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Prior to calling the meeting to order, the Mayor asked Russell Leonardson from Boy Scout Troop 319, to come forward and lead all those present in the Pledging of Allegiance to the Flag, after which the Mayor called for a moment of silence for purposes of meditation. The Mayor then called the meeting to order, and upon roll call, the following were found to be present: Mayor Tom Campbell, Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk and Arthur Smith, City Attorney, and all other available Division Directors.

The Mayor invited Jack Viggers, Eastern Idaho Special Services Director, to come forward to the Council Table. Viggers, accompanied by Leo Clawson and John Penrod, presented a check for \$56,969.88 to the Mayor as reimbursement for the land the City donated for construction of the 40-unit Riverside Apartment Unit on "J" Street for housing of the elderly.

The Mayor called upon Councilman Ralph Wood to escort City employee Bill Fager to the Council Table. Mayor Campbell stated that Mr. Fager had worked as a firefighter for the City since 1954, had served under five Fire Chiefs and had been a very dedicated employee. He wished Mr. Fager well in his new adventure in the construction business and presented him with an inscribed billfold as a token of appreciation. Mr. Fager then received a congratulatory handshake from all City Officials around the Council Table.

The Mayor then asked Councilman Deist to escort retiring City employee Vern Gray to the Council Table. The Mayor commended Mr. Gray for his fine services to the Parks and Recreation Department in maintaining the zoo. He stated that Mr. Gray had worked for the City for thirteen years, and during that time had missed only two days of work. The Mayor then wished Mr. Gray well during his years of retirement and presented him with an inscribed billfold as a token of appreciation for his service. Mr. Gray then received a congratulatory handshake from all City Officials around the Council Table.

At the request of the Mayor, Councilman Erickson, escorted Lt. Cyril Hamberlin to the Council Table. The Mayor described Tex as one of the best Police Officers in the City and stated that he had saved a child from drowning in the Snake River along with many other commendable services during his 30 years with the Police Department. The Mayor wished Tex well during his years of retirement and presented him with an inscribed billfold as a token of appreciation. Tex then received a congratulatory handshake from all City Officials around the Council Table.

Minutes of the last Regular Council Meeting, held February 7th, 1980, were read and approved as amended.

The Mayor then called upon Councilman Sakaguchi to review the results of the Public Works Committee's study of the protests registered against the proposed creation of L.I.D. No. 54. Councilman Sakaguchi presented and reviewed the following report:

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COMMENTS FROM THE PUBLIC WORKS COMMITTEE
REGARDING THE PROTESTS ON L.I.D. NO. 54
25TH STREET STORM DRAIN

We are submitting a summary of the protests as follows:

1. The Developer should have installed the storm drain at his own expense.

The different divisions of Woodruff Park were annexed to the City between 1964 and 1975. During this eleven (11) years, there was no major storm drain system available for the area.

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2. The cost of purchasing the existing storm drain in 25th Street is too expensive.

The L.I.D. share of the previously constructed storm drain was computed on a flow basis and contracted in 1977 for \$22,290. The City and the Developer then agreed that an 8% inflation rate would be applied to allow the 1977 construction cost to maintain its worth. The actual inflation rate exceeded 8%.

3. There was poor planning and poor fiscal management on the part of the City for not requiring the storm drain to be installed in the Woodruff Park Addition.

The City Council carefully reviewed each Division at the time it was annexed from 1964 to 1975 and applied the best judgment possible with the existing circumstances. Refer to Item No. 1 above.

4. The \$45,000 construction cost is too high.

This is an Engineer's Estimate and fully expected a lower cost as a result of competitive bidding.

5. The City should participate financially due to street run-off. The City engineering work should be free and assessments should be based upon front foot.

Historically, the type and amount of participation in the Local Improvement Districts have been based upon the existing circumstances and judgment of City Council. The methods of assessments are based upon State Code and the interpretation of Code by the City Attorney.

In light of the large number of objections directed to the high cost of this project, the City Council in work session February 13th, instructed the Mayor and Public Works Director to find ways to lower the assessment costs.

After review of available City funds and commitments from the Developers involved, the original cost to be assessed for the project can be reduced by \$18,600. This will result in reducing the assessment rate from 6.2 cents to 4.8 cents per square foot, or an average size property assessment will be \$576 rather than the \$744 previously announced. With this substantial reduction, the Public Works Committee would recommend that L.I.D. No. 54 be created. (All figures in this paragraph are estimates and are not intended to fix the exact cost of the district or the assessment rate.)

Councilman Sakaguchi said he felt that the City of Idaho Falls is now approaching a cross-road in progress and that any issue that comes before them may have a lot of protests and, in his opinion, the Division Directors and Councilmen will have to tighten their belts and be willing to take some public abuse in order to have the City of Idaho Falls progress at the rate it has in the past few years. He said that it seems to him that the citizens who demand more street lights, more signals and better cares for streets are the

same citizens who come out and protest improvements as they are proposed. He said that, even though the percentage of protests was high on this particular issue, he thought the

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Council should take into consideration that the fore-fathers before had thought this drainage problem out, and even though there were some problems, they should proceed and get some of these areas improved and cleaned up.

Mayor Campbell noted that Councilman Sakaguchi had used the word approximately when quoting figures and asked if this meant that there may be even a further reduction in these figures.

Sakaguchi said it was possible that the figures could be lower after the bids were submitted but they would not be higher than 6.2 cents per square foot figure. He said they could not guarantee the 4.8 cents per square foot figure, but feel that it will be close to that amount.

Councilman Erickson said it should be made clear that the \$18,600.00 was an actual figure and would be an actual reduction in the total construction costs.

It was moved by Councilman Sakaguchi, seconded by Deist, that all written and oral protests be denied and that the City Attorney be directed to prepare an ordinance creating L.I.D. No. 54 for Council consideration at the next regular meeting on March 6th, 1980. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood said he agreed with everything Councilman Sakaguchi said except one point and that is when he commented that the people coming in on L.I.D. No. 54 were chronic complainers and he didn't feel Councilman Sakaguchi meant it that way. Sakaguchi said he meant the people as a whole, in today's society, were chronic complainers, not specifically the ones in the L.I.D. No. 54 area.

Noting from the agenda, that annexation proceedings for Westfield Plaza Addition had been recessed from last Council Meeting until tonight, the Mayor asked Councilman Chandler to conduct this portion of the meeting. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

City of Idaho Falls
February 4, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION & INITIAL ZONING - WESTFIELD PLAZA

Attached is a copy of the annexation ordinance and annexation agreement pertaining to a portion of Westfield Plaza Addition. The developer has requested annexation of this property prior to platting. This matter was the subject of a public hearing held by the City Planning Commission recently. At that time they recommended annexation to the City, initial zoning of C-1 and R-3A on the westerly 40 feet of the property. They also recommended the cinderblock fence be extended to the northerly property line of Lot 1, Block 3 of the Jossie Hughes Addition, Division No. 1.

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 spotted the area on a map.

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Mr. Maris Cukurs, 1916 Carmel Drive, appeared to state that he was not in opposition of the shopping center as such, but he was in opposition to two items, namely; the record of the developers, to date, in executing the items listed in the Westfield Addition, Division No. 1 Annexation Agreement, and secondly, the vagueness and nebulous terms that were used in the annexation agreement that are supposed to protect the adjoining property owners. He drew attention to several sections of the agreement including street and bridge fees, lighting, garbage collection, storm drainage, retention ponds, decorative cinder block fences, water fees and landscaping.

Mr. Gene Blanchard, 1834 Carmel Drive, appeared briefly stating that the litter problems in his area was not getting any better and that there was a large lake of water created by improper drainage facilities, causing his back yard to be wetter than he has ever seen it. He said he heard that once the area was annexed this would give the developer blanket approval to do whatever he wanted in the area including traffic control.

City Planner Gilchrist stated that, when annexing prior to platting, it is required that an additional development agreement be approved at the time of platting, which could give the City control over internal traffic, loading areas and things of this nature.

Councilman Chandler said that he had gone out to the area and found that there was considerable water but there was also water on the streets which, in his opinion, had nothing to do with the development. He said he also drove around and checked the truck traffic and he could see no problem at this time.

Blanchard said that construction would not allow traffic through the shopping center area at this time but he wanted this situation straightened out before the rest of the area is developed and the problem becomes uncorrectable.

Councilman Hovey asked Blanchard if he was of the opinion that there was not to be any traffic at all behind the stores? Blanchard said that it was his understanding that there would be no through traffic and to him this meant no road encircling this development. Chandler said he didn't feel that a situation like this existed. Blanchard said he was not as concerned with the situation that exists now as he was with what it could be in the future and was trying to advert the situation now when it could be controlled or alleviated.

Councilman Erickson said that, at the last Council Meeting, Mr. Blanchard had requested better traffic and litter control of this area. Erickson stated that this was private property, but that there is policing action that can be taken for the loitering, breaking of beer bottles, parking, etc., providing that the area is properly posted. He said that there has been similar problems in most of this type area in town. Erickson asked Chief Pollock if he had contacted the manager of the stores in the area concerning posting the areas. Pollock said he had talked with the manager of Buttreys and he was willing to cooperate. He said he had been trying to contact Mr. Zane Hall, but had not been able to reach him. Councilman Erickson informed Mr. Blanchard that, after signs are posted, the area would be patrolled and the loitering laws would be enforced.

Mr. Zane Hall, developer of the Westfield Plaza area, appeared to try to clarify some of the accusations made this night. He said that the delinquency of payments was caused by the City still negotiating with the owner of the land, Mr. Jerry Shivley, for exchange of land and fill. Hall said he recognized there had been a drainage problem, and after checking, had found that the contractor who had put in the planter strip in back had failed to properly slope the ground away from the fence and so consequently the water had drained into the nearby resident's yards. He promised that this would be corrected when the planter strip, trees and sprinkling system are completed in the Spring. He said it was brought out in the Planning Commission hearings that at least 20% of the fence should be of

decorative block and he had gone beyond that percentage in installing the fences. Hall said he would get in touch with the manager of the stores and have then get additional garbage

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containers or increase the number of pick-ups to solve the litter problem and in addition to that the parking lot would be swept twice a week to help alleviate the problem of litter. He said the lighting problem had been calculated and it was found to be less than one-tenth of a foot candle of light at the nearest resident's yard and this is less than found near any street lights in the City. Hall said they were trying, in every way, to make a conscientious attempt to please all near-by property owners.

Mayor Campbell asked Mr. Hall if the dimensions of the landscaping strip were described in the zoning ordinance. Hall answered that it was described in the improvement drawings and had been approved by the City that it be a six foot strip.

Mr. Tom Cameron, 1734 Carmel Drive, appeared to state he could read at night in his back yard, from the light shining from the store lights.

Councilman Chandler suggested that the developer meet with the residents and work out the lighting problem.

Councilman Hovey advised Mr. Hall that he felt the contractors should be contacted and asked to clean up the construction trash in the area. Hall said he would see that the contractors take care of this trash.

Helen McCurry, 1750 Carmel, appeared briefly stating that, in her opinion, safety on the fence was a serious problem as she had seen a young man fall against her fence and she felt this put her in a liability situation and she felt something should be done.

Councilman Chandler asked Councilman Erickson if the Council Committee had made any recommendations of the fence situation. Erickson stated he had visited with the Mayor about the problem, and after said visit the Mayor had contacted the principals of the near-by schools and asked for their cooperation and asked the students to respect the private property owners and stay off of their property and fence. Erickson said he did not know what else the City could do.

Mayor Campbell asked if the fence was all on the developer's property. City Planner Gilchrist answered that the wall was all on the developer's property.

Attorney Smith asked Mrs. McCurry why she felt she would be liable in case of an accident on the fence. Mrs. McCurry said she feared she might be liable if someone was seriously hurt. Attorney Smith said he felt the proper thing to do was to inform the young people to stay off of the fences. He said that, in his opinion, one should not assume liability was there until it is thoroughly investigated.

Mayor Campbell asked Councilman Chandler if he felt that the annexation agreement did give control over the area if it were annexed and, if he was right in his understanding that this was just an annexation and that any development there would still be under the jurisdiction of the City.

City Planner Gilchrist said there would have to be a development agreement which would give the City control as to how it was developed.

There being no further comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that this annexation agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1636

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (Westfield Plaza Area)

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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 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.

The Mayor announced that this was the time and the place, as legally advertised, to conduct the proposed zoning.

It was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning Commission be upheld and the area be zoned C-1 with the westerly 40 feet of the property being zoned R-3A. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider an appeal from a decision of the Board of Adjustment, as more fully explained by this memo:

City of Idaho Falls
February 19, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: APPEAL TO MAYOR AND COUNCIL FROM A DECISION OF
BOARD OF ADJUSTMENT

Attached is a copy of an appeal from the decision of the Board of Adjustment submitted by William L. Thrusher. Mr. Thrusher had requested a variance from the Board of Adjustment to build an addition to an existing home and leave a 15-foot rear yard rather than the 25-foot rear yard as required in the Ordinance. This request was denied on February 7th, 1980.

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 spotted the area on a map.

Councilman Hovey asked if the rear yard backed onto the railroad tracks. Gilchrist answered in the affirmative. Councilman Wood asked if this type of building had been done on other property in the area. Gilchrist answered that there had been two or three similar variances allowed in the area. Councilman Hovey asked what the Board of Adjustment objected to. Gilchrist answered that one of the primary concerns of the Board of Adjustment was the fact that construction had already started without a building permit and they felt that this was a matter on which the Council should make the decision.

Councilman Hovey asked if this was a “do it yourself” type project. City Planner answered in the affirmative.

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Councilman Erickson asked the City Attorney what position the City would be in inasmuch as they already authorized similar variances to other area property owners.

Attorney Smith answered by saying that if the City had granted other variances of a somewhat similar nature, it would be his opinion that a precedent had been set in that particular place and this request should be given the same consideration. He said the fact that construction had started before obtaining a building permit should not stop the Council from allowing the variance but he advised that the Council consider that the Code allows the right for the Council to charge double amount for the permit.

It was moved by Councilman Chandler, seconded by Sakaguchi, that the request for the variance as described be approved with the requirement that the petitioner be required to pay the fees as stipulated in the Uniform Building Code which, in construction without a permit, is double the fee. Roll call as follows: Ayes, 6; No, none; carried.

Mr. William L. Thrusher, 1024 Hillview, the petitioner in the above request for a variance, appeared briefly to state that he was aware that he needed electrical and plumbing permits, but he did not know that he needed a building permit. He said he had been in Alaska most of his life and really was not aware that a building permit was necessary before starting to build. He said his family had increased substantially and this made the construction necessary.

The Mayor announced that this was the time and the place to conduct a public hearing, recessed from the last regular Council Meeting, to consider the re-zoning of a portion of the Hope Lutheran Church property and asked Councilman Chandler to conduct the hearing. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

City of Idaho Falls
February 19, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PETITION TO REZONE - PORTION OF HOPE LUTHERAN CHURCH PROPERTY

Attached is a copy of a petition to rezone the above described property from R-1 to R-2. This petition has been submitted by Carol S. Walker, etal. This matter has been in front of the Planning Commission on several occasions. The last time the Planning Commission considered it was at a public hearing held on January 8th, 1980. At that time they unanimously recommended approval, with the conditions that the accompanying plat of University Manor, Division No. 3 be attached to it, a development agreement which would include a development plan and an elevation showing the construction and landscaping adjacent to Ricks Street.

This department concurs with the recommendations of the Planning Commission and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Chandler, City Planner Gilchrist pin-pointed the area on a map, explaining that the re-zoning request presented now, and the consideration of a final

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plat for University Manor, Division No. 3, listed next on the agenda, were related items and he would cover the entire area at this time. Gilchrist then explained the reasons for the re-zoning and the recommendation of the Planning Commission and proposed plans for the area.

Mr. John Rawlins, 1332 Ricks, appeared stating that he had made a study of the City's Zoning Ordinance and, in his opinion, this ordinance suggests that its purpose is to promote orderly growth and development of the City in accordance with a master plan. He said he felt that spot re-zoning of this type is inappropriate and not in the best interest of the near-by property owners or the City of Idaho Falls. He said the ordinance also stated it was to protect the property value of the adjoining property. He said he felt that this development would place an overcrowded load on the utilities and expose the near-by residents to a local improvement district expense. He said that the ordinance further states it should control overdue crowding of land. Rawlins said that, in his opinion, 12 condominiums on two acres is undue crowding. He said the ordinance states that consideration should be given as to the most appropriate use of the land throughout the City. He said, further, that he learned from the ordinance that when making amendments, such as recommended tonight, it must be shown that such amendment is reasonably necessary, is in the best interests of the public and is in harmony with the land use plan adopted by the City. Rawlins said he could see no need for a zoning change, as it is not in the interests of the public and it is definitely not in harmony with the land use plan. He said the developer is actually proposing a planned unit development but he is not calling it that because it does not meet planned unit development requirements. Rawlins objected to the front of his residence facing the back of the proposed buildings and said this plan does not meet the set back requirements. He asked the Council to consider the desires of the residents already living in the area.

Councilman Erickson asked the City Planner to respond to the statement Mr. Rawlins had made about the set back not meeting the Code requirements. Gilchrist said that, to the best of his knowledge, they meet or exceed the set back requirements. Rawlins stated that he meant rear yard requirements, not set back requirements. Gilchrist said there was ample space as required by the ordinance. Rawlins questioned that it was in compliance with code by placing the buildings on the lot as proposed by the developer. Gilchrist answered by saying that the City has no control over the placement of a building on a lot, only that the lot abuts onto a street. Gilchrist then very thoroughly explained the plans for landscaping, garbage collection, access and storm drainage as planned for the area.

Councilman Deist asked Mt. Rawlins if he was aware that under the present zoning of R-1, that ten single family dwellings could be constructed where the City could have no control over storm drainage, landscaping, etc. Rawlins answered in the affirmative.

Mayor Campbell said that this property was destined to be developed and that this plan would create one of the nicest areas in the City and asked Mr. Rawlins just what he was objecting to. Rawlins said he objected because of the density and the back yard facing his property, also putting an added load on the school system with the possibility of more children. Mayor Campbell stated he felt there would be fewer children in this development where each apartment unit would sell for over One Hundred Thousand Dollars than in a single family dwellings and he could not understand the reasons for Mr. Rawlin's objections.

Councilman Erickson said that this was indeed a difficult situation for the Council and they did recognize the concern of the residents. He said that the land is now zoned R-1 and according to that zoning a lot site must be six thousand feet but that the floor

plan of that building can be only 750 square feet, and he wondered if he would be best representing the people by denying this request and exposing them to the possibility of ten

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or twelve homes being built in this area. He said that market for homes seems to be in the one thousand square foot size and usually this size of home is purchased by families, so, in his opinion, this would be more apt to impact the area than the plan as proposed. He said he was concerned with how the area would be developed to remain R-1 zoning and there would be no control over landscaping and care of the lots.

Councilman Chandler said the question had been asked of him, what would happen if this area was re-zoned and then the developer decided not to go ahead with the plan, would this proposal be the only thing that could be built in the area without going back to the Planning Commission and the Council, and asked Attorney Smith for an opinion.

Attorney Smith said there is a development agreement and this is an important document which will bind the land to this type of development unless amended or re-zoned by this or future City Councils.

Roger Wright, 1830 Virginia, appeared to protest the proposed re-zoning. He said it was obvious that the developers had done their homework and presented well their proposal to the City administration. He said that he and other residents think there are other matters to be considered. He said that after the Lai Corporation had purchased the property, vandals had caused a fire in the back yard. He said it was neighbors across the street who went over and took care of the fire. He said they called the Lai Corporation and let them know of the problems and asked them to please come and take care of the house on the property, but nothing was done. He said the subject of zoning for this area has been considered many times by the Planning Commission and the City Council. He said that the re-zoning was requested first and the Planning Commission denied this request. The developer then went for a Planned Unit Development, the Planning Commission approved it and, when presented to the Council, they referred it for further study. After finding several problems which had to be corrected, the Planned Unit Development was abandoned. He said it then went back the Planning Commission, who had first turned down the R-2 zoning request, and this time they approved the request and now it is up to the Council for final approval. He stated, further, that the potential of hazard in an R-1 zoning of this area, had been brought up earlier, but the near-by residents feel there is a greater potential for hazard in an R-2 zone and they would prefer to take their chances with the R-1 zoning. He said they had given the developers every opportunity to meet with the residents and be neighborly, but no one has ever contacted them. He said that, if the R-2 zone is not approved this night, the near-by residents are going to request that the Council amend the R-1 zone for the area, as they feel the requirements for that zoning needs updated. He said he had read the contract between the developer and the City but he was concerned if future administrations would take on the obligations of the contract. He drew attention to the development agreement, page 7A, paragraph 11-E that says "in the event the developer is not able to proceed with the condominium development the terms of this agreement may be amended through the normal channels". He said, if this were done, the near-by residents would still be stuck with an R-2 zone. He said, in his opinion, this gives the contractor a way out, but still leaves the residents with an R-2 zoning and they would rather take their chances with an R-1 zoning now. He said there were very serious problems to be worked out before the City proceeds.

Mr. Wright then asked for all those present this night who were in protest of this proposed re-zoning to please stand. He then presented this letter of protest from Mr. and Mrs. Grant Cleverley and asked that it be made a matter of record:

Mayor Campbell and City Council:

Due to other commitments, we are unable to attend in person this evening. We have been at both the Planning and Zoning and City Council

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Meetings and stated our objections. Again, for the same reasons which have been expressed previously, we want to go on record as being opposed to the Condominium Development.

Sincerely,
Mr. and Mrs. Grant Cleverley
1899 Virginia
Idaho Falls, Idaho

Kathy Montoya, 1856 Virginia, appeared briefly to read this letter of protest from Richard and Janice Wright:

February 20, 1980

TO: Mayor Campbell and City Council

As property owners in the area affected by the proposed re-zoning of the Hope Lutheran Property we wish to register our objections to the proposal.

There are numerous adverse aspects of the proposed development which would place more dwelling units on the property than we believe would be possible with single family dwellings. However, our main objection to the multiple family dwellings which we have seen proposed is the resultant lowering of property values in the surrounding subdivisions. We do not believe that anyone can dispute the fact that a prospective buyer would prefer not to live across the street from a multiple family-multiple story development if property of comparable quality were available at the same price on streets having only single family dwellings. The City zoning laws themselves support this fact since R-2 zoning is a lower classification not permitted in premium residential areas as a rule.

The present owners of the Hope Lutheran property bought the property as R-1 zoned knowing full well what R-1 zoning permitted in the way of development. We purchased our property prior to that time knowing what the surrounding zoning was and what it permitted in the way of development. To now change that zoning to the financial detriment of the surrounding home owners and to the financial benefit of absentee developers is totally unfair and renders the whole concept of zoning a farce.

s/ Richard R. and Janice Wright
1335 Azalea Drive, Idaho Falls

Mr. Steve Olsen, 1096 Higham, a local builder, appeared briefly and requested the names and residences of the developer. City Planner Gilchrist said it was the Lai Properties Corporation and introduced Carol Walker who had Power of Attorney for that corporation. Ms. Walker said that she was a partner as was E.S. Lai, H.L. Lai, Wanda and Dee Harris all of Idaho Falls and three very insignificant limited partners who live in Illinois.

Mr. William Faler, 1870 McKinzie, appeared briefly to state that he was concerned about the re-zoning and what will happen if the proposed development is not

constructed. He said it seems pretty obvious to him that this re-zoning request will be approved, and in view of that he would like to suggest to the Council that they consider a

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specific condition in the agreement, if the proposed development is not built, the area will automatically revert back to R-1 zoning.

Attorney Art Smith said that he did not believe that a Council in Idaho can impose a zone and say that, without a public hearing, it automatically reverts to another zone.

Councilman Erickson stated that he felt it was very important that the Council clearly understand provision 11-E of the development agreement and what happens if this unit development is not constructed. He asked if there had been consideration of a time table as far as construction is concerned.

City Attorney Smith stated that he knew of no time table but the courts always say that it must be accomplished within a reasonable time and that depends upon all the circumstances. He said he would like to make it clear at this time that 11-E of the development agreement states, "the agreement may be amended through proper channels", and does not mean it has to be amended.

Councilman Wood said he appreciated the comments of the residents of this area and he felt that in an area of this magnitude the citizens should have a right to make determination on what happens in that area. He said as he looks on the map he feels that there has been an infringement in that area, slowly but surely cutting away that R-1 area and he said in the past they have tried to prevent this from happening by using buffer zones and, neighbors have a right to take a chance on R-1 zoning if they wish.

Ms. Regi Pulfrey, 1321 Azalea, stated that she felt the R-2 zoning was not needed and asked if we were short of housing in Idaho Falls and needed this compact housing. She said that area was suitable for R-1 development and she didn't feel that out of state developers should be allowed to walk all over small city planners.

Mr. Rance Bare appeared, representing the developers. He said the developers do want to be good neighbors and they felt this development would protect the neighbors. He said the developers requested a planned unit development, but this request was not allowed because of the 4-acre requirement. He said the developers felt that the PUD was a satisfactory answer to problems for all concerned, but when this was not possible the request was changed for R-2 zoning. He said the plot plan for the R-2 development is identical to the one presented as a PUD. He said they were not trying to change the program, only trying to work within the frame work of the law as it currently exists within the zoning ordinances. He said there was a great deal of concern presented as to whether or not the developer will perform. Bare said, obviously there are unforeseen things that could occur. He said this clause was included in the agreement only to cover the unforeseen as the developers are putting a lot of money on the line and dully intend on developing. He said that there has been no units sold as there is nothing at this time to sell, but they do have an intent to purchase from eight persons. He said, further, that the developers are trying to put in a quality development that the area residents can be proud of.

There being no further comment, it was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning Commission be upheld and the area, as described, be re-zoned from R-1 to R-2 and the Building Official be directed to incorporate said zoning change on the official zoning map located in his office. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, and Sakaguchi; No, Councilmen Hovey and Wood; carried.

At the request of Councilman Chandler, the City Clerk read this memo from the City Planner:

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City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT - UNIVERSITY MANOR, DIVISION NO. 3

Attached is a copy of a final plat and the development agreement for University Manor, Division No. 3. This plat was recently considered by the City Planning Commission and at that time, they recommended approval of the plat on the condition that the development agreement include Exhibits "B" and "C" as attached.

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

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Sakaguchi, that the development agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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 an appeal from a decision of the Board of Adjustment in favor of William L. Thrusher. It was moved by Councilman Erickson, seconded by Sakaguchi, that the action of the City Clerk in publishing this legal notice be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification, according to the City Clerk, was the publishing of a legal notice calling for a public hearing on March 6th, to consider the initial zoning of New Sweden Estates, Division No. 4. It was moved by Councilman Erickson, seconded by Sakaguchi, that this action of the City Clerk be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Next under matters requiring Council ratification was the publishing of a legal notice calling for a public hearing on March 6th, to consider the re-zoning of Lots 1, 2 and the E 1/2 of 3, and lots 40 through 44, Block 9, and lots 1 through 3, Block 16, Crows Addition. It was moved by Councilman Hovey, seconded by Sakaguchi, that the action of the City Clerk in publishing the legal notice as described above, be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring ratification was the forwarding of two damage claims in the names of Teton Communications and Richard Phillips to the City's liability insurance carrier, on February 19th, without formal Council approval;. It was moved by Councilman Hovey, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for RESTAURANT, Deseret Industries, Anne's Arctic Circle, Jake's, Arthur Treacher's Fish & Chips, Taco Bell, Debbie's Brother, Hudson's Cafe, Orange Julius, First Street Dean's Prairie Dog, 17th Street Dean's Prairie Dog, Taco Bandido, Burger King, Bowl-ero, The Smoke House, Sensuous Sandwich, Sambo's Crown Food Ltd., South Boulevard Don Wilson Drug, North Skyline Don Wilson Drug; DAIRY, Reed Brothers

Dairy; BOWLING LANES, Bowl-ero; PAWN BROKER, Broadway Boogie; SUNDAY MOTION PICTURE, United Artists Theatre Circuit, Mann Triplex, Paramount Theatre;

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PHOTOGRAPHY, Melville's Studio, Paul's Photography, Photographics, Ltd., Photography by Larsen; CLASS B CONTRACTOR, GF, WH, WA, Sargent Mechanical, M-M Plumbing; CLASS B JOURNEYMAN, Sargent Mechanical; CLASS C JOURNEYMAN, GF, WA, J. Clifford Cook, Lyle Charlesworth; CLASS D JOURNEYMAN, WA, HEATING, Dale Mathews; CLASS D JOURNEYMAN GF, Cyril Lempke; CLASS D APPRENTICE, WA, Gordon Mathews; MASTER PLUMBER, Sargent Mechanical; JOURNEYMAN PLUMBER, Max Sargent, Cyril Lempke; APPRENTICE PLUMBER, Bart Sargent,; ELECTRICAL CONTRACTOR, Star Electric, David Electric, Eager Electric; ELECTRICAL JOURNEYMAN, W. David Eager, Norman Reno, Harold T. Babbit, Wayne Gray, Robert Pattee, Scott Davis, Richard Davis, Kenneth Carlson, O. J. Brown ELECTRICAL APPRENTICE, Scott McNally, Paul Jose, Joseph Browning; PUBLIC RIGHTS OF WAY CONTRACTOR, Mountain States Telephone & Telegraph Company; PRIVATE PATROL SERVICE, United Security Agency; PRIVATE PATROLMAN, Terrell Toone; BARTENDER, Cora Pack, Donna Johnson, Bradley Coe; BEER, CANNED, BOTTLED AND DRAUGHT CONSUMED ON THE PREMISES; Debbie's Brother, Dog House; were presented. It was moved by Councilman Erickson, seconded by Hovey, that these licenses be granted, 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 Commission was presented:

City of Idaho Falls
February 19, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Lee Thompson, Chairman, Parks & Recreation Commission
SUBJECT: INDOOR SWIMMING POOL

The Idaho Falls/Bonneville Parks & Recreation Commission at their monthly meeting of February 13, 1980, moved and seconded and passed unanimously that the Mayor and Council proceed with immediate plans to build an indoor swimming pool in Idaho Falls.

It was further moved that the Mayor and City Council proceed with the selection of an architect for said project.

s/ Lee Thompson

It was moved by Councilman Deist, seconded by Erickson, that the Parks and Recreation Director be authorized to proceed to obtain designs and specifications for an indoor swimming pool and submit them to the Council for consideration. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Deist, seconded by Erickson, that the Parks and Recreation Committee be authorized to select an architect for an indoor swimming pool and submit said recommendation to the Council for consideration. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey reminded the Parks and Recreation Director that the architect should be advised that he would be working on the basis of being paid for his work only if the project were approved.

From the Public Works Director came this memo:

FEBRUARY 21, 1980

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald E. Lloyd
SUBJECT: TIME EXTENSION FOR J-U-B ENGINEERS, INC. 17TH STREET
RAILROAD UNDERPASS

Due to delays in design and review of plans by the Union Pacific Railroad and the Idaho Department of Highways, J-U-B Engineers, Inc. will be unable to complete their design by the end of their original contract. Therefore, they are asking for a 4-month extension, which would make the completion date July 1, 1980.

Public Works Committee has reviewed this request and recommend allowing the time extension.

s/ Don Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the time extension for J-U-B Engineers, Inc. for work on the 17th Street railroad underpass be allowed as requested. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Police Chief was then submitted:

City of Idaho Falls
February 14, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: RECOMMENDATION FOR AN AGREEMENT ON BURGLAR
ALARMS

It is suggested that the City Attorney be authorized to draw up an agreement to be signed by the Mayor and Chairman of the County Commissioners along with the president of PEAK ALARM COMPANY, INC.

This agreement would be liken to the one with Fidelity Security Systems, which has sold out to PEAK ALARM COMPANY, giving them control of the alarms into dispatch by wire.

s/ Bob Pollock

It was moved by Councilman Erickson, seconded by Deist, that the City Attorney be authorized to draw up an agreement to be signed by the Mayor, the Chairman of the County Commissioners and the President of PEAK ALARM COMPANY, INC., as requested. Roll call as follow: Ayes, 6; No, none; carried.

From the General Services Director, came this memo:

FEBRUARY 21, 1980

City of Idaho Falls
February 8, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR PIPE,
VALVES AND FITTINGS

The Public Works and General Services Divisions respectfully request authorization to advertise to receive bids for the purchase of pipe, valves, and fittings, for the Water Department.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the General Services be authorized to advertise for bids for pipe, valves, and fittings for the Water Department. Roll call as follows: Ayes, 6; No, none; carried.

Also from the General Services Director, came this memo:

City of Idaho Falls
February 8, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: LIBRARY CONSTRUCTION CONTRACT REIMBURSEMENT

During construction of the Public Library at 457 Broadway, snow melting heat mats were installed in the sidewalks at the Library entrances. Certain portions of the heat mats have proven to be defective.

Negotiations between the City, the Architect, and the Contractor have resulted in a monetary settlement of \$2,500.00 for those portions of the heat mats found to be defective.

It is recommended that the City Council accept the amount of \$2,500.00 as settlement for the defective heat mats and authorize the City Controller to place these funds in the Library building improvements.

s/ Chad Stanger

It was moved by Councilman Chandler, seconded by Erickson, that the City Council accept the \$2,500.00 as settlement for the defective heat mats and authorize the City Controller to place these funds in the Library Bond Construction Fund to be expended for snow removal and equipment and library building improvements. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was presented:

FEBRUARY 21, 1980

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: RENTAL LOCKER CONCESSIONAIRE AT AIRPORT

During the past decade, the American Locker Company has had the subject concession at the airport. The Agreement has expired.

A new agreement has been made which provides us with more and new lockers. This agreement has been approved by the City Attorney.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Deist, that the agreement with American Locker Company, Inc. be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Director of Aviation, came this memo:

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: BUS CONCESSIONAIRE AT AIRPORT

The Yellowstone Park Division of TWA Services, Inc, desires to renew their operating agreement for bus service to the airport from Yellowstone Park and other recreational areas.

As in the past, such renewal is on an annual basis.

The City Attorney has approved this agreement.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Sakaguchi, that the lease and concession agreement between the City and the Yellowstone Park Division of TWA Services, Inc., for bus service to the airport from Yellowstone Park and other recreational areas be approved and

the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

FEBRUARY 21, 1980

Next, from the Director of Aviation, came this memo:

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AMENDMENT TO GROUND LEASE OF IDAHO FALLS AVIATION
dba RED BARON FLYING SERVICE

To properly accommodate the airport rental car lessees' service area agreement, it is necessary to delete approximately 2 acres of unoccupied area from the subject lease. Such amendment to the lease has been drafted by the City Attorney.

Accordingly, the Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Sakaguchi, that the amendment to the ground lease of Idaho Falls Aviation dba Red Baron Flying Service be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was then presented:

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: BOISE CAR & TRUCK RENTAL dba NATIONAL CAR RENTAL

On April 5, 1979, the City Airport entered into a new agreement with the subject lessee. This agreement allowed space for a rental car service building including an area for rental car storage. Inadvertently, this area with attendant covenants was not attached or executed as exhibit to the lease.

Accordingly, the City Attorney has prepared the necessary memorandum of agreement which completes the lease.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

s/ Pete Hill

FEBRUARY 21, 1980

It was move by Councilman Wood, seconded by Sakaguchi, that the lease agreement between the City and Boise Car and Truck Rental dba National Car Rental be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Director of Aviation came this memo:

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: VALLEY RENTALS, INC. dba AVIS RENT-A-CAR

On April 5, 1979, the City Airport entered into a new agreement with the subject lessee. This agreement allowed space for a rental car service building including an area for rental car storage. Inadvertently, this area with attendant covenants was not attached or executed as an exhibit to the lease.

Accordingly, the City Attorney has prepared the necessary memorandum of Agreement which completes the lease.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

Pete Hill

It was moved by Councilman Wood, seconded by Sakaguchi, that the lease agreement between the City and Valley Rentals, Inc., dba Rent-A-Car be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Director of Aviation, came this memo:

City of Idaho Falls
February 20, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: TRIANGLE RECREATIONAL SALES & SERVICE, INC. dba BUDGET RENT-A-CAR

On April 5, 1979, the City Airport entered into a new agreement with the subject lessee. This agreement allowed space for a rental car service building including an area for rental car storage. Inadvertently, this area with attendant covenants was not attached or executed as an exhibit to the lease.

Accordingly, the City Attorney has prepared the necessary memorandum of agreement which completes the lease.

FEBRUARY 21, 1980

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Sakaguchi, that the lease agreement between the City and Triangle Recreational Sales and Service, Inc., dba Budget Rent-A-Car be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then re-appointed Messrs. Andy Anderson and Karl Page for three year terms to the Parks and Recreation Commission. It was moved by Councilman Deist, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then appointed Bob Bybee to replace John Orr for a two year term on the Parks and Recreation Commission. It was moved by Councilman Deist, seconded by Erickson, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Sakaguchi, seconded by Chandler, that approval be given for the Public Works Commission to hold an informational meeting to consider the re-construction of two blocks of Second Street. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson stated that the people on D Street had requested two-hour parking along that street. Therefore, it was moved by Councilman Erickson, seconded by Deist, that two hour parking be re-instated along D Street from the underpass to Memorial Drive. Roll call as follows: Ayes, 5; No, one; carried. Councilman Chandler voting "No".

There being no further business, it was moved by Councilman Sakaguchi, seconded by Hovey, that the meeting adjourn at 10:45 P.M., carried.

s/ Velma Chandler
CITY CLERK

s/ Thomas Campbell
MAYOR
