

**MARCH 10, 1983**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 10, 1983, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor welcomed several Scout troops who were present in the Council Chamber and thanked them for the presence and their interest in local Government. The Mayor then called the meeting to order and, upon roll call the following were found to be present: Mayor Tom Campbell; Councilmen Sam Sakaguchi, Ralph Wood, Art Chandler, Mel Erickson, Wes Deist, and Paul Hovey. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all other available Division Directors.

Minutes of the last Regular Council Meeting held February 24, 1983, were read and approved.

Mayor Campbell honored Public Works Director, Donald Lloyd, for having been selected as one of the top ten public works leaders in the U. S. A. for the year 1983; and Parks and Recreation Director, Ernie Craner, for having been named to the National Officials League; presented an award to Electrical Engineer, Steve Harrison, in recognition of the engineering excellence of the Idaho Falls hydroelectric project completed by the City of Idaho Falls and designed by International Engineering Company of San Francisco, California.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a request to rezone Lots 45 through 48, Block 66, Highland Park Addition, and called upon Councilman Wood, as Chairman of the Planning and Zoning Committee, to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
March 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: PETITION TO REZONE - LOTS 45 THROUGH 48, BLOCK 66, HIGHLAND PARK ADDITION

Attached is a copy of a request to rezone the above-described property from R-1 and RP-A to R-2. This petition was submitted by Steve Peterson, Jana Bateman, Torry Peterson, and Reji Peterson. This property was recently replatted and Fremont Circle was dedicated as a cul-de-sac with the intent of developing single-family residences in this area. The petitioners have indicated that they are requesting R-2 zoning to permit the construction of condominiums on this property.

This matter was considered by the Planning Commission on January 11, 1983 and at that time several property owners in the area appeared to protest. After considerable discussion, the Planning Commission unanimously recommended denial, primarily because of the RP-A zoning adjacent to this property, and because of additional traffic that would be created with only one 50-foot cul-de-sac to serve the area.

This Department concurs with the Planning Commission's recommendation, and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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

Mr. Torry Peterson, one of the petitioners, appeared briefly to state that this was prime property and should have quality construction on it. He said that these proposed units would meet the demand for low-energy housing; would provide jobs for the unemployed in the community; and would provide a broader tax base for the City.

There being no one else to speak in favor of this request, Councilman Wood asked those who were opposed to this request to speak at this time.

Mr. Carl Carlson, 1200 Jackson Street, appeared to state that he and his neighbors had purchased their property under RP-A zoning and they would like to have it remain that way. He then presented the following petition with approximately nine signatures:

***The undersigned property owners are not in favor of any zoning change on property located off Jackson Street, Idaho Falls, Idaho, or any connecting area.***

Mr. Roland Beazer, 990 Jefferson Avenue, appeared to state that he had settled in this area about fifty years ago and had done everything in his power to improve the area. He said that, in his opinion, this area is now a credit to the City and, if the City allowed this rezoning, it would decrease the value of the homes and would be breaking the faith of previous developers of the area.

Councilman Wood then asked the City Planner to comment concerning this request.

City Planner Gilchrist said that the primary reasons for the Planning Commission's denial recommendation were the nearby RP-A zone and the concern of the anticipated traffic increase problems. He said that, even though the developers say their intent is to build condominium duplexes, this is not a planned unit development and so the rezoning to R-2 could, potentially, permit a four-plex on each one of the units and thus there would be sixteen units on the four lots rather than four single family residences.

Attorney Storer asked the City Planner if the property were to be rezoned, could there be an adverse impact upon the ability of that area to handle the traffic that could be generated by that type of zoning? The City Planner answered in the affirmative. Storer asked the Planner if he felt the street, as it is proposed, would be adequate then for traffic flow. Gilchrist answered that it would not be adequate for the traffic created by sixteen units. Attorney Storer asked the Planner to indicate, for the record, the zoning of the property surrounding the subject area. Gilchrist pointed out the entire area on a map on the wall, and identified the zoning of each lot or block. Councilman Deist asked if the City owned any property in this area? Gilchrist answered that he was not aware that the City owned any property in this area. Councilman Hovey asked when this area was previously zoned? The City Planner answered, to the best of his knowledge, it had been zoned around 1964. Hovey asked if the area was zoned the same when Fremont Avenue was vacated? Gilchrist answered in the affirmative.

Mr. Torry Peterson re-appeared to bring up the fact that there are other duplexes in the area of the proposed project. It was noted that these duplexes are on the opposite side of the street of Mr. Peterson's property. The City Attorney requested that the plat of this area be made a part of the record. There being no further comment, it was moved by Councilman Wood, seconded by Deist, that the recommendation of the Planning

Commission be upheld and this request for rezoning be denied. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

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The Mayor announced that this was the time and the place to conduct a public hearing to consider a request for a variance to the zoning code to allow a mounted sign on top of the existing Old Faithful Beverage Company building and asked Councilman Wood to conduct the hearing. At the request of Councilman Wood, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
March 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR A VARIANCE

Attached is a copy of a request to permit a flashing sign in the GC-1 zone. The City's Sign Ordinance does not permit flashing signs in any zone. The request is to mount a sign on the top of the existing Old Faithful Beverage Co. building at the corner of Maple Street and Eastern Avenue. This sign would be approximately 12 feet high and 40 feet long.

Inasmuch as the Sign Code was recently rewritten and adopted by the City Council, this Department recommends denial of the request. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Merlin Snarr, owner of the North-West Sign Company, appeared and displayed a blueprint of the sign and explained the operation and placement as planned. He said that the sign is not a flashing but a running sign and it would be 15 x 55 feet in size. There were several questions asked by Councilmen and answered by Mr. Snarr. Councilman Erickson asked the City Planner if the operation of this sign, as explained by Mr. Snarr, would in any way change the definition in the present sign ordinance. Gilchrist answered that an animated sign is prohibited in the new sign ordinance. Attorney Storer asked the City Planner if there was anything that he would perceive to be as an unusual or exceptional hardship that would warrant granting this variance? Gilchrist answered that there is no indication that there would be any hardship.

Councilman Wood stated that the sign ordinance had been approved to help alleviate the Council from having to deal with so many variance requests, therefore, he would move that this variance request be denied. This motion was seconded by Councilman Deist. Councilman Chandler asked, if the sign was totally electric, would it comply with the sign code? City Planner Gilchrist answered in the affirmative. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

The City Clerk requested Council ratification of the publishing of a legal notice calling for the variance hearing held this night. It was moved by Councilman Chandler, seconded by Wood, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi and Wood; No, none; carried.

The City Clerk requested Council ratification of the forwarding of the following damage claim to the City's Liability Carrier and the City Attorney.



**MARCH 10, 1983**

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March 7, 1983

TO: City Council

**CLAIM AGAINST CITY**

FACTS: On the 5th day of March, while driving along No. Bellin Road in Idaho Falls, approximately 50' from Arco Highway, I hit a large pothole measuring about 3' x 3' x 2' which was in my lane of traffic.

Due to this impact my right front tire was ruined. It will cost me approximately \$20.00 to replace the tire.

Since I pay taxes to the City and I am a resident, I feel the roads should be kept in good repair. Since the City has not done this in that area, I feel I should be reimbursed for my damages.

s/ John Brown  
Rt. #4 Box 479  
Idaho Falls, ID 83402

February 25, 1983

City Clerk  
City Hall Building  
Idaho Falls, ID

On the 14th of February, 1983, I went to my husband's girlfriend's house to talk to him about finances. My husband, Tom Rawson, deserted me and my teenage daughter and moved in with another woman. At that time, I went to 285 Tabor Avenue. I was distraught and not in my right mind and also I had not been drinking. The Police were called and placed me under arrest, for disturbing the peace, yelling profanities and fighting. I told the officer to let go of my arm he was hurting it, and that I would go along quietly with him if he would stop hurting me. But, he put more pressure on it and broke my elbow. I will sign a release and waiver, releasing the City of Idaho Falls from any other liability except the medical bills from Idaho Falls Consolidated Hospital, and for future medical bills for my broken elbow. I would like to have these paid by the City of Idaho Falls.

s/ Judy Rawson  
2930 South Yellowstone  
Idaho Falls, Idaho 83401

**PRESENTMENT OF CLAIM**

TO: Clerk, City of Idaho Falls  
Idaho Falls City Electric Department  
and Building and Zoning Department  
Idaho Falls, Idaho 83402



**MARCH 10, 1983**

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You are hereby notified pursuant to the provisions of Idaho Code Section 6-901, et. seq., that the below signed, Larene Bird and Ray Bird have a claim against the City of Idaho Falls, as more particularly set forth below.

The claim arises from an incident on or about January 12, 1983, at the home of Larene Bird and Ray Bird, 427 Troy Avenue, Idaho Falls, Idaho. The undersigned claim damages on account of personal injuries and property damage.

1. The conduct and circumstances of this claim are as follows:

On or about January 12, 1983, Larene Bird activated the electric stove in her home and placed upon the burner a cast aluminum frying pan to do some cooking. A bolt of electricity then shot from the burner of the stove and burned Larene Bird's right hand, lower right arm, chest and hair.

2. The injuries and damages caused in this accident are as follows:

As a result of the incident, Larene Bird sustained second and third degree burns to her right hand and lower right arm. Larene Bird's hair was partially burned as were portions of her chest area. The blouse that Larene Bird was wearing was also burned. The extent of Larene Bird's injuries are not yet known, accordingly, the extent of any permanent disability resulting from Larene Bird's injuries is not yet known. The stove and frying pan were also damaged and put in such a condition that neither are usable.

To date, Larene Bird has incurred medical expenses in the approximate amount of \$190.00 and will continue to accrue until Larene Bird's injuries have healed and therapy is completed. Because Larene Bird is the bookkeeper for the Motel West, owned by her and her husband, and because the burn prevents Larene Bird from performing her duties as a bookkeeper, Ray and Larene Bird have been forced to obtain the services of an accountant. The value of these services is reasonably placed at \$450.00 and will continue to accrue until Larene Bird can return to her normal bookkeeping activities.

3. The time and place of the injury and damage are as follows:

January 12, 1983, at 427 Troy Avenue, Idaho Falls, Idaho.

4. The names of all persons involved are as follows:

- A. Larene Bird
- B. Ray Bird
- C. Bonnie McDaniels
- D. Karl McDaniels
- E. Idaho Falls Electric Department
- F. Idaho Falls Building and Zoning Department
- G. DaCor
- H. Chromalox
- I. Stronk and Sons



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5. The undersigned herein claims damages from the City of Idaho Falls for all personal injuries, property damage and other present and future damages they may have sustained as a result of this incident.

6. The residence of the undersigned claimants at the time of this presentment is:

427 Troy Avenue  
Idaho Falls, Idaho 83401

The residence of the undersigned claimants for the six months preceding January 12, 1982, was:

427 Troy Avenue  
Idaho Falls, Idaho 83401

The undersigned upon information and belief, state that by reason of negligent failure to inspect the electrical wiring and installation at the premises at 427 Troy Avenue, Idaho Falls, Idaho; and negligent or fault of DaCor, Chromalox and Stronk and Sons, the undersigned claimants have suffered damaged and, therefore, make the within claim for their damages against the City of Idaho Falls, Idaho.

If any additional information is required, this can be obtained from Holden, Kidwell, Hahn & Crapo, P. O. Box 129, Idaho Falls, Idaho, 83402.

DATED this 24th day of February, 1983.

s/ Larene Bird  
s/Ray Bird

It was moved by Councilman Wood, seconded by Chandler, that this action, also be duly ratified. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

Bills for the month of February, 1983, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 877,337.22	\$ 39,034.56	\$ 115,153.79	\$ 390,900.13
SALARY:	<u>433,824.00</u>	<u>26,252.53</u>	<u>10,203.60</u>	<u>61,333.88</u>
TOTAL:	\$1,311,161.22	\$ 65,287.09	\$ 125,357.39	\$ 452,234.01
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEWER</u>
SERV/MAT:	\$2,833,568.36	\$ 30,010.11	\$ 7,542.07	\$ 4,446.27
SALARY:	<u>81,162.98</u>	<u>29,895.20</u>	<u>11,739.75</u>	<u>.00</u>
TOTAL:	\$2,914,731.34	\$ 59,905.31	\$ 19,281.82	\$ 4,446.27
	<u>MUN CAP</u>	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>REV SHARE</u>
SERV/MAT:	\$ 75,176.71	\$ 6,254.14	\$ 4,134.55	\$ 337.60

SALARY:	<u>.00</u>	<u>22,992.96</u>	<u>.00</u>	<u>.00</u>
TOTAL:	\$ 75,176.71	\$ 29,247.10	\$ 4,134.55	\$ 337.60

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CITY TOTALS

SERV/MAT: \$ 4,383,895.51  
SALARY:     677,404.90  
TOTAL:     \$ 5,061,300.41

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

Monthly reports for February, 1983, were presented and, there being no questions nor objections were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, LaMora Delicatessen; MEAT MARKET, LaMora Delicatessen; BAKERY, Carsten's Bakery, Hansel and Gretel's; RESTAURANT, Anne's Arctic Circle, 19th Hole Cafe, Father Guido's Original Take and Bake Pizzeria; CATERING, The Party Shop and Reception Center, Inc.; CONCESSION, Ruth's Circle; MOTEL, Driftwood Motel; BOWLING ALLEY, Skyline Lanes; PHOTOGRAPHER, Stanger Photography; SECOND HAND STORE, The Wholesaler; AUCTIONEER, Melvin Sines, Pocatello Auction; ITINERANT MERCHANT, Pocatello Auction; NON-COMMERCIAL KENNEL, Bo Lay Kennel, Mr. and Mrs. C. W. Borrer; DRAY SERVICE, Action Express, Inc., Salt Creek Freightways, Teton Crane and Transport; ELECTRICAL CONTRACTOR, Ideal Electric; JOURNEYMAN ELECTRICIAN, Kent Van Orden, J. Wayne Van Orden; APPRENTICE ELECTRICIAN, Bryan Van Orden, with Ideal Electric; MASTER PLUMBER, Ramrk Plumbing Company; CLASS C, JOURNEYMAN, WET HEAT, GAS FITTER, Ray Goyen; SIGN COMPANY, Larry Carlson, M. & W. Construction, Shelby Outdoor Advertising; LIQUOR CATERING, Eagles; BEER (TO BE CONSUMED ON THE PREMISES), 19th Hole Cafe; PRIVATE PATROL SERVICE, American Protective Services, Inc.; BARTENDER, Ted Corder, Ernest H. Luthy, Rick L. Noreen, Cheryle Padgen, Marlene Price, Sandy R. Ward, Mike Wieland, Loretta B. Simpson; PUBLIC RIGHT OF WAY, Bateman Brothers Excavating Company, Inc., Das-Co of Idaho, Inc., Skidmore Construction and Millwork, Inc., were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

License applications for CAB DRIVER, Jay Hendrickson, and a WINE license for The Blue Room, were presented carrying a recommendation from the Police Chief that they NOT be issued. It was moved by Councilman Erickson, seconded by Wood, that the recommendation of the Police Chief be upheld and these licenses NOT be issued. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

From the City Planner came this memo:

City of Idaho Falls  
March 8, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: COUNTY PLAT - EVERGREEN ACRES



**MARCH 10, 1983**

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Attached is a copy of a County residential subdivision plat located on the east side of Bellin Road, approximately one-half mile south of Mill Road. State Law requires that County plats within one mile of the City Limits must be approved by the City prior to recording.

This plat has been recommended for approval by both the City and County Planning Commissions. This Department concurs with those recommendations and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Deist, that the County Plat for Evergreen Acres be accepted and the Mayor be authorized to sign. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the City Controller came this memo:

City of Idaho Falls  
March 9, 1983

MEMORANDUM

TO: Mayor Tom Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: PROPOSAL TO AUDIT FINANCIAL STATEMENTS  
GALUSHA, HIGGINS, AND GALUSHA

The Fiscal Committee is requesting approval by the Council to accept the attached proposal submitted by the firm Galusha, Higgins, and Galusha to perform the examination and audit of the financial statements of the City of Idaho Falls for the fiscal year ending September 30, 1983.

The proposal does not include a complete audit of the Electric Light Fund as it is audited by another firm but an attempt will be made to coordinate with the Electric Fund auditors. Also, it does not include the Revenue Sharing Funds which requires a separate proposal which is needed every third year.

We recommend that the proposal be accepted and signed by the Mayor and City Clerk and a copy of the executed proposal be sent to Galusha, Higgins, and Galusha.

s/ John D. Evans

Councilman Chandler stated that this is a required audit. It was moved by Councilman Chandler, seconded by Erickson, that the proposal by Galusha, Higgins, and Galusha be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

This memo from the Fire Chief was then read:

**MARCH 10, 1983**

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City of Idaho Falls  
March 8, 1983

MEMORANDUM

TO: Mayor and City Council  
FROM: Douglas C. Call, Fire Chief  
SUBJECT: REQUEST FOR COUNCIL APPROVAL

The Fire Chief is requesting ratification of an action taken with approval of the Mayor and the Chairman of the Public Safety Committee but without formal Council approval.

Twenty-four hours of sick leave were advanced to Firefighter Bradley Pettingill. Brad had not been with the City long enough to accrue any sick leave and was ill for one shift with the flu.

s/ Douglas C. Call

It was moved by Councilman Erickson, seconded by Wood, that this previous action be ratified. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

Also, from the Fire Chief, this memo was read:

City of Idaho Falls  
March 10, 1983

MEMORANDUM

TO: Mayor and Council  
FROM: Douglas C. Call, Fire Chief  
SUBJECT: GRANT APPLICATION

The State of Idaho Emergency Medical Services has informed me that a Grant in the amount of \$10,000.00 has been made available toward the acquisition of a new ambulance.

I respectfully request that the Mayor be authorized to sign the application for the above Grant on behalf of the City of Idaho Falls.

s/ Douglas C. Call

Councilman Erickson explained that the amount of this Grant would be applied to the purchase of one of the three ambulances the City Council has authorized to be purchased. It was moved by Councilman Erickson, seconded by Wood, that the Mayor be authorized to sign the application for the State of Idaho Grant. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the Public Works Director came this memo:

**MARCH 10, 1983**

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City of Idaho Falls  
March 9, 1983

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd, P. E.  
SUBJECT: CHANGE ORDER - ANDREW WELL DRILLING - WELL  
NO. 15 - DRILLING

Attached for your consideration is Change Order No. 1 to the Contract with Andrew Well Drilling Contractors, dated December 20, 1982 pertaining to the Drilling of Well No. 15. The amount of the Change Order is \$5,152.00 for 112 feet of 24-inch casing necessary to maintain a 20-inch hold through a shelf of rock.

The Public Works Committee has reviewed this Change Order and we are requesting the Mayor be authorized to sign City's approval.

s/ Donald F. Lloyd

Councilman Sakaguchi explained the need for this Change Order. There being no questions nor comment, it was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor be authorized to sign this Change Order with Andrew Well Drilling Contractors. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

The Mayor announced that he had appointed Gilbert Karst, Wesley Deist, Bill Shurtleff, Cliff Brady, and Del Brewster to the newly formed Industrial Development Board for the City, to supervise and decide who is eligible for the bonding. It was moved by Councilman Chandler, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

There being no further business, it was moved by Councilman Wood, seconded by Erickson, that the meeting adjourn at 8:20 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor