

SEPTEMBER 25, 1975

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, September 25, 1975, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Paul Hovey, Norris Gesas, Jim Freeman, and Mel Erickson. Absent: Councilmen Ralph Wood and Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, Building Administrator; Ernie Craner, Parks & Recreation Director; Steve Harrison, Electrical Engineer; Lee Mundell, Personnel Director.

Minutes of the last recessed regular meeting, held September 11th and a special meeting, held September 18th, 1975 were read and approved.

The Mayor acknowledged a group of scouts in the Council Chambers. Mr. Larry Reed, Scout Master, responded by saying that these were members of Troop 333, working on their merit badges. The Mayor thanked the group for their presence and their interest.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the re-zoning of Mr. and Mrs. Delbert Johnson. The Mayor asked the City Clerk to present and read aloud this explanatory memo from Building Administrator Gilchrist:

City of Idaho Falls
September 25, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION – JOSSIE HUGHES ADDITION,
DIVISION NO. 2, LOTS 11 & 12, BLOCK 2

Attached is a copy of a petition to rezone submitted by Delbert L. and Lunetta M. Johnson, requesting Lots 11 and 12, Block 2, Jossie Hughes Addition, Division No. 2 be rezoned from R-1 to R-2. The property immediately to the east of Lot 11 is now zoned R-3A and is occupied by an apartment house. Immediately to the north of the property is zoned R-3A and occupied by a nonconforming trailer court. To the rear of Lot 12 is the City well and pumping station. The property across Hughes Drive to the south is now zoned R-1 and the lot adjacent to Lot 12 is zoned R-1 and is occupied by a single family dwelling now under construction.

The property adjacent to Hughes Drive which is a short cul-de-sac, has been the topic of several hearings and much discussion by the Planning Commission. It was last considered by the Commission on July 8th, 1975, and at that time the recommendation was to deny the petition. Some of the reasoning for this recommendation was the fact that no construction of single family housing had taken place in the area. There were now two homes under construction in this area, leaving three additional lots zoned R-1, in addition to the two subject lots.

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

s/ Rod Gilchrist

SEPTEMBER 25, 1975

Mr. John Hood, 265 Dale Drive, appeared before the Council, asking why the foregoing memo carried no recommendation from the Building and Zoning Division. At the invitation of Councilman Erickson, Gilchrist appeared briefly to say that the Planning Commission recommendation for denial, dated July 8th, was made prior to the time that adjacent construction was started on two single family dwellings. He said, now that said type of construction was started, it was at the request of the petitioner that this was being presented to the Council at this time. Gilchrist noted that, since July 8th, the Council had not reviewed this re-zoning request. Gilchrist continued by saying that the Planning Commission made it clear to Mr. Johnson that they wanted evidence that single family dwellings were to be constructed and, when evidence was available, they might re-consider.

Erickson asked those present if they would withdraw their objection to this re-zoning request if R-2 rezoning were limited only to Lot 11. Mr. Hood said he and his neighbors would also protest this action. He said that the property in question was originally zoned R-1 and should remain as such in deference to near-by residential property also zone R-1.

Mrs. Hood appeared briefly to concur with the remarks of her husband and also to say that Mr. Johnson was aware of the R-1 zoning when he purchased the property. In the absence of further comment, it was moved by Councilman Erickson, seconded by Freeman, that this zoning request be denied. Roll call as follows: Ayes, 4; No, none; carried.

Mrs. Grace Garrett, 1550 W. Broadway, appeared before the Council to ask if tax deeded property could be sold for less than the outstanding taxes and was answered in the affirmative by the City Attorney, under certain conditions. Mrs. Garrett then asked why the K-Mart parking lot lights remained lighted all night. It was moved by Councilman Erickson, seconded by Gesas, that this question be referred to the Building and Zoning Committee for investigation. Roll call as follows: Ayes, 4; No, none; carried.

License applications for RESTAURANT, J. Ned Brewston for NeRo's at Yellowstone Mall; JOURNEYMAN ELECTRICIAN, Gene P. Adamson, O.J. Brown; CLASS C JOURNEYMAN, WARM AIR HEATING & GAS FITTING, Jack Frankhauser with Sargent Mechanical; PRIVATE PATROLMAN, Marcia Marsolek; TAXI CAB OPERATOR, Michael Cosbit, Stanley Ellis, George Summers, James Alan DeLong with Morningstar Cab Company and Clarence Buckholder with Yellow Cab Company; BARTENDER, Charles Sterling, James Andrew, Desiree LaMonte; BEER (transfer only) from Leola Boylan to Patrick Boylan for Sagebrush Lounge; LIQUOR (transfer only) from Leola Boylan to Patrick Boylan for Sagebrush Lounge; were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted, subject to final approval of the appropriate Division Directors, where required. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk drew attention to the fact that the City Council had recently, at an informal meeting, authorized the advertising of bids on a transformer to serve the new library. It was moved by Councilman Gesas, seconded by Hovey, that this action be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

Another matter requiring Council ratification was explained by this memo from the Parks & Recreation Director.

City of Idaho Falls
September 25, 1975

TO: Mayor and City Council
FROM: Ernest Craner
SUBJECT: PUMP AT SAND CREEK GOLF COURSE

SEPTEMBER 25, 1975

Request permission to ratify the action taken by the Council on Thursday, September 18 regarding awarding Bingham Mechanical and Metal Products, Inc., Idaho Falls, the bid of \$52,000.00 for pump and installation at Sand Creek Golf Course.

s/ Ernest Craner

It was moved by Councilman Erickson, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 4; No, none; carried.

This letter from the Idaho Falls Housing Authority was presented and read aloud:

Idaho Falls Housing Authority
Idaho Falls, Idaho

Lorna Coughlin, Treasurer
City of Idaho Falls
City Hall
Idaho Falls, Idaho

Dear Lorna:

At a recent meeting, the Idaho Falls Housing Authority decided to release the below listed property.

This property had been set aside for our use by the City Council on April 24, 1975. Due to the difficulty in getting property in that area rezoned, we are releasing it.

Lots 19-20-21, Block 49, Highland Park Addition; Lots 1,2,3,4, & 5, Block 33, Highland Park Addition and Lots 28-29-30, Block 49, Highland Park Addition.

We thank you for your interest and kindness in holding this for us.

s/ Pat Brown
Director
Housing Authority

The Mayor asked that this be made a matter of record in this book of minutes.

The foregoing letter prompted the City Treasurer to again present this letter, dated March 24th, 1975, for Council consideration:

March 24, 1975

City of Idaho Falls
Mrs. Coughlin
P.O. Box 220

I, Dellis Yarber, submit a bid of \$1,209.35 on the following Lots 19, 20, 21, Block 49, Highland Park Addition.

SEPTEMBER 25, 1975

These lots join my property Lots 17-18, Block 49, Highland Park Addition. I would like to make improvements on them.

Yours truly,
s/ Dellis Yarber
P.O. Box 2964
Idaho Falls, Idaho

Attached to the Yarber letter was this memo of recommendation from the City Treasurer:

City of Idaho Falls
September 23, 1975

TO: Mayor and City Council
FROM: Lorna Coughlin
SUBJECT: SALE OF QUIET TITLE PROPERTY

Since receiving notice from the Idaho Falls Housing Authority that they are no longer interested in this property (Lots 19, 20, 21, Block 49, Highland Park), I submit this offer to buy the property. This offer was submitted on April 24th, however the property at that time was set aside for the L.H.A. Mr. Yarber is still interested, he is the adjacent property owner. The offer has been raised as I have recently paid the County Taxes to save the property from being tax dedeed by the County. His offer covers everything the City has in the property. I recommend that we accept this offer and get the property back on the County Tax roll.

I also ask Council approval for the Mayor and City Clerk to sign the Quitclaim Deed as soon as it is prepared by the City Attorney.

s/ Lorna

In anticipation that the foregoing offer would be accepted, this resolution was presented:

RESOLUTION (Resolution No. 1975-44)

WHEREAS, the City of Idaho Falls, owns the following described real property, to-wit:

Lots nineteen (19), twenty (20), and twenty one (21),
Block 49, Highland Park Addition to the City of Idaho
Falls, Idaho, according to the recorded plat thereof.

WHEREAS, DELLIS D. YARBER has offered to pay to the City of Idaho Falls the sum of \$1,209.35 and has tendered deposit of that sum in cash with the City Treasurer in accordance with Idaho Code 50-1751:

NOW THEREFORE, BE IT RESOLVED:

That upon the payment of said sum of money by said purchaser, the Mayor is authorized and directed to make, execute and deliver to the said DELLIS D. YARBER a deed to said property, in the name of the City of Idaho Falls.

SEPTEMBER 25, 1975

ATTESTED BY THE CITY CLERK AND DULY ACKNOWLEDGED IN THE MANNER REQUIRED BY LAW.

PASSED BY A MAJORITY OF THE WHOLE COUNCIL this 25th day of September, 1975.

APPROVED BY THE MAYOR THIS 25th day of September, 1975.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilman Freeman, seconded by Erickson, that the Yarber offer be accepted and the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the City Treasurer was submitted, to-wit:

City of Idaho Falls
September 22, 1975

TO: Mayor and City Council
FROM: Lorna Coughlin
SUBJECT: SALE OF QUIET TITLE PROPERTY

On April 24, 1975, Council approved sale of Lots 12-18 incl. less that portion sold to State of Idaho, Block 66, Highland Park, to Thurman H. Petersen for \$3,000.01. Mr. Petersen, at a later date, asked the sale of this property be held in abeyance until a Court appeal was settled. I understand this has now been settled. I ask Council approval to sell this now and also approval for Mayor and City Clerk to sign Quit Claim Deed as soon as City Attorney prepares it.

s/ Lorna

In anticipation that the foregoing offer would be accepted, this resolution was presented:

RESOLUTION (Resolution No. 1975-45)

WHEREAS, the City of Idaho Falls, owns the following described real property, to-wit:

Lots 12-18, Block 66, Highland Park Addition
to the City of Idaho Falls, Idaho, according to
the recorded plat thereof.

WHEREAS, THURMAN H. PETERSEN has offered to pay to the City of Idaho Falls, the sum of \$3,000.01 and has tendered deposit of that sum in cash with the City Treasurer in accordance with Idaho Code 50-1751:

NOW THEREFORE, BE IT RESOLVED:

SEPTEMBER 25, 1975

That upon the payment of said sum of money by said purchaser, the Mayor is authorized and directed to make, execute and deliver to the said Thurman H. Petersen a deed to said property, in the name of the City of Idaho Falls.

ATTESTED BY THE CITY CLERK AND DULY ACKNOWLEDGED IN THE MANNER REQUIRED BY LAW.

PASSED BY A MAJORITY OF THE WHOLE COUNCIL this 25th day of September, 1975.

APPROVED BY THE MAYOR this 25th day of September, 1975.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilman Freeman, seconded by Erickson, that the Thurman Petersen offer for the property, as described, be accepted and the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follow: Ayes, 4; No, none; carried.

From the Public Works Division came this memo:

City of Idaho Falls
September 23, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: FIRST STREET WATER LINE

On September 16, 1975, the City received bids on the 12' water line on First Street as follows:

Engineer's Estimate	\$ 50,464.00
H-K Contractors, Inc.	45,372.00
Goodwin Construction	52,563.50
R.V. Burggraf Co.	57,591.00

We are recommending that the contract be awarded to H-K Contractors, Inc. in the amount of \$45,372.00.

Respectfully submitted,
s/ A.H. Evans
for Donald F. Lloyd

It was moved by Councilman Gesas, seconded by Freeman, that the low bid of H-K Contractors be accepted for the project as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the Public Works Division was submitted, as follows:

SEPTEMBER 25, 1975

City of Idaho Falls
September 23, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: PLANT MIX OVERLAY ON SATURN AVENUE

On September 23, 1975, the City received bids on the Plantmix Overlay on Saturn Avenue as follows:

H-K Contractors, Inc.	\$ 24,710.00
Bonneville Paving Co.	26,585.00
Engineer's Estimate	21,385.00

We are recommending that the contract be awarded to H-K Contractors, Inc. in the amount of \$24,710.00.

Respectfully submitted:
s/ A.H. Evans
for Donald F. Lloyd

Councilman Gesas noted that, even though the low bid was over the Engineer's estimate, there would be nothing gained in the opinion of the Public Works Committee, by waiting and/or re-advertising on this project. It was moved by Councilman Gesas, seconded by Freeman, that H-K Contractors be awarded the bid for the Saturn Overlay as recommended. Roll call as follows: Ayes, 4; No, none; carried.

From the Parks and Recreation Director came this memo:

City of Idaho Falls
September 25, 1975

TO: Mayor and City Council
FROM: Ernest Craner
SUBJECT: SPORTSMAN PARK (EAGLE ROCK)

The Parks and Recreation Commission at their regular monthly meeting discussed Eagle Rock Park (Sportsman Park). It is requested that this area be renamed after Mayor Pedersen's father Peder Pedersen, for the outstanding work he contributed to the park and the Sportsman organization and that the name of said park be changed to Pedersen Sportsman Park.

s/ Ernest Craner

Councilman Freeman observed that this action, in his opinion, had merit, not only because of the memorial to a great pioneer that would be thus established but because the name of Eagle Rock for the park commonly known as Sportsman Park has created much confusion ever since the name was changed. It was moved by Councilman Freeman, seconded by Erickson, that the name of Eagle Rock Park be hereby changed to Pedersen Sportsman Park. Roll call as follows: Ayes, 4; No, none; carried.

Mrs. Garrett re-appeared briefly to say that, even though this action was surely merited in deference to Mr. Peder Pedersen, she revered the name of Eagle Rock and it would be distasteful to her to see that name slowly eroded and forgotten in the interests of preserving local historical memories and records. Freeman said he appreciated this opinion

SEPTEMBER 25, 1975

and there were or would be other un-named park areas that probably would be given this distinction.

Anticipating annexation of the Cambridge Terrace Park Addition, Division No. 1, Second Amended Plat, this explanatory memo from the Building Administrator, carrying the zoning as recommended by the Planning Commission, was presented:

City of Idaho Falls
September 25, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: SECOND AMENDED PLAT, CAMBRIDGE TERRACE PARK
ADDITION, DIVISION NO. 1

Attached are copies of the annexation ordinance, annexation agreement, and the final plat of the above described plat. This plat was received some time ago by the City Planning Commission. At that time it was recommended that the final plat be approved, the property be annexed to the City and zoned RMH, except for Lots 12, 13, and 14 on the westerly side of Vassar Way be zoned R-2A, and Lot 30 which fronts on 17th Street be zoned R-3A.

This department concurs with these recommendations and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

A final plat of the aforementioned area was then presented. It was moved by Councilman Erickson, seconded by Gesas, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

An annexation agreement, signed by the developer of the Cambridge Terrace Park Addition, was then reviewed. It was moved by Councilman Erickson, seconded by Gesas, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1428

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (CAMBRIDGE TERRACE PARK, DIV. NO. 1, Seconded Amended Plat)

The foregoing ordinance was presented in title. It was moved by Councilman Erickson, seconded by Gesas, 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, 4; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed

SEPTEMBER 25, 1975

with and ordered the ordinance placed before the Council for final consideration the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, none; carried.

It was then moved by Councilman Erickson, seconded by Gesas, that this newly annexed area be initially zoned as recommended by the Planning Commission and as indicated in the foregoing memo from the Building Administrator. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Electrical Engineer was presented:

City of Idaho Falls
September 24, 1975

Honorable Mayor and City Council
Idaho Falls, Idaho

Attached are the costs associated with the City acquiring the LeBaron's account from Utah Power & Light Company.

The cost of the account is \$8,929.42. The cost of poles and security lighting, which we desire to purchase from the Company, is estimated at \$450.00. Total cost would be approximately \$9,379.42.

The Controller has verified that monies are available.

This purchase is based on the 1.67 multiplier applied to Utah Power & Light Company's last 12 month's billing, as per the City-Utah Power & Light Company agreement.

Sincerely,
s/ G. S. Harrison
Director

It was moved by Councilman Gesas, seconded by Hovey, that authorization be granted to complete the purchase of the LeBaron electric utility account as recommended. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1429

AN ORDINANCE NAMING OR RENAMING CERTAIN STREETS AND PARTS OF STREETS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID STREETS AND PARTS OF STREETS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, 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, 4; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed

SEPTEMBER 25, 1975

with and ordered the ordinance placed before the Council for final consideration the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1430

AN ORDINANCE ESTABLISHING THE PRECINCT BOUNDARIES OF THE ELECTION PRECINCTS WITHIN THE CITY OF IDAHO FALLS, IDAHO, PARTICULARLY DESCRIBING SAID BOUNDARIES; REPEALING SECTION 1-14-2, CITY CODE OF IDAHO FALLS, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Erickson, seconded by Hovey, 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, 4; 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, 4; No, none; carried.

Introduced by the City Attorney was a written agreement between the City and Hoyt Galvin and Associates stating terms and conditions whereby that firm would serve as a consultant in connection with the interior decoration and also the lay-out and choice of furniture, furnishings and equipment for the new library. It was moved by Councilman Gesas, seconded by Hovey, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

Prior to introducing a lease agreement between the City and the Y.M.C.A. which would provide additional lands for their proposed expansion, City Attorney Smith reminded the Council that he had been directed to prepare an amendment to an original lease dated June 1st, 1948. However, continued Smith, investigation had revealed the fact that there was already in existence one amendment to that lease, dated March 2nd, 1966 and that amendment provided additional lands, on a lease basis, for the construction of certain recreational facilities which has not, to date, been accomplished. In view of this complexity, Smith said he had taken the liberty, rather than to prepare a second amendment, to draft a new lease but he needed guidance before it was finalized. Smith said the new lease was to carry a provision that, if there was no construction nor provision for off-street parking within three years this new lease agreement would be cancelled. Smith said the guidance he needed was whether or not, in the event of cancellation, the lease covering the existing structure should revert back to the 1966 amendment or the 1948 original. By general Council agreement, it was decided that it should revert back to the 1948 original lease. Reflecting that decision, then, on the part of the Council, the new lease was presented for Council consideration. It was moved by Councilman Freeman, seconded by Erickson, that this new lease agreement be approved by the City Council and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

SEPTEMBER 25, 1975

Councilman Freeman proposed that certain clear zone lands be used to provide a park facility near-by or adjacent to the Esquire Acres Addition. It was moved by Councilman Freeman, seconded by Erickson that this be referred to the Parks and Recreation and Airport Committees for study and recommendation. Roll call as follows: Ayes, 4; No, none; carried.

There being no further business, it was moved by Councilman Gesas, seconded by Hovey, that the meeting adjourn at 8:30 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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