

SEPTEMBER 21, 1978

The City Council of the City of Idaho Falls met in regular meeting, Thursday, September 21, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Paul Hovey, Charles Clark, Jim Freeman, Ralph Wood, and Sam Sakaguchi. Absent: Councilman Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last regular meeting, held September 7th and a special meeting, held September 20th, 1978, were read and approved as amended.

The Mayor announced that this was the time and the place, recessed from several past meetings, to conduct a public hearing to consider a re-plat and a rezoning request, as more fully explained in this memo from the Building Administrator:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: HOLLIPARK ADDITION, DIVISION NO. 2, RE-PLAT AND REZONING

Attached is a copy of a proposed re-plat of the above described property. This property was recently annexed to the City and plated and zoned for a mobile home development. The developer has proposed to re-plat it to provide for two large lots adjacent to Lincoln Road and is requesting HC-1 (Highway-Commercial) zoning on these two lots.

The Planning Commission recently reviewed this proposal and at that time recommended approval of the request. This department concurs with the recommendation of the Planning Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

In answer to a question by the City Attorney, Ben Inman from the Building Administrator's office advised that there had been no change of ownership since this area had originally been annexed. He said there had been a change in development plans, however, which originally called for mobile homes, whereas it is now the plan to convert the area into commercial development in the interests of the Bureau of Land Management. There were none who appeared to protest or otherwise comment on this rezoning petition. It was moved by Councilman Freeman, seconded by Clark, that this re-plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Freeman, seconded by Clark, that the foregoing described area be rezoned HC-1 and the Building Official be directed to reflect said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

Noting a contingent of citizens present in the Council Chamber having an interest in all proceedings and facets pertaining to the proposed 161 kV line, the Mayor asked that the following memo from the Electrical Engineer be submitted at this time:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Steven Harrison, Director
SUBJECT: REQUEST FOR AUTHORIZATION RE: 161 kV LINE

The Electrical Division requests consideration of the following:

1. Authorization for City right-of-way agent to obtain options on various properties.
2. Authorization to use Chuck Thompson to appraise or reappraise various properties.

s/ G. S. Harrison

Councilman Wood, as Chairman of the Electrical Committee, referring to the recent history of events with regard to this proposed project, said the Electrical Division had appreciated the citizen input and the Beck presentation in the interests of the City of Ammon, suggesting and recommending as alternate route. Wood continued by saying that this had been followed by a report from Bob Mooney with the consulting firm of CH2M-Hill who could be expected to make his report publicly during an informal hearing at which time slides and other data would be studied, particularly with reference to routing. Wood said this would probably have materialized by now except for the fact that Mr. Mooney had been ill. He said, tentatively, this meeting was being scheduled for October 12th. Councilman Freeman assured those present that the foregoing requests, as mentioned in the Harrison memo, would not, at this time, tie down a specific route. Asked for Comment, City Attorney Smith conceded that, if the Council were to grant authorization as requested, this would indicate intention on the part of the City to proceed with the planned routing, inasmuch as some funds might be expended, but that this in itself, would not lock the City in.

Mr. Roger Henrie, Park Taylor Road, appeared briefly to ask, in view of the previous testimony, why the City felt obligated or justified in acting now when another public meeting was scheduled shortly. In answer, Wood explained that this was nothing more than a continued drive to seek affected property out in an effort to have full information available. Also, concluded Wood, the City Council wanted all interested and affected parties knowledgeable as to what the City was doing in this regard.

Mr. Brad Jahn, Route 4, appeared before the Council, advising that he had recently contacted all affected property owners and that, with one exception, they were opposed to selling the City right of way property, as evidenced by this petition, signed by twelve Route 4 landowners:

We, the undersigned landowners, remain opposed to the half-section location for the 161 kV transmission loop. We continue our refusal to sell rights-of-way and urge the City to select an alternate route along existing public right-of-way.

Also, continued Jahn, these same landowners felt the City should seek options along the east side of the Interstate which is zoned industrial. Jahn said that, in his opinion, and theirs,

particularly because of said zoning, this would be a more logical location for that portion of the line and, also, the substation.

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George Wehman, Mayor, City of Ammon, appeared before the Council to say that, in his opinion, the Idaho Falls City Officials had not acted in good faith on this proposed project during the planning stage, as it would affect and have its impact on Ammon residents. Even acknowledging that certain City Officials had been present at the Ammon meeting when a representative of R. W. Beck & Associates had made his presentation, Wehman said that meeting was limited to fact finding based upon the Beck study. Wehman continued by saying that, contrary to a theory propounded by the news media, Ammon's interest in the line was not to obtain City of Idaho Fall electric service; instead the proposed line location, so near to Ammon, constituted an invasion of privacy in the opinion of the Ammon City Officials and residents. Wehman said an attempt will be made through the State Legislature to provide protection through legislation from such invasion of privacy but, meanwhile, the City of Ammon intended to do everything in its power, including recourse through the courts if necessary, to prevent the line in question from being constructed so near their City. Wehman concluded his remarks be registering disappointment that he and his Council were not invited to hear the Mooney presentation. He said they would invite dialogue with the Idaho Falls Mayor and City Council on this issue. He said, as it stands now, it would appear that Idaho Falls has left Ammon no room for negotiation.

Mr. Reed Hansen, Roberts Highway, appeared before the Council. He said the group he represented needed answers to many questions including the following: As now planned, when will the South Loop of the 161 kV line be completed? When will the total project be submitted to the County Planning Commission for their consideration? Referring to an earlier statement that, by acquiring options, the City was not locked in, Hansen asked, if the City were now to acquire options and subsequently change its mind on location, how could the City justify monies now spent on options? Hansen concluded his remarks by saying that, in his opinion, an unbiased opinion was needed from a commercial spray company as to the impact the line would have on spraying operations and, also, for the same reason, an irrigation analysis is needed. In the absence of further comment and referring back to the Harrison memo, it was moved by Councilman Wood, seconded by Hovey, that authorization be granted as recommended on both requests as stated. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was this damage claim:

Snook & Snook
September 14, 1978

Manager
Idaho Falls Airport
Idaho Falls, Idaho
RE: Gayle R. Ladle

Dear Sir:

Gayle R. Ladle has asked me to write to you in connection with the accident wherein she was injured while she was walking up the stairs to the restaurant.

She talked with the manager of the restaurant at the time and states that she was treated very courteously by him. Apparently, the reflection of the sun through the windows prevented her from seeing the stairs property; and she states that was the cause of the accident.

Enclosed is a copy of the statement that she received from the Community Hospital in connection with the X-rays. Fortunately, she has recovered and is willing to settle the entire matter for \$50.00.

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Will you please give this matter your attention, and we will look forward to hearing from you at an early date.

Sincerely yours,
s/ Fred H. Snook

It was explained that, in the interests of time, this was referred to the City's liability insurance carrier for early investigation without formal Council approval. It was moved by Councilman Hovey, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Also in need of ratification, according to the City Clerk, was the execution by the Mayor and City Clerk of an annual audit contract between the City and Williams, Ferguson & Co., covering the auditing of City records for the fiscal period 1977-78. It was explained that this action was approved by polling the Council but without formal Council action. It was moved by Councilman Hovey, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under matters requiring Council ratification, this memo from the City Controller was submitted:

City of Idaho Falls
September 11, 1978

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: DOLLAR CERTIFICATION OF BUDGET REQUEST TO BOARD OF COMMISSIONERS

Authorization is requested for the Mayor and City Clerk to sign the attached "DOLLAR CERTIFICATION OF BUDGET REQUEST TO BOARD OF COMMISSIONERS", AS REQUIRED BY THE Idaho Code 63-624 and 63-625.

s/ John D. Evans

It was explained that, because time was of the essence, the above mentioned certification was signed by the Mayor and City Clerk on September 12th, 1978 without formal Council approval. It was moved by Councilman Hovey, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for ELECTRICAL CONTRACTOR, Gary Wayne Sellers for Sellers Electric; JOURNEYMAN ELECTRICIAN, Earl R. Danielson, Gary Wayne Sellers; APPRENTICE ELECTRICIAN, Georgia Lee Sellers with Sellers Electric; CAB DRIVERS, Douglas Larson, Richard Leo Durbin, John Seward; BARTENDER, Luis Ybarrondo, Shirley Rowland, Kenneth E. Wilhite, Linda Ann Craig, Gale M. Reinhart, Leland J. Johnson, 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, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk requested authorization to publish an invitation for bids on construction of Well No. 14, including a booster pump. It was moved by Councilman

Sakaguchi, seconded by Hovey, that authorization be granted to publish invitations for bids on the project as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Clerk was presented:

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City of Idaho Falls
September 21, 1978

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

The Police Department has advised that there is, again, a sufficient amount of impounded or unclaimed merchandise and vehicles to warrant an auction sale.

We ask your authorization to conduct said sale at 1:00 P.M., Saturday, October 21st, 1978, at the usual locations and to retain a professional auctioneer to conduct the sale.

Respectfully submitted:
s/ Roy C. Barnes

It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted for the City Clerk to conduct an auction sale on the date and at the locations as indicated and that a professional auctioneer be retained to conduct said sale. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the General Services Director was presented:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID # IF-78-32 THREE OUTDOOR OIL CIRCUIT BREAKERS

It is the recommendation of the Electrical and General Services Divisions that the City Council accept the low bid of Alles & Associates to furnish three (3) 15 kV Breakers at a total sum of \$34,947.00 as per Bid #IF-78-32.

Thank you!
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Wood, that the low bid of these three outdoor oil circuit breakers in the amount of \$34,947 be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the General Services Director was submitted, as follows:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger

SUBJECT: IF-78-27 ONE NEW 1978 MOTOR FIRE APPARATUS, 1000 GPM
PUMPER

SEPTEMBER 21, 1978

It is the recommendation of the Fire Department and the General Services Division that the City Council reject all bids received on Bid #IF-78-27 for a Motor Fire Apparatus. This recommendation is based upon the need to further study the financing options available for this equipment.

Thank you!
s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Wood, that, for the reason as stated, all bids received on Fire Apparatus be rejected. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Administrator came this memo:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: CONTRACT FOR DESIGN OF SENIOR CITIZENS CENTER

Attached are copies of a contract between Leland Dillie, Architect, and the City of Idaho Falls, providing for the design of the new Senior Citizens Center. This is a standard architect's contract, and has been reviewed by the staff and appears to be in order.

This office recommends the Mayor and City Council approve this contract, subject to approval by the City Attorney and further, subject to release of Community Development Funds by HUD.

s/ Rod Gilchrist

By way of explanation, Councilman Freeman pointed out that the planned location for the Senior Citizens Center is on 21st Street, just off Rollandet in the near vicinity of the Easter Seal Center, separated only by two parking lots which would serve either or both organizations. Freeman continued by noting the center, when completed, would contain about 6800 square feet at an estimated cost of \$180,000. It was moved by Councilman Freeman, seconded by Clark, that this design contract be approved and the Mayor be authorized to sign, subject to the approval of the City Attorney as to legal form and also, subject to release of C.D. funds by HUD. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the Building Administrator was reviewed, to-wit:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist

SUBJECT: REQUEST FOR EXTENSION OF VARIANCE – TEMPORARY USE
OF MOBILE HOME

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Attached is a copy of a request for an extension to the previously granted variance permitting temporary use of a mobile home at the Child Development Center. This request was originally granted for a 6-month period of time.

The attached letter requests an extension of this variance for an additional 6 months.

s/ Rod Gilchrist

Councilman Freeman noted that the Child Development Center was experiencing some construction difficulties and, thus, the request for this variance extension. Councilman Clark, being acquainted with this Development Center, noted that they were also experiencing unusually heavy enrollment. It was moved by Councilman Freeman, seconded by Clark, that this mobile home variance be extended for a period of six months. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Building Administrator, this memo was submitted:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF RIGHT-OF-WAY – GRIZZLY AVENUE

The City has received a request from School District No. 91 to vacate a portion of Grizzly Avenue. At the time Pancheri Drive was extended westerly of Skyline High School, Grizzly Avenue was realigned to form a "T" intersection with Pancheri Drive. The original alignment of Grizzly Avenue has been abandoned, but still remains as a dedicated street.

The School District has requested that this portion of the original right-of-way be vacated so that they can utilize this property and the triangular property at the southeast corner of the intersection of these two streets.

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

s/ Rod Gilchrist

By means of a map on the wall, Ben Inman from the office of the Building Administrator pinpointed the affected property that would benefit from this requested vacation. With reference to the triangular land referred to in the foregoing memo, City Attorney Smith asked if proven ownership had been determined and was answered in the negative by Inman. Smith said this should be done before the street in question is vacated. With this understanding, then, it was moved by Councilman Freeman, seconded by Wood, that the City Attorney be directed to prepare the appropriate vacating ordinance and deed for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was submitted:

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: GARBAGE COLLECTION RATES

In order to maintain or improve the present level of service, we are requesting an increase in the monthly garbage rate. Public Works Committee is requesting authorization for City Attorney to prepare an amending ordinance which will increase the current minimum rate by \$1.00 per month and certain other nominal adjustments to conform.

Respectfully submitted,
s/ Don

Mr. Robert Fanning, 1710 Garfield, appeared before the Council for the purpose of protesting this proposed garbage collection rate increase, affecting, primarily, residential service. Mr. Fanning said that, in his opinion, this proposal, representing an approximate 35% increase to residential users, was exorbitant, particularly for the impoverished, including such categories as the widowed lady, living alone. He said it even brings up the question of proficiency and, to say the least, inequity. Fanning said it didn't seem fair to him that a collector of small amounts of garbage should be required to pay the same monthly flat charge as the collector of large amounts of garbage, such as the resident with a large family. In answer to a question, Public Works Director Lloyd advised that commercial rates would not be affected by this increase on the grounds that the commercial container rate was deemed to be fair and equitable without revision. By way of further explanation, Lloyd said that, for some years, commercial customers, rate-wise, had been subsidizing residential users allowing the Sanitation Department, until recently, to operate on a self-sustaining basis. Councilman Hovey conceded that another approach to the problem could have been a series of .25 increases over a period of years but that, administratively and fiscally, the \$1.00 increase appeared to be more prudent. It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney be directed to prepare an amendatory ordinance, reflecting the \$1.00 per month revised garbage collection rate, for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the Public Works Director was forthcoming, as follows:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: MAIL BOXES

City has for some time been at impasse with Post Office Department with reference to placement of mail boxes.

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Public Works Committee is suggesting we now authorize sleeves placed in the sidewalk adjacent to the curb in residential areas. These sleeves then can accommodate a pipe stand for a mail box placed parallel to the street and offer the minimum obstruction to use of sidewalk. See accompanying photographs.

Public Works Committee would recommend the Council authorize the City Attorney to amend the present ordinance to accommodate this type of mail box installation.

Respectfully submitted:
s/Don

Councilman Sakaguchi noted that some subdivisions had taken the liberty of placing sleeves in the sidewalk at the time of construction and, now, other developers are asking permission to do likewise. Photographs were displayed of mailboxes neatly installed in a sleeve, vs other creations installed in an unorthodox manner. It was generally agreed that a proper type mail box installed in a sleeve parallel to the street posed less of a safety hazard to vehicles and pedestrians than those that might be installed in a so called artistic manner. Councilman Freeman stressed the need for conformity and uniformity. The City Attorney concurred and added that, unless precautionary measures are taken, residents will likely continue to install unusual type mail boxes that could be termed dangerous appurtenances. In answer to a question by the City Attorney, it was generally agreed that a regulatory ordinance pertaining to mail boxes should specify a time, dating back a reasonable period, giving residents guidance for compliance. It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney be directed to prepare an amendatory ordinance on mail box regulations for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Parks and Recreation Director was reviewed:

City of Idaho Falls
September 21, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Ernest Craner, Director
SUBJECT: SNAKE RIVER GREEN BELT DEVELOPMENT

Three Contractors submitted bids for the Snake River Green Belt Development:

BECO (Idaho Falls)	\$161,651.20
CLARK BROTHERS (Idaho Falls)	161,143.00
EARLY BIRD SPRINKLER (Rexburg)	154,800.60
Engineer's Estimate	156,160.00

All bids have been reviewed by the Parks & Recreation Council Committee, Parks & Recreation Director and Bill Bates, Project Engineer for Ellsworth Engineering.

We recommend that the contract be awarded to the low bidder, Early Bird Sprinkler, Rexburg, for \$154,800.60

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NOTE: This does not include the 1 ½ acre requested by the Electric Light Department for a storage area.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Wood, that Early Bird Sprinklers be awarded the contract for development of the Snake River Green Belt in the amount as indicated. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Fire Chief was submitted:

MEMORANDUM

TO: Mayor and Council
FROM: Douglas C. Call, Fire Chief
SUBJECT: REQUEST FOR ADOPTION OF 1976 UNIFORM FIRE CODE

We request that the City Attorney be given authorization to prepare an appropriate ordinance to adopt by reference, the 1976 Edition of the Uniform Fire Code for Council consideration.

s/ Douglas C. Call

It was moved by Councilman Sakaguchi, seconded by Wood, that the City Attorney be directed to prepare an appropriation ordinance for Council consideration that would adopt the 1976 Uniform Fire Code by reference. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from Fire Chief Call was read aloud by the City Clerk, as follows:

September 21, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Douglas C. Call
SUBJECT: USE OF FIRE STATION NO. 3 AS A SOLAR RESEARCH MONITORING STATION

I have met with representatives of the National Oceanic and Atmospheric Organization, Environmental Research Laboratory concerning placing solar energy monitoring equipment on the roof of Fire Station #3 and recording equipment inside the station. This would be a permanent location and would require some alterations as to access to the roof, and walkway on the roof as well as mounting of equipment.

The location on Station #3 is desirable because of the access to the sun from horizon to horizon without any blockage. I have been assured that they will pay for any alterations that may be necessary in order that this equipment may be mounted and monitored.

Certainly much valuable information can be obtained through a program such as this and should not affect the station or work of City personnel in any negative manner.

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I would recommend that the Council approve the use of Fire Station #3 as a solar research monitoring station and refer to the City Attorney the authorization to review and prepare the necessary agreement.

s/ Douglas C. Call

Asked for comment, Call appeared briefly to explain that solar research monitoring is done by a sun tracking instrument that would be installed on the roof with recording equipment inside the station. Continuing, Call said the No. 3 Fire Station was one of seven, to date, selected throughout the Nation to provide such date. He said this location was decided upon because the station is considered an ideal site, inasmuch as there is no sun blockage from horizon to horizon. Call concluded his remarks by saying some renovation would be necessary at no cost to the City, such as construction of a stairway and walking platform on the roof. It was moved by Councilman Sakaguchi, seconded by Wood, that the City Attorney be directed to prepare an appropriate agreement for Council consideration, said agreement to include adequate and proper provisions to protect the City against liability. Roll call as follows: Ayes, 5; No, none; carried.

City Attorney Smith reported that, for some time, the Public Works Division, for purposes of control, had felt the need for a licensing ordinance for contractors who excavate in public streets and alleys or who construct within public property, etc. With that explanation, Smith proceeded to introduce the following:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, PROVIDING FOR THE LICENSING OF ALL CONTRACTORS DOING WORK WITHIN PUBLIC WAYS AND EASEMENTS OF THE CITY OF IDAHO FALLS; FIXING FEES FOR SAID LICENSING; REQUIRING PUBLIC LIABILITY INSURANCE FOR AND BONDING OF LICENSEES; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Smith advised that the Council might wish to allow time for public reaction on this ordinance before it be passed on all three readings. It was moved by Councilman Sakaguchi, seconded by Hovey, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Sakaguchi, seconded by Wood, that the meeting adjourn at 9:10 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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