

AUGUST 7, 1980

The City Council of the City of Idaho Falls met in regular meeting, Thursday, August 7, 1980, in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting, Mayor Thomas 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.

The Mayor invited Messrs. Robert Tabor and Lowell Lee to come forward to the Council Table. He stated that both of these men had recently passed some very difficult tests to qualify for the certificates he was about to present to them. He said the City was proud to have knowledgeable employees such as these standing before him this night. The Mayor congratulated them for their accomplishments and presented Robert Tabor with a Class I Wastewater Operator Certificate and Lowell Lee with a Class II Water Operator Certificate, after which each man received a congratulatory handshake from all City Officials around the Council Table.

Minutes of a Recessed Regular Meeting held on July 22nd, 1980, and Special Session Meetings held on July 30th and August 5th, 1980, were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider an appeal from a Board of Adjustment decision regarding sideyard requirements for a mobile home at 1324 Huckleberry Drive and called upon the Councilman Chandler, as Chairman of the Planning and Zoning Committee, to conduct the hearing. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

City of Idaho Falls
August 3, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

Attached is a copy of an application for a variance requesting an 8 X 1/2 foot sideyard where a 10 foot sideyard is required. This property is located at 1324 Huckleberry Drive in the Holipark Addition. This mobile home was placed on the property without benefit of inspection by the Building Department. Members of this office discovered that a portion of the mobile home projects into the required sideyard.

This appeal was recently heard by the Board of Adjustment and at that time the request was denied. The petitioner is appealing that decision and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Mahlon Heilesen, 1324 Huckleberry Lane, owner of the mobile home in question, appeared briefly stating that his mobile home has a tip-out that extends close to the lot next to him. He said his unit had to be placed this way to allow hook-up to the utilities. Councilman Chandler asked Mr. Heilesen if he was aware of a problem when his unit was moved onto the lot. Heilesen said he was not aware of a problem until he was asked by the City Inspectors to move the trailer. He said he then talked to Mr. Bret Manwaring, owner of the court, who told him he would correct the problem, but, to this date, nothing has been done. Councilman Chandler noted that several mobile homes had been

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moved into this court at one time and when it was determined that none of them had been placed properly to meet set-back requirements, they had all been removed except the one owned by Mr. Heilesen. When asked why his mobile home had not been moved at the time the others were, Mr. Heilesen said there was not a lot available in Hollipark Addition that would accommodate his trailer. Councilman Erickson asked if the others trailers had been moved out at the request of the City. Councilman Chandler answered in the affirmative. Councilman Hovey said he felt the owner of the trailer court should be required to correct this situation. Councilman Chandler asked Assistant City Planner, Ben Inman, if Mr. Manwaring had been notified of this hearing. Inman answered that a notice had been mailed from his office.

It was moved by Councilman Chandler, seconded by Deist, that in view of this discussion, no decision be made at this time, but that Mr. Manwaring be contacted and required to attend the next regular Council Meeting on August 21st and that this appeal be re-considered at that time. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Bob Cuttnam appeared briefly. He stated that he had just recently moved here from Florida and was interested in seeing how local government operated. He said he has not seen a police car in his vicinity and, after a drive through Tautphaus Park, determined the reason was that they spent all their time in the Park. Mayor Campbell had Police Chief Pollock respond to this. Pollock said that his patrolmen were covering every area of the City as they had regular routes designated for every shift and he knew that they had been in the Skyline area as tickets had been issued.

Mr. Ronald Politowski, 420 Linden Drive, appeared to state that he was concerned that Ordinance #1498, which covers consumption of alcoholic beverages in parks, is not being properly interpreted. He drew attention to a recent case where several persons had been cited for possession of alcohol in a City park and asked Councilman Chandler if he was satisfied that the citing of these mentioned individuals conforms with his interpretation of the Ordinance. Councilman Chandler answered in the affirmative. Politowski then stated that, according to his knowledge, there were several individuals in that group who had not been drinking alcoholic beverage, but were cited with the group. He asked Councilman Chandler if he still felt this conforms with the beer ban ordinance. Chandler responded by saying that, without having all the information on the case, he was not in a position to properly answer this question, but he felt it was up to the citing officer to be able to prove, beyond a reasonable doubt, that those persons were guilty and this would be up to the courts to make that decision after hearing the testimony presented. Politowski asked Chandler if he had read, in detail, the actual contents of the beer ban ordinance. Mayor Campbell took exception to Mr. Politowski questioning the Council and told him if he had a statement to make he could continue, but he, as Mayor, could not allow the Council to be interrogated in this manner. Politowski said that the point he was trying to make was, did any of the Councilmen look into this incident to find out if it was handled properly. Councilman Deist told Politowski that he did not have all the facts of the incident and suggested he get all of the facts before making accusations. Deist explained some of the facts of this incident., including a warning given the day before, to discontinue drinking beer in the park. Politowski questioned the justice of arresting everyone in the area, without determining if they were drinking beer or not. Assistant City Attorney Storer was asked to respond to this statement. He said that the courts of laws are designed to insure that the laws are not mis-interpreted and that there is sufficient evidence to prove the charge beyond a reasonable doubt. Storer said further, in his opinion, this is not a matter to be considered by the Council, but if deemed necessary by those involved, they could take the issue to court of law. Politowski said he only wanted to make sure that the people representing the City government are aware of how City Ordinances are being enforced. He used several ways of demonstrating how, in his opinion, people can be guilty of breaking the law without being obvious of the fact. He suggested a choice, not an ultimatum, such as the Council consider

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a proposal of allowing permits for group gatherings. He said he felt the City had gone too far in enforcement of the beer ban. He gave an illustration using a city in Michigan as an example, of a way to handle issuance of special permits for beer drinking in parks. He also proposed that the Parks and Recreation Committee be given authority to consider, and draw up, a proposal whereby certain groups could be given permits to have beer for their summer gatherings. Councilman Hovey asked Mr. Politowski if it did not bother him that he seemed to be the only person in the community that is so concerned about the beer ban that he feels it necessary to make frequent visits to the Council on the subject. Hovey said, in his opinion, if there are so many people who are concerned about this issue, they would appear to support Mr. Politowski in his views. Politowski said there are many who are concerned, but do not take the time to attend Council Meetings. Councilman Erickson said the Council does appreciate suggestions from residents. He said that the City Officials had worked for five or six years to try and find a solution to problems created by beer drinking in City Parks. He said the ordinance had been approved by the City Council and they felt it was a very good ordinance and they wanted it to be enforced. Erickson said, if people feel that they have been unduly arrested, they have the right to take it to court. It was moved by Councilman Erickson, seconded by Deist, that the request presented by Mr. Politowski be denied and the ordinance stand as it is. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Deist stated that there are some merits to Mr. Politowski's presentation, but as the Councilman in charge of the Parks and Recreation Department, he said the Department would continue to enforce that ordinance.

The City Clerk noted that a legal notice had been published without formal Council approval, calling for a public hearing, held this night to consider a request for change order for sideyard requirements. It was moved by Councilman Chandler seconded by Sakaguchi, that this action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, in need of Council ratification, according to the City Clerk, was signing by the Mayor and City Clerk, of an agreement with Idaho First National Bank for that agency to act as Bond Counsel for the proposed swimming pool. It was noted that the Mayor had made an informal polling of the Council before this action was taken. It was moved by Councilman Deist, seconded by Erickson, that the signing of this agreement be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification was the forwarding of a Damage Claim in favor of Linus Bowman to the City's liability insurance carrier on July 25 without formal Council approval. It was moved by Councilman Hovey, seconded by Chandler, that the action of the City Clerk in forwarding said claim be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell recognized the presence of several scouts from Troops #127 and 226, and thanked them for their presence and their interest in local government.

Bills for the month of July, 1980, having been properly audited by the Fiscal Committee, were presented:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 530,598.78	\$ 64,253.82	\$ 29,896.20	\$ 357,497.22
SALARY:	<u>372,735.70</u>	<u>21,118.32</u>	<u>9,685.91</u>	<u>49,135.16</u>
TOTAL:	\$ 903,334.48	\$ 85,372.14	\$ 39,582.11	\$ 406,632.38

	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>MUN CAPITAL</u>
SERV/MAT:	\$ 522,197.32	\$ 28,934.23	\$ 11,142.21	\$ 9,024.67
SALARY:	<u>77,309.01</u>	<u>26,301.37</u>	<u>22,943.44</u>	<u>.00</u>
TOTAL:	\$ 599,506.33	\$ 55,235.60	\$ 34,085.65	\$ 9,024.67

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	<u>LIBRARY FUND</u>	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COMM DEVELOP</u>
SERV/MAT:	\$ 4,118.01	\$ 422.11	\$ 9,043.85	\$ 22,104.81
SALARY:	<u>17,496.64</u>	<u>1,506.01</u>	<u>.00</u>	<u>1,425.60</u>
TOTAL:	\$ 21,614.65	\$ 1,928.12	\$ 9,043.85	\$ 23,530.41

CITY TOTALS

SERV/MAT: \$1,589,233.23
SALARY: 599,657.16
TOTAL: \$2,188,890.39

Councilmen Hovey explained all major expenditures. It was moved by Councilman Hovey, seconded by Chandler, that the bills, as listed, on the computer listing, be allowed and the Controller be authorized to issue warrants or checks for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of July, 1980, 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: JOURNEYMAN ELECTRICIAN, William C. Shore, E.M. Barker, John D. Jones; ELECTRICAL CONTRACTOR, B & W Equipment; TAXI OPERATOR, George F. Johnson; PRIVATE PATROLMAN, Fred Gimpel; PUBLIC RIGHTS OF WAY, Intermountain Construction, Inc.; BARTENDER PERMIT, Earlene G. Otto, Terri J. Monson, Kathryn Anderson, James D. Asbury, Marji C. Boyenger, Stanley N. Burke, Sharon L. Cook, Nila Marie Crew, Marilyn Hebertson, James L Heward, Ruth Langston, Fleet Edwards Lester, Dyle Perkes, Karen Jo Stoddard, Kenneth E. Staley, Sr. and George E. Stone, were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks and Recreation Director was then presented:

City of Idaho Falls
August 2, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Ernest Craner, Director, Parks & Rec.
SUBJECT: BOND ELECTION

The Parks & Recreation Council Committee respectfully requests Council authorization to proceed with the preparation of all legal notices and resolutions calling for a General Obligations Bond Election for September 30, 1980, in the amount of \$1,395,000, which would provide for indoor swimming pool facilities.

s/ Ernest Craner

Councilman Deist explained that the amount mentioned in the memo was the architect's estimate of the total cost for the pool. He said applications have been made for approximately \$600,000 in Federal Funds but, at this time, there is no way of knowing the actual amount the City will receive, as this depends on the amount of money the Federal

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Government releases to the State, and this information will not be available until about December. He said the project was ranked number two in priority in the State, so if funds are available, the City stands a good chance of getting some of them. Mayor Campbell said the application that ranked number one was only \$60,000, so he felt that even if number one project was funded, there should still be some funds for this project. Deist said the citizens of the community would be asked to approve bonds for the total amount anticipated for the pool, then whatever funds are received will lessen the number of bonds to be sold. It was moved by Councilman Deist, seconded by Erickson, that authorization be given to proceed with preparations of all legal notices and resolutions calling for a General Obligations Bond Election on September 30, 1980, in the amount of \$1,395,000 which would provide for indoor swimming pool facilities. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Ronald Politowski re-appeared briefly to ask if consideration had been given to install solar heating units on the roof of the propose pool. Councilman Deist said a check had been made into solar heating, but they could not find one pool using solar heat and no statistics were available that it would work and he felt there was too much at stake to gamble that it might work. Councilman Erickson stated that the architect had been instructed to look into the possibility of solar heat, but could not find any evidence that it would be feasible for a swimming pool.

This memo from the Electrical Engineer was then read:

City of Idaho Falls
August 5, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manager
SUBJECT: FEASIBILITY LOAN AGREEMENT FOR THE GEM STATE PROJECT

Attached is a DOE Feasibility Loan Agreement for your consideration.

The loan is for studying the feasibility of developing the Gem State Hydro Site near the Bingham-Bonneville County line.

The \$50,000 grant is not free, but does have provision for waiver in the event the site cannot be developed.

Authorization for the Mayor and City Clerk to execute this agreement is recommended.

s/ Steve Harrison

It was moved by Councilman Hovey, seconded by Wood, that the Mayor and City Clerk be authorized to sign the agreement with DOE for a feasibility study of the Gem State Hydro Site near the Bingham-Bonneville County line. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller came this memo:

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City of Idaho Falls
August 2, 1980

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: PUBLICATION - HEARING NOTICE - 1980-81- FY BUDGET

Requesting your approval to advertise for a public hearing on the 1980-81 FY Budget with the date of September 4, 1980, scheduled for the hearing.

Also, publication of the General Revenue Sharing Public Hearing Notice which will be published August 17, 1980, and the hearing to be held August 26, 1980.

Your favorable consideration is requested.

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Chandler, that the Controller be authorized to publish legal notices calling for the hearings on the 1980-81 City Fiscal Year Budget and the Revenue Sharing Budget for that same period. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was then presented:

City of Idaho Falls
August 5, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS

The Airport and General Services Divisions respectfully request authorization to advertise to receive bids to provide passenger seating for the Airport Terminal Building.

Thank you.

s/ Chad Stanger

It was moved by Councilman Wood, seconded by Sakaguchi, that authorization be given to advertise for bids to provide seating for the Airport Terminal Building. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the General Services Director came this memo:

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City of Idaho Falls
August 6, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-80-24

It is the recommendation of the General Services Division that the City Council reject all bids on Bid No. IF-80-24 (Sedan for Airport Director) and rebidding be delayed until the new budget year.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the recommendation of the General Services Division be accepted and the Council reject all bids received for a sedan for the Airport Director. Roll call as follows: Ayes, 6; No, None; carried.

From the City Planner came this memo:

City of Idaho Falls
August 5, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: VACATION OF ALLEY - MAYFLOWER ADDITION

This office has received a request to vacate the alley in Block 11 of the Mayflower Addition in order to facilitate the development of this property. It is our understanding the developer wishes to hard surface this area and utilize a portion of the vacated alley for parking and storage. If this alley is vacated, the property will be retained as a utility easement.

We have received no objections to this proposal and we request the City Attorney be authorized to prepare the necessary ordinance.

s/ Rod Gilchrist

Councilman Chandler explained that the law provides that there should be no parking in an alley and so this alley must be vacated to allow it to be used for parking and storage. It was moved by Councilman Chandler, seconded by Sakaguchi, that the City Attorney be authorized to prepare the necessary ordinance to vacate the alley in Block 11, Mayflower Addition. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the City Planner, this memo was read:

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City of Idaho Falls
August 5, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: QUITCLAIM DEED - SHAMROCK PARK

Attached is a copy of a Quitclaim Deed between the City of Idaho Falls and the Shamrock Park Homeowners Association, Inc. This Quitclaim Deed has been drawn up in order for the City to relinquish any interest they may have had in the park and recreation area within the Shamrock Park Subdivision.

We are requesting the Mayor and City Clerk be authorized to sign this deed.

s/ Rod Gilchrist

It was noted that this deed had been requested by the Title Company, for the City to relinquish any interest they may have had in the park and recreation area. It was moved by Councilman Chandler, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to sign the deed between the City of Idaho Falls and the Shamrock Park Homeowners Association, Inc. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the City Planner came this memo:

City of Idaho Falls
August 5, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist, Planning and Building Director
SUBJECT: AMENDED PLAT - SHAMROCK PARK ADDITION

Attached is a copy of a second amended plat of the Shamrock Park Addition, Division No. 2 and a portion of Division No. 1. This plat is being amended to provide a walkway easement to the private park from a cul-de-sac to incorporate the private recreation area into one lot and to enlarge Lot 14 to facilitate moving a house onto this property.

At a recent meeting of the Planning Commission, it was unanimously recommended that this plat be approved. This Department concurs with their recommendation 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 Sakaguchi, that the recommendation of the Planning Commission be upheld and the second amended plat for property owned by Shamrock Park Homeowners Association Private Recreational Park Association be approved, subject to final approval by the legal counsel. Roll call as follows: Ayes, 6; No, none; carried.

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Noting the presence of Mr. Jack Flynn, a local builder, the Mayor asked him how his solar heating systems were working out. Flynn said that, costwise, they cannot compete with City rates, but may be something to look at in a few years if electric rates continue to increase. Mr. Lewis Bird appeared briefly to agree with Mr. Flynn that solar heating was even more expensive than City electric rates at the present time.

Presented by the Assistant City Attorney was a City Redemption Tax Deed in favor of Donna Miner, accompanied by this resolution:

RESOLUTION (Resolution No. 1980-12)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deeds of the City Treasurer, both dated the 12th day of March, 1979, recorded as Instrument Nos. 560882 and 560883 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Beginning at a point which is 496.27 feet more or less south and 132 feet west of the Northeast corner of the NW1/4SE1/4SW1/4 in Section 17, T.2N., R 38 E.B.M.; thence south 132 feet; thence west 132 feet; thence north 132 feet; thence east 132 feet to the Point of Beginning. Situate in Bonneville County, State of Idaho. (Assessments are in L.I.D. #40 and L.I.D. #44)

WHEREAS, Donna Miner 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 payment of said sum of money by said purchaser to execute and deliver to the said Donna Miner a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 7th day of August, 1980.

APPROVED BY THE MAYOR this 7th day of August, 1980.

ATTEST:
s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign this Resolution and the Deed. Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1650

AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS; CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 54 FOR IDAHO FALLS, IDAHO FOR THE PURPOSE OF CONSTRUCTING, EXTENDING AND PURCHASING STORM SEWERS AND CONDUITS FOR DRAINAGE PURPOSES WITH INLETS OR OUTLETS, MANHOLES AND CATCH BASINS AND ALL OTHER STORM SEWER APPURTENANCES NECESSARY TO SURFACE DRAIN THE LAND WITHIN SAID DISTRICT; APPROVING THE ASSESSMENT TOLL FOR SAID DISTRICT; PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COSTS AND EXPENSE OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST LOTS AND PARCELS OF LAND IN SAID DISTRICT IN PROPORTION TO THE AREAS OF SUCH PARCELS OF LAND AND IN PROPORTION TO THE BENEFITS TO BE DERIVED FROM SAID IMPROVEMENTS; PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT.

The foregoing ordinance was presented in title. Attorney Storer explained that passage of this ordinance was required by Statute in order to continue with the assessing of costs related to L.I.D. #54. It was moved by Councilman Sakaguchi, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 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.

Attorney Storer then presented the following captioned ordinance, noting that this ordinance had been passed on its first and second readings at previous Council meetings:

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ORDINANCE NO. 1651

AN ORDINANCE ESTABLISHING A CHARGE FOR DEVELOPMENT OF DRAINAGE INTERCEPTORS, AND TREATMENT AND DISPOSAL FACILITIES FOR SURFACE DRAINAGE OF LAND WITHIN THE CITY OF IDAHO FALLS, IDAHO, AND FIXING THE AMOUNT THEREOF, AT .75 CENTS PER SQUARE FOOT; PROVIDING THAT SUCH CHARGE SHALL APPLY ONLY TO LANDS BEING DEVELOPED OR THOSE BEING ANNEXED TO THE CITY; DEFINING TERMS USED IN THE ORDINANCE; PROVIDING WHEN AND TO WHOM SUCH CHARGE SHALL BE PAID; ESTABLISHING A "SURFACE DRAINAGE" FUND INTO WHICH ALL SUCH DRAINAGE CHARGES SHALL BE DEPOSITED; PROVIDING THAT MONEYS IN THE SURFACE DRAINAGE FUND MAY BE EXPANDED ONLY FOR CERTAIN PURPOSES AND PARTICULARLY SETTING FORTH SAID PURPOSES; RESERVING TO THE CITY OF IDAHO FALLS THE RIGHT IN ACCORDANCE WITH LAW TO ESTABLISH LOCAL IMPROVEMENT DISTRICTS FOR SURFACE DRAINAGE; PROVIDING THAT LAND FOR WHICH SURFACE DRAINAGE CHARGES HAVE BEEN PAID PURSUANT TO THE PROVISIONS OF THIS ORDINANCE SHALL RECEIVE CREDIT THEREFOR AGAINST ASSESSMENTS WITHIN ANY LOCAL IMPROVEMENT DISTRICT WHEREIN DRAINAGE INTERCEPTORS OR TREATMENT OR DISPOSAL FACILITIES FOR SURFACE DRAINAGE ARE CONSTRUCTED OR ACQUIRED; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Sakaguchi, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with and the reading of the caption be deemed sufficient. 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 ON ITS THIRD AND FINAL READING?" Roll call as follows: Ayes, 6; No, none; carried. It was noted that said ordinance would be in full force and effect on September 1, 1980.

There being no further business, it was moved by Councilman Erickson, seconded by Chandler, that the meeting adjourn at 8:55 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor