

DECEMBER 22, 1983

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, December 22, 1983, in the Council Chamber in Idaho Falls, Idaho. There were present: Mayor Thomas Campbell; Councilmen Ralph Wood, Art Chandler, Mel Erickson, Wes Deist, Paul Hovey and Sam Sakaguchi. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Council Meeting held December 8, 1983 were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider annexation of the proposed Sunnyside Estates Addition and called upon Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

December 20, 1983

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED ANNEXATION - SUNNYSIDE ESTATES

Attached is a copy of the proposed Sunnyside Estates Addition located at the southeast corner of the intersection of St. Clair and Sunnyside Roads. This proposed development is approximately 160 acres in size and the developer is requesting annexation and zoning prior to platting. The zoning requested is for approximately 15 acres of RSC-1 (Residential Shopping Center) zoning at the intersection of Sunnyside and St. Clair, then R-3A, R-3 and R-2A as a buffer to the south and east of the commercial zoning, and the remaining property is proposed to be developed with 138 lots of R-1 zoning.

This property was the subject of a public hearing held by the City Planning Commission recently, and at that time, after considerable discussion, the Planning Commission recommended, by a vote of seven to one (7 to 1), to annex the property and grant the zoning as requested.

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

s/ Rod Gilchrist

Councilman Wood then asked the City Planner to locate the subject property on a map on the wall and explain the request. Councilman Wood then invited anyone who wished to speak in favor of this request to be heard at this time.

Mr. David Benton, Engineer for this project, appeared and gave the history of previous meetings concerning this request and the groundwork accomplished for this proposal. He said that it would be advantageous to the City to have this area zoned at the time of annexation to alleviate future problems. He explained the entire project as proposed by the developers.

Councilman Wood asked the Public Works Director and City Planner if there were any disadvantages to the City to have this area zoned at the time of annexation to alleviate future problems. He explained the entire project as proposed by the developers.

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Councilman Wood asked the Public Works Director and City Planner if there were any disadvantages to allowing unplatted land to be annexed into the City. Public Works Director Lloyd answered that he could see no particular disadvantages, but he could see no advantage as the City would receive no fees at this time. City Planner Gilchrist said that he, also, could see no real disadvantages but there would be no advantage to the City until the area starts to develop. Mayor Campbell asked the City Attorney if he could see any problems in this proposal. The City Attorney answered that this decision was really up to the Council, but he said that, when property is annexed unplatted, there is a small portion of control of development lost. Councilman Chandler asked "what fees are due and payable at this time if the area is annexed unplatted?" City Planner Gilchrist answered that there are no fees due at the time unplatted property is annexed. He said that fees are collected after property is platted.

Councilman Chandler stated that the Council had recently met with the State Legislators to discuss problems of this nature and asked for their assistance and he could see no advantage to annex land which will require fire and police protection but will bring in no financial assistance to the City. Mr. Benton said that annexation and zoning at this time would give the City uniformity and control.

Mr. Dick Clayton, Jr. appeared to state that, in his opinion, annexation of this area would be an economic advantage to the City as the need arises for the development.

Mayor Campbell stated that there had been previous problems on requests of this nature. He said that the City is getting bigger and bigger and yet the ability for the City to finance the growth remains the same. He suggested that the developers ask the State Legislators to help work these things out for both the developer and the City.

Attorney Reed Moss appeared briefly to state that he could see advantage if the developers and the City cooperate, as this would designate the future of this area and allow for better development. Councilman Chandler stated that he had heard strong opposition for a shopping center in this area. Mr. Benton said that there is no need now for a shopping center, but that there will be in the future. Mr. Clayton said that this area is not desirable for residential development at the present time and will be less desirable in the future.

Councilman Hovey asked the Attorney how binding an agreement would be concerning the developers plans for accesses. Attorney Storer stated that an annexation or development agreement would need to specify plans and this would need to be a recorded document to serve as notice to future buyers or developers of the land.

Councilman Wood stated that this not in the best interests of the City to annex this land in its present form (unplatted). Therefore, it was moved by Councilman Wood, seconded by Deist, that this request be denied. Roll call as follows: Ayes, Councilman Deist, Hovey, Sakaguchi, and Chandler; No, Councilmen Wood and Erickson; carried.

License applications for GROCERY STORE, B & B Chevron, Discount Foods, Earl's Food Store, Elm Street Jiffy Mart, Fay's Foodliner, Fearless Farris Stinker Station, Hardy Enterprises (Broadway Texaco), Holiday Market, K-Mart, Kwik Shop, Safeway #232, Safeway #365, Save Fast Gas, Save Fast Gas & Grocery, Skaggs Drug Center #66, Triangle Oil (Blue Bell); MEAT MARKET, Fay's Foodliner, Holiday Market, Safeway #232, Safeway #365; BAKERY, Safeway #232; RESTAURANT, Ada's Cafe, Bonneville Restaurant, Bowlero, Cedric's Restaurant, Crane's Incredible Edibles, Debbie's Brother, Eastern Idaho Vocational Technical School (Development Workshop), B.P.O.E. Elks #1087, Filling Station, Hot Diggity Dog #1, and #2, Italiano's, Jades Tree Restaurant, Jake's Restaurant, K-Mart, Kentucky Fried Chicken, (Eastern & 17th) LeBaron's Restaurant & Lounge, Littletree Inn, McDonald's (Yellowstone & Broadway), Mr. E's Sweet Treat Cookery, Orange Julius, Papa Tom's Pizza, Plaza Lanes, Pocket's, Inc., Pork Chop John's, Rainbow Cafe, Sandpiper, Shakey's Pizza Parlor, Skyline Lanes, Standard Works, Stockman's Bar, Sweet Treat Cookery, Sybil's Husky Cafe, Westbank; DELICATESSEN, K-Mart; CATERING SERVICE, Leonard's Catering;

FOUNTAIN, Kwik Shop; CONCESSION, Development Workshop, Inc.; DELICATESSEN, K-Mart; CATERING SERVICE, Leonard's Catering; FOUNTAIN, Kwik Shop; CONCESSION,

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Development Workshop, Inc.; DAIRY, Wallace Dairy, Western General Dairies, Inc.; MOTEL, Driftwood Motel, Motel 6, Littletree Inn, Thrifty Lodge, Westbank, Weston Lamplighter Motel; BOWLING ALLEY, Bowlero, B.P.O.E. ELKS #1087, Plaza Lanes; DANCE HALL, B.P.O.E. Elks #1087, Hub Bar, Matador Lounge, Peppertree Lounge (Littletree), Stockman's Bar, Westbank Coffee Shop, Weston Lamplighter; POOL HALL, Debbie's Brother, Eagles Lodge #576, Matador Lounge, Papa Tom's Pizza, Pocket's, Inc., River City Saloon, Ford's Bar, Stockman's Bar; PHOTOGRAPHER, D. & M. Photo Service, Hart Photography, Mike's Photo, Olan Mills, (Carol Clifford), Sear's Photography Studio, Nelson Studio; SECOND HAND STORE, Bob's Trading, Woody's, Inc.; PAWN BROKER, Bob's Trading, Don's custom Jewelry; JUNK DEALER, Stewart's Wool, Fur & Metal; DRAY SERVICE, ANR Freight System, (Garrets), Maxway, Nichols Moving and Storage, Salt Creek Freightways, United Parcel Service, Westergard Transfer & Storage Co.; NON-COMMERCIAL KENNEL, Carl J. Bleim, Jr., George and Glenda Haller, Charles or Harriet Marty, Terry C. and Helen Phillips, William J. Simpson; TAXI COMPANY, City Cab Company; ELECTRICAL CONTRACTOR, Belloff Electric Co., Inc., Idaho Falls Consolidated Hospitals, Jeppesen & Son Electric, Dale's Heating & Electric, Max J. Storer; JOURNEYMAN ELECTRICIAN, Michael G. Belloff, Doug Hilde, Ariel Hill, Curtis Peder Jeppson, Allen G. Landon, Dale E. Smith, Max J. Storer; MASTER PLUMBER, Mathews Plumbing & Heating, Inc., Sargent Mechanical; JOURNEYMAN PLUMBER, Darwin Mathews, Gene Mathews, Bart Sargent, Max Sargent; APPRENTICE PLUMBER, Dale Huntsman with Mathews Plumbing & Heating, Inc.; CLASS B CONTRACTOR, WARM AIR, WET HEAT, GAS FITTER, Sargent Mechanical; CLASS C CONTRACTOR, WARM AIR, GAS FITTER, Hammond Furnace Co.; CLASS C CONTRACTOR, WET HEAT, GAS FITTER, Mathews Plumbing & Heating, Inc., Rocky Mountain Boiler & Heating; CLASS D CONTRACTOR, GAS FITTER, Paul's Gas Service Co.; CLASS B JOURNEYMAN, WARM AIR, GAS FITTER, Max Sargent; CLASS C JOURNEYMAN, WET HEAT, GAS FITTER, John Beins; CLASS C JOURNEYMAN, WARM AIR, GAS FITTER, Paul Hammond; CLASS C JOURNEYMAN, WET HEAT, GAS FITTER, Darwin Mathews; CLASS D JOURNEYMAN, GAS FITTER, Gary Ostler; SIGN COMPANY, Fremont Beverages, Jones Sign Company, Teton Sign Service; LIQUOR, Bowlero, B.P.O.E. Elks #1087, Ford's Bar, Hub Bar, Jake's Restaurant, LeBarons, Littletree, Pockets, Sandpiper, Stockmans, Westbank, Weston Lamplighter; RETAIL WINE, Earl's Food Store, Fay's Foodliner, Kwik Shop, Safeway #232, Safeway #365, The Wine Cellar; WINE BY THE DRINK, Debbie's Brother, Plaza Lanes, Skyline Lanes, The Wine Cellar; PRIVATE PATROL SERVICE, The Wackenhut Corp.; PRIVATE PATROLMAN, Steven John Borrowman, Donald L. Cooley Jr., Dale Noreen; BARTENDER, J. W. Banks, Aleta Edwards, Dorothy Lehman, Gary Dee Oswald, Lauren Ann Kayama Pheiffer, Betty Joan Stanley; TAXI OPERATOR, Richard Eugene Ockey, Herbert Blendon Rigoulot were presented. It was moved by Councilman Erickson, seconded by Councilman Chandler, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

BEER license applications (NOT TO BE CONSUMED ON THE PREMISES) for B. & B. Chevron, Fay's Foodliner, Kwik Shop, Hardy Enterprise (Broadway Texaco), Earl's Food Store, Nave Sinclair, Safeway #232, Safeway #365, Save Fast Gas; (TO BE CONSUMED ON THE PREMISES) Bowlero, Debbie's Brother, B.P.O.E. Elks #1087, Jakes, LeBarons, Littletree, Papa Tom's Pizza, Plaza Lanes, Pockets, River City Saloon, Skyline Lanes, Stockmans, Westbank, The Wine Cellar, Fords, Hub Bar, The Sandpiper, Weston Lamplighter were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued subject to the investigation and approval of the Chief of Police, provided that, upon failure to obtain such approval, the application be referred back to the

City Council. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

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The City Clerk asked for Council ratification of issuing WINE and MISCELLANEOUS licenses, with the proper Division Director's approval, but without formal Council authorization. A RESTAURANT license to Wendy's Hamburgers, LIQUOR licenses to The Matador, Eagles Lodge, #576, Bonneville Lounge & Restaurant; RETAIL WINE to Elm Street Jiffy Mart, K-Mart; WINE BY THE DRINK to Italiano's, The Marketplace; TAXI OPERATOR, Danny L. Mills. It was moved by Councilman Erickson, seconded by Wood, that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk asked for Council ratification of issuing BEER license applications (NOT TO BE CONSUMED ON PREMISES) to Elm Street Jiffy Mart, Holiday Market, K-Mart, Triangle Oil (Blue Bell), Save Fast Gas; (TO BE CONSUMED ON THE PREMISES) Russet's Lion Club, Eagles Lodge #576, The Matador Lounge, Bonneville Lounge & Restaurant, Italiano's, The Marketplace, Shakey's Pizza Parlor, with the proper Division Director's approval, but without formal Council authorization. It was moved by Councilman Erickson, seconded by Wood, that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

This memo from the Public Works Director was then read:

City of Idaho Falls
December 21, 1983

ATTENTION: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WESTSIDE SEWER INTERCEPTOR CLOSE-OUT

In closing-out the Westside Sewer Interceptor Project, it was necessary to provide an Amendment to the Engineering Agreement with Montgomery Engineers. The amendment included extra work involved in the pipeline river crossing and increased the contract by \$18,491.

The Public Works Council Committee, EPA, and the Idaho Department of Health and Welfare have approved this amendment and in the interest of time, the Mayor has signed the City's approval.

We would request the Council ratify this previous action.

Sincerely,
s/ Don Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council ratify the Mayor's signing the City's approval to this amendment. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried,

This memo was then read from the Public Works Director, accompanied with the following captioned ordinance:

City of Idaho Falls
December 21, 1983

ATTENTION: Mayor and City Council
FROM: Donald F. Lloyd

SUBJECT:

INDUSTRIAL WASTE PRETREATMENT ORDINANCE

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The City Attorney and the Public Works Office have prepared, and submitted to EPA, an Industrial Waste Pretreatment Ordinance.

We have now received approval of the Ordinance and the Public Works Committee is recommending the Council approve passage of the Ordinance on all three (3) readings.

Sincerely,
s/ Donald Lloyd

ORDINANCE NO. 1744

AN ORDINANCE REPEALING ORDINANCE NO. 1546, ORDINANCES OF THE CITY OF IDAHO FALLS, (CITY CODE SECTION 8-7-1 THROUGH 8-7-48 INCLUSIVE) REGULATING AND LIMITING THE NATURE AND COMPOSITION OF SEWAGE WHICH MAY BE DISCHARGED INTO A PUBLIC SEWER; FIXING A SCHEDULE OF RATES AND CHARGES FOR SEWAGE SERVICES AND WASTEWATER TREATMENT SERVICES OF THE CITY OF IDAHO FALLS, IDAHO AND ESTABLISHING METHODS AND FORMULAE FOR COMPUTATION OF SUCH CHARGES; DEFINING TERMS USED IN THE ORDINANCE; REQUIRING ALL SANITARY SEWAGE, INDUSTRIAL WASTES, OR OTHER POLLUTED WATERS BE DISCHARGED INTO THE WASTEWATER TREATMENT SYSTEM OF THE CITY; FORBIDDING THE DISCHARGE INTO THE WASTEWATER TREATMENT SYSTEM OF STORM WATER, GROUND WATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNPOLLUTED WATER, OR CERTAIN PARTICULARLY DESCRIBED POLLUTED WASTEWATER OR MATERIALS; REQUIRING APPROVAL BY THE APPROVING AUTHORITY BEFORE CERTAIN DESCRIBED WASTEWATER OR WASTES MAY BE DISCHARGED INTO A PUBLIC SEWER; REQUIRING PRE-TREATMENT OF CERTAIN WASTE-WATER AND WASTES; COMPELLING EVERY OWNER OR OCCUPANT OF PREMISES TO PUBLIC SEWER IF THE PREMISES BE WITHIN 200 FEET THEREOF; FIXING PLUMBING AND SEWER CONNECTION FEES; REQUIRING THE OWNER OF PREMISES CONNECTED TO A SIDE OR PRIVATE SEWER TO KEEP THE SAME IN REPAIR AND REQUIRING A PERMIT THEREFORE; MAKING IT UNLAWFUL TO WORK ON OR ALTER, OR CONNECT TO ANY PUBLIC SEWER WITHOUT FIRST OBTAINING A PERMIT THEREFORE; AUTHORIZING THE APPROVING AUTHORITY THE RIGHT TO ENTER

ANY PREMISES WITHIN THE CITY FOR THE
PURPOSE OF INSPECTION TO ASCERTAIN

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WHETHER THIS ORDINANCE IS BEING COMPLIED WITH; MAKING IT UNLAWFUL TO INJURE, BREAK OR TAMPER WITH ANY PART OF THE WASTEWATER TREATMENT SYSTEM; REQUIRING CONSTRUCTION AND MAINTENANCE BY INDUSTRIAL PATRONS OF FACILITIES FOR TESTING THE COMPOSITION OF WASTES DISCHARGING INTO THE WASTEWATER TREATMENT SYSTEM, AND PROVIDING FOR THE TESTING AND MEASUREMENT OF SUCH WASTES; PROVIDING THE METHOD OF BILLING FOR USE OF THE WASTEWATER TREATMENT SYSTEM; MAKING IT UNLAWFUL TO VIOLATE ANY PROVISION OF THE ORDINANCE; ESTABLISHING METHODS FOR ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Deist, 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, Councilmen Chandler, Wood, Deist, Sakaguchi, Hovey, and Erickson; 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, Councilmen Deist, Sakaguchi, Wood, Hovey, Erickson, and Chandler; No, none; carried.

City Attorney Storer then presented the following captioned ordinance:

ORDINANCE NO. 1743

AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN THE CITY OF IDAHO FALLS; PARTICULARLY DESCRIBING SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF SAID CITY A QUIT CLAIM DEED CONVEYING SAID VACATED EASEMENT TO THE OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Deist, 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

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REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Chandler, Wood, Deist, Sakaguchi, Hovey, and Erickson; 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, Councilmen Chandler, Deist, Hovey, Wood, Sakaguchi, and Erickson; No, none; carried.

The Councilman discussed the problem of possible flooding along the Snake River, near Jefferson County line. It was determined that the City was not the cause of the problem, it was the cold weather and that calls should be routed to the Civil Defense Department for handling.

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

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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