

**NOVEMBER 4, 1982**

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The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, November 4, 1982, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor welcomed several scouts who were present and their interest in local government. The Mayor then called upon scout Dave Lilenquist 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 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 on October 21, 1982, were read and approved.

Mayor Campbell introduced Don Gosswiller as a newly appointed Battalion Chief in the Fire Department. The Mayor congratulated Mr. Gosswiller as a newly appointed Battalion Chief in the Fire Department. The Mayor congratulated Mr. Gosswiller for this appointment and his dedicated service to the City. Mr. Gosswiller then received a congratulatory handshake from all City Officials around the Council Table.

The Mayor announced that this was the time and the place to conduct a public hearing to consider an amendment to the development plan of the Roy H. Bennett Shopping Center, 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  
November 2, 1982

MEMORANDUM

TO: Mayor & Council  
FROM: Rod Gilchrist  
SUBJECT: PROPOSED AMENDMENT TO DEVELOPMENT PLAN -  
BENNETT SHOPPING CENTER

This office has received a request from Albertson's, Inc. to construct a decorative wall and landscaped planter on a portion of their property located to the northwest corner of the Roy H. Bennett Shopping Center at 17th Street and Holmes Avenue. The City Council earlier approved a construction of a 7-Eleven Store in this general location, and a proposed planter would be adjacent to the property line of the proposed 7-Eleven Store.

Consideration of this request by the Planning Commission and City Council is made necessary inasmuch as it is a proposed amendment to the approval development plan in the RSC-1 zone. The Planning Commission considered this request at their last regular meeting. At that time two representatives of the 7-Eleven property voices some objections.

After consideration, the Planning Commission recommended unanimously to approve the request. This Department concurs with that recommendation and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist



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

Councilman Wood then asked if there was anyone present who wished to speak in favor of this request.

Mr. David Eaton, a representative from Albertsons appeared, stating that Albertsons would be very pleased to be able to construct a piece of landscaping of this type and they feel it will be an addition to the aesthetics of the area.

Police Chief Pollock registered concern, on behalf of the Traffic Safety Committee, that this would add to traffic hazard conditions in the area. Pollock said that vehicles traveling from the 7-Eleven store to other stores in the shopping center, or visa versa, would have to leave the parking lot through a driveway on one side of the strip, get on the street, and enter again through a driveway on the other side, and this would create a serious traffic hazard. Pollock said that the Traffic Safety Committee would prefer that there be at least a twenty foot strip from the sidewalk at both 17th Street and S. Holmes Avenue for traffic to alleviate vehicles entering a major thoroughfare or crossing the lane of traffic to enter or exit the shopping center.

Councilman Erickson asked Chief Pollock if he would consider this subject intersection a hazardous intersection at the present time. Chief Pollock said that there are problems at this time and he feels that this proposal would only add to the traffic hazards of the intersection.

Mr. Eaton re-appeared stating that, at the time the landscaping was designed, it was their intent that it would do nothing more than direct the traffic flow rather than having the traffic go diagonally across the lot to other businesses in the shopping center.

Councilman Erickson stated that he feels that the concern of the Traffic Safety Committee is that the proposed fence would compound the problem of vehicles entering and existing the area.

Councilman Deist asked Mr. Eaton if he was aware of the existing storm drainage problems in this area and, if so, has an easement been granted between Albertsons Corporation and 7-Eleven to cover storm drainage improvements. Mr. Eaton answered that Albertsons are prepared, if requested, to offer an easement to 7-Eleven stores to construct a storm drain that will attach to the existing Albertson's drain.

Mr. Joe Clayton, 680 Gladstone, appeared briefly stating that he could not understand why Albertsons would want to put up a "spite fence" to prevent their customers from shopping at the convenience store and he felt that Albertsons would regret building this fence in the long run.

Mr. bill Chantelois, owner of the Coast-To-Coast Store, appeared stating that he was opposed to the proposed strip because it would pose a fantastic restraint for shoppers to go from the 7-Eleven Store to other businesses in the area.

Mr. Lane Archibald, 2929 S. Higbee, appeared briefly to state that there is already a traffic problem in this area and this proposal would only increase the hazards.

Attorney Blake Hall, 2835 Romrell, appeared representing the 7-Eleven Stores. He said that approval of the planter strip would run against the intent of shopping centers, as they are to be designed for the convenience of the shoppers. He said, further, that, if the strip was truly intended for landscaping, Albertsons should not object to gaps which would allow vehicles to flow conveniently and safely trough the shopping center. Hall said that, in his opinion, this shopping center should remain as it was originally intended, a single unit shopping center.

Councilman Chandler, asked the City Attorney if there was anything in the law that would prevent Albertsons from installing parking bumpers if they so desired. Attorney Storer answered that the RS-C zone requires that a development plan be submitted by the

developer and approved by the Council before the developer begins building or making any changes in the plan. Storer said that, in his opinion, a concrete abutment would constitute

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a change in the development plan and would therefore, require approval of the City Council before that may be done. He said, further, that neither a fence nor a concrete abutment is a consistent use permitted within the plan and so the only basis for denying either one of these would be that the Council must find that there is something inherent within that improvement that is inconsistent with the public interest such as a traffic hazard or an obstruction to fire protection or inadequate drainage, etc., that would be inconsistent with the public interest. It was moved by Councilman Wood, seconded by Sakaguchi, that this request be denied until the traffic hazard in eliminated. Roll call as follows: Ayes, Councilmen Erickson, Hovey, Sakaguchi, and Wood; No, Councilman Deist and Chandler; carried.

Bills for the month of October, having been properly audited by the fiscal Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV	\$ 889,255.21	\$ 109,205.51	\$ 50,924.43	\$ 519,526.93
SALARY	<u>650,126.64</u>	<u>39,171.90</u>	<u>19,453.43</u>	<u>88,673.27</u>
TOTALS	\$1,539,381.85	\$ 148,377.41	\$ 70,378.31	\$ 608,200.20
	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN/SEW CAP</u>
MAT/SERV	\$ 556,583.26	\$ 29,454.11	\$ 22,881.05	\$ 72,638.79
SALARY	<u>147,290.94</u>	<u>46,970.52</u>	<u>13,965.50</u>	<u>.00</u>
TOTALS	\$ 703,874.20	\$ 76,424.63	\$ 36,846.55	\$ 72,638.79
	<u>MUN CAP IMPR</u>	<u>LIBRARY</u>	<u>E ID REG LIB</u>	<u>BRIDGE/ART ST</u>
MAT/SERV	\$ 83,140.56	\$ 7,784.94	\$ 98.64	\$ 67,430.17
SALARY	<u>.00</u>	<u>34,049.12</u>	<u>626.25</u>	<u>.00</u>
TOTAL	\$ 83,140.56	\$ 41,834.06	\$ 724.89	\$ 67,430.17
	<u>REV SHARING</u>	<u>CITY TOTALS</u>		
MAT/SERV	\$ 2,921.71	\$2,411,845.31		
SALARY	<u>.00</u>	<u>1,040,328.02</u>		
TOTALS	\$ 2,921.71	\$3,452,173.33		

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

Monthly reports from Division and Department Heads 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 RESTAURANT, Marie Calenders Pies; COMMERCIAL KENNEL, Samuel Hunt; ELECTRICAL CONTRACTOR, Terry L. Counerilh, Glenn McCormick; JOURNEYMAN ELECTRICIAN, Terry Coumerilh, Glenn McCormick; MASTER PLUMBER, Smith's Plumbing & Heating; JOURNEYMAN PLUMBER, Gerald Smith; LIQUOR CATERING PERMIT, Fraternal Order of Eagles to cater liquor at Veteran's Memorial Bldg. on November

13; BARTENDER, Kimberli Dougherty, Jack Blake, Margie Boyenger, Paulette Cordon, Autumn Decker, Diane Hancock, Sunny Harris, Glenda Bates Johnson, Dale Leatherman,

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JoAnn Leatherman, Jeanette Martin, Clarence R. Moore, Barbara R. Odom, Gayle Scheets, Brenda Sherry, Norman Thiele, Albert Winsor, LaReta Young; PUBLIC RIGHT OF WAY, Hunter-Saucerman 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 Hovey, Sakaguchi, Wood, Chandler, Erickson and Deist; No, none; carried.

From the Police Chief came this memo:

City of Idaho Falls

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Pollock  
SUBJECT: DELETION OF "COCKTAIL WAITER'S" PERMIT FROM ORDINANCE

A representative group of liquor license holders within the City recommend the following amendments to ordinances 5-12-10: BARTENDER'S OR COCKTAIL WAITERS PERMIT:

1. Deletion of cocktail Waiter. (That the permits be for Bartenders only).
2. That Bartender's permits shall expire at the end of one year from date on which issued.

Suggest that should this be granted it be effective as of January 1, 1983.

s/ R. D. Pollock

Councilman Erickson stated that the Police Committee had met with establishment owners and they now feel that it is no longer necessary that cocktail waiters be licensed to carry alcoholic drinks to the customer. It was moved by Councilman Erickson, seconded by Wood, that the Council accept this recommendation and authorize the City Attorney to draft the necessary ordinance. Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: REQUEST TO ADVERTISE

The plans and specification are completed for Asphalt Paving of Sludge Lagoons at the Sewage Treatment Plant. This project has been reviewed by the Public Works Committee and we are requesting authorization for the City Clerk to advertise for competitive bids.

s/ Donald F. Lloyd

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It was moved by Councilman Sakaguchi, seconded by Deist, that the City Clerk be authorized to advertise for bids as requested. Roll call as follows; Ayes, Councilmen Chandler, Erickson, Deist, Hovey, Sakaguchi, and Wood; No, none; carried.

Also from the Public Works Director, came this memo:

City of Idaho Falls

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: REQUEST TO ADVERTISE

The plans and specifications are now complete for the drilling of Well No. 15 on Hoopes Avenue. This has been reviewed by the Public Works Committee and we are requesting authorization for the City Clerk to advertise for competitive bids.

s/ Donald F. Lloyd

Councilman Sakaguchi explained that the Well #15 work will be completed in stages and this stage is for the drilling of the well. It was moved by Councilman Sakaguchi, seconded by Deist, that the City Clerk be authorized to advertise for competitive bids for the drilling of Well #15. Roll call as follows: Ayes, Councilmen Erickson, Deist, Hovey, Sakaguchi, Wood, and Chandler; No, none; carried.

Mayor Campbell reported that the last Council Meeting for December will be held on Tuesday, December 21st rather than December 23rd.

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

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor