorney Storer reminded the Council of the purpose of this hearing by citing the City Ordinance No. 1623, stating that a permit can be revoked if it is shown that (1) there are four false alarms within a permit year and (2) that there are no actions taken to correct that situation. These are the two issues that are before the Council for consideration at this hearing. He reiterated the definition of false alarms as per the ordinance and directed that it must be determined whether there have been four false alarms based upon the testimony presented..and what steps have been taken, assuming that there have been four false alarms based upon the testimony presented to prevent this from recurring. He further stated that the ordinance does not specify what type of alarm one must have or how it is to be set up. The sole intent of the alarm ordinance is to insure that the owner has the responsibility of making sure that the alarm is not so sensitive that it causes too many frequent false alarms. He reassured Mr. Burtcher that he is entitled to present to the Council his position and they will rule upon. It is the Council's intent to make sure the Police Department does not overstep their bounds, they being a fair and impartial body.

Councilman Erickson asked Mr. Burtcher what steps he had taken to correct the situation. He responded by stating that he had (1) a frequency-sensing alarm which is tuned specifically to pick up any sound. Currently, this alarm is ineffectual, as he cannot operate it because he has to set it so low it will not pick up anything. If someone came up and decided to try his windows, it is open game. (2) Another type of alarm is a pressure alarm which responds to pressure, such as walking or pushing. This one has not given him any trouble, but is only effective on the doors. (3) A third system is ultra-sonic which functions on the basic idea that if something is moving on the premises, then the disruptency of the frequency will cause the alarm to trip. In order to be effective, it must be arranged to where it would be near an entry way or a window, so it protects only a very narrow scan. He has since turned this alarm down to a point where it is essentially ineffectual. If it were turned up to be effective, it would pick up rattling of the doors, etc. by

change of the air currents. Mr. Burtcher noted that there had been an alarm which was not answered where his door was completely removed from its hinges.

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Councilman Erickson reiterated the question as to what steps has been taken to remedy the false alarms, other than turning the alarm down to where it is ineffective. It was mentioned that other business places in the immediate vicinity have had no problems--only one or two false alarms within a year's time. When asked if he owned his own system, Burtcher responded that he did own them and that they had been installed by a competent professional, but that they had not been checked this year. His great concern in calling for this hearing is that since he has been successfully broken into and robbed three times by breakage of windows and doors taken off jams, he fears he will lose all of his inventory by similar burglaries if he has to turn all of his alarms down.

Councilman Erickson suggested that it was not the intent of the Council to cause a place of business undue stress because of robbery. It was noted that the City has a limited amount of police force and they try to cover the City as well as possible, but false alarms could possibly make it possible for someone who had no false alarms, to be robbed, because of the limited amount of available protection. He suggested that Mr. Burtcher contact the installer of his system and have him come and try to improve the situation at this time. If this is not adequate, it might be necessary for him to look at another system.

Mr. Burtcher stated that he felt the City should recommend some type of alarm system, by forming research committees to look into the situation, which would be consistent and approved by the Police Department...this, in essence, is his whole reason for being here in hopes that a more standard type of alarm could be suggested for businessmen.

Councilman Erickson suggested that he work with the Police Department and manufacturers of alarm systems which are available in the Police Department so that he would become acquainted with the systems that are being used. Chief Pollock agreed to spend time with Mr. Burtcher in helping him with this problem. There being no further comment, it was moved by Councilman Erickson, seconded by Wood, that in view of the evidence that has been presented this evening, the alarm license of Rocky Mountain Music be revoked. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Eric Gessell, 1807 Kearney, appeared to ask if there had been an opportunity for an alternate bid for the proposed swimming pool in addition to what has been presented by the pool Committee. He felt this should be open to an alternate bid, so that if someone had another idea other than the one that has been proposed, it could be evaluated. As a taxpayer, he wanted to be sure that all aspects had been studied and researched. He said it was his understanding that the architect which the City had approached was going to go ahead and draw up the plans and from there have competitive bids. He suggested going back one step further and, using the City's specifications, other companies have a chance to bid.

During the discussion that followed, it was pointed out that this process had already been accomplished and that the architect had been appointed two months ago with the provision that he accept the task on a contingency basis--no bond issue--no swimming pool--no fee. The Council Committee, with the assistance of Mr. Craner, Parks and Recreation Director, had reviewed many proposals after invitation for bids had been advertised. Out of the nine people interviewed, there were only two companies that submitted any architectural drawings. Some had built pools before and showed color photographs of the work they had done, but only two actually produced plans of what they could do.

Another citizen from the floor, Mr. Clay Schatt, came forward in defense of a friend, David South, who had submitted a rough design and presentation for a pool. He stated that he and Mr. South had gone to the architect's office and looked at the design for the new pool and the structure of the same. He said the architect designs the building to house this structure and this design dictates the cost of the structure. David South had

indicated that this same pool could be covered with a different type structure at about half the cost, or around \$600,000. The Mayor then asked if David South had built a pool for

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\$600,000 that could be seen. Mr. Schatt answered in the negative. The Mayor referred to the Blackfoot City Pool, which was designed at a minimal cost, with which they are having a great deal of difficulty, in that it freezes solid in the winter and vapor gets so thick one cannot see. He stated that the Committee had looked at Davis South's proposal and rejected it as not being suitable for the pool because it was a monolithic structure and Mr. South had no previous experience in constructing swimming pools. He said, when over a million dollars is going to be spent, we must be certain we are investing in something which will be usable when it is needed. Mayor Campbell stated there are no statistics on monolithic structures of this type and this is too large an investment to take chances. Mr. Schatt indicated that the reason he was at this Council Meeting was to determine whether or not serious consideration had been given to Davis South's proposal.

Councilman Deist commented that, as a representative, of the people of the City of Idaho Falls, he could not go out and commit \$800,000 or \$900,000 for a structure which had not been proven workable. This, basically, was the grounds for the decision made in regards to Mr. South's presentation.

Councilman Erickson then stated that the Council Committee and also the Parks & Recreation Commission did not ask the architect to just design a structure. The Council had previously authorized Mr. Deist, Mr. Craner, and the architect to travel to Denver, Colorado, where they personally visited from five to nine pools similar to that which Idaho Falls is considering constructing, for the sole reason of seeking help with the design of the pool from those who have been in the business for many years. This expense was authorized and had proved to be very advantageous, in that they came back and reported to the Committee their findings on the superior features; all this input was given to the architect for him to come back and design it. This is the first experience for Idaho Falls with a covered pool and it was felt that this research was necessary. The architect has now been asked to design this and make specifications that can be included when seeking bids. He said that any company has the right to bid on this structure. In response to another question by Mr. Schatt, Councilman Erickson replied that it would be necessary to rely on the professional services of the architect to make a recommendation to the Council on any deviation of the structure. Mr. Schatt stated that he felt, when someone has a unique idea, he should be given the opportunity to present and develop it and that the reason he was at the Council Meeting was to see how seriously Mr. South's proposal had been entertained. Councilman Erickson indicated that he had personally invited Mr. South to visit with the architect and discuss the aforementioned proposal. There was no action deemed necessary on this presentation.

The City Clerk presented the following two damage claims:

Idaho Falls, Idaho
July 7, 1980

City Clerk
City of Idaho Falls
Idaho Falls, Idaho 83401
Re: Damage Claim, Lance Roper

Dear City Clerk:

I am enclosing for filing with your office a Damage Claim which has been prepared and verified in compliance with the provisions of Idaho Code Section

50-219 and 50-1017. Would you kindly present this claim to the City Council for its consideration. As I have indicated in the Damage Claim, in the event the

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City Council does not act favorably upon my claim within sixty (60) days from its filing then I intend to initiate formal action, by the filing of a complaint and the issuance of a Summons against the City of Idaho Falls.

Thank you for your assistance.

Very truly yours,
s/ Lance Roper

DAMAGE CLAIM

State of Idaho)
)
County of Bonneville)

LANCE ROPER, being first duly sworn upon his oath, disposes and states as follows:

1. I am a resident of Idaho Falls, Bonneville County, Idaho.
2. I am employed as the assistant manager of the restaurant known as Jakes, which is located at 851 Lindsay Boulevard, Idaho Falls, Idaho. I was employed as the assistant manager at Jakes on the 15th day of June, 1980.
3. I completed my employment duties and closed the restaurant at approximately 1:00 a.m. in the morning. When the restaurant had been closed I lay down on a couch which is located in the lounge area to rest. I was abruptly awakened at approximately 5:30 a.m., by two Idaho Falls City Police Officers, one of the officers being a male and the other officer being a female. It was extremely upsetting to me to be awakened in this fashion, particularly since I was battered by each of the officers and was handcuffed and forced to the floor face down and the officers were on top of me with their knees in my back. Fortunately, one of janitors who had just arrived to clean the restaurant notified the police officers that I was the assistant manager of the restaurant, and upon receiving this information the police officers released the handcuffs and left the premises.
4. I have personal knowledge that the burglar alarm at Jakes Restaurant was not operational, and a tape had been placed over the switch, since we had made the decision not to use the alarm approximately one and one-half weeks prior to the time of this incident. I was also reassured by the janitor that the burglar alarm was not operational. After considering all of the circumstances I cannot determine any legal justification for the entry of the police officers or the battery which was inflicted upon me. The entire incident was humiliating and embarrassing and unjustified.
5. I received several scratches and abrasions upon my back. My neck has been extremely sore, my face sustained bruises and has been

quite painful, my watch band was broken beyond repair and my eye glasses were bent. I have incurred medical expenses in the approximate amount of

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seventy-five dollars (\$75.00) expense for the repair of my watch in the approximate amount of ten dollars (\$10.00), expenses for the repair of my eye glasses in the amount of approximately fifteen dollars (\$15.00), and legal expenses in the approximate amount of seventy-five dollars (\$75.00).

6. I have consulted legal counsel to assist in the prosecution of this claim, and in the event the City Council of Idaho Falls denies payment upon my claim within sixty (60) days from its presentation, then I intend to pursue the claim through the initiation of formal legal action against the City of Idaho Falls for the damages I have claimed in this Damage Claim, together with any additional damages which may be appropriate and attorney's fees and costs of the action.

Dated this 8th day of July, 1980.

s/ Lance Roper
United Pacific/Reliance

June 2, 1980

City of Idaho Falls
Idaho Falls, Idaho 83401

Your Driver: Michael Kay Schmid
Auto License: City 20675

Our Reference:
Our Insured: David A. Jenkins
Date of Loss: 6/27/80

This office is in receipt of information that on the above date, you were involved in an accident or loss, with our insured. The investigation at this time tends to indicate that your negligent actions were the proximate cause of this loss.

In the event we are called upon to make any payment or loan under our policy, we will look to you for reimbursement of the money paid. It is the intent of this letter to put on notice of our interest in this matter, and we ask that no settlement be made by you, or by an agent on your behalf, without our prior knowledge or approval.

We enclose a duplicate copy of this letter. In the event you have insurance which covers you for this loss, we ask that you send this copy to your insurance company, and to complete and return the attached postage prepaid post card.

In the event you do not have insurance which protects you, contact this office and arrange an amicable settlement.

s/Paul B. Swan/C.H.
Recovery Department

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It was noted that both of these had been forwarded to the City's Liability Insurance Carrier, without formal Council approval. It was moved by Councilman Hovey, seconded by Wood, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of Council ratification, according to the City Clerk, was the publishing of a legal notice calling for a public hearing this night to consider an extension of a variance permitting placement of a mobile home at 1050 Foote Drive. It was moved by Councilman Erickson, seconded by Deist, that this action also be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of June, 1980, having been properly audited by the fiscal Committee, were presented. The City Clerk read all fund totals for services, materials and payroll:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT: \$	497,403.60	\$ 56,053.14	\$ 44,074.49	\$ 237,540.04
SALARY:	<u>540,976.39</u>	<u>31,750.45</u>	<u>12,060.05</u>	<u>73,557.89</u>
TOTAL:	\$1,068,379.99	\$ 87,803.59	\$ 56,134.54	\$ 311,097.93
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>LIBRARY FUND</u>
SERV/MAT: \$	616,222.26	\$ 29,051.23	\$ 6,195.18	\$ 5,591.94
SALARY:	<u>117,806.06</u>	<u>37,186.61</u>	<u>20,289.99</u>	<u>28,373.74</u>
TOTAL:	\$ 734,028.32	\$ 66,237.84	\$ 26,485.17	\$ 33,965.68
	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COMM DEVELOP</u>	<u>CITY TOTALS</u>
SERV/MAT: \$	515.88	\$ 49,611.77	\$ 26,045.04	\$1,568,304.57
SALARY:	<u>2,259.02</u>	<u>.00</u>	<u>2,138.40</u>	<u>866,398.60</u>
TOTAL:	\$ 2,774.90	\$ 49,611.77	\$ 28,183.44	\$2,434,703.17

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

Reports from Division and Department Heads were presented for the month of June, 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 MASTER PLUMBER CONTRACTOR, MacBeth Plumbing, Inc.; JOURNEYMAN PLUMBER, Winfield Macbeth; ELECTRICAL CONTRACTOR, Bill Whipple Electric, The Carlson Company, C.P. Jeppesen & Sons Electric, N & W Contractors; JOURNEYMAN ELECTRICIAN, Nolan L. Petersen, Arthur J. Carlson, William L. Whipple; APPRENTICE ELECTRICIAN, Kevin Hale with Falls Electric; SAFE AND SANE FIREWORKS, Slusser Wholesale, Galaxie Fireworks---First Street Laundry, Albertson's on 17th, Grand Central, and Smith Food King; BARTENDER, Kirk Young, Joseph T. Ashworth, LaRee Moran, Aleta Edwards, Gregory W. Knox, Kathy Bingham, Karen Longua, Mark J. Miller, Esther Thornock, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks and Recreation Director was then read:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Parks & Recreation Director, Ernest Craner
SUBJECT: BOND ELECTION - INDOOR POOL

The Parks and Recreation Council Committee respectfully requests authorization for the Mayor to solicit proposal for the retainer of a fiscal agent and bond counsel to assist in preparation for a general obligation bond issue for the construction of an indoor swimming pool in Idaho Falls. The Committee also requests the Council to select a tentative date for the bond election.

s/ Ernest Craner

It was moved by Councilman Deist, seconded by Erickson, that every effort now be made to arrange for holding the bond election on September 30, 1980; that the Mayor be instructed to receive proposals from the following firms to act for the City in the following capacities:

- a. Chapman and Cutler of Chicago, Illinois, to serve as bond counsel.
- b. The Idaho First National Bank, Boise, Idaho, to serve as financial consultant.

That when the proposals are received, that the City Council act upon them as soon as reasonably possible. This will probably be the next Council Meeting.

- c. That the architect and all officers and agents of the City be requested to furnish such information and services as are deemed necessary or advisable in preparing to submit the bond issue to the voters. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

This memo from the Director of Aviation was then presented:

City of Idaho Falls
July 8, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AIRPORT TERMINAL BUILDING LEASED SPACE - FEDERAL AVIATION ADMINISTRATION

Previously, the Federal Aviation Administration has occupied the second, fourth, and control tower spaces, as well as a portion of the third floor within the terminal building under two leases; one lease being renegotiable every fifth year.

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Attached, for your consideration, is a single lease providing the FAA to occupy in its entirety, the second, third, fourth and tower spaces within the old terminal area. This lease is renegotiable every two years and provides for an annual rental of \$24,469.94, approximately twice the previous lease.

This agreement has been approved by the City Attorney.

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/ Jim Thorsen

It was moved by Councilman Wood, seconded by Sakaguchi, that the lease agreement between the City and FAA for space at the Airport terminal building be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the City Planner came this memo:

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO VACATE UTILITY EASEMENT

Attached is a copy of a legal description of a portion of utility easement in the Wycoff Addition. Mr. Earl Burdick has requested that this be vacated in order to facilitate the building of a proposed structure in this area. Mr. Burdick has granted an easement to replace the one being vacated.

There are no objections to this request and this Department recommends approval of the request. 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 a portion of a utility easement in the Wycoff Addition, in favor of Earl Burdick, be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer, came this memo:

City of Idaho Falls
July 2, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison, Manager

SUBJECT: RELOCATION OF MOUNTAIN BELL'S FACILITIES ALONG THE
161 SOUTH LOOP

JULY 10, 1980

Mountain Bell will have to relocate or modify some of their facilities along the 161 KV South Loop to accommodate the City's transmission line.

Mountain Bell estimates the cost of this work at \$45,117.49.

Approval of the attached letter agreement and authorization for the Mayor to sign is recommended.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the letter of agreement for Mountain Bell to relocate or modify some of their facilities along with the 161 KV South Loop, to accommodate the City's transmission line be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Electrical Engineer, came this memo:

City of Idaho Falls
July 8, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: AGREEMENT WITH UNION PACIFIC RAILROAD

The Union Pacific Railroad has prepared a 161 KV line crossing agreement for the crossing required near York Road and South Yellowstone Highway.

There is no cost to the City for this crossing and the Electric Division recommends Council approval.

s/ Steve Harrison

Councilman Hovey explained that this is a standard agreement with Union Pacific Railroad and is necessary anytime their property is crossed by a utility. It was moved by Councilman Hovey, seconded by Wood, that the agreement between the City and Union Pacific Railroad for 161 KV line crossing near York Road and South Yellowstone Highway be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, this memo was read:

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: SEWER PROJECT

Plans and specifications are completed for a sewer project to include three (3) replacements and a single extension.

JULY 10, 1980

These projects have been reviewed by the Public Works Committee and we are recommending that the project be advertised on July 13 and 20 and the bids opened at 10:00 a.m. on July 22.

s/ Donald F. Lloyd, P. E.

It as moved by Councilman Sakaguchi, seconded by Deist, that the Public Works Department be authorized to advertise for bids for the Sewer Project as indicated. Roll call as follows: Ayes, 6, No, none; carried.

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

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: RECYCLING CARDBOARD

We are submitting herewith two (2) contracts which accommodate the recycling of waste cardboard in favor of:

1. Wholesale West
2. Bird Trucking

These contracts have been reviewed by the Public Works Committee and the City Attorney and we would recommend that the Mayor be authorized to sign these contracts.

s/ Donald F. Lloyd, P. E.

It was moved by Councilman Sakaguchi, seconded by Deist, that the agreements between the City and Wholesale West and Bird Trucking, for recycling of waste cardboard be approved and the Mayor and City Clerk be authorized to sign both agreements. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: WASTEWATER FACILITY PLAN

We are presenting herewith an original and two (2) copies of an Engineering Contract with James M. Montgomery to prepare the plans and specifications for

the Westside Interceptor. This contract is a portion of Step 2, Wastewater Facility Plan, which we have been developing during the past year.

JULY 10, 1980

The total contract is for \$83,100.00, with the breakdown to be as follows:

U. S. Environmental Protection Agency	\$62,325.00
Department of Health and Welfare	\$12,465.00
City of Idaho Falls	\$ 8,410.00

We are recommending that the City approve this Contract.

s/ Donald F. Lloyd, P. E.

Councilman Sakaguchi explained that the Public Works Committee, in their last meeting had discussed the possibility of the City having to go out on a re-bid for Step 2, but were assured by the City Attorney that this was not necessary when the Step 1 contract had already been awarded to James Montgomery. It was felt that by using the same agency, it would save the City money and also speed up the process of walking into Step 2 and it would benefit the City to get into Step 3, which is construction. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Council approve the contract with James M. Montgomery to prepare the plans and specifications for the Westside Interceptor for a total amount of \$83,100, as recommended. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: APPLICATION FOR FEDERAL ASSISTANCE

The Public Hearing held on Monday evening was another milestone in the continuing effort to improve our wastewater facilities. We are now ready to make application for a Step 2 Federal Grant which involves the preparation of detailed plans and specifications for the Westside Sanitary Interceptor.

We are requesting authorization to submit application through the Department of Health and Welfare to the U. S. Environmental Protection Agency for a Grant to help cover these costs.

s/ Donald F. Lloyd

Councilman Sakaguchi commented it had been explained in the Public Works Committee meeting that this money is undoubtedly not available at the present time. However, one approval for this step is made, the City can be eligible for the Step 2 Federal Grant money. He said that after the election, the City would like to be first in line to receive some of the Grant monies, therefore, the Public Works Department was requesting permission to go ahead and apply for Federal Grant money. It was moved by Councilman Sakaguchi, seconded by Deist, that authorization be given to submit application through the Department of Health and Welfare to U. S. Environmental Protective Agency for a grant to

help cover costs of the Westside Sanitary Interceptor. Roll call as follows: Ayes, 6; No, none; carried.

JULY 10, 1980

Mayor Campbell stated that the waste water facility has nothing to do with surface drainage in our sewer plant.

Finally, from the Director of Public Works, came this memo:

City of Idaho Falls
July 9, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: INTRODUCTION OF SURFACE DRAINAGE ORDINANCE

After receiving input from local sub-dividers and considerable discussion during Public Works Committee meetings, the Surface Drainage Ordinance has been re-drafted. We are hereby submitting the new Ordinance for Council consideration and recommend that it be approved on at least the first reading.

Respectfully submitted,
s/ Donald F. Lloyd

The foregoing memo served to introduce 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 EXPANDED 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 THEREFORE 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.

JULY 10, 1980

Assistant City Attorney Storer read the caption and explained the ordinance, recommending that it be passed only on one reading this night. It was moved by Councilman Sakaguchi, seconded by Deist, that this ordinance be passed on its first reading only at this time to allow for input from interested citizens, with the notation that, when passed on all three readings, the effective date would be September 1, 1980.

Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson made a report on Chad Stanger, General Services Director to the effect that he had undergone surgery on June 9 and is getting along very well. The past persistent pain he had experienced has left and he has been walking through the halls and progressing nicely.

Mayor Campbell reminded the Council that the next meeting will be held on July 22 rather than on July 24th, 1980.

Councilman Chandler reported that he had received some complaints concerning the Holly Park Trailer Park to the effect that the developer is not meeting his commitments as far as sidewalks and driveways are concerned. According to the people who are moving in that area, these improvements are not being completed as agreed at the time they purchased the lots. Assistant Attorney Storer commented that this would be a civil matter; however, those concerned parties might refer to the annexation agreement and development agreement and this may solve some of the contention they have raised.

Mayor Campbell recognized Mr. Rick Miller from the Parks Department who has been in attendance throughout the meeting tonight. The Mayor also complimented the Parks Department and Director Ernie Craner for the fine way in which our City parks have been maintained this year.

Mayor Campbell also praised the Public Works Department and Don Lloyd, Director, for the fine work they are doing despite a small staff and expressed his appreciation for their efforts.

There being no further business, it was moved by Councilman Erickson, seconded by Deist, that the meeting adjourn at 9:30 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
