

MAY 22, 1980

Prior to calling the meeting to order, the Mayor recognized the presence of several scouts in the Council Chamber and called upon Brett Burton 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 Thomas Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Arthur Smith, City Attorney, and all other available Division Directors.

Minutes of the last regular meeting held May 8th and a special meeting held May 20th, 1980 were read and approved as amended.

Mayor Campbell asked Councilman Hovey to escort City employee retiree, Elton Call and his wife, Verda to the Council Table. The Mayor commended Elton for his dedicated service for the City and the community. He said Elton has been associated with Bonneville boy's baseball for many years and said that Elton may be short in stature but is skyscraper-tall as a man. The Mayor then presented Elton with an inscribed billfold as a token of appreciation, after which Elton received a congratulatory handshake from all City Officials around the Council Table.

Mayor Campbell stated that seventeen young men in the City had receive Eagle Scout awards during the month of May. He said that he, as their Mayor and all Councilmen are very proud of these fine young men and the services they provide for the community. Noting several of these young men present, he called them to come forward. The Mayor then presented Terry Empey, Dan Newman, Scott Hart, and Jeff Hanson with certificates of appreciation, after which each Eagle Scout received a congratulatory handshake from all City Officials around the Council Table.

The Mayor announced that this was the time and the place for hearing and considering objections to the Assessment Roll of Local Improvement District Number 54 and called upon Councilman Sakaguchi, as Chairman of the Public Works Committee, to conduct the hearing.

Councilman Sakaguchi asked the City Attorney to give a run-down on the purpose of an Assessment Roll hearing.

Attorney Smith responded by saying that an Assessment Roll is a compilation of the exact amount of money to be assessed to and paid by each property owner. He said the Assessment Roll for L.I.D. #54 had been prepared by the Engineering Department and filed with the City Clerk. He said a notice of this assessment hearing had been mailed to each property owner, stating the time, date and amount of the assessment. He said, that this hearing is being held to hear any protests, written or verbal, to the correctness of the assessment.

At the request of Councilman Sakaguchi, the City Clerk read this letter of protest:

City of Idaho Falls
May 21, 1980

Dear Sirs:

We will be unable to attend the hearing on L.I.D. #54, however, we wish to express our objections herein.

We were extremely dismayed at the breakdown of the representative process when the Council approved the L.I.D. with such a high percent of the residents of the project objecting. It is a shame when large, development vested interests can pressure representatives of all the people to succumb to subsidizing unneeded further development, in this case 25th Street. The Council should

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more carefully consider whether growth is desirable, and then assess the interests that would profit or have profited from the development rather than subsidizing them at other residents' expense. This is the reason we will perhaps see additional measures besides that 1 percent initiative passed to control further abuses of power.

We wish to make the following specific objections:

(1) The assessment is not in relation to the benefits accrued as was represented at the meeting and in the Notice of Hearing. We have a large lot, but only 55 feet border on the street. Neighboring lots with three times the street frontage are assessed much less. Our large back yard drains itself.

(2) The drainage system is of no use to us. Maricopa and Parley drain to our frontage. We are at 1575 Richards (numbered with Parley). Dirt collects and weeds grow.

The drainage problem in this area is less than those of other areas of town as the recent rains proved. Yet other areas of town have no adjoining streets that need subsidized for the developers.

Sincerely your constituents,
s/Harold & Naomi Roberts

There being no further protests or comments, it was moved by Councilman Sakaguchi, seconded by Deist, that the one protest received be rejected and that the Assessment Roll for L.I.D. #54 be confirmed and the City Attorney be authorized to prepare the necessary documents to finalize the district. 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 an overall plan for a bike-ways system for Idaho Falls and asked Councilman Erickson to conduct this hearing.

Councilman Erickson stated that several years ago the Mayor had appointed a bike-ways Committee to review the possibility of bike-ways in the community. He said this Committee has been actively working and looking at available funding. He said it was found that the City did not have the funds to financially support a bike-ways system, so the committee began to seek other ways to implement bike-ways. Erickson continued by saying that this hearing tonight was called, primarily, to discuss the total master plan of a bike-ways system so that the people affected could have an opportunity to hear and review a presentation from the City Planner and the County Planner as to the concept of the master plan and the availability of funds for this project. Councilman Erickson then asked the City Clerk to read this memo from the City Planner:

City of Idaho Falls
May 22, 1980

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: BICYCLE MASTER PLAN

The City Planning Commission recently conducted a public hearing to consider the proposed overall plan for a system of bicycle travel within the urban area of Bonneville County. At that time, the Planning Commission unanimously recommended approval of the proposal as a general plan for a system of bikeways within the area.

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

Rod Gilchrist

Councilman Erickson then asked the City Planner to comment about the meeting that was conducted with the Planning Commission. Gilchrist said that, as stated in the memo, the Planning Commission had unanimously recommended approval of the bike-ways system as proposed. Erickson then asked Mr. Charles Borup, County Planner, to give the concept of the master bike-ways plan.

County Planner Borup stated that this proposal had been before City Council, County Commission and the public before and so he would give a general coverage tonight and then answer any questions. He said the plan is an overall plan for the urban area and was designed to tie together the City of Idaho Falls and the county areas around the City and tie in some of the smaller cities such as Ucon, Iona and Ammon. He said the idea behind the overall plan was that no one entity could put together a system that would be viable in itself, but something that all the entities could work together on and could actually be a transportation system from one town to another. He said that the whole plan was to get all of the entities' support and work with them to develop an overall system. He said there are monies available, but to be eligible for Federal funding, you must have an overall plan on which to base your request. He continued by saying that this plan does allow each of the entities to work together and accomplish something that is good for all the citizens of the area. Borup said that one of the most important points of the plan is that it is a flexible plan and each entity would be able to implement that portion within its jurisdiction as it saw fit and would tie into their area. One important point is that it can be done how and when a city decided to implement the program and could afford it.

Councilman Erickson stated that, in an acceptance of the bike-ways master plan, if the economics or situations in an area were such that it could not be developed in that area, there is the latitude that it could be moved to an area to accommodate the situation.

Upon completion of Mr. Borup's explanation of the proposed bicycle master plan, Mr. Hovey made the following inquiries: How many miles of bike-ways are shown on the master plan? How many miles of bike-ways are within the City of Idaho Falls? How many miles of the plan would require striping and signing such as that proposed for John Adams Parkway? What is the estimated cost of implementing the plan? And how many bicyclists are expected to use the bike-ways during any given period of time? Mr. Borup stated that he did not have the answers to the above questions. As to the cost of implementing the plan, he stated that the plan is subject to change and that the dates when particular parts of the plan might be implemented are undetermined at this time. For those reasons, he said that any reliable estimate of the cost of implementation would be difficult, if not impossible, to calculate at this time.

At this time, City Attorney Smith asked if this overall plan had been approved by the Bonneville County Planning Board or Commissioners or is it expected that the City of Idaho Falls would review it first. Borup answered by saying that he felt the City was the most important part and Idaho Falls is ahead in reviewing the plan, but the County Planning Commission has reviewed it and a public hearing set.

Mayor Campbell stated that he thought it would be well to have a representative from the County comment on the plan. City Attorney Smith asked Borup if he agreed that the Land Use Planning Act does not require that this be part of the overall comprehensive plan. Borup answered in the affirmative, stating that it was only a suggestion that it could be part of the comprehensive plan and could be adopted by a resolution or referenced to the plan.

Councilman Chandler asked that if these streets were designated as bike lanes, does that eliminate vehicular traffic in said lanes? Borup answered that, within the lane itself, vehicular traffic would be eliminated, other than turning into driveways and parking. Councilman Wood asked, using John Adams as an example, would you eliminate some of the vehicular traffic on John Adams to one lane and have bike traffic on both sides? Borup answered that would be a decision to be made as the program was implemented.

Councilman Erickson said that, if the plan is accepted, the Council should be interested in the comments of the residents in the area to understand what implementation of a bike lane would do to a locale. He said there is flexibility that can be approached for the specific area. He said he felt that bike traffic is going to increase in the City and if a place was provided for the bike rider to ride safely, it would help with energy and parking problems that now exist.

Mr. Hovey asked Mr. Borup if he had any first-hand knowledge of the legal implication of adopting a bicycle master plan. Borup answered that he had not contacted other cities now having bike-ways to determine the existence of legal problems. City Attorney Smith stated that State Statute provides that those persons riding bikes on public right-of-ways would be subject to the same general traffic laws as those operating motorized vehicles, such as a bicyclist could not use lanes designated for motor vehicles and vice-versa; bicyclists would have to obey all stop and other regulatory traffic signs and signals. He further indicated that there could be legal problems arising from inclusion of the bicycle master plan in the comprehensive land use plan, as bike-ways may, at some time, be construed to mean bike corridors, and, therefore become a significant factor for both the City and private groups when considering design and construction of street projects funded in whole or in part by the State or Federal Government.

Councilman Erickson then introduced Mr. Dick Forman and Mr. George Brockett who are members of the Bicycle Committee and have been working very hard to prepare this proposal and invited any citizens to comment on this proposed bike-ways plan.

Mrs. Ruth Hudson, 815 John Adams Parkway, appeared briefly to present the following petition, signed by forty home-owners on John Adams Parkway.

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TO WHOM IT MAY CONCERN:

We object to John Adams Parkway being changed to two lanes of traffic, one east, one west, with a lane for left hand turns, so that a special bike path can be used on this street.

Mr. Dick Forman, Chairman of the Idaho Falls Bicycle Committee, appeared briefly to state that the Committee supports the adoption of this plan. He said two of the most important elements of the issue are public safety and energy conservation and that, in his opinion, the bicycle is the most energy efficient form of transportation available. He said, because of the ever-increasing price of gasoline, he feels it would be responsible to make it easier for bicyclists to get around. He said, in his opinion, Idaho Falls is an ideal place for bike riding as the terrain is flat and one could bicycle for up to eight months in this area.

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He noted that, last June, the Council passed a resolution of support of Bike Paths and he asked that they now adopt the master plan as presented this night.

Mr. Bill Manwill, Assistant County Engineer, appeared to commend the people who put this bike plan together. He said he felt there was one trap in this plan and that was spending already-scarce Federal funds unwisely. He said the area has a lot more projects than there are funds available to complete. Manwill also said he and some County residents were concerned about the intrusion of people out into their agricultural areas. Councilman Erickson asked Mr. Manwill if he felt it unwise to accept this plan because of the funding situation or if he was cautioning the Council that they must take a look at each parcel as it is developed. Manwill stated he did not have the answer to this question, but that past experience in working with Federally-funded projects indicated you do have to conform to all local planning and if this bike path does become part of the comprehensive plan, we may by virtue of our Federal aid road construction, wind up building bike paths in areas not intended to be completed for some time. He said he feared they may have to use road monies for bike-ways funding. He said he does not object to bike-ways, but does object to using road funds for them.

Councilman Erickson said the Council was very much aware of what happens to Federal funds and he feels that the County will have to determine if this bike plan goes along with County planning as far as bike paths are concerned. Manwill said that if the County were able to make the decision on a local level, he would say, "adopt the plan", because it gives the County a good long-range plan, but on Federally-funded projects the County does not make the decisions and the Federal Government does not give latitude on the timing element.

Charles Borup re-appeared to state that the concern on spending Federal Funds was submitted in the preliminary draft to the State Department of Transportation and their recommendation was that there should be an escape clause and he said he felt he had done an adequate job in writing an escape clause into the plan. Councilman Erickson asked if the City Attorney could review this escape clause. Borup answered in the affirmative.

City Attorney Smith agreed that this was a very important issue as to whether some plan becomes adopted by the governing body and may even be construed as part of the comprehensive plan, and when people do not look at the comprehensive plan properly the City could get law suits. Councilman Erickson asked Mr. Borup if the plan being considered this night does include this escape clause. Borup answered in the affirmative, but he felt it would be wise for the City Attorney to review it and he said changes could be made if it were deemed to be inadequate. Councilman Deist asked, if this plan were adopted, could it be changed if the Council so wished. Borup said this was a general plan and changes could be made.

Councilman Hovey said that he thought the Council had overlooked the most important aspect and expressed the view that, while Mr. Borup, the Bicycle Committee and others had done a commendable job in preparing the Bicycle Master Plan, he felt the plan must not be adopted without recognition of its many ramifications. Hovey expressed the following concerns; the bicycle master plan does not appear to be supported by sufficient information to make a reasonable judgment as to the need for bike ways on public streets. It is merely lines on a map without any supporting justification as to the application, and the number of citizens who would benefit; bike ways proposed in the plan will eliminate vehicle traffic on streets designed to accommodate large numbers of vehicles, namely, John Adams Parkway, where it is intended to remove two lanes of traffic. This would require the City to create new traffic routes to accommodate the displaced traffic; the plan will be costly to initiate, for example, John Adams Parkway, \$14,000, and an unknown amount to maintain the bike ways over the years. State and Federal funding, for such purposes, particularly for long range upkeep, appears to be uncertain; the plan could invite State and Federal

intervention in the traffic planning process, and in the design and construction of streets. Such intervention has, in the past, proven to be costly and time consuming to the City; if the bicycle master plan becomes part of the comprehensive plan, it could result in costly delays and legal problems whenever street design or construction is undertaken; while bike ways may result in a greater degree of safety for the projected number of serious cyclists, perhaps three hundred to a thousand, it would also create new safety problems for motorists; bike ways already exist. Every street is now a bike way as Idaho Law recognizes the bicycle as a legitimate means of transportation on any City Street. As, with the operator of motor vehicles, the bike rider must be prepared to accept, and cope with the dangers of operating a bicycle on the public streets. The mere fact that a lane would be designed as a "bike way" would not, in and of itself, reduce the dangers of traveling on a bike. In fact, it may well increase those dangers as it could give both the cyclist and the motorist a false sense of security. It is a well known fact that most pedestrian accidents occur within designated crosswalks, not in the act of jay-walking. He said, in his opinion, when the number of serious cyclists reaches ten or twenty percent of the population, it would warrant taking another look at the plan.

Councilman Erickson asked Hovey, that if the ten and twenty percent is reached, would he, as a City Councilman feel responsible to provide a place for cyclists to ride safely? Hovey answered by saying that, in his opinion, a bike rider has to take his chance as a driver of a car does. He said a bike rider should use wisdom and judgment just like a jogger or pedestrian has to do.

Mr. George Brockett, a member of the Bicycle Committee, appeared, stating he was disturbed at the backward, inconsistent line of thinking being displayed. He said he had checked with other cities having bike plans and that they are using as much as one percent of their gas and weight taxes to implement bike paths. He said other cities are way ahead in a bicycle program and recognizing the energy savings. He said the time is right, in fact, past due, to start a bike ways plan for this area.

Councilman Chandler stated that he heard talk of spending money and asked, where do these funds come from? He said that bicyclists do not pay gas tax nor a license fee and he feels that they would be taking funds normally used for other purposes for bike paths. He suggested that a fee be assessed on bicycles, similar to the one now on snowmobiles, and set that amount aside and then put in bike paths as funds are available. He said, in his opinion, it is unfair to use the citizen's of Idaho Falls funds and put in bike paths for the five percent of the people using them when the same 5% will also use their cars during that year on the same roadway.

Councilman Erickson stated that the funding of the concept, as well as the implementation of the area, are some things that will have to be considered each time a particular part of the plan is approached. He said this was a new era in transportation and he agreed with Councilman Chandler that an assessed fee and similar things should be considered. He said that the acceptance of this plan was the first step in this project and then these other things can be considered and implemented into the plan.

Mr. Mark Hoza, 1341 Terry Drive, appeared briefly to state that, when gasoline is unavailable or is \$10.00 a gallon, Idaho Falls will have a very good bike system. He said that, in the meantime, bike riders must share the road with automobiles, and bike riders are much more exposed to the hazards of the road. He said, further, he would like to see more of his tax money go into bike paths.

Mr. Jim McFadden, 2255 Baltic, appeared briefly stating this is only a plan and does not involve a commitment of funding, only an intent of the members of the City Council, representing the citizens of Idaho Falls to start a plan for bicycle lanes in the community. He said bike lanes were not allowed on Fremont Avenue because there was not

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a plan, so now is the time to accept a plan and have the courage to look forward and plan for the future.

Mr. Roger Breeding, 442 E. 13th Street, Chairman of the Ride To Work Sub-Committee, appeared briefly stating that there are one hundred and forty people who have shown an interest in riding bikes to work at least thirty days this summer. He said, from his calculations, there are approximately four hundred people in the City that would ride bikes to work at the present time. He said this is not an insignificant figure and should show the need for bike paths.

Mr. Marty Hubner, 1995 McKinzie, appeared briefly to state that he was in favor of bike lanes and would love to have one go by this home as he felt it would make more safe conditions for bike riders, motorists, pedestrians, and all area residents.

Mr. Sid Withers, 1744 Brentwood, appeared stating he was involved in the scouting program and worked with a lot of boys who liked to get around the town and he felt there was a need for a bike ways system to improve the safety facet. He said he could see no reason why the City cannot adopt that portion of the bike ways plan lying within the City without waiting to see what the County will do. He said that the routes outlined on the plan were wide enough for this program and he urged that the Council adopt this bike ways plan.

Mr. Gus Cronenberg, 836 Clairview, appeared stating he would like to make two comments with respect to bike paths; first, there is a lot of money tied up in the City devoted to streets and sidewalks and nothing with respect to bicycle paths; second, as far as use of the paths, towns that have bike paths use those paths, and people will use them in Idaho Falls if conditions are such that it is safe to ride.

Councilman Wood said that, in his opinion, some of the persons present fail to realize that Idaho Falls is an entity of the State and they pretty much dictate the City's finances. He said, in his opinion, the State has got to make ways for the Cities to function, but, in his estimation, it is not possible for the City to fund this project at this time. Wood said that the Council has a responsibility to all the citizens of the City, and without a yes vote of the majority of those citizens, saying that they wanted bike paths, it should not be approved.

Councilman Erickson asked Mr. Borup to comment on how the State is looking at ways to help bike ways all over the State and how they are moving in that direction. Wood asked if the State had financed anything up to date. Erickson said that he could not answer that question, but it is something that the State is very interested in. Wood said that he wanted the State to do something first to be assured that the City does have the financing.

Mr. Borup reported that there were over fifty thousand dollars ready to be put into a bike way system in Idaho Falls, providing the plan is accepted. He said that, if the plan is not approved, at least a major part of the amount must be turned back to the State. Wood said he would like to see the State make it possible for the Cities to finance such a program before the City acts.

There being no further comment, it was moved by Councilman Erickson, seconded by Deist, that the City of Idaho Falls accept the concept as has been presented, subject to the review of the City Attorney as to how it ties the City to implementing the Master Plan. Roll call as follows: Ayes, Councilmen Deist and Erickson; No, Councilmen Hovey, Sakaguchi, Wood, and Chandler; motion defeated. Decision; not to accept the plan.

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 and asked Councilman Chandler to conduct the hearing.

Councilman Chandler asked the City Clerk to read this memo from the City Planner:

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City of Idaho Falls
May 20, 1980

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR EXTENSION OF A VARIANCE - TEMPORARY
PLACEMENT OF MOBILE HOMES

Attached is a copy of a request for an extension of a variance issued approximately one year ago for the placement of one mobile home at the Child Development Center used as a classroom, and two mobile homes at the Development Workshop which are used as storage space. This request has been made inasmuch as the additional space provided by these mobile homes is necessary for the operation of the Center and funds are not available at this time to provide permanent quarters.

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

s/ Rod Gilchrist

Mr. Val Denton, Director of the Child Development Center, appeared briefly stating that one of the three trailer houses at the Center is used as a classroom and is attached to the existing Child Development Center. He said the reason they needed a variance extension was that this trailer was used for a special group of children who need to be isolated in their training program. He said that the Center does not have funds to add onto their facility and so he would like to request that the Council consider an extension of this variance for at least another year. He said the other two trailers were in a parking compound which is fenced and these trailers are used to store desks and surplus items.

Councilman Erickson asked if there was any evidence when the Center would be able to construct a building. Mr. Denton said he had contacted the permanent building department and had been advised that there was not much chance of funds for building this year. It was moved by Councilman Chandler, seconded by Sakaguchi, that the variance be extended for a period of one year. Roll call as follows: Ayes, 6; No, none; carried.

License applications for CLASS D JOURNEYMAN, GF, Duane Gibbett; CLASS D APPRENTICE, REFRIGERATION, Marshall S. Jacoby for Gerald Seedall; ELECTRICAL CONTRACTOR, Arrow Electric, Hansen Electric, Craig Duncan, Richard Van Orden, Neal Scott Electric; JOURNEYMAN ELECTRICIAN, Glen McCormick, Neal Scott, J.R. Hansen, Harold S Butler; APPRENTICE ELECTRICIAN, Lowell Shaw for Belloff Electric; PRIVATE PATROL SERVICE, Scott Mortensen, Kevin Outcalt, Richard Edward Marler, Michael Gordon Downs; PUBLIC RIGHTS OF WAY; Walker Construction, Naef Excavating, Gary Covert Concrete, David Steed & Associates, Skinner Concrete Contractor, Egans Excavation; BARTENDER, Madeline Carrillo, Elaine Pullman, Grace Tarpley, David Wayne Harman, Cathy Ward, Richard Burns, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for ratification of having a liquor catering permit to LeBaron's to cater liquor on May 21st at the Science Center, noting that this had been issued with the approval of the Police Chief, but without formal Council approval. It was moved by Councilman Erickson, seconded by Deist, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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The City Clerk also asked for Council ratification in publishing a legal notice calling for a public hearing, this night, to consider a request for an extension of a variance in favor of the Child Development Center. It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification, according to the City Clerk, was the publishing of a legal notice calling for a public hearing on July 7, 1980 to allow participation in a wastewater facilities planning process. It was moved by Councilman Hovey, seconded by Chandler, that this action, also, be duly ratified. Roll call as follows: Ayes, 6; No, none carried.

This memo from the City Planner was then presented:

City of Idaho Falls
May 20, 1980

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENT TO CITY CODE PROVIDING FOR DEFINITION IN
SETTING RESTRICTIONS ON GARAGE SALES

Attached is a copy of a proposed amendment to Title V, Section 6-1 of the City Code which defines a garage sale, and differentiates between a garage sale and a second-hand store. It also provides that a garage sale will be limited in duration to three (3) days, and not more frequent than one every six (6) months at the same location.

This amendment to the City Code is made necessary inasmuch as at the present time there are no definitions or restrictions on the garage sale code within the City. This department recommends approval of this amendment and this matter is now being submitted to the Mayor and Council for your consideration.

s Rod Gilchrist

Councilman Chandler said that there had been several complaints of some on-going garage sales and so the Committee felt they should amend the City Code defining garage sales. He said it was not the committee's intent to deter anyone from holding a garage sale, but to limit each sale to a seventy-two hour limit and that each residence not be allowed to hold more than two sales in a year.

The following Captioned ordinance was then presented:

ORDINANCE NO.

AN ORDINANCE REPEALING SECTION 5-6-1, CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO: RE-ENACTING SECTION 5-6-1, CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, DEFINING A "SECONDHAND STOREKEEPER", "JUNK DEALER": AND "PAWN BROKER": PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

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It was moved by Councilman Chandler, seconded by Sakaguchi, that this ordinance be passed on its first and second readings only to give an opportunity for citizen input before consideration at the next regular Council Meeting on June 5th, 1980. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then presented:

City of Idaho Falls
May 21, 1980

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: 15TH STREET WATERLINE

Plans and specifications are nearly complete for the construction of the 15th Street 6" Ductile Iron Waterline, from Boulevard to Higbee. We are requesting authorization to advertise for bids May 25 and June 1, 1980, with the bid opening June 3, 1980.

s/ Donald Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that authorization be given to advertise for bids for the 15th Street waterline, as requested. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 21, 1980

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: ALICE AVENUE & 14th STREET SEWERLINE REPLACEMENT

Plans and specifications are nearly complete for the construction of Alice Avenue and 14th Street Sewerlines. We are requesting authorization to advertise for bids within the near future.

s/ Donald Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that authorization be given to advertise for bids on the Alice Avenue and 14th Street Sewerline replacement project. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was read:

City of Idaho Falls
May 21, 1980

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: "K", "I", "J" STREETS AND LAKE AVENUE WATERLINES

On May 13, 1980 two bids were opened for the construction of waterlines in "K" Street, "I" Street, "J" Street and Lake Avenue as follows:

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H-K Contractors, Inc.	\$138,949.50
O&F Construction	155,889.00
Engineer's Estimate	168,453.50

These bids have been reviewed and we would recommend the Council award a contract to the low bidder, H-K Contractors, Inc., in the amount of \$138,949.50.

s/ Donald Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the contract be awarded to H-K Contractors, Inc., in the amount of \$138,949.50, for the "K", "I", and "J" Streets and Lake Avenue waterlines. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then read:

City of Idaho Falls
May 21, 1980

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: DRAINAGE POLICY

We are submitting herewith Draft No. 5 of a Surface Drainage Policy for the City. The Council, during work sessions, has reviewed this Draft and the Public Works Committee is now recommending that the City adopt this Policy and instruct the City Attorney to prepare an Ordinance incorporating the new Drainage Policy.

s/ Donald Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council adopt this drainage policy and instruct the City Attorney to prepare an ordinance incorporating the new drainage policy. Mayor Campbell stated he felt the amount per square foot charge should be mentioned. Sakaguchi said the Public Works Committee was recommending a 3-cent per square foot charge be included in the proposed ordinance. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 21, 1980

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: RESOLUTION AND PRELIMINARY ENGINEERING AGREEMENT

We are submitting herewith three copies of a Resolution and Preliminary Engineering Agreement with the State of Idaho Transportation Department covering the railroad crossing signalization on Capital Avenue. The Agreement requires a \$1500 deposit for State's engineering participation and installation, with Federal participation during 1982. The Public Works Committee is recommending that the Mayor and City Clerk be authorized to sign the City's approval of this Resolution and Agreement.

s/ Donald Lloyd

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The foregoing memo served to introduce this resolution :

R E S O L U T I O N (Resolution No. 1980-10)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereafter called the State, has submitted a State/Local Agreement stating obligations of the State and the City of Idaho Falls, Idaho for the construction of rail-highway grade crossing protection at AAR/DOT Crossing No. 812393D under Federal Aid Project No. RRP-7116 (001), and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made when there is Federal participation in the costs, and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the State/Local Agreement, and

WHEREAS, the State cannot pay for any work not associated with the State Highway System, and

WHEREAS, the City is fully responsible for all project costs, and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal Participation:

NOW, THEREFORE, BE IT RESOLVED:

1. That the State/Local Preliminary Engineering Agreement for Federal Aid Highway Project RRP-7116 (001) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the State/Local Preliminary Engineering Agreement on behalf on the City.
3. That duly certified copies of the Resolution shall be furnished the Idaho Transportation Department, Division of Highways.

PASSED AND APPROVED by the Mayor and City Council the 22nd day of May, 1980.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the Resolution and Preliminary Engineering Agreement with the State of Idaho Transportation Department, covering railroad crossing signalization on Capital Avenue. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was presented:

MAY 22, 1980

City of Idaho Falls
May 21, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald Lloyd
SUBJECT: SHIVELY PROPERTY

We have for sometime, been negotiating with Jerry Shively to acquire land for a multi-purpose pond on the west side. In addition to the land, an easement is required for a drainage way to the ponding area. Public Works Committee has reviewed this proposal carefully and the Attorney is now ready to present the documents for City Council approval.

s/ Donald Lloyd

City Attorney Smith was asked to explain this proposal. He said there are six owners of the land; namely, three Shively men and their wives. He said that, if this were approved, the Shivelys would sell to the City 4.194 acres of land where surface water could drain. He said there would have to be an easement way for the drain-way to take the water to the bowl. He said that the easement from the Shivelys does not go all the way to Broadway, but does hook up to another easement that will make a continuous drainway that will finally accomplish the drainage as planned. Smith said that the consideration for this would be that the obligations in annexation agreement for three sub-divisions; namely, Westfield Plaza Divisions #1, 2 and 3, would be canceled. The amount of these obligations total \$29,579.73. The Shivelys would then give the City a warranty deed for the 4.194 acres, plus 1.386 acres for the easement, totaling approximately 5 1/2 acres of land. The Mayor asked Public Works Director Lloyd about how much per acre that would be. Lloyd answered approximately \$5,000 per acre for the land and about \$8,000 for the easement.

Attorney Smith said he would like to make one recommendation that if the Council approves the plan that they put the condition on that this document not be delivered to the Shivelys until the legal department has inspected a title report from the title company, assuring that the Shivelys have good, legal title to this land. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the document with the reservation as stated by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
May 21, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS ON THE 161 KV
LINE

The Electric Division requests authorization to seek bids for construction of approximately ten (10) miles of 161 kv transmission line.

MAY 22, 1980

The work to be bid will include the labor for assembly, erection and stringing of City supplies materials for approximately two (2) miles of wood pole line along the Hackman Road and approximately eight (8) miles of steel pole line along York Road and New Sweden School Road. The construction will begin at the intersection of Sunnyside and Hackman Roads and terminate at the City's Westside Substation property at Pioneer Road and New Sweden School Road. This work is estimated to cost \$580,000 dollars.

Please consider this request at your regularly scheduled Council Meeting on May 22, 1980.

s/ Steve Harrison

Councilman Hovey said this was the next logical step in the 161 kv line. It was moved by Councilman Hovey, seconded by Wood, that the Electrical Division and the Legal Department be authorized to prepare the necessary bid documents for ten miles of 161 kv transmission line, estimated cost of \$580,000. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 14, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: AGREEMENT ON WPPSS 1, 2 AND PART OF 3

The Bonneville Power Administration (BPA) has requested that the Council consider signing a three-party agreement which would allow BPA to make direct payments to WPPSS for the net billed plants #1, #2, and part of #3.

Without such agreement, BPA's administration work load would be increased because of involvement in the reassignment process.

It is the recommendation of the Electric Division that favorable consideration be given this request.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the necessary documents. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Electrical Engineer came this memo:

City of Idaho Falls
May 19, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: TRANSFER FROM UTAH POWER & LIGHT CO./ BENNION SALES & SERVICE

MAY 22, 1980

Bennion Sales & Service on South Yellowstone Highway has requested transfer from Utah Power & Light Company to City Electric Service. This account is in the City and Utah Power & Light Company has no objection to the transfer.

Cost of the account is \$1,104.92.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the transfer of Bennion Sales & Service from Utah Power and Light Company be approved. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was then presented:

City of Idaho Falls
May 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison
SUBJECT: AUTHORITY OF CHANGE ORDERS TO THE GENERAL
CONSTRUCTION CONTRACT WITH S. J. GROVES

The Electric Division recommends that the attached procedure be adopted for prompt administrative handling of change orders to the General Construction Contract with S. J. Groves and Sons Company.

The proposed procedure would establish levels of decision making based upon the magnitude of the changes as follows:

- (1) Routine change orders involving up to \$5,000.00 and not more than fifteen (15) days of contract extension are recommended to be delegated to the Electric Division Director.
- (2) Significant change orders involving more than \$5,000.00, but not to exceed \$25,000.00 or contract extension times in excess of fifteen (15) days but not more than thirty (30) days would be authorized by a poll of the Council.
- (3) Significant change orders in excess of the amounts listed above would be submitted to the full Council for their consideration.
- (4) Field orders which involve neither time delays or changes in contract price would be handled directly by the Resident Engineer.

Please consider this recommendation at the Regular Council Meeting of May 22, 1980.

s/ Steve Harrison

MAY 22, 1980

Councilman Deist said he did not like part #2 of this proposal, where the Councilmen could be asked to make a decision, by telephone call, without some time to consider the request or any input of the situation.

Councilman Erickson stated it was his understanding that the Electrical Committee had reviewed this proposal and recommended approval and he had confidence in the Committee that they will review the change order carefully. Councilman Wood stated that this was a magnitude project and even a delay of one day can run up the cost of the project. It was moved by Councilman Hovey, seconded by Wood, that the change orders as outlined be accepted by the Council and authorization be given to the Electrical Engineer to handle change orders as outlined in numbers 1, 2, and change orders as listed in number 3 be submitted to the Council as recommended. Roll call as follows: Ayes, 5; No, one; carried; Councilman Deist voting no.

Finally, from the Electrical Engineer, came this memo:

City of Idaho Falls
May 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: CHANGE ORDER TO GENERAL CONSTRUCTION CONTRACT

The Electric Division requests that the Mayor be authorized to execute a change order for an amount not to exceed \$27,000 to the contract with S.J. Groves and Sons Company.

This change order is for demolition and removal of the City's concrete and rock diversion structures and gated intake structure in the area of the Broadway Bridge. This work was originally to have been a part of the State's contract for demolition and reconstruction of the Broadway Bridge but paid for by the City through a separate City/State Agreement. The bid received by the State for this demolition was \$100,000. They have rejected this bid and requested that the City handle this demolition separately. See attached letter from the State.

S. J. Groves has given a maximum price for this work. If it can be accomplished for less, they will adjust their price to reflect actual costs. Your favorable consideration of this recommendation is requested.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the change order to the General Construction Contract be approved and the Mayor be authorized to execute a change order for an amount not to exceed \$27,000 to the contract with S.J. Groves and Sons Company for demolition and removal of the City's concrete and rock diversion structures and gated intake structure in the area of the Broadway Bridge. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 9:50 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
