

**JULY 11, 1974**

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The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, July 11, 1974, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Mel Erickson, Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman. Absent: Councilman Ralph Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director; Lee Mundell, Personnel Director; Rolph Lines, Representing BCOG; Paul Lundblade, Building Official.

Minutes of the last recessed regular meeting, held June 27<sup>th</sup>, 1974, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, continued from June 6<sup>th</sup>, 1974, to consider a request by the Idaho Falls Community Hospital for a conditional use permit for the expansion, construction or reconstruction of certain facilities at that hospital site. The Mayor asked that these three letters be read and made a matter of record:

Community Hospital of I.F.  
July 1, 1974

The Honorable Mayor S. Eddie Pedersen  
Mayor of Idaho Falls and  
Idaho Falls City Council  
Idaho Falls, Idaho

Gentlemen:

At our most recent Idaho Falls Community Hospital Board meeting, we discussed the needs of the hospital in relation to the Council Meeting held May 23, which I attended. The Hospital Board has asked me to clarify to you, in writing, the current needs of the hospital in terms of parking space required.

I would first like to make as clear as possible that:

1. The Idaho Falls Community Hospital is a community hospital, operated by a professional hospital administrator, under the direction of a non-compensated Board of Trustees for the benefit of the total community.
2. The Trustees, as a board, are fully concerned and cognizant of their community responsibilities to not only operate a well-managed and economically viable unit, but to take into consideration the needs of the total community as well as the wishes and desires of specific groups that are a part of the total community.
3. The Trustees, gratuitously give untold and uncounted hours of their time and efforts to make this hospital one of the best and most respected community hospitals, not only in Idaho but in the Western States, for which this community should be extremely proud.
4. No hospital, as is true for any business, can stand still and not constantly assess the requirements that are needed to keep it viable, up-to-date, and economically sound,

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and still retain its position as properly performing the function of community service for which it was designed.

5. The only alternative to the above would lead to an uneconomically operated unit that would soon be an eyesore to the neighborhood, a disgrace and financial liability to the community and an intolerable reduction of health care offered to this community.

At the May 23<sup>rd</sup> Council Meeting, the Administrator of the hospital requested that the City Council give approval, under whatever means were necessary, for the parking lot to be extended to the south of the hospital, creating additional parking spaces for those people who use the hospital. The request was made, with Board approval, because of the presently crowded conditions and the needs for expansion to service the increased functions and benefits that the hospital has now available for the Idaho Falls community.

The Board requested approval for parking expansion and not building construction. The Administrator merely responded to a question toward the conclusion of the Council Meeting of May 23<sup>rd</sup>, that at some future date additional construction may be needed and requested. This request would be made only with Board authorization and after proper studies for need, location, designing, environmental impact and community benefits had been properly assessed.

We would wish, therefore, to reinforce the Administrator's request for the parking lot expansion to be given approval as soon as possible so that the present and future congestion can be properly handled and the Board of Trustees would prefer to defer the second part of the request until some future date. It is my understanding that the next City Council Meeting scheduled to address this subject is planned for July 11, 1974. Your affirmative commitment at that meeting would be very much appreciated.

Sincerely yours,  
s/ Roger K. Rose  
Chairman, Medical Center for  
Women & Children

City Council  
City of Idaho Falls

Gentlemen:

In considering the question of granting a conditional use permit to allow the construction of a clinic building located at the Community Hospital, I believe that the problem needs to be reviewed with regard to its historical perspective.

When Sacred Heart Hospital was constructed the site was surrounded by farm land. In 1957, an attempt was made to rezone land across from the hospital in what is now the east part of Tautphaus Park, to build our present clinic building, (Medical Center for Women and Children). At that time the land was a potato field and had no nearby residential

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development except that still present on 25<sup>th</sup> Street and Tautphaus. However, the City Council would not approve any zoning change nor would it subsequently when another office building was proposed for that site.

At the time that the Home Ranch Addition was platted the Sacred Heart Hospital Board was offered as much land as they thought was needed for the future but it was stated that none was desired. Subsequently this addition was developed with RPA zoning.

At the time that our office was built the zoning requirements required 5 parking spaces for each doctor to practice in the clinic building. Since that time I know of no changes in the City zoning requirements, which would reduce this requirement. Figuring 1 parking space for each physician, one nurse and one office worker (although it is known that some physicians may actually have 4 or 5 assistants for each physician) and 4 more for patients, we arrive at a need for at least 7 parking spaces for each physician.

For the present practicing physicians at the Community Hospital this would indicate a need for about 91 parking spaces. If 35 additional physicians are added this will add another 245 or a total of 336. By actual count the parking area north of the hospital from the boulevard side to the east end of the lot currently provides parking spaces for about 125 vehicles.

If the proposed 35 doctor clinic is built then presumable additional support facilities would be needed. These would include restaurant facilities in the clinic building and presumably a pharmacy as all such clinics of this size do have these. Also additional personnel for building maintenance and other support would be required as well as additional hospital employees because of the increased requirements on the laboratory, radiology and physical therapy services.

It soon becomes apparent that the need for parking space alone for such a facility with these other needs would place a total of at least 400 or 500 parking spaces.

Beyond the immediate site of the community Hospital and proposed clinic if we look to the future we get a different perspective. In addition to the above mentioned number of employees plus present hospital employees we must consider the patient volume passing in the area. Figuring an average patient load of 30 patients per physician for 5 days a week we find 1050 patients per day. If 2 or 3 relatives do come from other outlying communities in our area (as is expected by clinic proponents) this adds 2000 to 3000 more per day. It is apparent that any businessman who saw the possibility of tapping this tremendous source of customers would soon propose to add other business in the vicinity.

If any of these patients and their families do come from other communities we see need for another level of facilities. These include restaurants, motels, service stations, shopping districts, etc. Therefore, it becomes even more apparent that other land will need rezoning. Presumably among the first of these would be the area just north of the hospital between 24<sup>th</sup> and 25<sup>th</sup> Streets with gradual encroachment on other residential areas to subsequently occur.

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It appears to me that the Community Hospital was zoned correctly when it was first built as a hospital. It also appears to me that the Home Ranch Addition, the Hughes and Gustafson Additions, Tautphaus Park, Tautphaus Drive and the residential area north of the hospital are all zoned correctly. Any lowering of any of these zoning classifications or destruction by grant of a Conditional Use Permit or other equal artifice, cannot be done without unduly influencing all of the others.

It has been stated that a clinic is necessary next door to the hospital to save lives because of the immediate presence of physicians. However, it must be kept in mind that the clinic would only have staff in it 6 or 8 hours for 5 days each week, so that more than 75% of the time these physicians would not actually be immediately available. In comparison the Mayo Clinic is actually a block from its closest hospital and at least one half or more miles from the largest hospital in Rochester, in which most of the clinic physicians do most of their practice. In addition the clinic does have extensive support facilities of the entire downtown Rochester business district and a tremendous parking problem for clinic patients. When visiting a friend at the Rochester Hospital in June, 1973, I parked four blocks from this facility.

I have also learned that land is available on Sunnyside Road which could be used for such a clinic facility. This land is available in as large a quantity as is currently deemed appropriate. If this clinic were put in such a location this and subsequent developments could take place in a large enough area to prevent hodge-podge rezoning, or conditional use, as is proposed at this time.

We all talk about the need for land use proposals but have a tendency to bend the current rules in effect to suit their own purposes. Since we currently do have in effect excellent zoning in this entire area there is no justification for a lowering of present zoning requirements or granting a Conditional Use Permit.

Respectfully submitted,  
s/ R. K. Lechelt (Dr.)

TO: The Idaho Falls City Council

As a practicing Idaho Falls physician, I wish to take this opportunity to enter my objection to the proposed construction of a medical clinic on the property of the Community Hospital. I do so for the following reasons:

- (1) The need for this facility has not been accurately demonstrated. The report used by the hospital administrator to justify a need for the medical clinic refers to regional trade area as the population which must receive medical care by Idaho Falls physicians. In truth, the Idaho Falls medical community, with the exception of a few limited specialties, does not customarily service this large region. Nearly all surrounding counties and many communities have their own hospital and their own physicians. The population standard which the hospital administrator hypothecates is simply overstated.

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- (2) The importation of more out of state physicians closes the door to Idaho residents who wish to return and establish a medical practice in the area. I know personally of several young professionals who have voiced a desire to return but may not be able to if the market continues to be saturated by the proposal medical clinic.
- (3) The expansion of the Community Hospital would also discriminate against the established medical practitioner. On at least three prior occasions the City has rejected medical clinics or rezoning attempts at the Community Hospital. In reliance on the belief that the City has and would continually uphold the quality residential zone near the Community Hospital and other areas in the City, many physicians have spent thousands of dollars purchasing the commercial lands for clinics and have paid many dollars in property taxes. In contrast the present practitioners, and the proposed 35 new ones, are able to conduct their services in the heart of high quality residential zone. Furthermore, the physicians at Community Hospital, although seemingly as productive as most other practitioners, are not required to share in the property tax burden of the County. How the hospital has been able to circumvent property taxes when it provides a profit-making facility for the private practice of medicine is a mystery to those of us who support the County Treasury.
- (4) I have yet to talk with a single physician, who is not presently subsidized by the Hospital, who favors the proposed clinical expansion. On the contrary, it appears most oppose it. The Hospital administration has yet to seek the advice of the County Medical Association and to my knowledge, has forgone the customary route of approval from the state health services association.
- (5) The proposed medical clinic does not have the lifesaving advantages asserted by its proponents. It is unlikely the thirty-five doctors who will staff this clinic will be present at the facility more than 8 or 9 hours daily, five days a week. The other 75% of the time, the regular emergency staff will be on the receiving end of critical situations. The possibility of having a person's own physician attend him in emergency situations would not be greater since in those cases which allow time for personal physicians to be summoned by a practitioner anywhere in the City could be at the hospital within minutes. Furthermore, if a patient of a clinical practitioner were taken to the other hospital for an emergency the practitioner would be much farther from his patient than those physicians who have a more central location.

Respectfully submitted  
s/ J. D. Davis (Dr.)

The Mayor then invited Councilman Gesas to conduct the hearing. Recognizing from the foregoing letter, written and submitted by Rogers Rose, Chairman of the Board of Directors of the Hospital, that the request for a Conditional Use Permit pertained only to parking lot expansion, Gesas requested that discussion this night be limited to the parking lot issue.

Mr. Doug Nelson, local attorney representing the nearby property owners, appeared before the Council. He said the announcement made in that letter would make it difficult for his clients to respond on short notice, inasmuch as they had not been apprised of the fact that the request was

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now limited to one of parking lot expansion. Referring to the last public hearing on May 23<sup>rd</sup>, Nelson said most of the discussion that night pertained to a proposed clinic and, from that discussion, neither he nor his clients had any reason to believe but what the request for a conditional use permit was for a parking lot and a clinic. Nelson then referred to the legal notice and observed that said notice also implied that there were additional improvements being requested other than just a parking lot. Beyond all that, in all due respect to the request by Councilman Gesas, the proposed clinic, in his opinion, should be further discussed, inasmuch as it would only be a matter of time, once the parking lot was expanded, that the request for a clinic would be renewed, substantiating his theory by reminding the Council that there had been several previous requests for such a facility. Recognizing the fact that it was a bit awkward to request denial of that which had been for the time being at least, withdrawn, Nelson said he would still like to hear a Council decision on the clinic and, also, he asked for an opinion from the City Attorney on this issue.

City Attorney Smith replied by saying that the section in the zoning ordinances having to do with hospitals constituted, in his opinion, a gray area, especially as pertained to an appropriate and all-inclusive definition. Smith said that, if a new structure were to be constructed adjacent to but not directly connected with the existing structure, this could be the basis for a test court case under the present ordinance.

Mr. Nelson then proceeded with his presentation verbally, but his remarks, in effect, were taken from this prepared statement which he asked be made a matter of record:

Sharp, Anderson & Bush  
July 9, 1974

TO: Idaho Falls City Council  
RE: PROPOSED CONDITIONAL USE APPLICATION FOR THE IDAHO FALLS  
COMMUNITY HOSPITAL

This letter is written to outline for the City Council, the position of the Residential Citizen Committee regarding the proposed conditional use application of Community Hospital. As presented, the application requests a conditional use permit to allow "expansion and/or construction which may include, but is not limited to, an additional parking lot or lots and a medical clinic."

Legal Basis for Objection

The Community Hospital, as presently located and operated, constitutes a non-conforming use within a high quality residential zone. The property upon which the Hospital is located is divided into Residential Park and R-1 zones and is surrounded by high quality RPA zoning. As a result of a 1965 attempt to rezone the hospital ground to provide for hospital expansion and medical clinic the City Council proposed an addition to the Supplemental Regulations of the Idaho Falls Comprehensive Zoning Ordinances. As added Section 4-28 reads:

"Hospitals may be permitted in any zone, but only after a valid Conditional Use Permit has first been issued by the City Council."

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It is significant to note in the legislative history of Section 4-28 that the City Council and the hospital understood the distinction between expansion of the hospital and building a medical clinic. In the minutes of July 13, 1965, regarding the proposed hospital addition and medical clinic the hospital attorney modified their request to seek permission for hospital expansion only since the zoning change would accommodate expansion of the hospital and not a medical clinic which is allowed only in R-3A or lesser zones. In addition, Commissioner Poitevin reported on his meeting with the hospital administrator wherein they stated they did not want the clinic to stand in the way of the hospital expansion.

Despite this legislative history and despite its apparent knowledge that a medical clinic for the private practice of medicine was not contemplated within this zone (even under the amended Section 4-28) the hospital since 1965 has closed a significant portion of its facilities to public hospital use and allowed approximately ten physicians to conduct private practice in its facility. It is this present use which does not conform to the zoning restrictions for this high quality residential zone as outlined in the comprehensive ordinance.

It is not surprising to the local residents that as a natural outgrowth of this non-conforming R-3A zone use within this high quality residential zone the parking problems at Community Hospital have become acute. As the City Council is aware, Section 4-23 (2) requires five (5) parking spaces for each doctor or dentist in a clinic. It is difficult to imagine the hospital will meet this requirement if and when they use the proposed parking lot site to construct a 4 story, 35 doctor private medical clinic. This alone, without supporting facilities such as pharmacy and cafeteria, represents an additional 175 parking spaces. It is painfully apparent to the Residential Citizens Committee that the present location of Community Hospital is simply insufficient to accommodate such lofty plans.

The expansion of hospital parking to accommodate the growth caused by non-conforming clinical use is specifically prohibited by Section 3-1-C of the Comprehensive Ordinances. This prohibition is made more compelling by the requirement that the City Council, when granting a conditional use permit, give "individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of the zoning plan." (Definition-Conditional Use, Comprehensive Zoning Ordinance, Page 5).

Respectfully submitted,  
s/ Douglas R. Nelson  
Attorney for Residents

Nelson continued by saying that his clients would not oppose a clinic if constructed in the near vicinity in conformance with proper zoning regulations. But he said his clients were still opposed to parking lot expansion as proposed which, in their opinion, was nothing less than an expansion of a non-conforming use. Moreover, Nelson urged that a permit for the parking lot be not further considered until a master plan of the entire area was submitted. He said his clients were not unalterably opposed to a parking lot across the street but, by the same token, if a clinic was not to be permitted, there would appear no logical justification for same. He said that a conditional use permit for any expansion of facilities, including parking lot expansion, should take into consideration all factors and facets including the rights of near-by residents. Nelson concluded his

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remarks by saying that, in the final analysis, if the parking lot expansion was permitted, he asked, in deference to his clients, that their rights be considered to the extent that protective lights be installed; that a chain or a gate be made available when the expanded parking lot was not in use; that there be a buffer zone of at least 30 feet; that there be appropriate landscaping designed to provide privacy for the near-by neighbors; and, finally that none of the existing landscaping be removed.

Mr. Gilbert St. Clair, Attorney for the hospital, appeared briefly to verify the fact that the hospital had never petitioned for a clinic and that the building permit would reveal that fact. He said the architect's sketch had been displayed only to depict future expansion plans. He said the clinic was being encouraged by a group of doctors, not the hospital.

Asked for comment, City Attorney Smith verified the fact that he, working with the City Clerk, had formulated the legal notice for this hearing and that it was so worded to encompass any and all construction plans. He said this was felt justified in view of the hospital's previous requests for expansion. Smith continued by taking issue with Attorney Nelson as to whether or not the hospital, in its present state, constituted a non-conforming use. He said that, even though he did not profess to be better versed than another attorney, in his opinion, under the zoning ordinance, the existing use is a valid one and should be allowed to continue. He said that, even though the hospital, with its varied facilities, is in a twilight area as far as the zoning ordinance is concerned, he would not want to take the position, even, that the existing doctors' offices constituted a non-conforming use. Referring to the parking lot expansion, Smith reminded those present that, under the building code, there are minimum parking lot requirements but no restrictions on the maximum.

At the invitation of Councilman Gesas, Building Official Lundblade presented these statistics relative to the need for additional parking spaces, based upon the existing facilities of the hospital:

City of Idaho Falls  
July 11, 1974

TO: Mayor and City Council  
FROM: Building & Zoning Division  
SUBJECT: PARKING REQUIREMENTS FOR COMMUNITY HOSPITAL, 2525 S. BOULEVARD

111 Adult Beds	
15 Baby Beds	
126 @ 1 ½ Parking Spaces per bed	189 Spaces
1 Doctor in Green House @ 5 Spaces per Doctor	5 Spaces
8 Doctor's Offices on 3 <sup>rd</sup> Floor @ 5 Spaces per Doctor	40 spaces
10 Doctor's Offices-Mental Health @ 5 Spaces per Doctor	50 Spaces
(1 <sup>st</sup> Floor, 7 Secretaries & 1 Nurse @ 1 for Each 2 Employees	4 spaces
Required Spaces	288 Spaces

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Total Spaces Available at Present	210 Spaces
Additional Spaces Needed	78 Spaces

Respectfully submitted,  
s/ Paul Lundblade

Mr. Jim Foerster, Hospital Administrator, appeared before the Council briefly to explain the reasoning for the planned locations of the proposed expanded parking lots. He drew particular attention to the one proposed to the south of the Hospital, explaining that this would primarily serve the ancillary division of the hospital, rather than the doctor's offices. In answer to a question by Gesas, Foerster said there were no plans for lighting the proposed parking lot expansion.

Mrs. W. E. Durkee, 210 E 25<sup>th</sup> Street, appeared briefly. She said she interpreted Mr. Nelson to mean that the hospital constituted a non-conforming use because of the doctor's offices. Asked by the City Attorney the basis for that opinion, Nelson said the foregoing Lundblade report was self-explanatory in this regard. Smith then said that, in his opinion, if all the doctor's offices were to be removed, there still would be nothing in the building code to prevent the expanded parking lot.

In answer to a question by Gesas, Foerster reappeared to explain that there is no direct affiliated relationship between the doctors and the hospital. He said the doctors lease space from the hospital and they are members of a separate corporation. He said they operate independently and the hospital had no authority over them except as lessor and lessee. In answer to a question by Mrs. Richard Miller, 2606 Fieldstream Lane, Foerster said that, in his earlier explanation as to the need for additional space, he only included the needs of these doctors because they were lessees of the hospital.

In answer to a question by Mr. Lester Nelson, 177 Hartert Drive, as to how all the existing underground pipe was installed without a permit, the Mayor assured Nelson that a permit was issued.

Mrs. Durkee reappeared to ask how the hospital was previously permitted to expand. It was explained that, at the time, the permit called only for construction of a shell and the doctor's offices were later constructed within said shell. Mrs. Durkee then asked what would prevent a reoccurrence of this procedure. The City Attorney said that he would advise against it under the existing ordinance.

Mr. Robert Livingston, 231 Hartert Drive, appeared briefly to take issue with the City Attorney relative to his interpretation of the black-top provision of the building code. He said legal or not, it just wouldn't be practical to completely black-top around any given structure particularly in an R-1 zone. Mr. Smith concurred, especially from an appearance of an aesthetic viewpoint. He said he only wanted to emphasize the fact that it would not be in conflict with the code.

Mr. Fran Williams, 2560 Fieldstream Lane, appeared briefly. Noting Mr. Smith's legal opinion on the parking lot black-top and noting further, that the hospital's request for a conditional use permit was limited to parking lot expansion, Mr. Williams said he couldn't see where there was anything further to be gained by continuing this hearing. Mr. Smith concurred. Asked for comment and/or reactions from the Councilmen, Freeman said that, in his opinion, most of the points at issue had been answered. He noted that there would be no parking lot lighting. He noted that the Hospital Administrator had agreed to consider limited access to the expanded parking lot by means of a gate or a chain. Recognizing an earlier request for a fifty foot setback, Freeman said

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he assumed this was out of the question as it would defeat the purpose of the parking lot expansion. Freeman concluded his remarks by saying that, in his opinion, the hospital should be entitled to normal growth but not to the detriment of the near-by residents. Councilman Erickson concurred. In answer to a question by Erickson, Lundblade said the planned parking lot expansion plans conformed with the setback requirements. Councilman Hovey stressed the need for a master plan to assist in future growth problems and how to solve them. He said that, in his opinion, inasmuch as this is a community hospital, every citizen has an interest in the future of the hospital facility; not just the nearby residents. He said all interested and affected parties are kidding themselves if it is thought that future growth of the hospital was to be thwarted or limited, even if it eventually necessitated extending across the street at some future date. Meanwhile, Hovey stressed the advisability, already proposed this night, for limited use and access to the expanded parking lot, to be used only when the need was critical.

In the absence of further comment, it was moved by Councilman Gesas, seconded by Erickson, that a conditional use permit be granted the Idaho Falls Community Hospital for an expanded parking lot as proposed and requested. Roll call as follows: Ayes, 4; No, none; carried. Councilman Karst abstaining.

The Mayor announced that this was the time and the place for a public hearing, as legally advertised, to consider two rezoning petitions, the first of which was described by this memo:

Bonn. Council of Govn.  
July 11, 1974

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: REZONE – CROWS ADDITION, LOTS 43 & 44, BLOCK 1 (R-3 TO R-3A)

A petition has been submitted by the property owners of the above described property requesting a rezoning from R-3 to R-3A. This rezoning was requested by the City Council on May 21<sup>st</sup>, 1974, at the time a variance was granted. This property is located on the north side of 2<sup>nd</sup> Street and west of South Holmes Avenue. This property houses the offices of Farrel C. Metcalf and Chad K. Anderson.

The Planning Commission considered this at their regular meeting in June and at that time recommended approval of the request. It is now submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

There were no protests. It was moved by Councilman Karst, seconded by Freeman, that this rezoning request be approved from R-3 to R-3A and the Building Official be directed to incorporate said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

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The second and final rezoning petition was introduced and explained by this memo from the City Planner:

Bonn. Council of Govn.  
July 11, 1974

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: REZONING – CROWS ADDITION, BLOCK 55 (OLD EASTSIDE SCHOOL) R-1 TO R-2

A petition has been submitted by the property owners of the above described property requesting a rezoning from single family dwellings to multiple family dwellings. The Planning Commission considered this request at a public hearing on June 11, 1974, and recommended approval of the request.

Due to the previous action of the Planning Commission on May 9, 1972, recommending denial of a similar request, and the Council's denial on June 8<sup>th</sup>, 1972, this department makes no recommendation.

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

s/ Rod Gilchrist

Councilman Freeman said it was his understanding that the Planning Commission's recommendation was motivated on the grounds that development, even with duplexes and four-plexes, would be more attractive to the area than the existing undeveloped status of the block in question with over grown weeds plus an unsightly dilapidated building. Also, continued Freeman, the Planning Commission took into consideration the fact that, if it were not rezoned, there was a strong likelihood that the owner would resort to single family low cost housing units.

Mrs. Gerald Purcell, 362 E. 15<sup>th</sup>, appeared before the Council to explain that she and her neighbors had signed a petition favoring R-2 zoning; primarily on the grounds that this would limit construction to duplexes and four-plexes where as the developer's choice would have been R-2A which would have permitted eight-plexes.

Asked for comment, Mr. Rolph Lines from the Office of the City Planner, explained that the original petition was for R-2A, but it was later amended when the developer determined that R-2 would fit his needs.

Mr. Kim Hall, 351 E. 14<sup>th</sup> Street, appeared to say that he had reservations about permitting the block in question to be developed with four-plexes. He said that, in his opinion, the parking

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and traffic problems would be bad enough if these units were rented to families but if they were rented to tenants other than families, such as Navy personnel, the parking and traffic problems would pose a real hazard. Mr. Hall suggested that no building plans be approved unless the developer would agree to provide ample off-street parking plus limited access, inasmuch as 14<sup>th</sup> is a busy street which now permits two way traffic and has its fair share of those who violate the speed limit. Councilman Freeman responded by saying that the Office of the Building Official has stated requirements, by code, for a development of this nature and it would be the responsibility of that department to demand compliance and, this being the case, the Council could ask for no more than required by said code.

Recognizing that this rezoning request, if permitted, would allow a zone contrary to the surrounding zone, Freeman asked the City Attorney if this could be construed as precedent setting for some other similar request of this nature elsewhere within the City. The City Attorney answered in the negative on the grounds that requests of this nature must, in each instance, be considered on their own merit, location being one of the primary determining factors.

Mr. Doug Soelberg, 405 E. 14<sup>th</sup> Street, appeared briefly to say that the near-by neighbors conceded and gave their consent, by petition, to an R-2 zone when they heard that the alternative would probably be low cost housing units.

Mrs. Ann Voilleque, 1425 E. 16<sup>th</sup> Street, present in the Council Chambers on another matter but having a citizen's interest in this discussion, appeared briefly to say that, even though the old East Side School block was unsightly, it didn't appear to her a fair approach on the part of the developer to register a threat as a means of obtaining his desired zone. Mrs. Purcell reappeared briefly to register an observation to the effect that the landowner was well aware of the surrounding zone when he purchased this property. She said that he must have considered it potentially profitable to develop in an R-1 zone or he would not have invested his funds in the block.

Councilman Karst concurred and added that his original investment in the property was minimal and allowed for the cost of removing the existing structure. Karst said that it was not beyond the realm of probability that the developer could adequately realize a fair profit by construction of single family dwellings that would qualify in an R-1 zone. In the absence of further comment, it was moved by Councilman Karst, seconded by Freeman, that this rezoning petition be denied. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Gesas, seconded by Freeman, that with reference to the old East Side School block, the weed ordinance be enforced and a correction notice be issued the owner as of July 12, 1974. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Karst, seconded by Freeman, that the old East Side School structure be the subject of an inspection to determine whether or not it might qualify for condemnation. Roll call as follows: Ayes, 5; No, none; carried.

Mr. William Black, 235 Tautphaus Drive, appeared before the Council for the purpose of registering a complaint about the deplorable deportment of a certain element frequenting the Tautphaus park area, particularly close to or adjacent to his residential property. He said there are times when the situation is completely out of hand and one can clearly view such activities as beer drinking, pot smoking, fornication, etc., with no regard for law abiding citizens who might be present or watching from a distance. Mr. Black said that participants in these nefarious activities range in age from approximately 13 to 25 years. He said there are times when 100 young people might gather, driving their vehicles with utter abandon. Such a gathering might continue till 4:00 A.M. Black sited unusual illustrations where picnic tables had been set on fire and cars rolled over.

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He said near-by residents have, on occasion, called the police and in most instances, they would eventually respond by slowly cruising through the area but this had proven totally ineffective.

Mr. Seward (Skip) French, 270 Tautphaus Drive, then appeared to corroborate Mr. Black's remarks. He said that it was disgusting to him, as a taxpayer, knowing that his taxes, in part, were helping to support this public park and, in the face of that, see the park used and misused in this manner. Mr. French conceded that last year's efforts to correct the situation as described had been partially, but far from totally effective. He said that there are areas within the park where single pedestrians or families were not even safe, and that, as a result, many citizens, aware of this, don't venture into the park. French observed that the road structure within the park does not accommodate the traffic. French urged that this should again be the subject of study and that, in his opinion, certain non-essential roads should be closed. He said the blatant vandalism is in direct relation to the vehicular traffic. French concluded his remarks by saying that he would hate, just as much as any other citizen, to see a police state created within the park but, by the same token, the rights of law abiding citizens must be protected.

Mr. Vern Sorensen, 225 Tautphaus Drive, then appeared for the same reason, Mr. Sorensen concurred with Mr. French that the preventative measures taken last year, such as the speed bumps to prevent excessive speed, had helped to some degree but teenage drivers, if they had a mind to, could and would still find ways and means of speeding. He said certain posts installed a year ago making certain roads inaccessible are, by now, gone. Sorensen said motorcycles posed the most annoying problem from the standpoint of noise and maneuverability. Sorensen said that, in his opinion, additional, constant police protection was the most effective answer and urged motorcycle policemen, rather than police cars.

Mrs. Virginia Merrett, 405 East 14<sup>th</sup>, Mr. Burnell Walker, 376 W. 21<sup>st</sup>, Jim McFadden, 2255 Baltic and Mrs. Ann Viollque, 1425 E. 16<sup>th</sup> all appeared briefly to concur with the foregoing remarks. It was the general consensus of opinion from these citizens that the situation is so critical that law abiding citizens hesitate or refuse to enter the park.

Councilman Freeman said he was aware of the conditions as described and, as earlier stated, there might come a time, in desperation, when all vehicular traffic would be banned from the park. He said this would be very distasteful and would be applied only as a last resort. He said various innovations have been proposed by the Parks Committee, some of which have not yet been tried. He asked for patience to be exerted in the interim period. Freeman noted that Police Personnel, especially this time of year, are spread very thin.

Councilman Erickson responded by saying that park policing has not been completely effective. Even though he concurred with Freeman that police personnel are in short supply, Erickson said Tautphaus Park should be entitled to some priority. He said it shouldn't be necessary to have to call a policeman and that continued and consistent policing is the only answer. He said Tautphaus Park is designed as an active park and citizens are wanted and needed to keep it that way. Erickson continued by saying that closing the park to vehicular traffic would not only discourage its use but would prove an unpopular move by the near-by residents as cars would then be parked around the perimeter. Erickson concluded his remarks by proposing that the Police Chief submit to the city Council a workable program for solving this problem. Councilman Hovey registered an opinion to the effect that police officers patrolling the Park should be on foot rather than in a patrol car and that after hours duty might be considered. Asked for comment, Parks & Recreation Director Craner said that, throughout the entire parks program, activity at Tautphaus Park has been encouraged, citing such examples as the concession area, the zoo, softball, picnics, etc. He said it would be very disheartening to alienate citizens from such

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activity by banning vehicular traffic. He said that, in his opinion, about 905 of all those who visited the park did so for wholesome activity. In the absence of further comment, it was moved by Councilman Freeman, seconded by Erickson, that this matter be referred to the Police Chief and the Police Committee in an effort to resolve the problem through a workable program. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was submitted and studied:

Idaho Falls, Idaho  
July 11, 1974

ATTN: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: BIKE PATHS

Public Works Committee has reviewed two proposed bike paths for immediate installation. To implement the installation requires some new ordinances which will, among other things, restrict parking and vehicular traffic in certain areas.

We would recommend to the Council that the City Attorney be authorized and directed to prepare the necessary ordinances to implement the bicycle path program and further we would recommend that the Traffic Safety Committee specifically review the two routes proposed by the Public Works Committee.

We are further suggesting that the Local Chapter of the AAUW has served as the advisory committee for this program and Mrs. Gayle Cordes should be contacted when this program is reviewed by the Traffic Safety Committee.

Respectfully submitted,  
s/ Don

At the invitation of Councilman Gesas, Traffic Technician Burnell Walker presented sketches and directional signs to explain the proposed bike path program. It was learned that Phase I would be within the City and Phase II would extend out into the County. It was noted that the sketches eluded to the terms bike lane and bike path. Walker explained that a lane was a designated portion of a roadway within which vehicle parking would be prohibited. A path would be constructed where there was no roadway and, hopefully, would be surfaced and be of an 8 foot width to accommodate two way traffic. Walker presented two sketches called Step #1 and Step #2, both within the City under Phase I, and both limited to bike lanes. The proposed route of Step I would be from 17<sup>th</sup> and S. Blvd. to Rogers, Rogers to West 21<sup>st</sup> Street and Rollandet, Rollandet to Rogers; Step II would be on SW Bonneville Drive from 9<sup>th</sup> to 14<sup>th</sup>, 14<sup>th</sup> to Holmes, Holmes to 9<sup>th</sup>, 9<sup>th</sup> to Bonneville Drive. Councilman Erickson suggested ample publicity on this proposed program and the routing. He said if it was successful it would, over a period of time, broaden in scope. It was moved by Councilman Gesas, seconded by Karst, that the City Attorney, working with the Public Works Division, be directed to prepare appropriate ordinances for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

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Councilman Hovey introduced an ordinance that would revise electric rates and increase the disconnect and reconnect fee from \$2.00 to \$3.00. He said this ordinance would, as accurately as possible, increase electrical revenue 20%. He said this was motivated because the City would soon be faced with an increase from its wholesale supplier, Bonneville Power Administration, plus spiraling costs of materials and service due to inflation. He said that his purpose in appearing was not to protest the rate increase but, rather, to urge passage of a rate schedule that would provide as closely as possible a flat rate for all classes of users. Asked for comment, Electrical Engineer Harrison said that this had been accomplished to some extent by making an effort to bring the total electric and the non-total electric rate together but he said that because of the load factor and the cost of providing the load facilities, some rates remained higher than others. Harrison said some blocks were eliminated for purposes of simplification. Mr. McFadden said he would object to a rate increase based on cost of providing service. Instead, continued McFadden, large users should be encouraged, by means of the rate schedule to conserve energy through lower usage, using as an example the parking lot lighting located within the large shopping centers. He said he had frequently seen many instances where these lights were in use much longer than necessary. Harrison said this gap between residential and industrial users would probably be further narrowed by future rate adjustments. In answer to a question by McFadden, Hovey said this upward rate adjustment would probably not be further altered for at least two years, inasmuch as the B.P.A. contract with the City is for that period of time.

**ORDINANCE NO. 1387**

AN ORDINANCE ESTABLISHING AND FIXING A REVISED SCHEDULE OF RATES TO BE CHARGED CUSTOMERS OF THE IDAHO FALLS MUNICIPAL LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM; REPEALING SECTION 4-4-10, OF THE CITY CODE, THE SAME CONSTITUTING THE EXISTING SCHEDULE OF RATES FOR ELECTRIC SERVICE; ESTABLISHING A CHARGE OF \$3.00 FOR SHUTTING OFF AND RESTORING ELECTRIC SERVICE; PROVIDING WHEN BILLS FOR ELECTRIC SERVICE ARE PAYABLE AND WHEN PAST DUE, AND AUTHORIZING THE CITY CLERK TO CAUSE SERVICE TO BE DISCONTINUED TO CUSTOMERS IN DEFAULT IN PAYMENT OF BILLS; REPEALING SECTION 4-4-5, (M) OF THE CITY CODE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Hovey, 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, 5; 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, 5; No, none; carried.

At the request of Councilman Hovey, the City Clerk presented and read aloud this letter:

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U.S. Dept. of Interior  
July 11, 1974

Mr. G. S. Harrison, Manager  
Electrical Division  
City of Idaho Falls  
P.O. Box 220  
Idaho Falls, Idaho

Dear Steve:

Thank you for your letter of July 9, with the attached proposal for revision of the City of Idaho Falls' electric rate schedules. Your submittal and the verbal communications with our staff during the course of the rate study are appreciated. The proposed revisions to the residential, residential-total electric, single meter commercial, single meter commercial-total electric, single meter industrial, commercial light, commercial power, security lighting, temporary or construction, and trailer court rates appear to be acceptable and in conformance with the provisions of the Bonneville Power Administration-City of Idaho Falls Power Sales Contract.

The City Council is to be commended for its recognition of the value of the "cost of service" concept in rate formulation and for the adoption of long-range goals in resale rate planning.

We are aware that the level of minimum bills and the disconnect charge cannot be increased at this time to the required level. We concur with your plan to accomplish these goals through additional future increases. We recommend that consideration be given in the future to adoption, where practical, of the initial energy block as the minimum bill.

It is our opinion that the proposed revisions to the City Street Lighting and City-owned Public Facilities rates are inadequate to meet the cost of providing such service and do not conform to the provisions of our contract relating to establishment of resale rates "consistent with sound business principles." Reference: General Contract Provisions, Form city 17, Section 15(A). As a result, these two rates appear to be discriminatory to the City's other customers and may be construed as a subsidy by the ratepayer of the taxpayers, legitimate obligation.

We recommend that at this time the City Street Lighting and City-owned Public Facilities rates each be increased a minimum of 20% in order to conform to the cost of service criteria you have adopted and be consistent with the proposed increases in your other schedules.

Sincerely,  
s/ Martin C. Derksema  
Acting Area Manager

Notation was made that, within said letter was a recommendation relative to the proposed rate for City street lighting and other City owned public facilities. It was moved by Councilman Hovey,

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seconded by Gesas, that this be referred to the Electrical Committee for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of June, 1974, having been properly audited by the Fiscal Committee, were presented. Due to the lateness of the hour, it was moved by Councilman Karst, seconded by Freeman, that the reading aloud by the City Clerk of all fund totals for salaries, materials, and services be dispensed with. Roll call as follows: Ayes, 5; No, none; carried.

For the record, said fund totals were as follows:

<u><b>FUND</b></u>	<u><b>SERVICES &amp; MATERIALS</b></u>	<u><b>GROSS PAYROLL</b></u>	<u><b>TOTAL EXPENDITURES</b></u>
General Fund	\$189,434.11	\$174,723.01	\$364,157.12
Street Fund	82,508.97	15,310.05	97,819.02
Airport Fund	3,039.43	5,479.23	8,518.66
Water and Sewer Fund	139,807.04	28,024.64	167,831.68
Electric Light Fund	253,256.63	44,883.31	298,139.94
Fire Fund	16,330.79	62,825.43	79,156.22
Recreation Fund	2,890.75	8,762.90	11,653.65
Capital Improvement	38,933.16	.00	38,933.16
<u><b>TOTAL FUNDS</b></u>	<u><b>\$726,200.88</b></u>	<u><b>\$343,722.56</b></u>	<u><b>\$1,069,923.44</b></u>

It was moved by Councilman Karst, seconded by Freeman, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 5; No, none; carried.

Reports from Division and Department Heads were presented for the month of June, 1974, 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, Mildred Sobolik for Barverios Cheese House; RESTAURANT, Ted Johnson for River City Saloon and Café; JOURNEYMAN ELECTRICIAN, Ronald D. Web; APPRENTICE ELECTRICIAN, Steve Bailey; PHOTOGRAPHER, Vickie L. King; TAXI OPERATOR, Dean Neal Williams; DANCE HALL, Stockman's Bar; BARTENDER, Gary E. Cliff, Donna Edwards, Beverly Shepard, were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted, subject to final approval by the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Hovey introduced this resolution:

**R E S O L U T I O N (Resolution No. 1974-20)**

A resolution ratifying the execution of Amendatory Agreement No. 1 to Net Billing Agreement relating to Washington Public Power Supply System Nuclear Project No. 1 with the United States of America, Department of the Interior, acting by and through the Bonneville Power Administrator, and the Washington Public Power Supply System, and delivery of said agreement to those parties.

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The City of Idaho Falls, Idaho (hereinafter called the "City"), heretofore caused to be executed with the Washington Public Power Supply System (hereinafter called the "System"), and with United States of America, Department of the Interior, acting by and through the Bonneville Power Administrator (hereinafter called Bonneville), a contract designated Amendatory Agreement No. 1 to Net Billing Agreement (No. 14-03-39262 dated May 31, 1974)(hereinafter called the Amendatory Agreement), which amended a contract designated Washington Public Power Supply System Nuclear Project No. 1 Net Billing Agreement (No. 14-03-39262 dated February 6, 1973) (hereinafter called the Net Billing Agreement) an executed copy of which is on file with the City.

Pursuant to the Net Billing Agreement the System is to construct and acquire the nuclear generating plant and associated facilities referred to in said Agreement as the "Washington Public Power Supply System Nuclear Project No. 1 (hereinafter called the "Project"). The system sells to the City (called the "Participant" in said agreement) a specified share of capability of the nuclear generating project and associated facilities, and Bonneville acquires such capability from the City. Under the terms of the Net Billing Agreement the Project described in Exhibit B to the Net Billing Agreement is to include the "existing Power Facilities" described as a 860,000 kilowatt electric generating plant and associated facilities known as the "Hanford Project" located on the Hanford Reservation of the United States Atomic Energy Commission.

Due to delays in construction of generating projects and anticipated fuel shortages, planned power resources under the Hydro Thermal Power Program are expected to be inadequate to meet the needs of the Pacific Northwest in the late 1970's. If the Project were constructed with the inclusion of the existing Power Facilities, as provided in the Net Billing Agreement, it would be required that the operation of the "Hanford Project" be shut down in 1977. Such a shutdown would cause a substantial additional curtailment of energy available to the region, constituting a critical aggravation of an anticipated power shortage. To avoid such a curtailment the City found it in its best interest to execute and deliver the Amendatory Agreement under which the description of the Project will be changed to enable the System to proceed with acquisition and construction of the Project, as modified. The Project, as so modified, will not include the Existing Power Facilities. The execution and delivery of said Amendatory Agreement was done pursuant to the resolution adopted by the City on March 28, 1974 (hereinafter known as the Amendatory Agreement Resolution), entitled:

" A Resolution authorizing the execution of Amendatory Agreement No. 1 to Net Billing Agreement relating to Washington Public Power Supply System Nuclear Project No. 1 with the United States of America, Department of the Interior, acting by and through the Bonneville Power Administrator, and the Washington Public Power Supply System, and delivery of said agreement to those parties."

The City has determined that to reinforce the validity of the Amendatory Agreement above referred to, it is advisable that the City Council of the City ratify and authorize the execution of the Amendatory Agreement.

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The City Council of the City has been informed of the previous Amendatory Agreement Resolution, the execution of the Amendatory Agreement by the City, and the entire record of the City pertaining thereto, and finds that entering into said Amendatory Agreement with the System and Bonneville was and is in the best interest of the City and that performance of the Amendatory Agreement, among other things, will make additional amounts of low cost power and energy available from Bonneville to meet the power needs of the City and to serve customers of the City in the future.

THEREFORE IT IS RESOLVED:

- 1) That the Mayor and City Clerk of the City are hereby authorized and directed, on its behalf, to execute Amendatory Agreement above referred to with Bonneville and the System (No. 14-03-39262 dated May 31), and to deliver copies thereof to other parties to the Amendatory Agreement.
- 2) That execution and delivery of the Amendatory Agreement and any act pursuant to the authority and prior to the effective date of this resolution are hereby ratified and confirmed.
- 3) That the City's obligation under the Net Billing Agreement to purchase the share set forth in Exhibit A to the Net billing Agreement is hereby approved and confirmed.

Adopted by the City Council of the City of Idaho Falls, Idaho, this 11<sup>th</sup> day of July, 1974.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

The motion was made by Councilman Hovey and seconded by Councilman Gesas that such resolution be adopted. The motion passed by the following vote: For, five; Against, none. The resolution was thereupon declared duly adopted and filed in the records of the City.

By memo, the Director of Aviation presented addendums to these Airport leases: Hertz, Avis, and National Rental Cars. It was explained that these lessees had requested that Alcove No. 8 be turned to them for the service of their customers. It would be equipped with desk space and the lessees would furnish all the necessary furniture. The memo proceeded to point out that this would be somewhat of an advantage to the terminal waiting area as, to some degree at least, it would free to that extent the otherwise over-crowded waiting room. It was moved by Councilman Gesas, seconded by Freeman, that these addendums be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls  
July 10, 1974

JULY 11, 1974

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TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SEAL COATING OF CITY STREETS – 1974

At 10:00 A.M. on July 2, two bids were received for seal coating of City streets as follows:

Burggraf Construction Co.	0.395 square yard
Kennaday Paving Co.	0.41 square yard

We would recommend that the City enter into a contract with the low bidder, Burggraf Construction, Co., and that the quality of work be reduced to match the budgeted funds available.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that Burggraf Construction Company be awarded the bid for the seal coating project with the understanding that the quantity of work be reduced to match the budgeted funds. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Planner was submitted:

Bonn. Council of Govn.

#### MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: ESQUIRE ACRES – PUBLIC HEARING FOR ANNEXATION

The Planning Commission held a public hearing on July 9<sup>th</sup>, 1974, to consider annexation of Esquire Acres. The recommendation of the Planning Commission is that the Mayor and City Council proceed with the annexation.

The recommended zoning is for R-1, R-2 and R-3A, and for the trailer court RMH. It is now being requested that the Mayor and City Council set a date for a public hearing and recommend the meeting of August 8<sup>th</sup>, at your regular Council Meeting.

s/ Rod

It was moved by Councilman Karst, seconded by Freeman, that a public hearing to consider annexation of Esquire Acres be scheduled of August 22, 1974. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor appointed Mr. Charlie Just as a member of the Community Redevelopment Commission. It was moved by Councilman Karst, seconded by Freeman, that this appointment be confirmed and the Mayor be authorized to write Mr. Just a letter of appreciation for the years he served as Chairman of this agency. Roll call as follows: Ayes, 5; No, none; carried.

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Councilman Hovey drew attention to the fact that an electric pole is located in public right-of-way as a result of Saturn Avenue being extended south of West Broadway and the logical and most appropriate relocation would require a guy wire. An easement from Mr. Lorin Williams, 1285 Houston, is necessary but Mr. Williams is asking that, in exchange for said easement, he be served by City electric power. Utah Power & Light has agreed to relinquish this customer for \$200.00 under the exchange formula. It was moved by Councilman Hovey, seconded by Gesas, that this exchange and this expenditure be approved. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Gesas submitted a brief report on the Broadway project. Noting that the L.I.D. was only a portion of the work to be accomplished the bids were advertised by the State for the entire project including the L.I.D. He said that, even though the City will have a full time inspector at all times during construction, the State also will have an Engineer available and that all communications should be directed to him. He said there are to be weekly meetings every Monday morning at the Pancake House to air any and all problems and that all affected property owners and all other interested citizens are invited to attend.

On motion of Councilman Karst, seconded by Councilman Gesas, the following Resolution was adopted by the unanimous vote of the Council.

**R E S O L U T I O N (Resolution No. 1974-21)**

“WHEREAS: On the 21<sup>st</sup> day of February, 1974, by Resolution of that date, the City Council passed and the Mayor approved and ratified the resolution of intention to create Local Improvement District No. 48, and by the terms of said Resolution, all protests were denied; and,”

“WHEREAS, it appears that the parcels of land hereinafter described should not be included within said District, and the inclusion of the same was a mistake at the inception of the proceedings;”

“NOW, THEREFORE, BE IT RESOLVED:”

- 1) That the following described parcels of land are deleted from Local Improvement District No. 48 and the boundaries of said District are altered accordingly:

Lots 15, 16, 17, and 18, Block 1, Oregon Short Line  
Addition to the City of Idaho Falls, Bonneville County,  
Idaho.

- 2) That the resolution of intention passed by the City Council and approved by the Mayor on the 26<sup>th</sup> day of January, 1974, shall be, and the same hereby is, ratified and approved in all things with the sole change set forth above.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

Councilman Karst introduced the following Resolution in writing and moved its adoption:

**JULY 11, 1974**

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**RESOLUTION (Resolution No. 1974-22)**

“WHEREAS, the City Engineer and the Committee on Streets of the City Council have made out an Assessment Roll for Local Improvement District No. 48, according to the provisions of Section 50-1718, Idaho Code, and the provisions of Ordinance No. 1381 and have certified the same to the Council as provided by law;

NOW THEREFORE, BE IT RESOLVED:

That Thursday, the 8<sup>th</sup> day of August, 1974, at 7:30 P.M. of said day, at the Council Chambers in the City Building in the City of Idaho Falls, Idaho, be, and the same hereby are appointed and fixed as the time and the place when and where objections to said Assessment Roll by the property owners in said District shall be heard, and that said Assessment Roll be filed in the office of the City Clerk:

Councilman Gesas seconded the adoption of said Resolution and the same, on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the Councilmen being as follows: Councilmen Erickson, Freeman, Gesas, Hovey and Karst. Absent: Councilman Wood.

Councilman Erickson reported that the property and inventory study is progressing and that General Services Director Stanger will soon be in a position to submit a report.

**ORDINANCE NO. 1388**

AN ORDINANCE ADOPTING THE “COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF IDAHO FALLS” CODIFIED AND REPRINTED IN BOOKLET FORM APRIL, 1970, BEING ORDINANCE NO. 1115 AS AMENDED, OF THE ORDINANCES OF IDAHO FALLS, IDAHO, AS AN OFFICIAL CODE OF SAID CITY; REQUIRING THAT NOT FEWER THAN THREE (3) COPIES OF SAID CODE SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE CITY CLERK OF SAID CITY; ORDAINING THAT THE OFFICIAL ZONE MAP ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL OF IDAHO FALLS, IDAHO, ACCURATELY DESIGNATES THE BOUNDARIES OF THE SEVERAL ZONES WITHIN SAID CITY AS OF THE DATE OF THE PASSAGE OF THIS ORDINANCE, PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Karst, 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, 5; 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, 5; No, none; carried.

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There being no further business, it was moved by Councilman Freeman, seconded by Gesas, that the meeting adjourn at 11:05 P.M., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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