

APRIL 19, 1979

The City Council of the City of Idaho Falls met in regular meeting, Thursday, April 19, 1979, at 7:30 P.M. in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting, Mayor Tom Campbell; Councilmen Sam Sakaguchi, Charles Clark, Mel Erickson, Jim Freeman, and Paul Hovey. Absent: Councilman Ralph Wood. Also present: Velma Chandler, Deputy City Clerk; Simon Martin, Assistant City Attorney, and all other available Division Directors.

Minutes of the last regular meeting, held April 5th, and special meetings held April 10th, April 11th, April 16th and April 18th, 1979, were read and approved.

The Mayor invited Fire Chief Call to escort the following firemen to the Council table: Shelby Beattie, Jerry Brown, James Deuel, Robert Drake, Nolan Getsinger, Brent Mitchell, David Peck. The Mayor announced that these enterprising men had recently completed a technical study course entitling them to an Emergency Medical Technician Certificate. Speaking for himself, the Councilmen and the entire community, the Mayor commended them for their dedicated effort beyond the call of duty in this regard. Continuing, the Mayor said he was proud to have this opportunity to present each of these men with said certificates. The Mayor noted that Fireman Kelvin Johnson had also completed the course, but was unable to be in attendance this night.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a variance for installation of underground petroleum product tanks, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE - PERMISSION TO INSTALL UNDERGROUND STORAGE TANKS FOR PETROLEUM PRODUCTS

Attached is a copy of an application for a variance submitted by Ray Groth Oil Company. They are requesting permission to install underground storage tanks on the west 180 feet of Lot 2, Block 1 of the Mead Addition. This property is located on 25th Street, west of Rollandet.

The petition states that two (2) tanks will be buried underground to be used for storage of gasoline and diesel fuel due to the critical shortage of petroleum products. This variance is made necessary because storage of petroleum products is not allowed in the M-1 (Manufacturing) zone.

The Building Official has reviewed this request and has no objections. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Freeman, as Chairman of the Planning and Zoning Committee, said he had made certain inquiries on this issue and had learned that this affected location had not been sufficiently inspected by the appropriate City Officials. Therefore, it was moved by

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Councilman Freeman, seconded by Clark, that this hearing be recessed until the next regular Council meeting. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a variance to permit a drive-up window to serve a fast food restaurant at the Husky Oil Station, 1725 E. 17th Street, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: APPLICATION FOR A VARIANCE REQUESTING INSTALLATION OF
A DRIVE UP WINDOW IN A C-1 ZONE

Attached is a copy of an application for a variance submitted by Wayne Dodman. The petitioner is proposing to remodel the existing Husky Oil Station at 1725 E. 17th Street to a fast food restaurant and is requesting a drive up window be permitted on the west side of the building.

This variance is made necessary inasmuch as drive-in eating establishments are not permitted in the C-1 zone. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

In answer to a question directed at Fire Chief Call by Councilman Hovey as to whether or not such an installation in the immediate vicinity of a service station would pose a fire safety problem, Call appeared briefly to say that he was not aware that this variance was being requested. Until this matter had been more fully investigated, then, it was moved by Councilman Freeman, seconded by Clark, that this hearing also be recessed until the next regular Council meeting. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a variance request for temporary placement of a mobile home in an R-3A zone, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: APPLICATION FOR A VARIANCE TO PLACE MOBILE HOME AT
275 N. WATER AVE. IN AN R-3A ZONE

Attached is a copy of a application for a variance submitted by Griffity & Gladys Harmon requesting the placement of a mobile home on Lot 11, Block 23, of the

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Original Townsite Addition. The applicants are involved in the operation of Colonel Sanders' Kentucky Fried Chicken business which is immediately across the alley to the west of this property.

The applicants' daughter has had brain surgery and is in a handicapped condition. The applicants' have agreed that at the time the mobile home is no longer required for their daughter's dwelling, it would be removed from the premises.

s/ Rod Gilchrist

Acknowledging the petitioner, Mr. Grif Harmon as being present in the Council Chamber, Councilman Freeman inquired as to the possibility that some other arrangement might be made for the care of his daughter. Mr. Harmon responded by saying that there was an alternate solution, in the event this request was denied. There were none who appeared for purposes of protesting this variance request. However, in view of Mr. Harmon's comments and thus, recognizing that an emergency did not exist, it was moved by Councilman Freeman, seconded by Clark, that this request for a variance be respectfully denied. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider certain proposed amendments to the comprehensive zoning ordinance No. 1115, as more explained by this memo from the Building Administrator:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED AMENDMENT TO P-B (PROFESSIONAL BUSINESS) ZONE

Attached is a copy of the proposed amendment to the P-B zone. This amendment is proposed by the Planning Commission and is intended to delete some uses which were felt to be objectionable, primarily, mortuaries and motels. It also establishes a height limitation which would be the same as that in the R-1 zone.

The Planning Commission considered this at a public hearing and at that time recommended approval of the amendment. This department concurs with the recommendation of the Planning Commission.

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

s/ Rod Gilchrist

The foregoing memo served to introduce said proposed amendments, as follows:

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MEMORANDUM

TO: Honorable Mayor and Council
FROM: Ernest Craner, Director
SUBJECT: NEW PARK MAINTENANCE BUILDING

The Parks and Recreation Division respectfully requests permission to submit a project to Heritage Conservation Recreation Services for matching funds to build a Parks Maintenance Building, and one additional park (Esquire Acres) or up-grade present park facilities in existing parks – such as: new softball lights; remodel rest rooms, shelters, water systems & buildings, etc.

Insurance monies for equipment building can be matched with park improvements or park development funds.

s/ Ernest Craner
Director

Councilman Freeman explained that the settlement on the Tautphaus Park Log Building fire would be in the approximate amount of \$235,000 and that these monies would serve as matching funds for these projects. It was moved by Councilman Freeman, seconded by Erickson, that approval be granted to submit a project, as described, to HCRS for matching funds for the projects and/or equipment as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Also from the Parks & Recreation Director, came this memo:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Ernest Craner, Director
SUBJECT; SHAMROCK PARK DEVELOPMENT

The Parks and Recreation Division respectfully requests permission to submit a park improvement project to Heritage Conservation Recreation Services for matching funds. The project will include the donated park property (Shamrock Park) and some improvements – to be used as a match for completing the park.

Such items for completion are: tennis court with lights, leveling, grading and landscaping, blacktop parking lot, playground equipment, picnic tables, etc.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Erickson, that the Parks and Recreation Division be authorized to finalize a park improvement as recommended and submit to HCRS for matching funds accordingly. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was presented:

D. Frederick Hoopes
Attorney at Law
P.O. Box 973
Idaho Falls, Idaho 83401

STATEMENT OF CLAIM

TO: Roy Barnes
Clerk
City of Idaho Falls

This office has been retained by Mr. Joseph Mann to prosecute a claim against the City of Idaho Falls.

On or about February 12, 1979, the City of Idaho Falls impounded the vehicle of Joseph Mann. When he redeemed the vehicle, a 1972 Chevrolet pickup truck, he found that it had suffered extensive damage due to vandalism and theft.

The vehicle was negligently left outside the impound lot by the City and the claimant could not reclaim it until a fee of \$46.00 was paid to the City, a fee presumably to maintain the impound lot. Attached please find a partial list of the damages sustained by the claimant.

This document constitutes notice under Idaho Code, Title Six, Chapter Nine of my client's claim against the City of Idaho Falls in the amount of \$1,000.00.

Dated this 10th day of April, 1979.

s/ D. Frederick Hoopes
Attorney of Joseph Mann

It was explained that, in the interests of time, this was forwarded to the City Attorney on April 12th without formal Council approval. It was moved by Councilman Hovey, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk noted that a legal notice had been published without formal Council approval on April 16th calling for a special Council meeting in the Mayor's Chamber on Wednesday, April 18th, to consider all pertinent documents pertaining to the Airport Revenue Bond issue; also, a legal notice published on April 17th with the same data except a change of meeting place to the Municipal Airport. It was moved by Councilman Hovey, seconded by Erickson, that these actions also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under matters requiring Council ratification, the City Clerk noted that the following legal notices had been published, in the interests of time, without Council approval:

Notice of public hearing to consider variance for underground storage tanks
Notice of public hearing to consider variance for drive-up window
Notice of public hearing to consider temporary placement of a mobile home
Notice of public hearing to consider certain amendments to the P-B zone as a part of Ordinance No. 1115

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

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License applications for GROCERY STORE, A Street Health Foods; RESTAURANT, A. Street Health Foods, Taco Bell, Hudson's Café, The Billiard Shop; ELECTRICAL CONTRACTOR, Bengal Electric, Read Electric; JOURNEYMAN ELECTRICIAN, Robert Lazzarotto, Allen G. Landon; PHOTOGRAPHY, J. Ned Photography, Pixie Photo; NON-COMMERCIAL KENNEL, Janice Cave; BILLIARD SHOP, The Billiard Shop; BEER, (Canned and bottled not to be consumed on the premises), Morgan's Westgate Conoco; PRIVATE PATROLMAN, Merrill Dean Logan; BARTENDER, Robert E. Tuttle, Michael E. Larson, Debra Lee Haderlie, Robert Bradley Carlyle, Jay Alan Buys, Kim Engelstrom, were presented. It was moved by Councilman Clark, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director, or his authorized representative, where required. Roll call as follows: Ayes, 5; No, none; carried.

From the Fire Chief, this memo was submitted:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor and City Council
FROM: Douglas Call, Fire Chief
SUBJECT: SELF-CONTAINED BREATHING EQUIPMENT AND AIR COMPRESSOR

The Fire Department request the Council authorize General Services to advertise for bids for self-contained breathing equipment and an air compressor for the self-contained breathing equipment.

This is a budgeted item.

s/ Doug Call

It was moved by Councilman Sakaguchi, seconded by Erickson, that the General Services Division be authorized to advertise for bids for self-contained breathing equipment and air compressor as recommended. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the General Services Director was then presented:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: CITY GARAGE ADDITION

The General Services Division respectfully requests that the City Council authorize the City Clerk to advertise to receive bids on construction of the addition to the City Garage as budgeted in the 1979 budget.

Thank you,
s/ Chad Stanger

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It was moved by Councilman Erickson, seconded by Sakaguchi, that the City Clerk be authorized to advertise for bids for this addition to the City Garage as indicated. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Building Administrator was presented:

City of Idaho Falls

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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT – WESTSIDE PARK, DIVISION NO. 1 (COUNTY PLAT)

This proposed subdivision is a County Plat, but is located within one (1) mile of the City limits and therefore required the Mayor and City Engineer to sign the plat. This plat is located approximately 500 feet south of the intersection of Grizzly Avenue and Market Road, and has frontage on a County road.

The developer is proposing the seven-lot subdivision with lots approximately one-half acre in size. The developer proposes that this development would be served by a community water system. Each lot at this time would be served by individual systems. At such time as the City sewer is extended to this area, it is proposed that an LID would be established and these lots would be connected to the City sewer.

This subdivision was originally proposed with smaller lots which would be served by City sewer. The developer had proposed a temporary lift station to connect to the City sewer.

This plat was approved some time ago by the City Planning Commission and a rezoning to permit development of this type was approved by the County. The final plat was later denied by the County due to protests from the residents in the area of the smaller lots. The developer has resubmitted this plat with the larger lots which have been approved by the County. The City Planning Commission recently reviewed this proposal and recommended approval by the City.

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

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that this plat be approved and the Mayor and City Engineer be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Building Administrator, came this memo:

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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: RELOCATION OF AN EASEMENT

This office has received a request to relocate an easement located on a portion of Lot 2, Block 1 of the Pine Crest Addition, Division No. 1, and a portion of Lot 5, Block 2 of the Garfield Estates Addition, Division No. 3. Attached is a copy of the legal description of the easement to be vacated and an easement agreement providing for the new easement to replace the vacation.

This office has received no objection to this proposal and we recommend that the request be granted. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the easement, as described, be vacated and the City Attorney be directed to prepare an appropriate vacating ordinance, as well as a deed of easement, for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

From the City Controller, came this memo:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: REPROGRAMMING OF COMMUNITY DEVELOPMENT FUNDS

Attached is a summary of development funds which are to be re-programmed to the Bel-Aire Streets and Storm Drains, Civic Auditorium Ramp, and Senior Citizens Center projects.

The re-programming of these funds has been discussed in work sessions and other Council meetings. However, it is necessary that formal action be taken for recording in the minutes of official proceedings to comply with HUD rules and regulations.

Therefore, William R. Gilchrist, Rolfe Lines, and I recommend that you approve the re-programming of these funds.

s/ John D. Evans

The foregoing memo served to introduce a proposed re-programming schedule for Community Development funds:

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MEMORANDUM

TO: W. R. Gilchrist
FROM: Rolfe O. Lines
SUBJECT: RE-PROGRAMMING OF COMMUNITY DEVELOPMENT FUNDS

In order to allocate Community Development funds to the correct activities, it is necessary that the City Council re-affirm their decision to re-program funds as follows:

<u>ACTIVITY #</u>	<u>DESCRIPTION</u>	<u>3/3/79 BALANCE</u>	<u>RE-PROGRAM</u>
1 (B).	Housing Rehabilitation	\$134,839.00	\$ 25,000.00
1 (D).	Housing Acquisition	32,500.00	32,500.00
10.	Neighborhood Center	91,132.00	91,132.00
28.	Highland Park Streets	99,973.00	99,973.00
21.	Local Option	(58,801.00)	<u>9,397.00</u>
	*Previously Committed		
	TOTAL:		\$258,002.00

* Previously Committed by Council:

Civic Auditorium Ramp	\$ 1,858.00
Senior Citizens Center Base Bid	20,845.00
Senior Citizens Center Options	<u>26,701.00</u>
	\$ 49,404.00

These funds should be programmed to the following:

Activity #16 – Bel-Aire Streets & Storm Drains	\$257,806.00
Activity #22 – Program Administration	<u>196.00</u>
TOTAL:	\$258,002.00

It was moved by Councilman Hovey, seconded by Erickson, that this re-programming program be authorized and approved in order to comply with HUD rules and regulations. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: URBAN RENEWAL AREA IMPROVEMENTS

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On April 3, 1979, we received two (2) bids on the construction of the Urban Renewal Area, as follows:

H-K Contractors, Inc.	\$225,917.75
R. V. Burggraf Construction Company	257,149.68
Engineer's Estimate	212,276.55

Public Works has reviewed these bids, the Contract Documents have been reviewed by the City Attorney, and the funding has been reviewed by the City Controller. We would recommend that the low bidder, H-K Contractors, Inc. be awarded a Contract in the amount of \$223,917.75.

Respectfully submitted,
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the low bidder, H-K Contractors, be awarded the contract as indicated in the amount of \$225,917.75. Roll call as follows: Ayes, 5; No, none; carried.

Also from the Public Works Director, came this memo:

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Director of Public Works
SUBJECT: BEL-AIRE STORM DRAINAGE

On April 10, 1979, two (2) bids were received for the construction of storm drainage in the Bel-Aire District, as follows:

R. V. Burggraf Construction Company	\$ 491,134.00
H-K Contractors, Inc.	
546,253.00	
Engineer's Estimate	561,916.00

A summary of the H.U.D. Funding for the Project is as follows:

COST:

Low Bid (Burggraf Construction Company)	\$ 491,134.00
Engineering and Inspection - 6%	29,468.00
Easements required +	<u>10,000.00</u>

TOTAL COSTS \$ 530,602.00

C. D. REVENUES:

Bel-Aire Drainage Activity No. 16	\$ 272,796.00
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C. D. Funds RE-Programmed by Council

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(See Attached Memorandum dated
April 18, 1979)

257,806.00

TOTAL REVENUES \$ 530,602.00

We have reviewed the bids, the documents have been reviewed by the City Attorney and the Funding has been reviewed by the City Controller. We are recommending that the Contract be awarded to the low bidder, R.V. Burggraf Construction Company in the amount of \$491,134.00.

Respectfully submitted,
s/ Don Lloyd

It was moved by Councilman Sakaguchi, seconded by Hovey, that this contract be awarded to R.V. Burggraf Construction Company in the amount of \$491,134.00 as recommended. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
April 19, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FREMONT AVENUE CONSTRUCTION AGREEMENT

We are attaching hereto three (3) copies of a Resolution and Construction Agreement with the Idaho Transportation Department. These Agreements have been reviewed by the Public Works Committee and the City Attorney and we are recommending that the Mayor and City Clerk be authorized to execute the Resolution and Agreement on behalf of the City.

The City's share of this project is estimated at \$127,000.00. We are requesting the City Controller be authorized to issue a Warrant in the amount of \$90,000.00 budgeted under Capital Improvement Funds and the balance to be taken from the City's Holding Account with the Department of Transportation.

Respectfully submitted,
s/Don

The foregoing memo served to introduce this resolution:

R E S O L U T I O N (Resolution No. 1979-08)

(APPROVING STATE/LOCAL AGREEMENT FOR FEDERAL AID HIGHWAY PROJECT M-7096 (001); AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE STATE/LOCAL AGREEMENT ON BEHALF OF THE CITY; AUTHORIZING THAT DULY CERTIFIED COPIES OF THIS RESOLUTION BE FURNISHED TO THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF HIGHWAYS.)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called "the State", has submitted a State/Local Agreement stating obligations of the State, Bonneville County, and the City of Idaho Falls, Idaho, for the construction of Riverside Drive and Fremont Avenue on 1.09 miles of F. A. Urban System, under Federal Aid Project M-7096 (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 to the Federal-Aid Highway System 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 City is fully responsible for its share of all project costs (86%); 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 Agreement for Federal Aid Highway Project M-7096 (001) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the State/Local Agreement on behalf of the City.
3. That the duly certified copies of the resolution shall be furnished the Idaho Transportation Department, Division of Highways.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
THIS 19TH DAY OF APRIL, 1979.

ATTEST s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

It was moved by Councilman Sakaguchi, seconded by Hovey, that this Resolution be adopted and passed and the Mayor and City Clerk be authorized to sign and, also, the City Controller be authorized and directed to issue a warrant in favor of the Idaho Transportation Department as one of the requirements of the foregoing resolution. Roll call as follows: Ayes, 5; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk were authorized to sign the agreement in question, described as M-7096 (001).

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

ATTEST: s/ Velma Chandler
Deputy City Clerk

s/ Thomas Campbell
Mayor

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