

APRIL 4, 1985

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, April 4, 1985, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, Mayor Campbell called upon Ronnie Palmer from Scout Troop #96 to come forward and lead all those present in the Pledge of Allegiance to the Flag.

The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood, and Art Chandler. Also present: Velma Chandler, City Clerk; Art Smith, Acting City Attorney and all available Division Directors.

Minutes of the last Regular Meeting held March 21st and a Special Session held March 28, 1985, were summarized and approved by the Council.

Mayor Campbell then honored Eagle Scout David Spencer. He congratulated him for having achieved this award and being an asset to the entire community. The Mayor presented an inscribed gold certificate to David as a token of appreciation for achieving this award. David then received a congratulatory handshake from all City officials around the Council table and a round of applause from all those present in the Council Chamber.

Mayor Campbell then asked Councilman Sakaguchi to escort retiree Don Lloyd to the Council table. The Mayor gave the following resume' of Don's activities.

In September, 1958, Mr. Lloyd was employed as City Engineer for the City of Idaho Falls, Idaho - directly managing the Engineering Department of twenty (20) employees. He was also charged with providing engineering assistance to other departments of the City such as the Water, Sewer, Street, Airport, and Building Maintenance.

It was in March of 1962 that the Mayor and City Council established the position of Director of Public Works and Mr. Lloyd became the first Director in the history of the City.

Being an active member of the American Public Works Association for several years, he was appointed District Representative for the State of Idaho for the years 1966 and 1967.

Mr. Lloyd has also been a long time member of the American Water Works Association and was honored by being selected as Chairman of the Intermountain Section for the year 1966.

The Governor of the State of Idaho appointed Mr. Lloyd as a Commissioner on the Board of Flood Control District No. 1 in 1966. He has taken a very active part in this organization and was elected Secretary, which post he fills today.

Don has been very active in Boy Scouting having served as a Commissioner on the Teton Peaks Boy Scout Council for years and is now Vice President of the same Council.

Mr. Lloyd was Treasurer and Member of the Board of Directors of the Idaho Society of Professional Engineers and has worked several years as the Executive Secretary to the American Red Cross. He was instrumental in setting up the Resource Recovery Advisory Council, and was named one of the "Top 10" Public Works Directors in the nation by the American Public Works Association in 1983.

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Not the least of his accomplishments would be his fine family, including wife Helen, a daughter, Diane and son Scott. He is a loving and faithful father and husband and always has time for his family's problems to which he lends solutions as soundly as to the day to day problems of his community.

Mayor Campbell then presented Don with an inscribed gold watch, after which Don received a congratulatory handshake and well wishes from all City Officials around the Council table and a round of applause from all those present in the Council Chamber.

Mayor Campbell invited Michelle Killian and Sheri Lynn Burke to come forward to the Council Table. He gave the following report:

We are pleased to honor two of the only eleven participants representing Idaho in the recently concluded 1985 International Winter Special Olympic Games held last week in Salt Lake City and Park City, Utah: Michelle Killian and Sheri Lynn Burke.

More than 800 mentally handicapped athletes and 400 volunteer coaches from 50 states, the District of Columbia, and 15 foreign countries competed last week in alpine and cross country skiing as well as speed and figure skating events where the emphasis was not on winning but on participating. Michelle and Sheri won first place medals in both their area and state competitions.

Michelle learned to ice skate when her mother made a skating pond in the backyard. Sheri learned to ski through the combined School District 91 and 93 Special Education program.

Both girls were among the Special Olympians who were honored last Thursday night at the closing ceremonies hosted by Phil Donahue which featured a special video message from President Reagan and entertainment by five Olympic athletes, Miss America, and the Tabernacle Choir, among others.

All of Idaho Falls is proud of the accomplishments of Michelle and Sheri and commend them, their parents, their coaches, and teachers and all in this community who have helped these girls, for their determination to rise above handicaps in achieving excellence.

These girls then received a standing ovation from all those present in the Council Chamber.

The Mayor then declared open a public hearing, recessed from the last Council Meeting, to consider a request to rezone a portion of Lot 2, Block 2, Old Fashion Way, #1, and called upon Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read this memo from the City Planner:

City of Idaho Falls
April 3, 1985

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist

SUBJECT: REZONING PETITION - PORTION OF LOT 2, BLOCK 2, OLD
FASHION WAY #1

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Attached is a copy of a rezoning petition submitted by Lee Gagner requesting a rezoning from R-3A to HC-1 on the property located at the northeast corner of the intersection of the Old Fashion Way Subdivision and West Broadway. The Planning Commission considered this matter at their regular meeting on February 12th. At this hearing, only one individual appeared to object: a property owner to the south who was concerned with the storm sewer water runoff.

After a brief discussion, the Planning Commission recommended by a vote of eight to two (8-2), approval of the request. This Department concurs with that recommendation and the matter is now being submitted for your consideration.

If this rezoning is approved by the Council, it will be necessary to amend the Comprehensive Plan from "Multiple-Family Residential and/or Professional Offices" to "General Commercial". The Planning Commission has recommended that the Comprehensive Plan be changed to show "General Commercial" from Buckboard Lane east to the canal on the north side of Broadway.

s/ Rod Gilchrist

Councilman Wood then asked the City Planner to further explain the request and indicate the area on a map on the wall.

Noting that the next hearing schedule on the agenda, also was rezoning request for Old Fashion Way #1 property, the Mayor requested that those giving testimony should state if their testimony covered both rezoning requests, thus all testimonies could be covered at one time.

Councilman Wood then invited anyone present who wished to speak in favor of this request to be heard at this time.

Mr. Gagner, the requester, appeared to state that he is requesting the zone change for a customer who wants to construct an Ace Hardware store on the property.

No one else wished to speak in favor of the request, therefore, Councilman Wood invited those who were opposed to this rezoning to speak at this time.

Mr. Doug Wenzel, Route 1, Box 185 appeared to, again, remind the Council that there is not adequate storm water drainage on the west side of the City and he said, if commercial buildings are allowed with asphalt parking spaces, this would destroy all natural drainage pathways and only add to the drainage problem. He said the Council was increasing their liability by annexing this property. Mr. Wenzel was reminded by Councilman Deist that this was a rezoning request being considered -- not an annexation. Mr. Wenzel was addressing both parcels of property.

Mr. Doug Logan, 847 Buckboard, appeared briefly to say that approval of this request would degrade the entrance to the neighborhood. He asked the Council to stick to the R-3A zoning of the master plan and deny the request. Mr. Logan was addressing both parcels of land.

Mrs. Cindy Logan, 847 Buckboard, appeared briefly to state that the petition previously submitted contained by far more signatures than the required percentage of residents in opposition to this request. She said that one important fact had not been addressed and that was the small children pedestrian traffic, and she felt that the traffic should be controlled through the neighborhood. She suggested further study before such "sweeping" changes are made. Mrs. Logan was addressing both pieces of property also.

Councilman Deist asked if he could have City Planner Gilchrist explain the 20% rule on the petition that Mrs. Long referred to.

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Planner Gilchrist answered by saying that the rule is that if more than 20% of the people within 300 feet of the property protest the proposed rezoning, it takes one half plus one of the vote of the Council to approve the rezoning.

Mr. David Barron, 2242 Calico, appeared to state that there is a serious drainage problem on the west side of the City. He said that he is concerned as to what the City's overall plan is for this area and the isolation and, possible, deterioration of the businesses and the entire area, and also the safety of the children. He referred to the protective covenants that he and all the other property owners have that are supposed to protect them from zoning changes. He was addressing both parcels of property.

Mr. Brent Marshall, who lives at the corner of Trivet and Buckboard, appeared to state that the rezoning of this area would down-grade rather than up-grade the area and it would be a dis-service to the neighborhood to change the zoning of either parcel of property. He said that the covenants were strong when he purchased his property, but they are becoming weaker and weaker. He wanted it on record that he is definitely opposed to what is planned for this area.

Mr. Bill Zurloff, 659 Calliope, appeared to state that he is opposed to this zone change, basically on principle and ethics. He said it is not right to change the zoning when the people of the area are opposed to the change. He said that his protective covenants state that the zoning will remain R-3A and he does not feel it right to change it. He said, if his covenants do not mean anything, and the opposition of all the residents does not mean anything - what is this world coming to?

Councilman Hovey asked the Attorney, "How does the homeowner go about enforcing the Covenants that come with the property when he purchased it? Does he go to Court, the Council, or the Planning Commission, or how does he obtain justice?"

Attorney Art Smith answered that the actual remedy for the one feeling abused is to go to Court. Attorney Smith said that he had not seen the referred to Covenants and, normally Covenants are between the developer and the property owner, but if the Covenants mentioned the City of Idaho Falls, the Council could be violating the Covenants by approving the rezoning. He suggested that a thorough investigation be made before the Council approve rezoning of these parcels of property. Councilman Deist said that he has seen a copy of the Covenants and it specifically states that the property will remain R-3 zoning at least until 1996. Attorney Smith read this part of the Covenants:

All of the Old Fashion Way, Division I to the City of Idaho Falls, Idaho, as per the recorded plat thereof, except Lot 1, Block 1, and Lots 1 and 2.

The Covenants are to run with the land and shall be binding upon all parties and all persons claiming under them, until the first of December 1997, at which time said Covenants shall be automatically extended for successive periods of ten years, unless by a vote of the majority of the then owners of the lots in said The Old Fashion Way, Division #1 if it agrees to change said Covenants and restrictions in whole or in part.

It is the intention of said W. Duane Crook, Gary L. Davidson, Paul Yela, and Merle Jeppesen, to impose and enforce the same or better regulations as are required by class R-1 regulations, now in effect in the City of Idaho Falls, Idaho. Except that Lot 1, Block 1; and Lots 1 & 2; shall be of class R-3A regulations.

Councilman Sakaguchi stated that the area in question would be the subject of street improvements which will make this area safer for traffic flow.

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After further discussion, and upon recommendation of the Attorney to further investigate the Covenants, it was moved by Councilman Wood, seconded by Deist, that the rezoning request for Lot 2, Block 2, Old Fashion Way #1, be denied. Roll call as follows: Ayes, Councilmen Hovey, Wood, Chandler, Erickson, and Deist; No, Councilman Sakaguchi; carried.

The Mayor then declared open a hearing to consider a request to rezone a portion of Lot 1, Block 1, Old Fashion Way #1, and called upon Councilman Wood, to conduct the hearing. At the request of Councilman Wood, the City Clerk read this memo:

City of Idaho Falls
April 3, 1985

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING REQUEST - A PORTION OF LOT 1, BLOCK 1,
OLD FASHION WAY #1

Attached is a copy of a rezoning petition requesting a rezoning of the above described property from R-3A to HC-1. The Planning Commission, at their regular meeting of March 12th, conducted a public hearing relative to this matter. At that time, a number of people residing in the Old Fashion Way Subdivision appeared to protest. They also submitted a petition protesting this request. This petition contained 137 signatures and represented 97 households.

After much discussion, the Planning Commission, by a vote of eight to four (8-4) recommended approval of this request. Inasmuch as the property was adjacent to Broadway which is a State Highway, there is commercially used or zoned property to the east and west of these parcels and R-3A property to the north on which apartment buildings are being constructed, which provided the buffer to these parcels and the existing single-family residential development.

If this matter is approved by the City Council, it is necessary to amend the Comprehensive Plan from "Multi-Family Residential and/or Professional Office" to "General Commercial". The Planning Commission has recommended this amendment be made.

s/ Rod Gilchrist

The Mayor asked if there was any additional testimony to that given in the previous hearing. There being none, the Mayor called for a motion. It was moved by Councilman Wood, seconded by Deist, that this request be denied on the same premise as the previous hearing. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, and Wood; No, none; carried.

The Mayor then called for a three minute recess.

Upon reconvening the meeting, Mayor Campbell declared open a public hearing to consider a rezoning request for property on Wabash Street, and called upon Councilman Wood to also conduct this hearing. The City Clerk read this memo from the City Planner:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING REQUEST - 810 WABASH STREET

Attached is a copy of a rezoning petition requesting a rezoning from R-1 to R-3 on the property located at the northeast corner of Whittier Street and Wabash Avenue. The property immediately adjacent to this was recently rezoned to R-3 to permit the construction of apartments. The petitioner is the developer of those apartments and plans to construct additional units on this property.

The Planning Commission considered this matter at their regular meeting on March 12th, and at that time unanimously recommended approval of the request.

This Department concurs with that recommendation and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

The City Planner explained the request and located the subject property on a map on the wall. There being no questions nor comment, it was moved by Councilman Wood, seconded by Deist, that this area be rezoned R-3 as requested, and that the City Planner be instructed to reflect said amendment and zoning change on the comprehensive plan and official zoning map located in his office. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The Mayor then declared open a public hearing to consider a request to vacate an amended plat in the Highland Park Addition, Block 66, and called upon Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read this memo:

City of Idaho Falls
April 3, 1985

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO VACATE PLAT - HIGHLAND PARK ADDITION

This office has received a request to vacate the Amended Plat of the Highland Park Addition, Block 66. This Plat was approved by the City in 1979. The Developer at that time replatted a portion of the old original Highland Park Subdivision and eliminated the original 25-foot lots and created a five-lot Subdivision having frontage on a proposed cul-de-sac. The petitioner is now requesting that this plat be vacated.

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This matter was considered by the Planning Commission at a public hearing conducted on March 12th, and at that time, by a vote of ten to two (10-2) recommended denial of the request. This Department concurs with that recommendation and the matter is now being submitted for your consideration.

s/ Rod Gilchrist

The City Planner located the subject property on a map on the wall and explained the request.

Mr. Carl Carlson, 1200 Jackson, appeared in opposition to this request. He said they had purchased the property as it is now zoned and stated that he was against the vacation of this plat. There was no one else who wished to speak. Councilman Wood said that he felt there should be another plot plan for this area and, unless there was one to be presented, he would move that this request be denied. This motion was seconded by Councilman Deist. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Bills for the month of March were presented, after having been audited by the Fiscal Committee:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 905,721.94	\$ 365,236.18	\$232,119.51	\$ 604,314.93
SALARY:	<u>707,229.05</u>	<u>52,894.39</u>	<u>19,828.96</u>	<u>113,764.18</u>
TOTAL:	\$1,612,950.99	\$ 418,130.57	\$251,948.47	\$ 718,079.11
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SANI-SEWER</u>
SERV/MAT:	\$5,245,039.61	\$ 222,422.28	\$ 17,633.78	\$ 562.49
SALARY:	<u>147,005.45</u>	<u>51,342.39</u>	<u>16,665.20</u>	<u>.00</u>
TOTAL:	\$5,392,045.06	\$ 273,764.67	\$ 34,298.98	\$ 562.49
	<u>MUN CAP IMPROV</u>	<u>LIBRARY</u>	<u>WATER CAP FD</u>	<u>AMBULANCE</u>
SERV/MAT:	\$ 40,920.76	\$ 8,689.02	\$ 55,335.40	\$ 24,118.91
SALARY:	<u>.00</u>	<u>34,471.02</u>	<u>.00</u>	<u>31,986.75</u>
TOTAL:	\$ 40,920.76	\$ 43,160.04	\$ 55,335.40	\$ 56,105.66
	<u>SURFACE DRAIN FD</u>	<u>CITY TOTALS</u>		
SERV/MAT:	\$ 2,696.00	\$7,724,811.71		
SALARY:	<u>.00</u>	<u>1,175,187.39</u>		
TOTAL:	\$ 2,696.90	\$8,899,999.10		

It was moved by Councilman Chandler, seconded by Hovey, that the Controller be authorized to pay all bills as listed on the computerized printout. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Monthly reports from Division and Department Heads were presented, and there being no question or objection, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Dairy Queen, Choices (Gay Nineties), The Standard Works Sandwich Shop, Tautphaus Park; AUCTIONEER. Reed Nord; NON-COMMERCIAL KENNEL, Mary Jane Wilkinson; TAXI COMPANY (LIMOUSINE), Tony Reith's Limo Service; SECOND HAND, D&D Pawn; RETAIL WINE, Osco Drug #66 (Skaggs);

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BARTENDER, Reid Waters, Lynne Kootswatewa, Shelly Aders, Denise Johnson, J. Williams Banks, Linda Cuevas, Robert Kuhlman; PUBLIC RIGHTS OF WAY, Randy Hill; ELECTRICAL CONTRACTOR, Dale Garner Electric, K.F. Electric, Eagle Heating & Electric; JOURNEYMAN ELECTRICIAN, Dale Garner, Kelly Felin, Wayne Landers, Roger Herrick; APPRENTICE ELECTRICIAN, Rory Stevens; L. Garth Wilkins; MASTER PLUMBER, Terry Plumbing, Ramrk Plumbing & Heating, Reed Plumbing & Heating, M&M Plumbing & Heating; JOURNEYMAN PLUMBER, Dale Terry, Matt Brandley, Dale Mathews, Gordon Mathews, David Goyen, Russell Goyen, Ray Goyen, Mark Goyen, Glen Reed; APPRENTICE PLUMBER, Steve Reed with Reed Plumbing; CLASS B CONTRACTOR, WA,WH,GF, M&M Plumbing; CLASS C CONTRACTOR, WH,GF, Ramrk Plumbing & Heating Company; CLASS B JOURNEYMAN, WA, WH, GF, Gordon Mathews, Dale Mathews; CLASS C JOURNEYMAN, WH, GF, Mark Goyen, Ray Goyen, David Goyen; CLASS C APPRENTICE, WA, John Knowles, with M&M Plumbing, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

A NOT TO BE CONSUMED ON THE PREMISES BEER license application for Osco Drug #66 was presented, carrying all approvals excepting Council authorization. It was moved by Councilman Erickson, seconded by Deist, that this license be issued. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk asked for Council ratification of the issuing BARTENDER permits to Monica Liston, Robyn Lynne Bachman, Kenneth McNamara and Claude William Jacobson Jr., with all required approvals but without Council authorization. It was moved by Councilman Erickson, seconded by Deist, that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

The City Clerk presented an application for a NON-COMMERCIAL KENNEL license, carrying a recommendation from the Police Chief that it NOT be granted. Councilman Erickson said that the Council Committee would like to recommend that this matter be postponed until the next Council Meeting and make that recommendation a motion. This was seconded by Councilman Deist. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The City Clerk asked for Council ratification of publishing legal notices calling for hearings on April 18th. It was moved by Councilman Wood, seconded by Deist, that this previous action be ratified. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
April 4, 1985

MEMORANDUM

TO: Honorable Mayor and City Councilmen
FROM: Steve Harrison
SUBJECT: GEM STATE PROJECT

Attached is a proposal from the Long-Term Credit Bank of Japan for a Stand-By Bond Purchase Agreement to be used in conjunction with the Gem State Bond issuance. The Council is requested to authorize the Mayor to communicate the City's preliminary approval of the basic terms outlined in the

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proposal. Approval of the proposal will obligate the City only, however, to pay the costs and legal fees incurred by the bank in preparing the final documents, which fees shall be payable whether or not the transaction is completed. The maximum amount of the costs and legal fees for which the City shall be obligated shall not exceed \$35,000.00 without further action by the Council.

Further documents will be presented to the Council at a later date.

s/ G.S. Harrison

Councilman Hovey emphasized that the Long-Term Credit Bank of Japan will play a vital part in the up-front financing of the Gem State Project. Like any other proposal or financial institution, there is a certain amount of legal matters that are required in order to be sure that the proposal and the arrangement is legally feasible as far as the laws of the United States are concerned. Also, he emphasized the fact that whether the Council accepts the final proposal or not, the legal fees, of not to exceed \$35,000.00, will be payable by the City. It was then moved by Councilman Hovey, seconded by Wood, that the Mayor be authorized to communicate to the Long-Term Bank of Japan, the City's preliminary approval of the basic terms contained in the Bank's proposal to the City for up-front financing of the Gem State Project. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Mayor Campbell then introduced Councilman Erickson. Councilman Erickson stated that, due to the favorable change in the weather, the Golf Course Committee felt that they should make a recommendation for the proprietor of the Sand Creek Golf Course Cafe. It was moved by Councilman Erickson, seconded by Deist, that the proposal of Canteen Corporation, under the supervision of Vern Mace be accepted and the Mayor and City Clerk be authorized to sign the lease and concession agreement. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mayor Campbell commended Councilmen Erickson and Deist for the amount of time they spent in interviewing every applicant for this position. Councilman Erickson then thanked General Services Director Roh and Public Works Stanger for their assistance and input.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 8:40 p.m., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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