

**MAY 26, 1981**

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The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, May 26, 1981 at 7:30 P.M. in the Council Chamber in Idaho Falls, Idaho. There were present at said Meeting: Mayor Tom Campbell; Councilmen Art Chandler, Mel Erickson, Wes Deist, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Dale Storer, Assistant City Attorney; and all other available Division Directors.

Minutes of the last Regular Meeting held May 7 and a Special Meeting held May 14, 1981 were read and approved.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the April 23rd Meeting, to consider a request for a variance to allow sit-down food service at 688 North Holmes Avenue and called upon Councilman Chandler, as Chairman of the Planning and Zoning Division, to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
April 22, 1981

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: VARIANCE REQUESTING A RESTAURANT BE PERMITTED  
IN R-3A ZONE

Attached is a copy of a variance submitted by Richard and Yuko Nielsen, 688 North Holmes Avenue, requesting the expansion of an existing home occupation to permit sit-down food services on the premises. The petitioners earlier submitted a request to rezone the property to commercial zoning.

At that time, it was determined this request would require an amendment to the Comprehensive Plan. The State Planning Act provides that the Plan may be amended once every six months and inasmuch as an amendment had recently been approved, the earliest the rezoning request could be considered would be September of this year.

For this reason, the Nielsen's are requesting a use variance at this time. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Chandler stated that this hearing had been recessed from the April 23rd Meeting to allow time to obtain additional information, and asked City Planner Gilchrist to review and update this request.

The City Planner stated that, at the previous hearing, a question was asked about the parking plans for this area. He said that after that meeting, Mr. Nielsen had submitted plans to his office for the proposed use of the building and the parking lot. Gilchrist said that there was more than adequate parking provided in the plans.

Councilman Chandler asked the City Planner if, in his opinion, Mr. Nielsen was now operating under the definition of a home business and if a sit-down operation meets the criteria as a home business? Gilchrist answered by saying that Mr. Nielsen was allowed to operate a gift shop under the home occupation clause, but that a sit-down food service would not be allowed as a home occupation.

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Mr. Richard Nielsen, the petitioner appeared briefly to point out, on a map on the wall, the businesses around his property, and explained the reasons why he feels he should be allowed to operate a business at his location and eventually obtain a zone change. He said his request was for seven tables which would allow sit-down space for twenty-eight people.

Councilman Chandler asked the City Planner what zoning would allow a sit-down restaurant. Gilchrist answered it would have to be zoned C-1 rather than the present R-3A zoning.

Mr. Winston Soelberg, 600 North Holmes Avenue, appeared briefly urging Council approval of the request. He said that his home was the only residence for blocks along Holmes Avenue and this was a hindrance for him to be able to sell his property as no one wants a home with so many businesses around it.

Councilman Erickson asked if there was a petition with signatures of approval from nearby residents for this request. City Planner Gilchrist answered in the affirmative stating there were approximately forty signatures of approval on the petition.

Councilman Hovey asked the Planner to explain what benefit was to be derived by maintaining the subject property non-commercial. The City Planner stated that, several years ago, the Planning Commission had recommended that Holmes Avenue not be commercially zoned, and, to his knowledge, there had not been a request for C-1 zoning on the east side of Holmes Avenue since that time. Councilman Hovey asked if there was any other commercially zoned property in the immediate area. The City Planner answered that there was no C-1 zoned property bordering Mr. Nielsen's property. Councilman Chandler stated that, in his opinion, this request exceeds the existing home occupation allowances and it would be best for Mr. Nielsen to proceed for proper zoning. Therefore, it was moved by Councilman Chandler, seconded by Sakaguchi, that this request be denied. Roll call as follows: Ayes, 5; No, 1; carried. Councilman Wood voting no.

The Mayor announced that this was the time and the place to consider certain revisions to the zoning ordinance and called upon Councilman Chandler to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this explanatory memo from the City Planner:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REVISED PLANNED UNIT DEVELOPMENT ORDINANCE

Attached is a copy of an ordinance repealing and re-enacting Section 4-26-A of Zoning Ordinance No. 115 of the City of Idaho Falls. This section pertains to Planned Unit Developments. This matter was recently the subject of a public hearing held by the City Council and at that time the City Attorney was directed to prepare the necessary ordinance to enact this revision.

Since that hearing, the Attorney's office has added a short section to the Ordinance pertaining to procedures. Inasmuch as this is an addition to the material that was previously presented to the Mayor and Council at the public hearing, it was felt that another hearing was necessary on this matter.

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The amendatory ordinance being presented also includes other minor amendments to the Ordinance which were previously approved by the City Council; namely, eliminating building size requirements in residential zones, and a maximum density for dwelling units in R-3 and R-3A zones.

This Department recommends approval of the Ordinance and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Erickson, that the Council approve the amendatory ordinance. Roll call as follows: Ayes, 6; No, none; carried.

Assistant Attorney Storer said he would like a clarification on the last matter. He said he wondered if the Council intended to adopt the ordinance or merely adopt the proposal of the Planning Commission, and recommended that the Ordinance be read on its first reading or all three readings, if the Council intended to adopt the Ordinance. It was moved by Councilman Chandler, seconded by Erickson, to withdraw the previous Council action. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1679**

AN ORDINANCE REZONING AND RE-ENACTING SECTION 4-26-A, 7-1-7, 7-2-7, 7-3-6, 7-4-7, 7-6-3 AND 7-7-3 OF THE ZONING CODE OF THE CITY OF IDAHO FALLS, IDAHO, ORDINANCE NO. 1115; PROVIDING FOR SPECIAL PROVISIONS RELATING TO PLANNED UNIT DEVELOPMENTS; SETTING FORTH THE OBJECTIVES OF PERMITTING PUD'S, DEFINING CERTAIN TERMS; PERMITTING A PUD AS A CONDITIONAL USE WITHIN ANY ZONE EXCEPT THE R-P ZONE; SETTING FORTH USES PERMITTED AND MINIMUM LOT SIZE AND SETBACK REQUIREMENTS; SETTING FORTH PRELIMINARY AND FINAL APPROVAL PROCESSES; REQUIRING MAINTENANCE OF PRIVATE PROPERTY AND FACILITIES WITHIN THE PUD BY THE OWNER OR HIS ASSIGNS; PROVIDING THAT ANY FAILURE TO MAINTAIN A PUD SHALL BE DEEMED A PUBLIC NUISANCE AND IS PUNISHABLE IN THE MANNER PROVIDED BY LAW; ELIMINATING BUILDING SIZE REQUIREMENTS IN SECTIONS 7-1-7, 7-2-7, 7-3-6, AND 7-4-7 OF THE ZONING CODE; PROVIDING FOR A GROSS DENSITY OF NO LESS THAN 35 DWELLING UNITS PER ACRE IN THE R-3 AND R-3A ZONES; PROVIDING FOR SEVERABILITY OF ORDINANCE AND PROVIDING FOR EFFECTIVE DATES.

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

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WITH?" Roll call as follows: Ayes, 6; 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, 6; No, none; carried.

At this time, Councilman Wood was excused from the meeting.

Annexation proceedings for Sand Creek Estates were then conducted. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR ANNEXATION AND ZONING PRIOR TO PLATING - SAND CREEK ESTATES

Attached is a copy of the annexation ordinance and annexation agreement of the property to be known as Sand Creek Estates. This property is located south of First Street, east of Sand Creek, and contains approximately 155 acres. The developer is requesting annexation and zoning prior to platting. The initial zoning requested is R-1, R-2, R-3 and R-3A as shown on the Exhibit.

The Planning Commission recently considered this matter at a public hearing and at that time an objection was voiced by a representative of School District No. 93. Since the hearing, we have received a letter from the City of Ammon expressing concern regarding zoning, street layout, utility services and park and school locations.

After some discussion at the Planning Commission meeting, it was recommended the area be annexed and zoned as requested. The vote of the Commission was six to one (6-1), with one (1) abstention. This Department concurs with that recommendation and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Chandler the City Planner located the subject property on a map on the wall.

Councilman Chandler asked if the City of Ammon had been given a chance for input concerning this proposed annexation. Mayor Campbell then requested that this letter from Mayor George Wehmann be made a matter of record:

City of Ammon

The Honorable Mayor Thomas Campbell  
City of Idaho Falls  
P.O. Box 220  
Idaho Falls, Idaho 83401

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Dear Mayor Tom,

I am writing to you at the request of the Ammon City Council with regard to the proposed annexation of the property known as Sand Creek Estates by the City of Idaho Falls. As you know, this property is within the Ammon Impact Area. More importantly, it has a common boundary for about one-half mile with property presently within the City of Ammon, i.e., the Tiebreaker Addition.

Irrespective of any responsibility Ammon might have over this property legally via the impact area law, I believe, and I hope you share my view, that our Cities must work together to ensure that the entire area is developed in a manner acceptable to both Cities. The Tiebreaker Addition has been platted, and one way of ensuring compatibility would be to have Sand Creek Estates platted at the time of annexation. There are a number of items that need to be jointly considered to ensure full utilization of the area. For example, zoning, street layout including collector streets, water and sewer services, surface drainage, park and school locations are just a few of the areas we need to decide upon. We certainly can't afford to end up in a situation wherein both cities spend public funds for needless duplication of services because of poor planning.

In conclusion, the City of Ammon is especially concerned over the annexation of Sand Creek Estates without platting. We feel that this process does not afford either City to have the opportunity to do adequate long-range planning. The City of Ammon would be pleased to work with the City of Idaho Falls in developing and implementing a long-range plan for this area. It is our hope that this can take place before annexation.

It is my understanding that the Idaho Falls Council will be considering the annexation of Sand Creek Estates at its meeting on May 28, 1981. Regrettably, I will not be able to attend that meeting. However, we will have Mr. Robert Williamson, Chairman of the Ammon Planning and Zoning Commission in attendance to answer any questions that you or your Council may have on this matter. If you care to discuss this with me in advance of your Council Meeting, please contact me.

s/ Mayor George Wehmann

Councilman Erickson asked if Tiebreaker Village was involved in the annexation request. Gilchrist answered by saying that development was annexed into the City of Ammon.

Mr. Rance Bare, representing Ellsworth Engineering, appeared to state that Tiebreaker Village has had two divisions annexed and recorded by the City of Ammon. He said that the City of Ammon has approved the preliminary plat of the area being considered for annexation this night. Bare said that the developers had no immediate plans for development, but may construct condominiums within the near future.

Mr. Robert Williamson, Ammon Planning and Zoning Commission Chairman said that the City of Ammon was not concerned with the annexation of this area, but were concerned that if annexed without first platting, this could cause duplication of facilities and surface drainage problems.

Assistant City Attorney Storer asked if the City Planner had obtained a signed copy of the annexation agreement. Gilchrist answered that he had not. Mayor Campbell cautioned the Councilmembers that there are dangers in annexing unplatted lands.

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Councilman Hovey asked if the developer had indicated why he did not wish to plat the area at this time and what was his specific reason for requesting annexation. Rance Bare said that the basis for requesting annexation at this time is that the developers anticipate a turn around in financing costs and a change in the housing market and want to be prepared for a sale of the land if the opportunity arises. He said that the recent opening of Hitt-Hackman Road has presented a possible market for the land.

Mr. Milton Adam, 1438 South Woodruff appeared briefly to state that, in his opinion, the City does not need another 160 acres. He used the Jennie Lee Shopping Center as an example of bad rezoning and said that this annexation would only guarantee the land owners a larger profit because the buyers would prefer Idaho Falls municipal electric power over Utah Power and Light Company prices. He contended that this annexation would increase his electric bill because it would increase the demand on the municipal system.

Councilman Hovey stated he had noticed in the letter from the Mayor of Ammon that they were indicating the need for more time for the two entities to look at a long-range plan for this area and questioned if this could be accomplished during the summer. The City Planner stated that all of the preliminary studies were already done and that the final plat would just be a rubber stamp of approval.

Design Engineer Turner gave assurance that the Public Works officials were satisfied that the City could accommodate water, sanitary sewer, and storm runoff water. Robert Williamson said that the two cities should plan the area together.

Councilman Hovey asked the City Attorney if he anticipated any legal problems if this annexation was approved without the City of Ammon's approval. Storer said that he could see no particular problem with the City of Ammon. He said the legal department was concerned that, while a preliminary plat may suggest proposed improvements, it can be changed and there is no binding agreement which would require the developer to construct the subdivision as indicated, thus the City does loose some control over the development.

Rance Bare re-appeared briefly to list advantages to the City for not platting in advance. Mayor Campbell stated that, under current legislation, it is no longer true that annexing land is a financial benefit to the City for operating expenses except for water, sewer and garbage fees. There being no further comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that this annexation request be denied. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk requested formal Council ratification of the forwarding of a summons from Mansfield Enterprises to the City Attorney for property handling:

City of Idaho Falls  
May 13, 1981

DON L. HARDING  
NELSON & HARDING  
Attorneys at Law  
172 South Main Street  
P.O. Box 797  
Soda Springs, ID 83276  
Phone: 547-2135

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

JAY W. MANSFIELD, DEE MANSFIELD )  
AND SHERMAN MANSFIELD, AND )  
IDAHO PARTNERSHIP d/b/a MANSFIELD )  
ENTERPRISES AND DOLLAR RENT-A-CAR, )  
)  
Plaintiffs, )

MAY 26, 1981

vs.

THE CITY OF IDAHO FALLS, an Idaho  
Municipal Corp., Thomas V. Campbell, Mayor,  
Mel Erickson, Art Chandler, Wes Deist, Paul  
Hovey, Sam Sakaguchi, Ralph Wood, Members  
of the Idaho Falls City Council,

Defendants

The State of Idaho to the City of Idaho Falls, a Municipal Corporation and  
Thomas V. Campbell, Mayor,

Greetings:

WHEREAS, it manifestly appears to us by the verified complaint of  
Jay W. Mansfield, Dee Mansfield, and Sherman Mansfield, d/b/a Mansfield  
Enterprises and Dollar Rent-a-Car, the parties beneficially interested herein,  
that Mayor, Thomas V. Campbell, has refused to execute a lease between the  
City of Idaho Falls and the plaintiffs to operate an auto rental business at the  
Idaho Falls Municipal Airport after the same had been duly approved by the  
unanimous vote of the City Council, and that there is not a plain, speedy and  
adequate remedy in the ordinary course of law; and

THEREFORE, we do command you that, immediately after the  
receipt of this writ, you do execute the lease herein described and furnish a  
signed copy to the plaintiffs, or that you show cause before this court, in  
courtroom 1, at the Bonneville County Courthouse, Idaho Falls, Idaho, on  
Thursday, the 28th day of May, 1981, at the hour of 9:00 A.M., why he has not  
done so, and further show cause why plaintiffs attorney fees incurred as a  
result of this action should not be paid by defendants.

DATED: This 13th day of May, 1981.

s/ Reynold George  
DISTRICT JUDGE

It was moved by Councilman Hovey, seconded by Chandler, that this previous action of the  
City Clerk be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Also in need of ratification, according to the City Clerk, was the advertising for  
bids to consist of finishing the basement areas, providing air conditioning and other  
miscellaneous items in the Senior Citizen's Center. It was moved by Councilman Hovey,  
seconded by Chandler, that this previous action also be ratified. Roll call as follows: Ayes,  
5; No, none; carried.

License applications for: GROCERY STORE, Peddler's Wagon; ELECTRICAL  
CONTRACTOR, Priest Electric, Idaho Falls Consolidated Hospital; ELECTRICAL  
JOURNEYMAN, J. Vernon Priest, Robert T. Baird, Keith V. Stewart; ELECTRICAL  
APPRENTICE, Drew Adams with Priest Electric, Benny Smith with Idaho Falls Consolidated  
Hospital; MASTER PLUMBER, CPM Mechanical Contractors, Inc., Lew Thompson Plumbing  
and Heating; ITINERANT MERCHANT, The King's Greenhouse, Lawrence L. Sant, Trans  
Alaska Seafood, Inc., Paul Moon; NON-COMMERCIAL KENNEL, William J. Simpson;

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PRIVATE PATROLMAN, Eric B. Nelson; BARTENDERS, Robert J. Bendinger, Dan Ellis, Richard Hansen, Linda Humberger, Mary A. Mikesell, Stephanie R. Patten, Terry Wilde, Tim Kelly, Doris Fosmore, Natalie Hyland; BEER (CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES), Hendricks Dist. Inc.; BEER ( CANNED AND BOTTLED TO BE CONSUMED ON THE PREMISES), Russets Lions Club; PUBLIC RIGHTS OF WAY, Pioneer Plumbing, Flynn Home Builders, Inc., were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be approved, subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, 5; No, none; carried.

From the City Controller, came this memo:

City of Idaho Falls  
May 20, 1981

MEMORANDUM

TO: Mayor Thomas Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: RENEWAL OF INSURANCE COVERAGE

Requesting Council action to approve renewal of following insurance coverage:

Property, General Liability, and Vehicle Liability - Home Insurance Co.

Current Annual Premium	\$139,076.00
Previous Annual Premium	<u>136,757.00</u>
Increase in premium due to increase in property coverage.	2,319.00

Public Employee Liability - Forum Insurance Co.

Current Annual Premium	\$ 8,634.00
Previous Annual Premium	<u>8,589.00</u>
Increase in premium due to renewal for three year period.	45.00

Public Employee Blanket Bond - Holden McCarty Agency

Current Annual Premium	\$ 1,077.00
Previous Annual Premium	<u>938.00</u>
Increase in premium due to error on previous premium	139.00

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Chandler, that the Council approve the insurance renewals as recommended. Roll call as follows: Ayes, 5; No, none; carried.

From the City Planner, this memo was submitted:

MAY 26, 1981

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST TO VACATE PORTION OF NEZ PERCE AVENUE

This office has received a request to vacate a portion of Nez Perce Avenue between Higham and Presto Streets in the Highland Park Addition. This request was submitted by W.O. Kepler of Kepler Realty.

In the request for the street vacation, the petitioner has stated that it is his intent to deed that portion of his property lying west of Willow Creek to the City of Idaho Falls. This transaction would establish the boundary of Russ Freeman Park along the centerline of Willow Creek for a portion of the block lying between Higham and Presto Streets.

This request had been reviewed by the Public Works Committee and the Planning and Building Committee and both committees have recommended approval of the request. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Sakaguchi, the City Planner located the area on a map on the wall. After some discussion it was moved by Councilman Chandler, seconded by Sakaguchi, that the City Attorney be authorized to prepare the necessary ordinance to vacate a portion of Nez Perce Avenue as requested. Roll call as follows: Ayes, 5; No, none; carried.

From Public Works Director came this memo:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: ORIGINAL TOWNSITE ADDITION WATERLINE REPLACEMENTS

On May 19, 1981, five (5) bids were received for Original Townsite Addition Waterline Replacements as follows:

Engineer's Estimate	\$ 99,287.50
H-K Contractors	53,196.75
Hicks-Adams Construction	58,405.75
Landon Excavating	58,880.65
O & F Construction	73,256.25
Hood Construction	97,200.80

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We are recommending that the contract be awarded to the low bidder, H-K Contractors, Inc. in the amount of \$53,196.75.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the low bid of H-K Contractors be accepted for the waterline replacements, in the amount of \$53,196.75. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Public Works Director, came this memo:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: WATER, SEWER, AND GARBAGE - PUBLIC SERVICE  
CHARGES DURING VACATIONS OR VACANCIES

The City has had a practice of excusing water, sewer, and garbage fees during vacations or living unit vacancies.

Public Works Committee has investigated and finds the practice is not equitable to all rate payers and is impossible to administer. We are recommending this practice be discontinued and all accounts be billed the established monthly rates for water, sewer, and garbage, unless the power or water is disconnected, in which case there would be no charge.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Chandler, that the practice of excusing water, sewer, and garbage fees during vacation or living unit vacancies be discontinued. Roll call as follows: Ayes, Councilmen Sakaguchi, Chandler, and Hovey; No, Councilmen Erickson and Deist; carried.

Next, from the Public Works Director came this memo:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and City Council  
FROM: Donald F. Lloyd, P. E.  
SUBJECT: WATER ORDINANCE NO. 1502 AND SEWER ORDINANCE  
NO. 1592

Water Ordinance No. 1502 requires a Main Connection charge of \$3.00 per front foot of property to be served and Sewer Ordinance No. 1592 requires a Sewer Main Connection charge of \$6.00 per front foot of property to be served.

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These charges were established in 1977 and 1979 respectively, and were intended to pay half of the water and sewer line installation costs. The average installation cost in both cases now exceeds \$20.00 per lineal foot and we are recommending that the City Attorney be authorized and directed to prepare amendments to the ordinances which will require a \$10.00 per front foot rate.

s/ Donald F. Lloyd, P. E.

Councilman Sakaguchi asked Design Engineer Turner to explain the actual cost for the City to provide these services. It was moved by Sakaguchi, seconded by Deist, that the City Attorney be authorized to prepare the amendments for these ordinances which will require a \$10.00 per front foot rate. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls  
May 22, 1981

MEMORANDUM

TO: Mayor and Council  
FROM: Donald F. Lloyd, P. E.  
SUBJECT: ENGINEERING FEES ORDINANCE NO. 1638

Ordinance No. 1638, which established certain Engineering Fees, was enacted about one (1) year ago. During this time we have found a portion of this Ordinance to be unworkable.

Public Works Committee has reviewed the problem area and we are recommending that the City Attorney be authorized and directed to prepare an amendment to this Ordinance for Council consideration.

s/ Donald F. Lloyd, P. E.

It was moved by Councilman Sakaguchi, seconded by Deist, that the City Attorney be authorized and directed to prepare an amendment to the Engineering Fee Ordinance. Roll call as follows: Ayes, 5; No, none; carried.

From the Traffic Safety Committee, came this memo:

City of Idaho Falls  
May 15, 1981

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Traffic Safety Committee  
SUBJECT: TRAFFIC RECOMMENDATIONS

The Idaho Falls Traffic Safety Committee met on May 6, 1981 and made the following recommendations:

1. Deny a request for parking of vehicles on the north side of Lomax to the east of Fanning Avenue by Mr. Ray Rammell, 220 Fanning.

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2. Recommend the present speed of 25 MPH on Lomax Street be changed to 35 MPH from First Street Couplet to North Yellowstone. (Speed counts in the 600 block of Lomax reflect 85% being 32 MPH with the average of 28.5 MPH, and in the 200 block an 85% being 31.5 MPH with the average of 27.7 MPH).

s/ Robert D. Pollock

Recommendation No. 1 was then reviewed. Councilman Erickson explained that the Committee has reviewed this request and feels that three parking spaces can be provided and still leave ample room for traffic flow. Councilman Deist stated that he was not opposed to this but felt that the number of spaces should be stipulated. Erickson stated that he had discussed this with Mr. Ormond and they felt that a three-car area would be all that could be allowed. Police Chief Pollock stated that, in his opinion, this would create a traffic hazard in the area, especially during the winter months. It was moved by Councilman Erickson, seconded by Deist, that the City Council authorize the parking of three cars on the north side of Lomax, east of Fanning Avenue and west of exit entrance to this property. Roll call as follows: Ayes, Councilmen Erickson and Deist; No, Councilmen Hovey, Sakaguchi, and Chandler. Motion defeated.

Recommendation No. 2, requesting the present speed of 25 MPH on Lomax Street be changed to 35 MPH from the First Street Couplet to Yellowstone Avenue, was reviewed. Councilman Deist feared that the increase would only cause even increased speeds and not help the problem. Councilman Hovey stated he could see no justification in changing the speed limit. Councilman Erickson said he feels this street does not lend to 35 MPH traffic. Councilman Sakaguchi argued that motorists drive at an average speed of nearly 40 MPH anyway on Lomax, so, in his opinion, the speed limit should be increased. It was moved by Councilman Erickson, seconded by Deist, that this request for 35 MPH be denied. Roll call as follows; Ayes, 4; No, 1; carried. Councilman Sakaguchi voting no.

A City Redemption Tax Deed, with an accompanying resolution was presented:

**R E D E M P T I O N (Resolution No. 1981-04)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 6th day of November, 1972, recorded as Instrument No. 439900 in the records of Bonneville County, Idaho acquire title to and possession of the following-described real property, to-wit:

Lots 5 and 6, Block 6, Dwights Addition to the City of Idaho Falls, Bonneville County, per the recorded plat thereof.

WHEREAS, FRANCES R. ALBERTSON has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

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That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said FRANCES R. ALBERTSON a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 26th day of May, 1981.  
APPROVED BY THE MAYOR this 26th day of May, 1981.

s/ Thomas Campbell  
Mayor

ATTEST:  
s/ Velma Chandler  
City Clerk  
(SEAL)

It was moved by Councilman Hovey, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the tax deed and the resolution. Roll call as follows: Ayes, 5; No, none; carried.

Next, this City Redemption Tax Deed and Resolution was submitted:

**RESOLUTION (Resolution No. 1981-05)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 16th day of April, 1980, recorded as Instrument No. 584876 in the records of Bonneville County, Idaho, acquire to and possession of the following-described real property, to-wit:

East 6 feet of Lot 39 and all of Lot 40, Block 12, Capital Hill Addition to the City of Idaho Falls, Bonneville County per the recorded plat thereof.

WHEREAS, MELVIN J. AND JACKIE HAROLDSEN has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said MELVIN J. AND JACKIE R. HAROLDSEN a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 26th day of May, 1981.  
APPROVED BY THE MAYOR this 26th day of May, 1981.

s/ Thomas Campbell  
Mayor

ATTEST:  
s/ Velma Chandler  
City Clerk  
(SEAL)

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It was moved by Councilman Hovey, seconded by Erickson, that this tax deed and resolution be accepted and the Mayor and City Clerk be authorized to sign both documents. Roll call as follows; Ayes, 5; No, none; carried.

The Mayor made the following appointments to the newly formed Resource Recovery Advisory Board:

Gary Paxman	Fran Migel
Russell Swenson	Bud Nielson
Earl Fray	Keith Moore
Jim Snell	Richard Bigelow
Diane Croft	Cyril Slansky

It was moved by Councilman Hovey, seconded by Sakaguchi, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

The Attorney presented this following captioned ordinance:

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 5-11-4, 5-11-5, 5-11-9, 5-14-6, AND 5-14-8 OF THE CITY CODE OF IDAHO FALLS, IDAHO RELATING TO THE RETAIL SALE OF BEER, WINE, AND WINE BY THE DRINK; PROVIDING FOR APPLICATIONS FOR LICENSES FOR SALE OF BEER AT RETAIL AND SETTING FORTH CONTENTS THEREOF; ESTABLISHING LICENSE FEES FOR RETAIL SALE OF BEER; REGULATING CONDUCT OF RETAIL SALE OF BEER AND PROVIDING FOR TRANSFER OF RETAIL BEER LICENSES; ESTABLISHING FEES FOR OBTAINING LICENSES FOR RETAIL SALE OF WINE AND WINE BY THE DRINK AND PROVIDING FOR EXPIRATION DATE OF SUCH LICENSES; PROVIDING FOR TRANSFER OF WINE LICENSE; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Hovey, seconded by Erickson, that this ordinance providing for the transfer of beer and wine licenses be passed on its second reading. Roll call as follows: Ayes, 5; No, none; carried.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-12-4, 5-12-5, 5-12-6, AND 5-12-10 OF THE CITY CODE OF IDAHO FALLS, IDAHO, RELATING TO THE SALE OF LIQUOR BY THE DRINK; REQUIRING APPLICATIONS FOR LICENSES TO SELL LIQUOR BY THE DRINK AT RETAIL AND SETTING FORTH THE CONTENTS THEREOF; PROVIDING FOR AN INVESTIGATION OF THE QUALIFICATIONS OF EACH APPLICANT BY THE CITY COUNCIL; SETTING FORTH THE FORM OF SUCH LICENSE AND PROVIDING FOR THE

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EXPIRATION AND TRANSFER THEREOF; REQUIRING ANY PERSON ACTING AS A BARTENDER OR COCKTAIL WAITER IN ANY PREMISES LICENSES TO SELL LIQUOR BY THE DRINK TO OBTAIN A PERMIT THEREFOR AND SETTING FORTH QUALIFICATIONS FOR THE ISSUANCE OF SUCH PERMIT; SETTING FORTH THE EXPIRATION DATE OF SUCH PERMIT AND THE CONDITIONS UNDER WHICH SUCH PERMIT MAY BE REVOKED; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Hovey, seconded by Erickson, that this ordinance be passed on its second reading. Roll call as follows: Ayes, 5; No, none; carried.

The Attorney then presented the following captioned ordinance:

**ORDINANCE NO. 1980A**

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 3-6-1, CITY CODE OF IDAHO FALLS, IDAHO, BEING A PART OF THE GOLF ADVISORY BOARD ORDINANCE; INCREASING THE VOTING MEMBERSHIP OF SAID BOARD FROM FIVE TO NINE MEMBERS, AND SETTING FORTH THE QUALIFICATIONS OF SUCH MEMBERS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Erickson, 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, 5; 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, 5; No, none; carried.

There being no further business, it was moved by Councilman Deist, seconded by Hovey, that the meeting adjourn at 9:35 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor