

DECEMBER 21, 1982

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, December 21, 1982, in the Council Chamber in Idaho Falls, Idaho. There were present at said Meeting, Mayor Thomas Campbell; Councilmen Wes Deist, Paul Hovey, Sam Sakaguchi, Ralph Wood, Art Chandler, and Mel Erickson. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; and all available Division Directors.

Minutes of the last Regular City Council Meeting held December 9th, 1982, were read and approved.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the last Regular Council Meeting until this night, to consider several proposed amendments to the zoning ordinance 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:

City of Idaho Falls
December 20, 1982

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE

Attached is a amendatory ordinance which contains several proposed amendments to the Zoning Ordinance No. 1115. These amendments are summarized as follows:

1. Additional language in the section pertaining to house trailers and mobile homes, clarifying procedures for granting variances for temporary uses of mobile homes.
2. Establishing procedures for granting conditional use permits for limited retail sales in the R-3 and R-3A zones.
3. Reducing the required rear yard for accessory buildings in the RP-A zone from 25 feet to 5 feet, and limiting the height of accessory buildings to one story.
4. Clarifying where screening walls or fences are required around parking areas in the RSC-1 zone.

These items were the subject of several work sessions held by the City Planning Commission, and were considered at a public hearing held November 9th, 1982. At that time, the Planning Commission unanimously recommended approval of the proposed amendments.

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

s/ Rod Gilchrist

Councilman Wood then asked if there was anyone present who wished to speak concerning the proposed amendments.

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Mr. James Griffith, 2264 Enell, appeared to ask what advantage there would be to the change that would require only a five foot rear drive rather than the now required twenty-five feet. City Planner Gilchrist answered by saying that the RP-A zone, presently, is the only residential zone in the City that requires a twenty-five foot rear yard. He said that a lot of the RP-A lots are little more than one hundred feet deep and, by the time the house is constructed thirty-five feet from the front of the lot, a storage or utility shed would be sitting almost right outside the back door to conform with the present ordinance. He said that most residents prefer that an accessory building be set in the rear of their property. Gilchrist stated that all the other residential zones, including the R-P zone, which is an even more restrictive zone than the RP-A, do not have that twenty-five foot requirement for accessory buildings. Councilman Wood asked if the buildings constructed would be a one-story building? Gilchrist answered that the buildings would be limited to one story high. Mr. Griffith asked if there would be any other restrictions to the size of the building. Gilchrist answered that the limitations of total coverage of the lot would be considered, but generally speaking there would be no other specifications.

Mayor Campbell asked Mr. Griffith if he wished to go on record as objecting to this proposed amendment. Mr. Griffith answered that he would like to go on record as being against the change in rear yard requirements for accessory buildings. He said that he had purchased his property under the present zoning and he would prefer that it stay that way.

Mr. Gary Rose, 2272 Enell, appeared briefly stating that he, also, would like to go on record as objecting to the same proposal as Mr. Griffith and for virtually, the same reason.

Councilman Sakaguchi wanted to clarify that the proposed change was for accessory buildings, not residential buildings.

Councilman Chandler asked if there were any protests registered at the Planning Commission Meeting? City Planner Gilchrist answered that there were no protests registered. Councilman Wood asked if there had been requests for this type of placement. Gilchrist answered that his office has received many requests for permits for placement of these buildings in the past. Mayor Campbell stated that he would not like to see a change in a zone that would devalue a person's property and wanted assurance that such a change would not damage RP-A property owners. Gilchrist said that approximately one-half of the Planning Commission members live in an RP-A zone and they do not feel there would be any damage.

Mr. Rose reappeared to question the need to make requirements when said requirements could be changed so easily.

Councilman Hovey asked the City Planner what the original intent was when the twenty-five foot requirement was initiated. City Planner Gilchrist answered that this requirement had been drafted before he came to the City and he had no answer to this question. He said that he had never understood the need for the twenty-five feet rear yard requirement. Hovey said that it did not seem logical to him to have a garage or accessory building twenty-five feet from the property line.

Mr. James Griffith reappeared to ask if there would be any minutes from previous meetings which might reflect the need for a twenty-five foot setback. City Planner Gilchrist answered that this requirement was set in 1964 and he doubted if there were minutes of the meetings available.

Councilman Sakaguchi stated that the Council is receiving many requests for placement of accessory buildings and in his opinion, it would be better to change the ordinance than allow variances for such accessory buildings.

Councilman Hovey stated that he had heard no specific reason from either of these gentlemen as to why they opposed the change other than the fact that a change had

been proposed. He asked if there were some specific problem or hardship anticipated by these gentlemen. Mr. Rose answered that he was concerned as to what might be allowed in

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his neighborhood in the future and asked what rules and guidelines the Council used when making such changes. Mayor Campbell answered that the Council must determine if a zoning change would or would not devalue property and, if the change would make it easier for people to live under that change, then they would have a legitimate reason to allow the change. Mr. Rose said that he did not have sufficient information at this time to be able to judge whether or not a change might devalue his property. He asked if there had been any compromise between five feet and twenty-five feet considered by the Planning Commission. City Planner Gilchrist answered in the affirmative.

Councilman Erickson stated that he wanted to clarify the fact that the Planning Commission that makes recommendations to the City Council consist of a group of citizens who actually study all concerns and facets before making recommendations to the City Council and many of these members actually live in an RP-A zone themselves. Mr. Griffith registered concern that allowing garages in back yards would not be a desirable condition and would detract from the beauty of the neighborhood, and devalue his property. Councilman Wood asked the City Planner if the Planning Commission members felt that this proposed change might lower the value of the property? City Planner Gilchrist answered that the general feeling of the Commission was that it would not lower the value of the property. Wood asked if this proposed change covered accessory buildings only. Gilchrist answered in the affirmative.

Councilman Hovey stated that he felt there would be an advantage to the noise and sight obstruction factor to have these buildings away from the residential structure and he could see no disadvantage to this proposal for RP-A residents. Mr. Griffith stated that he would like to see a size requirement set for accessory buildings.

Councilman Sakaguchi explained and reviewed the proposed captioned ordinance:

ORDINANCE NO. 1713

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 4-15, 5-9 THROUGH 5-12, INCLUSIVE, 7-6-2, 7-2-5, 7-2-6, AND 7-9-9 OF THE ZONING ORDINANCE, AS AMENDED, OF THE CITY OF IDAHO FALLS, IDAHO; RESTRICTING OCCUPATION OF TRAILERS, EXCEPTING SPECIFIED AREAS, SETTING FORTH DUTIES OF PLANNING COMMISSION; PROVIDING FOR GRANTING OF CONDITIONAL USE PERMITS, AND SETTING FORTH CONDITIONS AND PROCEDURES FOR APPLICATION THEREFOR, PROVIDING FOR NOTICE TO CORRECT ZONING VIOLATIONS; REQUIRING MAINTENANCE OF LANDSCAPING; SETTING FORTH PERMITTED USES IN THE R-3 RESIDENTIAL ZONE; SETTING FORTH SET BACK, SIDE YARD AND REAR YARD REQUIREMENTS, REGULATING HEIGHT OF BUILDINGS; SETTING FORTH SPECIAL PROVISIONS FOR THE RSC-1 ZONE; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

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

The City Clerk asked for Council ratification of the forwarding of this following damage claim to the City's Liability Insurance Carrier on December 13th, without formal Council approval:

CLAIM

TO: City of Idaho Falls, Clerks Office, City Building
"C" Street, Idaho Falls, Idaho 83402

1. Claimant was removed from his apartment on August 17, 1982, at approximately 2:30 p.m. at 105 E. 13th Street, Idaho Falls, by two uniformed City police officers without a Court Order contrary to claimants civil rights.
2. The amount of damage is claimed to be \$15,000.00 for deprivation of claimants civil rights and unlawful eviction.
3. Persons involved were City officers Clements and Pratt and Renee Quinton, Landlady.
4. Claimant lived in Idaho Falls starting August 10, 1982, until the 30th of September. Claimant now resides in Denver, Colo.

DATED this 10th day of December, 1982.

KENNETH SAVIO
CLAIMANT
BY s/ John M. Bybee

It was moved by Councilman Erickson, seconded by Chandler, that the Council ratify this previous actions of the City Clerk. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

License applications for GROCERY STORE, Fay's Foodliner, Holiday Market, Kesler's Skyline IGA, KOA Kampground, Skaggs #259, Smith's Foodking; MEAT MARKET, Fay's Foodliner, Holiday Market, Kesler's Skyline IGA, Smith's Foodking; BAKERY, Smith's Foodking; RESTAURANT, Bourbon Street Lounge, Cedric's, Doc's Broadway Cafe, BPOE No. 1087 Elk's Lodge, Gaslampe Pizza Shoppe, Gay Nineties Pizza, Plaza Lanes, L.D.S. Temple, LeBaron's, Peppertree, Sandpiper, Tom's Landing; CAFETERIA, Deseret Industries; ICE

CREAM STORE, Smith's Foodking; DAIRY, Vaughn L. Asper; ELECTRICAL CONTRACTOR, Whipple Electric, Century Electric, Sager Sign Company, Wheeler Electric; JOURNEYMAN

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ELECTRICIAN, Kay Thurman, Gladys Hill, Wesley L Whipple, Weldon L. Whipple, Walter L. Whipple, Wilford L. Whipple, Ariel Hill, Robert T. Sager, Allen G. Landon, Dick Wheeler, Douglas Wheeler, Jeffery Wheeler; MASTER PLUMBER, F. L. Pendelton Company; JOURNEYMAN PLUMBER, F. L. Pendelton; CLASS A CONTRACTOR, WA, WH GF, REF, Bingham Mechanical & Metal Products, Inc.; CLASS D CONTRACTOR, WA, Whipple Electric; CLASS A JOURNEYMAN WA, WH, GF, REF, Melvin Going, CLASS D JOURNEYMAN, GF, Brent K. Hall; CLASS D JOURNEYMAN, WA, Walter Whipple, Wilford Whipple; MOTEL, Littletree Inn, Westbank Motel; BOWLING ALLEY, BPOE NO. 1087 Elk's Lodge, Hub Bar, Peppertree Lounge; POOL HALL, Bourbon Street Lounge, Doc's Broadway Cafe & Lounge, Fraternal Order of Eagles #576, Ford's Bar; Gay Nineties Pizza, Mister B's Lounge, Ray's Western Bar; PHOTOGRAPHER, Olan Mills; SECONDHAND STOREKEEPER, Bob's Trading, Sunset Sports Center, Woody's Inc.; PAWNBROKER, Bob's Trading, Don's Custom Jewelry; JUNK DEALERS, Stewart's Wood, Fur, & Metal; PUBLIC CONVEYANCE, C.A.R.T. Inc.; SIGN COMPANY. Sager Sign Company; PRIVATE PATROLMAN, Roy Glen Monk, Dale G. Noreen, James A Yeiter; BARTENDER, Kathleen Anne Smoley; BEER (TBCOP) Bourbon Street Lounge, Doc's Broadway Cafe & Lounge, Fraternal Order of Eagles #576. BPOE No. 1087 Elk's Lodge, Ford's Bar, Gaslampe Pizza Shoppe, Gay Nineties Pizza, Hub Bar, LeBaron's, Mister B's Lounge, The Peppertree, Plaza Lanes, Ray's Western Bar, The Sandpiper Restaurant, Tom's Landing; BEER (NTBCOP) Fay's Foodliner, Holiday Market, Kesler's Skyline IGA, KOA Kampground, Smith's Foodking; LIQUOR, Bourbon Street, Doc's Broadway Cafe & Lounge, Fraternal Order of Eagles #576, BPOE No. 1087 Elk's Lodge, Ford's Bar, Hub Bar, LeBaron's, The Peppertree, Ray's Western Bar, The Sandpiper Restaurant, Tom's Landing; RETAIL WINE, Fay's Foodliner, Kesler's Skyline IGA, The Sandpiper Restaurant, Smith's Foodking; WINE BY THE DRINK, Gay Nineties Pizza Shoppe, Plaza Lanes, 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 Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

The City Clerk asked for Council ratification of the issuing of an ITINERANT MERCHANT license to Schafer Outfitter and a BARTENDER license to Kathleen Johnson. It was noted that these licenses had been approved by the appropriate Division Director before issuance. It was moved by Councilman Erickson, seconded by Wood, that this action be ratified. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

This memo from the City Clerk was then read:

City of Idaho Falls
December 21, 1982

TO THE HONORABLE MAYOR AND CITY COUNCIL
Idaho Falls, Idaho

Gentlemen:

Between now and the end of the year, we anticipate receiving many applications for licenses renewals. In some instances, particularly those who apply for beer, liquor, and wine licenses, the applicants are anxious to receive their licenses as quickly as possible. Therefore, we request that the City Council authorize the City Clerk to issue all license renewals between now and January 1st as soon as they are approved by the appropriate Division Director, to be ratified by the Council at a Regular Council Meeting.

s/ Velma Chandler

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Councilman Erickson asked the City Attorney to respond to this memo. Attorney Storer stated that it should be made very clear that the license application is not approved until the issuance is actually ratified by the Council. Councilman Erickson asked the Attorney if it would be necessary for the Council to take action on this memo at this time. Attorney Storer stated that the City Clerk can, after proper approvals, issue the license, subject to ratification of the Council at the next Regular Council Meeting. Councilman Deist registered concern that the applicant might not be aware that the license was being issued subject to ratification and asked if a form should be signed by the applicant indicating he was aware of this fact. City Attorney Storer did not feel this to be necessary. Councilman Erickson instructed the City Clerk to proceed these licenses as they have been handled in previous years.

From the City Clerk came this memo:

City of Idaho Falls
December 20, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Velma Chandler, City Clerk
SUBJECT: CHARGE OFF OF UNPAID UTILITY ACCOUNTS (1978)

In accordance with previously established procedures, we are respectively requesting authorization to charge off as uncollectable, all accounts that have had no payment since 1978. There are 746 accounts listed for a total of \$45,443.97. Total utility revenue for the 1978 year was \$8,423,883.98 and, using these two figures as the criterion, the percentage of charge offs would be .5388% of 1%.

These accounts cover, bankruptcies, skips, deceased persons and those completely without assets.

All accounts, except bankruptcies, will remain with the collector in case financial circumstances change.

s/ Velma Chandler

It was moved by Councilman Chandler, seconded by Erickson, that the Council authorize the accounts to be charged off as requested. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Hovey, and Sakaguchi; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
December 20, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Director of General Services

SUBJECT: BID #IF-83-5, MOTOR FUELS, LUBRICANTS, AND
HEATING OIL

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It is the recommendation of the General Services Division that the City Council accept the low bid of Ray Groth Oil Company to furnish gasoline and diesel fuel, and Wright Oil and Tire Company to furnish motor oil and lubricants for the year 1983.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Hovey, that the Council accept the low bid of Ray Groth Oil Company to furnish gasoline and diesel fuel, and Wright Oil and Tire Company to furnish motor oil and lubricants for the 1983. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Next, from the General Services Director, came this memo:

City of Idaho Falls
December 20, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Director of General Services
SUBJECT: SNAKE RIVER ROWING CLUB LEASE EXTENSION

Attached are signed copies if a proposed lease extension between the City of Idaho Falls and The Snake River Rowing Club for City owned property located on the West River Road, extending the lease until October 31, 1983.

The extension has been reviewed by the Parks & Recreation Division and the City Attorney and it is the recommendation if the General Services Division that the City Council approve the extension and authorize the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Hovey, that this extension to the Snake River Rowing Club lease be honored. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls
December 20, 1982

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Director of General Services
SUBJECT: LEASE EXTENSION - ED BROWNING

Attached are signed copies of a proposed extension to the lease agreement between the City of Idaho Falls, and Ed Browning for the City owned property

and building located at 2380 Foote Drive and formerly used as the Airport Manager's residence.

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The attached agreement, which has been reviewed by the Airport Division and the City Attorney, will extend the lease until December 31, 1983.

It is the recommendation of the General Services Division that the City Council approve this extension and authorize the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Sakaguchi, that this extension to the Ed Browning lease be granted and the Mayor and City Clerk be authorized to sign the necessary documents. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

From the Airport Manager came this memo:

City of Idaho Falls
December 21, 1982

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: EXTENSION TO LEASE AND CONCESSION AGREEMENT
FOR INTER-COMMUNITY BUS SERVICE

The Lease and Concession Agreement between the City and Yellowstone Park Division will expire December 31, 1982.

Yellowstone Park Division has submitted an extension request to provide inter-community bus service between the Airport and certain terminus outside the City. No space is required within the terminal building. The buses will load and unload in the exclusive bus, taxi, and limousine lane.

The Airport Committee recommends that the City Council approve the extension and instruct the Mayor and City Clerk to execute the same in behalf of the City.

s/ James H. Thorsen

It was moved by Councilman Hovey, seconded by Sakaguchi, that the Council accept the extension to the lease and concession agreement and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Mayor Campbell explained that the contract with Prosecutor Jerry Woolf expires December 31st. He said that he, Councilman Erickson and members of the Police Department had interviewed Kimball Mason and felt he would be a good replacement for Jerry Woolf and asked for Council confirmation of this appointment. It was moved by Councilman Erickson, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Hovey; No, none; carried.

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Councilman Chandler thanked the Mayor, Council and Division Directors for their acts of kindness at the recent passing of his father and wished all a Merry Christmas and a Happy New Year.

Councilman Hovey said that he would like to move that the Council give the City Clerk a big pat on the back for the tremendous job that she does in keeping this Council straight, for the minutes, and for the work that she does when any of them need information related to the past meeting minutes. He said that he would also add to that a big pat on the back to all of the City employees, as, in his opinion, it is not the City Council that keeps the City moving but all the City employees to keep it that way. The Mayor and all Councilmen agreed to this. Mayor Campbell said this past year has been a tremendous year for the City. Councilman Sakaguchi stated that the City of Idaho Falls also has the best Divisions Directors in the State of Idaho.

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

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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