

JANUARY 6, 1977

The City Council of the City of Idaho Falls met in regular meeting on Thursday, January 6th, 1977, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Pro Tem Jim Freeman; Councilmen Tom Campbell, Mel Erickson, Ralph Wood, Gil Karst, and Paul Hovey. Absent: Mayor S. Eddie Pedersen. Also present: Velma Chandler, Deputy City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last recessed regular meeting, held December 21st, 1976, were read and approved. The Mayor acknowledged Mary Lou Marshall, local President of the League of Women voters, in the Council chambers. Mrs. Marshall said her only purpose in being present this night was in the capacity of observer for the League. The Mayor thanked her for her presence and her interest.

Mr. Cecil Perez, 1360 Elmore, appeared before the Council and presented this petition with 72 signers:

We the undersigned understand that the Community Development Program is intended to improve neighborhoods such as ours. We oppose the use of Community Funds to pave Fremont Avenue (\$100,000) because this will benefit mainly people from outside the area who are just passing through. We oppose the use of these funds to extend water and sewer lines north of Science Center Drive (\$10,000) because there are no houses there.

We would like to see the \$10,000 used, instead, to pave Canyon and Elmore Avenues where many more families live.

Mr. Perez said that he and others had attempted for many years to get these streets paved without success and most of the area residents could not afford this type of improvement. Councilman Karst noted that this area was sparsely populated and, therefore, questioned whether or not an LID would meet with acceptance. Mr. Perez replied by saying that there are 70 homes located north of the freeway on Canyon, Elmore and adjacent streets. Councilman Campbell questioned whether or not this type of improvement could be justified with Federal Funds. Mr. Perez replied by saying that a substantial amount of Federal Funds had been expended, elsewhere in the City, for improvements of this nature. It was moved by Councilman Karst, seconded by Erickson, that this matter be referred to the Community Development Council Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that a legal notice was in the process of being published, calling for a zoning hearing on January 20th and, in the interests of time, this was without benefit of formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, 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, were several informal actions having to do with bid awards for electrical material and equipment, as more specifically explained by this memo from the Electrical Engineer:

City of Idaho Falls
December 29, 1976

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: BIDS IF-76-28, IF-76-29, IF 76-30

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Previous Council action resulted in the award of bids to the following low or sole bidders:

- IF-76-28 Truck Equipment Sales Company for conductor pulling-tensioning equipment in the amount of \$18,376.75.
- IF-76-29 Ohio Brass Company for electric hardware in the amount of \$15,168.00.
- IF-76-30 Roger Strong & Associates representing Meyer Pole Company for 56 steel 161 KV poles in the amount of \$390,172.00.

Ratification of your previous action is requested.

s/ Steve Harrison

It was moved by Councilman Wood, seconded by Campbell, that these actions also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

A purchase option was presented whereby the City would agree to purchase from McCarty's Inc., until December 31, 1979, certain lands for the extension of Capital Avenue for \$1,000. It was noted that this instrument had been signed by certain officials of McCarty's, Inc. on the first day of January, 1977, and that this had never been formally approved by the City Council. It was moved by Councilman Karst, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Another purchase option was then presented between the City and John and Louise Newman whereby, until November 1st, 1978, the City would agree to purchase and Mr. and Mrs. Newman would agree to sell, during that period, certain lands approximately ten acres for the construction of a substation. It was noted, further, that said purchase price was in the amount of \$20,000. This instrument had been agreed to and signed on December 30th, 1976, without formal Council approval. It was moved by Councilman Wood, seconded by Campbell, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1478

AN INTERIM ORDINANCE APPROPRIATING
SUFFICIENT FUNDS FOR PAYMENT OF EXPENSES
AND SALARIES BY THE CITY OF IDAHO FALLS,
IDAHO, DURING THE 1977 FISCAL YEAR PRIOR TO
THE PASSAGE AND APPROVAL OF THE ANNUAL
APPROPRIATION ORDINANCE; PROVIDING WHEN
THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Karst, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed

with and ordered the Ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

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Bills for the month of December, 1976, having been properly audited by the Fiscal Committee, were presented. The City Clerk was asked to read aloud all fund totals for services, materials and payroll, as follows:

<u>FUND</u>	<u>PAYROLL</u>	<u>MATERIALS</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$487,871.16	\$289,430.90	\$777,302.06
Street Fund	201,101.29	19,214.80	220,316.09
Airport Fund	50,990.04	7,420.49	58,410.53
Water and Sewer Fund	384,574.04	35,109.94	419,683.98
Electric Fund	500,268.35	57,245.21	557,513.56
Recreation Fund	10,732.06	5,680.60	16,412.66
General Library	2,675.24	12,921.64	15,596.88
Regular Library	144.74	537.00	681.74
Revenue Sharing	21,650.77	.00	21,650.77
Community Development	73,839.74	738.40	74,578.14
Flood Disaster	<u>245,182.53</u>	<u>.00</u>	<u>245,182.53</u>
<u>TOTALS</u>	<u>\$1,979,029.96</u>	<u>\$428,298.98</u>	<u>\$2,407,328.94</u>

LIBRARY CONSTRUCTION EXPENDITURES

DECEMBER EXPENDITURES Expenditures To Date: \$1,754,723.43

DATE:

12/13/76 Mitchell Construction Co. \$ 72,091.33

Construction Est. #14

12/20/76 Hoyt Galvin & Associates \$ 2,364.13

Furniture Specs & Analysis of Bids

Total to Date: \$1,829,988.89

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Erickson, that the bills be allowed and the Controller be authorized to issue warrants or checks on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried. Reports from Division and Department Heads were presented for the month of December, 1976, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Wealth of Health, Albertsons 17th Street, Northgate Saving Center; RESTAURANT, (transfer only) The Tavern to Ronnie Thomas; RESTAURANT, Reids Pizza Haus, Ramada Inn, Burnt Offering, Lantern Pizza Shoppe, Saga Food Service, Dairy Queen, Ponderosa Inn, Albertsons #38; ELECTRICAL CONTRACTOR, Century Electric, Sargent Mechanical, Jeppesen & Son Electric, Grant Gallup Electric, A. L. Brown Electric; JOURNEYMAN ELECTRICIAN, T. Grant Gallup, C. P. Jeppesen, Almon L. Brown, David Norris, Glayde Hill; APPRENTICE ELECTRICIAN, Craig Perrenound, Robert Baird, C. Peder Jeppesen; MASTER PLUMBER, Harold Bates Plumbing, Sargent Mechanical; JOURNEYMAN PLUMBER, Harold Bates, Larry Bates, Max Sargent; APPRENTICE PLUMBER, Ron Summers; CLASS B CONTRACTOR, GAS, WARM AIR, WET HEAT, Max Sargent Mechanical; CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Paul Hammond Furnice Co.; CLASS D CONTRACTOR, REF., Koldaire, Inc.; CLASS D CONTRACTOR, GAS FITTING, AMCOR; CLASS C JOURNEYMAN, WARM AIR, AND GAS FITTING; Paul Hammond; CLASS C JOURNEYMAN, GAS FITTER, Jay Rowley; CLASS D JOURNEYMAN, REF., Myron Beeson, Gene Mark, Darrel D. Smith; CLASS D APPRENTICE,

GAS FITTING, Ron Summers; JUNK DEALER, Orville Waddell for McCartys; NON-COMMERCIAL KENNEL, Justin M. Smith DANCE HALL, (where alcoholic beverages are sold by the drink), Ponderosa Inn, Ramada Inn; MOTEL, Ramada Inn; PUBLIC CONVEYANCE

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VEHICLE (2), Senior Citizens Community Center; THEATRE, Paramount; TAXI CAB OPERATOR, Don Fauts; BARTENDER, Ralph Harmon, Beverly Munkres, Wallace Heiselt, Earl Wockner, Lawrence M. Oyres, Leonard Mitchell, Harold Duncombe, William Hendricsen, Nancy Konesky, Valerie Hathaway; BEER (transfer only) from Raymond Klawitter to Ronnie D. Thomas for The Tavern; BEER,(canned and bottled not to be consumed on the premises), Albertson Foodliner on E. 17th Street, Northgate Saving Center; BEER, (canned and bottled to be consumed on the premises), Patrick Boylan for Sagebrush Lounge; BEER (canned, bottled and draught to be consumed on the premises), Hal's Half Acre, Dog House, Ponderosa Inn, Lantern Pizza, Burnt Offering, 191 Club, Blue Room, Red Fox Lounge, Reids Pizza Haus, Skyline Lanes Lounge; LIQUOR, Sagebrush, Burnt Offering, Ponderosa Inn, Hal's Half Acre, Red Fox Lounge, were presented. It was moved by Councilman Erickson, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an advertisement for bids for the construction of landscaping and sprinkling system at the new library building. Not being aware that this project was ready for advertising, the Councilmen were in agreement that they were not in a position to take any action. It was moved by Councilman Hovey, seconded by Karst, that this matter be tabled for the time being. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was presented:

City of Idaho Falls
January 6, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID IF-76-27

It is the recommendation of the General Services Division that the City Council accept the sole bid of Ray Groth Oil Company to furnish motor fuels and heating oil for the year 1977. It is also the recommendation of the General Services Division that the City Council accept the bid of EC Oil Company to furnish the motor oil for the year 1977, in the following categories; Straight Viscosity, 55 gallon drums, API Classification CC at \$1.17 per gallon; Multiple Viscosity, 55 gallon drums, 10W-40, API Classification SE at \$1.49 per gallon.

Thank you.
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Karst, that these various bids for motor fuels, heating oil and motor oil be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
January 6, 1977

MEMO

TO: Honorable Mayor and City Council

FROM: Donald Lloyd
SUBJECT: CONSTRUCTION OF HEMMERT AVENUE BRIDGE-PROJECT #
7A-43

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On Tuesday, December 29, 1976, five bids were received for the construction of the Hemmert Avenue Bridge over Willow Creek:

Cannon Structures, Inc.	\$18,454.00
Clark Brothers Const. Co.	18,785.00
T.A.P. Construction Co.	22,260.00
Blessinger Construction Co.	24,480.00
C. Reinhart and Son, Inc.	30,680.00

It was anticipated that monies to construct this project were to come from the same budget funds which will be used for the construction of the Lomax Extension. Since it now appears there will not be sufficient monies to totally complete Lomax, it is not advisable to further deplete the funds by constructing this bridge. We are, therefore, recommending that the Council reject all bids and plan to construct the bridge from the 1977 budget.

s/ Don

It was moved by Councilman Karst, seconded by Campbell, that all bids on the Hemmert Avenue Bridge over Willow Creek be rejected for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey reported he had several proposed change orders to the library construction contract in need of Council consideration.

First, several landscape items, as follows: Moving Strips, \$1,989; Planter, \$10,686; Exterior Benches, \$3,463; Additional Sidewalks, \$3,834; Sleeves for Sprinkler System; \$1,133. It was moved by Councilman Hovey, seconded by Karst, that this change order be approved and the Mayor be authorized to sign, transferring these items to the landscape budget. Roll call as follows: Ayes, 6; No, none; carried.

Next, continued Hovey, were several items added to either provide safety and maintenance or enhance the appearance of the project, as follows: Additional Exterior Lighting, \$11,391; Snow Melting Mats, \$6,836; Wheelchair Curb, \$1,265. It was moved by Councilman Hovey, seconded by Campbell, that this change order be approved, the Mayor be authorized to sign and that these items be charged to the contingency budget. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Hovey presented a change order for additional asphalt in the amount of \$2,216 and, also, deductions as per the revised site plan in the amount of \$2,282, for a net gain to the City of \$66,00. It was moved by Councilman Hovey, seconded by Karst, that this change order be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood reported that, according to a recent letter from a WPPSS official, certain modifications are necessary in the Short Term Sales Agreement which, if not changed would create legal problems. Wood presented said proposal changes, as follows:

CHANGES TO SHORT TERM SALES AGREEMENT

1. Insert the following in lieu of the first provision to Section 8 (b) A (i):

“Provided that any such payment insofar as it is computed with respect to interest and amortization of Bonds shall be computed on the basis of level payments (consisting of the total of principal and interest) which

would be required to amortize a principal amount equal to the daily average principal amount of Bonds outstanding during the Contract year, with an interest rate equal to the weighted daily average interest

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rate on the Bonds outstanding during the Contract year, over the period commencing with the earlier to occur of the Date of Continuous Operation of either of the Projects or the date of the first scheduled principal payment to the holders of the Bonds and ending July 1, 2018;”

2. Insert the following at the end of the first sentence in Section 8 (c)(1):

“Provided further that the portion of such amount for Fixed Costs (as such Fixed Costs are defined in section 8 (c) (2) (iii).”
3. Insert the following at the end of the sentence in Section 8 (c) (2) (iii):

“(including the rated net generating capability of the Projects regardless of whether a Project has reached its Date of Continuous Operation or has been terminated pursuant to the Participants’ Agreements).”
4. Insert the Phrase “(as such Fixed Costs are defined in Section 8 (b) (A)” after the words “Fixed Costs” in Section 8 (c) (2) (iii).
5. Insert the following as a new subsection to Section 5:

“(f) The Original Exhibit A to this Short Term Sales Agreement, entitled “Annual Determination of Available Capability”, was based upon data received by Supply System for eighty-seven Participants. If less than all of such eighty-seven Participants execute Assignment Agreements consistent with such data and containing an Exhibit A thereto substantially in the form of the Short Term Sales Agreement, Supply System shall make adjustments to Exhibit A to this Agreement (i.e., “Annual Determination of Available Capability”) to the extent necessary to reflect the changes in such data; provided that this short term sales agreement shall terminate if Assignment Agreements providing for fifty percent (50%) or more of the amount set forth in Item 6 for each Contract Year of the original Exhibit A to the Agreement are not executed by the Participants and Supply System prior to July 1, 1977; provided further that no such Assignment Agreement shall be executed after July 1, 1977.”
6. Insert the following sentence at the end of the last paragraph on P. 31:

“For purposes of reference only this Agreement shall be dated as of December 22, 1976”.
7. Insert the phrase “or commencing on February 1, 1977, whichever is earlier,” after the words “this agreement” in line four of page 11 in Section 5 (b).

CHANGES TO ASSIGNMENT AGREEMENT

1. Change the date in the second to last line of P.1 from “June 23, 1976” to “as of December 22, 1976”.

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Asked for comment, the City Attorney said he had reviewed these proposed changes and they appeared in order from the standpoint of acceptable legal form. It was moved by Councilman Wood, seconded by Campbell, that these proposed changes be approved and the Mayor be authorized to sign Attachment A, indicating said approval by the City Council. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Karst presented an agreement between the City and the County, providing for a schedule of anticipated costs for operation and maintenance of the City-County Law Enforcement Facility. It was explained that this agreement was in the form of an addendum to a document previously executed by the County and the City on the 11th day of March, 1976, entitled "Service Contract for Joint Law Enforcement Facility and Jail Detention Areas". It was moved by Councilman Karst, seconded by Campbell, that the Mayor and City Clerk be authorized to sign, subject to final approval by the City Attorney and the City Controller, particularly with respect to application of the proper formula. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Karst then reported that there had also been assembled a rough draft of an agreement between the City and the County pertaining to the jail complex which would include a schedule of expenses, maintenance and operation and the manner in which these would be shared. He said this rough draft provided the basic concept and the guidelines and would be revised into a final draft, if needed. It was moved by Councilman Karst, seconded by Campbell, that as if and when such a final draft be completed, the Mayor and City Clerk be authorized to sign, subject to final approval by the City Controller and the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1479

AN ORDINANCE AMENDING SECTION 1-10-1 OF THE CITY CODE OF IDAHO FALLS, IDAHO, TO PROVIDE FOR THE PLACE AND TIMES OF HOLDING REGULAR CITY COUNCIL MEETINGS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Karst, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith introduced an addendum to a cooperative agreement between the City and the County, pertaining to the use of the City computer. Councilman Karst explained that, under the terms of the original agreement, the hardware was to be leased but, now that the City is in the process of purchasing a computer, the County, because of joint use, felt they were entitled to a fair share of equity ownership. It was moved

by Councilman Karst, seconded by Campbell, that this addendum be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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The City Attorney then introduced a cooperative agreement between the City of Idaho Falls and the City of Ammon, stating terms and conditions whereby the City of Idaho Falls would agree to furnish Ammon all services required by that City related to the development of sub-divisions and the inspection of the construction and installation of streets, utilities and other off-site improvements within the City. It was moved by Councilman Karst, seconded by Erickson, that the Mayor and City Clerk be authorized to sign, subject to completion of said agreement by the City Controller by filling in the blank in paragraph II relative to cost times factor, and also the City Attorney from the standpoint of liability. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith reported on the status of two cooperative agreements between the City and the County, namely, the Hitt-Hackman Road and the Woodruff Avenue connection to Sunnyside Road agreements. It was noted these had previously received Council approval, but because of questions concerning access, the Woodruff agreement still remained unsigned by the County and the Hitt-Hackman agreement had been signed as recently as 4:00 P.M. this day. Smith asked the Council if they could live with Woodruff being a non-access street within the limits of this agreement and, after a brief discussion, it was generally concluded that said access to Woodruff could not be so restricted. No further Council action was considered necessary.

Councilman Erickson noted that, throughout the past year, Mayor Pedersen had rather frequently been out of the City or otherwise indisposed and had missed several Council meetings. Erickson, speaking for the entire Council, commended Councilman Freeman for having served effectively and in a dedicated manner as Mayor Pro Tem during these absences. Again, speaking for the Council, he extended Freeman a vote of gratitude. It was moved by Councilman Erickson, seconded by Campbell, that Councilman Freeman again be elected as President of the Council by acclamation and that, in that capacity, he also serve as Mayor Pro-Tem during the Mayor's absence. Roll call as follows: Ayes, 5; No, none; carried. Freeman abstaining.

Mayor Freeman registered a comment to the effect that, in some instances, problems arise on City sponsored projects, as pertains to operation and maintenance. Freeman, using the new parking lot landscaping as illustration, said that Parks and Recreation had not been brought in for consultation during the planning and design stages and, now that said project is completed, it becomes their responsibility to operate and maintain. Relaying a report from the Parks Department, Freeman noted that they now find that it is lacking in proper design for easy and efficient operation and maintenance and that this probably could have been avoided and corrected by early consultation with the Parks Department. Councilman Hovey concurred and added that, on such a project, the Public Works and the Electric Divisions could probably have also provided valuable assistance and advice. Asked for comment, the City Attorney advised that this could be remedied by an appropriate resolution. It was moved by Councilman Erickson, seconded by Wood, that the City Attorney be directed to prepare an appropriate resolution whereby all Division Heads be advised on all projects during the planning and design stage so that input from any and all affected Divisions might be made available at that time. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Karst presented a sign prepared by the City Sign Department, designed to be placed at thirteen entrances to the City. The sign, 24" x 48" bore the words "Entering Idaho Falls" and displayed a large replica of the City Seal. The sign consisted of blue scotch-light reflective sheeting with silver reflective lettering. In response to a suggestion by Mayor Freeman, Public Works Director Lloyd said population and elevation figures could easily be added. The sign met with the enthusiastic approval of all Councilmen.

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There being no further business, it was moved by Councilman Erickson, seconded by Hovey, that the meeting adjourn at 9:20 P.M., carried.

ATTEST: s/ Velma Chandler
DEPUTY CITY CLERK

s/ Jim Freeman
MAYOR PRO TEM

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