OCTOBER 4, 1979

Prior to calling the meeting to order, the Mayor acknowledged the presence of several scouts in the Council Chamber and asked Steven Perks to come forward to lead all those present in the pledging of allegiance to the flag, after which he asked 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 Charles Clark, Mel Erickson, Jim Freeman, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, Acting City Clerk; Arthur Smith, City Attorney, and all other available Division Directors.

Minutes of the last regular meeting, held September 20th, and a special meeting held September 26th, 1979, were read and approved as amended.

Noting a large contingent of people present in the Council Chamber concerning the proposed annexation and zoning of the proposed Jennie Lee Shopping Center and adjacent property, Mayor Campbell explained the procedure of this type of meeting and the responsibility of the Council in making a decision if the property should be annexed into the City and, if so, to zone it to accommodate construction of what they think is the best use of the property. The Mayor asked for orderly conduct in this hearing and requested that anyone wishing to be heard come to the microphone and state their name and address for proper recording by the Clerk. The Mayor then invited Councilman Freeman, as Chairman of the Planning & Zoning Committee, to conduct the hearing.

Councilman Freeman stated that the City Council has had access to the minutes of the previous hearings of the Planning Commission concerning this property and have gone out on the property to evaluate the project and so the Councilmen are very much aware of all facets of this proposal. Freeman then asked the City Clerk to read this introductory memo from the Building Administration:

City of Idaho Falls
October 4. 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION AND INITIAL ZONING – PROPOSED JENNIE LEE SHOPPING CENTER & ADJACENT PROPERTY

Attached are copies of the annexation ordinance, annexation agreement, "Exhibit A", showing requested zoning and "Exhibit B", development and landscape plan. Also attached is a copy of a petition containing approximately 395 signatures opposing this annexation.

This proposal has been the subject of two public hearings held by the City Planning Commission. At the first hearing, held on July 31st, 1979, approximately 120 residents appeared to protest and after much discussion, the Commission recommended denial. The developers subsequently made some modification to their request, both in zoning and limitations placed in the proposed annexation agreement and resubmitted the proposal to the Planning Commission. This request was considered at a public hearing held September 11th, 1979. At this meeting, approximately 118 people appeared to protest. After considerable discussion, the Planning Commission recommended approval of the annexation and initial zoning as shown on "Exhibit A", with the development plan and landscape plan being made a part of the annexation agreement. At that meeting, 10 members of the Commission were in attendance, one abstained and two voted in opposition.

The Department concurs with the recommendation of the Planning Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the invitation of Councilman Freeman, Building Administrator Gilchrist stated the proposed plans for the area and spotted all phases on the map and explained the various zoning recommendations.

Mr. Phil Kooistra, representing the Developer, C. E. JOHN COMPANY, INC., Vancouver, Washington, appeared and stated that his company had been in the shopping center business for over twenty years. He explained that his company deals with a lot of major tenants and many of those have requested that the developer take a look at Idaho Falls. He said that they first came to Idaho Falls in January to survey the area for a suitable location. He said they picked this area because it is centrally located, there is a lot of traffic in the area, there are access roads and it is close enough to downtown to try to maintain the downtown retail tenants. He said that his company is always asked about costs, such as who is going to pay the utilities, sewer, water, storm drains, improvement of streets, sidewalks, curb, lighting, etc., and too they have proposed to the Planning Commission that they, the C. E. JOHN COMPANY, INC., pay for these improvements. Mr. Kooistra then introduced Rance Bare of Ellsworth Engineering to explain more fully the proposed zoning of the area.

Mr. Bare presented slides to help explain the proposed development and zoning plans. He further explained set back of the proposed buildings, landscaping, berm areas, traffic flow study, the widening of 21st Street, modification of a portion of 17th Street, and accesses to the site.

In answer to a question from Mayor Campbell as to how the residents could be sure that the landscaping and other agreements would be followed, City Attorney Smith stated that there would have to be a written contract or agreement that these items would be so completed and this should be properly recorded and cover other owners in case the property was sold. Mr. Bare reported that the annexation agreement was already prepared and covered all of these items.

Mr. Kooistra re-appeared to explain that the developers have their own mall manager, janitor, maintenance people and security force and that they own, operate and manage all their malls and that there is a Board of Directors which actually operates the mall.

The Mayor asked about fire fighting facilities. Mr. Kooistra said all of the area would have sprinkler systems.

Attorney Tim Hopkins appeared stating that he represented an organization called "The Committee For The Effective Land Use Plan", and this committee was composed of several hundred people who are opposed to the development plan that has been presented this evening. Hopkins then presented the following petitions with 839 signatures (96 from near-by residents and 743 from people of the surrounding area):

PETITION

A Comprehensive Plan is an absolute necessity in a well developed city. It allows the residents to plan their expenditures and lives in an organized manner. Any change to such a plan therefore must be well justified and not detrimental to those affected by the change.

> The proposed regional shopping center (Jennie Lee Mall) violates the City of Idaho Falls Comprehensive Plan. The Idaho Falls Comprehensive Plan presently shows the area in question as Single Family Residential Zone with only a narrow row (200'+ wide) of Multi-Family Residential Zone along the north and west sides. We oppose and protest any zones set up to accommodate the proposed Jennie Lee Mall that are inconsistent with the zones shown on the current Idaho Falls Comprehensive Plan. The reasons that we oppose the zone changes include those shown on Attachment I.

Attorney Hopkins continued by stating that this, obviously, is an outstanding plan, that there is no question but that this was a very professional presentation and, if constructed, would be an extraordinary mall which would be at least three times the size of any other in the City. He continued by saying that he was concerned that the focus was on maps, but as was his understanding of the function of the City Council, at this juncture, is broader than the specifics of driveway, entrances and square footage or aesthetic features of this mall. Hopkins said he heard someone state that the packaging was something like putting a time bomb in a birthday box – its going to explode. All the trees, berms and landscaping does not take away from its damage and problems that it is going to cause to the area residents. Hopkins continued by saying that he questioned that zoning, as recommended, was consistent with the comprehensive plans which, in his opinion, are the essential documents governing a development of this kind. He said, as he sees it, all development proceeds from the comprehensive plan and that the Council is responsible for the development of such a plan and they are additional y charged with the formulating of a zoning ordinance relating to that. He said that the law says that the zoning has to be consistent with the comprehensive zoning plan. He continued by saying that we are dealing with a unique piece of property. All facts have not been brought out, such as the fact that this property, at the moment, is not City property, it is Bonneville County property and they have zoning ordinances too as well as a comprehensive plan, much the same as the City's and the County has designated the subject area for residential development. He said that since approximately 1965, the City has carried this same zoning on their long range plan. The nearby residents have taken this into consideration when they made the investment in their homes. Most of the homeowners investigated this situation before they purchased in the area and they took comfort in the long range plan of R-1 zoning. He pointed out that this was a growing residential area, most of it having been developed in the last ten years. Hopkins continued by saying that the Council should not just consider the beauty of this mall, but the proper location of it. He said there were other areas, already zoned commercial, available for this type of development. Comprehensive plan, continued Hopkins, as we are asking the Council to observe, means a study of some sort of a large scale and so we are asking that the Council look at the full scope of the impact of this shopping center. He then introduced Dr. Doug Croucher who, he said, has put together a similar traffic study as the one previously presented by the developer, but with some different aspects.

Dr. Croucher showed slides which followed traffic patterns and projected traffic increases anticipated if the mall is developed. He compared his figures with those of the engineer's from the developer firm. He concluded that the traffic flow would be much greater than previously presented.

Attorney Hopkins re-appeared to state that their purpose of this traffic study conclusion is to help the Council in analyzing the broader impact of the location, emphasizing the impact on Holmes Avenue and around Edgemont and Longfellow schools. In summary, Hopkins stated that they have tried to help the Council to consider if this

additional commercial zone is necessary for this community and if so, is this the place? It is our position that it is not. One reason, as demonstrated, is the traffic; another reason, is respect for the schools and still another, the decrease in value of residential property. Buffering is only an aspirin effect, it is not an answer to the problem. Hopkins said that one of the main concerns of the people was the development of a consistent comprehensive plan that people can count on and find predictable for their future.

Councilman Clark asked Attorney Hopkins if he could see any legal problem that might be forthcoming if the Council approved this plan. Hopkins answered in the affirmative and said it was his opinion that in order to overcome the existing comprehensive plan there are only two ways to do that, namely; to correct an error that was made originally and second, to conclude that there has been such substantial change in the area where it is sought to be re-zoned, that it is essential that the plan be changed. Hopkins further stated that, if either of these basis are not found, then it is his legal opinion, that there is now basis for a change in the Comprehensive Plan which is essential to the Council granting the request for annexation and zoning as presented this night.

Mr. Bill Davidson, 1132 Sahara, appeared briefly representing the principal of the Edgemont Gardens School, to discuss the extension of 21st Street. He stated that it is their concern that 21st Street is going to become a conduit to dump traffic from the mall. He read a caption from a Salt Lake City paper that stated "Schools for young children should not be located on a busy thoroughfare", and stated he felt if this is good for Salt Lake City, it is good for Idaho Falls. He concluded his remarks by saying he felt there was a better way to plan than have a daily hazard for these school children.

Mr. Ronald Politowski, 420 Linden Drive, appeared briefly to point out some of the basics of the estimates on traffic. He said the base figure is taken from counts made in January and February and, if he was trying to convince the people that there was a low count of traffic on these roads, he could not pick two better months to do so. He asked who was going to pay for the expansion of North Holmes as it comes up over the canal. Mayor Campbell answered that, in his opinion, the City is eligible for entitlement funds which is the same type of money that was used to widen Anderson Street, build the 17th Street Bridge, widen 17th Street, and other major arterials in the City. He said that because of its population, the City receives about $450,000 a year Urban Development money which is designated for streets, and this, likely, is where the money would come from. Mr. Politowski stated further, that it was mentioned by the developer that this mall would enhance the downtown business area. He said he was not convinced of this injector. He said "competition is competition".

Councilman Freeman asked City Attorney Smith to render a legal opinion concerning Council jurisdiction on determining whether or not another mall is needed in the community. Attorney Arthur Smith stated that he could only give a legal opinion based on recent cases, and he would have to state that other attorneys may have different opinions than his. He said his opinion, through the years of watching this, is that it is not a proper function of zoning for a quasi-judicial board, in this case the Council, to attempt to decide whether a certain business can prosper on a certain place or whether it will take business away from a competitor or help a competitor. These are matters not really involved in zoning. Smith continued by saying the Council shall limit themselves to weighing the rights of landowners who are adjacent to this property against the rights of the landowner of the property involved, viewing the traffic changes that will likely come about, determine if there is anything obnoxious of the use or if it will affect property values, etc. The Council must consider, and weigh it with the Planning Commission's recommendation in mind, but should not consider economics from the standpoint of whether a certain man's business will flourish or not.

Councilman Hovey stated that it seemed to him that it was not in the pervious of this Council to entertain all of the possibilities or probabilities of whether a mall may be better at some other location. He said, we have to deal with this proposal and we have to deal with it in a timely and reasonable manner, weighing all of the alternatives. Attorney Smith agreed to this.

At the request of Councilman Freeman, City Attorney Smith explained his stand on the Comprehensive Plan. Attorney Smith commended Mr. Hopkins for his presentation and said that he agreed with a great deal of what was said, but his opinion is different from Mr. Hopkins' in at least one area and that is, when the new Idaho land use plan came through in the middle 1970's, it superceded all other zoning laws of Idaho. It stated that by January of 1977, each City and County should look at it's comprehensive land use plan and update it if it needed updating, and that law also makes it very plain, in his opinion, that a City has no jurisdiction outside its boundaries on land use planning. Therefore, no City plan of Idaho Falls can extend beyond its boundaries. Smith stated that, in his opinion, if the Council annexes this land, they then must zone it, with the land use plan in mind. He then quoted from the Statute, "prior to annexation of an unincorporated area, the City Council shall request, and receive, a recommendation from the Planning and Zoning Commission on the proposal plan, and zoning ordinance changes for the unincorporated area. Each Planning Commission and it's City Council shall follow the notice and hearing procedures provided in the Code. Concurrently or immediately following the adoption of an ordinance of annexation, the City Council shall amend the comprehensive plan and its zoning ordinance." He continued by saying that, in his opinion, the Council would not be violating the comprehensive land use plan if they annexed and zoned this area this night.

Attorney Hopkins re-appeared briefly to clarify that the point he wanted to make was not do we need this mall, but do we need more commercial zone, and secondly, with respect to the comprehensive plan, Mr. Hopkins respectfully disagreed with Attorney Smith on two points, first; that for years since 1967, when the Rupeiks Study was published, it included areas considerably outside the City limits and anyone who may have gone to the Building and Zoning Office for guidance was shown the Rupeiks Study and shown that this area was zoned residential with a small area zoned for high density. He concluded that, if the Rupeiks Plan was not the City's comprehensive plan, this would be news to a lot of people who have been relying on it for many years. He said the planning act that Mr. Smith made reference to did make mandatory for counties zoning land outside the City's boundary, it asked the City to define an area of City impact outside it's City limits and asked it to cooperate with the County in determining who's comprehensive plan and who's zoning ordinance would apply to that ground. This was to have been accomplished by July 1, 1978 and neither the City nor the County have done this, and so the people are left without a comprehensive plan to make reference to, only because of the failure of the City and the County to comply with what the law says they should do.

Councilman Hovey asked Attorney Smith what, under the Statute of Idaho, is the purpose of the Comprehensive Plan and if it is a fast and concrete plan. Hovey said, in his opinion, if it is, then there would appear to be no use for the Planning and Zoning Commission, and what, is the purpose of the Comprehensive Plan. Attorney Smith answered that it was a very important tool in the land use planning concept and it set forth, at least generally, what uses in various parts of the community land should be put to. He said it is a general guide. Smith again stated that, in his opinion, this 1975 plan spelled the end of all other laws that might have governed land use planning, and read from another section of the Code, as follows: "the plan shall include all land within the jurisdiction of the governing board". He stated that the Rupeiks Plan was more than a land use plan, it was an area plan. He stated that the area of City impact had been mentioned previously and said that the City had tried to work with the County, but have found it difficult to arrive at a definite decision. He said that, to his knowledge, few cities in the State have accomplished the area of impact. Smith stated that one area where the City and Bonneville County did agree was that the

zoning in Bonneville County would be by the County Commissioners and in Idaho Falls by the City Council.

Mr. Robert Hahn, 1071 East 25th Street, appeared briefly concerning the already present theft problem in the Jennie Lee Area and said he feared this to increase if the mall was allowed to be constructed.

Ms. Pam Olsen, 1080 Atlantic, appeared concerning the de-valuation of property in the area with reference given only to traffic. She asked for a vote of all those present, if this mall were to be placed in the middle of Tautphaus Park, and anyone in the audience were able financially to purchase one of the lovely homes in the area, would they purchase the home or look elsewhere. She stated she was sure they would look somewhere else.

Linda Milam, 2078 Balboa, representing the League of Women voters appeared and presented this letter:

The League of Women Voters
of Idaho Falls, Idaho

PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF IDAHO FALLS

My name is Linda Milam, 2078 Balboa, Idaho Falls. I'm speaking tonight as the Land Use Chairman for the League of Women Voters of Idaho Falls. We are speaking in opposition to the proposed regional shopping center at 17th and Holmes. Our opposition, is based on positions arrived at after two separate local studies.

The League supports the concept of land use planning for the purpose of providing a mechanism for orderly growth while efficient use of the land and public facilities in the City and County.

The master plan of the City of Idaho Falls is a guide, a tool, a flexible document. It is not cast in concrete. On the other hand, it is not simply a piece of paper in a file or a map on a planner's wall; changes in a master plan must only be made for good and substantial reason. The people who are Idaho Falls, must be able to depend on the Council to insure some stability of community allowing for growth and change, but not at the expense of the community that is already in place. The Local Planning Act of 1975 confirms this by allowing the Planning Commission to recommend amendments to the governing board "… to correct errors in the original plan or to recognize substantial changes in the actual conditions of the area".

The League feels that the Idaho Falls Planning Commission did not treat this proposal as a change in the plan and did not offer a recommendation which considers the requirement of the Act. The request before you tonight is a change in the plan and we urge you to consider the Planning Commission's recommendation in this light.

Secondly, the League supports retention of a viable downtown shopping area. We urge the Council to consider the impact of this proposal on the downtown merchants and shoppers. What loyalty do we owe to local businesses who have been the support of Idaho Falls for many years?

Currently, there are empty facilities downtown and on First Street. Should we not, in this era of the one percent and uncertain economic conditions, consider using, innovatively, what already exists, rather than adding still more and more to be serviced by our tax dollars? Or, are we prepared to see the downtown boarded up?

When making your decision you must certainly plan for tomorrow, but you must also be sure that we don't come to regret the yesterdays.

s/ Lucretia Chew
President
s/ Linda Milam
Land Use Chairman

Mr. Roger Black, 2310 Baltic, appeared stating he was concerned about the loss of home values due to the increased traffic. He said this would only be another satellite mall and a used car capital of the world.

Mr. Marc Fogg, 685 E. 15th Street, appeared to say he was mostly concerned about the residential area. He said everyone wants a mall, but not in this location. He said, further, that he was of the opinion that when this matter boils down to Council consideration, that money will talk. He suggested that if the Council wants a boom to Idaho Falls, that they rebuild downtown instead of 17th Street.

Mr. John Bird, 784 E. 16th Street, appeared briefly to question the funding for Holmes Avenue and 17th Street. He was answered by the Mayor that basically, the financing comes from State and Federal funds for these projects.

Ms. Janice Brown, 486 N. Ridge, appeared and stated that the buildings and site for a mall were already here and asked the Council if they didn't place any value on existing local businesses. She stated that everything people do now days is based on values and attitudes, and asked what has happened to health, safety, desires and needs.

Mrs. Janice McLoughlin, 2230 Craig, appeared briefly to ask Public Works Director Lloyd about the plans for an overflow drainage pond at the mall site. Lloyd explained that details on utilities were not complete at this time, but would be worked out later.

Mrs. June Oler, 1530 June Avenue, appeared to state that for many years she had complained about the retention ponds in her area. She said that she had called the City many times to complain about the bad situation and nothing had been done. Lloyd said he had never heard of her calls and suggested that she call his office again and make a formal complaint so his office can investigate.

Mr. Martin Huebner, 1995 McKenzie, appeared concerning the waste disposal for shopping centers. He said he was against construction of another mall and he felt it was a sin to undercut existing merchants and friends.

Mr. Earl Smith, 624 E. 16th Street, reported that there was trash on the hedge at Albertson's and feared the same problem would exist at the new mall.

Mr. Jim Crantack, 2350 Craig, stated that he felt the developer had already profited enough and that he felt the land should be zoned R-1.

Mr. Bill Kellogg, 1921 Virginia, suggested that this area not be annexed and leave it up to the County to zone it.

Councilman Freeman stated that Mr. Lee, the owner, would not approve R-1 zoning and if the developer requested, the County would probably zone it all C-1, and the owner requested the City zoning because he felt his zoning requests to be better for all concerned.

Mr. Steve Lee stated he feared what was going to happen to commercial centers downtown.

Mr. Steve Klinger, 1934 Tiffany, said the proposed widening of 21st Street, as explained tonight, differed from the picture in the Post Register. Councilman Freeman assured Mr. Klinger that the picture on the board tonight, depicts what is planned for the area.

Mr. David Sealander, Rt. #4, appeared and asked "Who needs another Mall or shopping center?" He said he would like to be able to remember the City as it once was and suggested that the City form a commission of businessmen to oversee new developments.

Mr. Jim McFaddin, 2255 Baltic, appeared briefly and encouraged the Council, in their deliberation, to take into consideration the fact that the downtown area was already commercially zoned.

In absence of further comment, it was moved by Councilman Freeman, seconded by Clark, that the annexation agreement, together with the landscape and development plan, between the City and C.E. JOHN COMPANY, INC., be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Wood voting no.

ORDINANCE NO. 1613

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. (JENNIE LEE MALL AREA)

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, 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. Councilman Wood voting no. 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. Councilman Wood voting no.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the initial zoning of the Jennie Lee Shopping Mall area. In the absence of further comment, it was moved by Councilman Freeman, seconded by Clark, that the recommendation of the Planning Commission be upheld and the area be zoned as outlined. Roll call as follows: Ayes, 5; No, none; carried. Councilman Wood voting no.

Attorney Hopkins re-appeared and requested that all issues presented this night be deemed a part of the zoning hearing.

It was then moved by Councilman Freeman, seconded by Clark, that the land use plan be amended to be in conformity with the provision of the local planning act of 1975. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Freeman, seconded by Clark, that 21st Street not be extended, east of Jennie Lee Avenue. Roll call as follows: Ayes, 5; No, none; carried. Councilman Sakaguchi voting no.

An area to be known as R & V Park was then introduced for annexation by this memo from the Building Administrator:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION & INITIAL ZONING – R & V PARK ADDITION (UNPLATTED)

Attached is a copy of an annexation ordinance, annexation agreement, and Exhibit "A" for the above described property. This is a request for annexation and zoning prior to platting. This matter was recently the subject of a public hearing held by the City Planning Commission. The developer had originally requested R-1, R-2, and R-2A zoning as shown on "Exhibit A". There were several residents in the area who appeared to protest the potential high density development that this would permit. After some consideration, the Planning Commission recommended annexation and zoning of R-1 and R-2 as shown on the exhibit.

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

s/ Rod Gilchrist

The Annexation Agreement between the City and the developer of R & V Park Addition development was then presented. It was moved by Councilman Freeman, seconded by Clark, that the 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. 1614

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. (R & V PARK ADDITION)

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, 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 advertised, to consider the initial zoning of the newly annexed R & V Park Addition. It was moved by Councilman Freeman, seconded by Clark, that the area be zoned R-1, R-2 and R-2A as indicated on the exhibit. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place to conduct public hearings to consider two re-zoning requests. It was noted that the developer of these areas had requested that consideration of these items be recessed until a later date. It was moved by Councilman Freeman, seconded by Clark, that the request be granted and the public hearings be recessed until November 8, 1979. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Cecil Perez, 1360 Elmore Avenue, appeared briefly concerning street parking and the consideration of bike paths in Fremont Avenue. Mr. Perez was informed by the Council that, if and when, traffic changes in this area are considered, Mr. Perez will be notified so that he can attend.

The City Clerk drew attention to a legal notice that had been published without formal Council approval, calling for a public hearing on October 18, to consider a request for re-zoning of a portion of the Hope Lutheran Church property. It was moved by Councilman Hovey, seconded by Erickson, that the action of the City Clerk in publishing this 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, without formal Council approval, of a legal notice calling for a public hearing on October 18, 1979 to consider a variance request to allow a used car lot in a C-1 zone. It was moved by Councilman Hovey, seconded by Erickson, that the action of the City Clerk in publishing for this public hearing be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk reported that a damage claim in favor of Marilyn Hruska had been forwarded to the City's liability insurance carrier on October 1st, in the interest of time, without formal Council approval. It was moved by Councilman Hovey, seconded by Erickson, that the action of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for Council authorization for her to publish legal notices calling for public hearings on October 18th, to consider granting a variance to permit construction of storage sheds on property located in Coachman West Addition and also, an extension of a variance for a mobile home at Edgemont Gardens School. It was moved by Councilman Hovey, seconded by Erickson, that the City Clerk be authorized to publish the legal notices as described. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of September, 1979, having been properly audited by the Fiscal Committee, were presented. The City Clerk read aloud all fund totals for materials, services and payroll as follows:

FUND	**SERVICE AND MATERIALS**	**GROSS PAYROLL**	**TOTAL EXPENDITURES**
General Fund	$816,130.34	$359,478.02	$1,175,609.16
Street Fund	168,691.43	18,869.02	38,560.45
Airport Fund	141,941.26	7,428.19	149,369.45
Water & Sewer Fund	575,807.00	40,839.29	616,646.29
Electric Light Fund	777,590.28	67,927.93	4,233.99
Recreation Fund	22,604.97	4,233.99	26,838.96
Municipal Cap.	40,701.97	.00	40,701.97
General Library Fund	3,640.26	15,761.01	19,401.27
General Reg. Fund	198.30	676.51	874.81
Bridge – Arterial – Street Fund	50,977.73	.00	50,977.73
Revenue Sharing Fund	50,989.88	.00	50,989.88
Community Development Fund	154,334.46	1,307.20	155,641.66
Flood Disaster	39.18	.00	39.18
TOTAL FUNDS	**$3,003,647.06**	**$516,521.96**	**$3,520,169.02**

It was moved by Councilman Hovey, seconded by Erickson, that the bills be allowed and the City Controller be authorized to issue warrants or checks for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Monthly reports from Division and Department Heads were presented for the month of September, 1979, and there being no question nor objection were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY, Farmer's & Factory Discount, David Baker; JOURNEYMAN ELECTRICIAN, Mike C. Mann, William A. Chase; CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Robert Schriner with Schriner Heating-Air Conditioning; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Robert Schriner; CAB OPERATOR, Jeffery James Radford, Eddie Lavern West; PRIVATE PATROLMAN, Stacey N. Kelsey, Dennis Ray Olsen; BARTENDER, Jay Sawyer, Marc D. Quilici, Thea Elordi, Deaune Nelson, Tammy Hamilton, Leland J. Johnson, David Powell, Bronica Jernberg, Brandon C. McNees, Cheryl White, Jimmie J. Griggs, Patsy Prasch, Linda Craig, Marlene Price; CONTRACTOR, Donald Bluth for Shippen Construction, Inc., Flynn Home Builders, Inc., were presented. It was moved by Councilman Clark, seconded by Freeman, 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 Personnel Director was presented:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Personnel
SUBJECT: RECOMMENDED CHANGES TO CITIES BLUE CROSS PLAN

It is recommended by the Personnel and Finance Division that the City's Blue Cross Plan be amended to establish a waiting period for pre-existing conditions. Authorization is requested from the Mayor and Council for the Personnel Director to instruct Blue Cross to make the necessary changes effective November 1, 1979.

Sincerely yours,
s/ S. Craig Lords

It was moved by Councilman Hovey, seconded by Erickson, that the changes in the Blue Cross Plan be accepted and the Personnel Director be authorized to instruct Blue Cross to make the necessary changes, effective November 1, 1979. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Personnel Director, came this memo:

City of Idaho Falls
October 2, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Personnel Division
SUBJECT: RECOMMENDED CHANGES TO CITY PERSONNEL POLICY

The attached changes to the City of Idaho Falls Personnel Policy are recommended for Mayor and Council approval. The proposed changes deal with Vacation Language, under Article IX, Paragraph 2.

s/ S. Craig Lords

It was moved by Councilman Hovey, seconded by Erickson, that the changes in the personnel policy be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was then presented:

City of Idaho Falls
Office of the City Clerk
October 1, 1979

TO: Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Under Section 50-414 of the Idaho Code, it is required that the City Council, at their first regular meeting the month preceding the General Municipal Election, appoint an election judge and such other workers as may be necessary for each voting precinct within the City. Following, then, is our recommended names for these positions.

Precinct No. 1	JUDGE, Ellen Bingham; Clerks, LuAnn Hanson, Kate Hovey, Vicki Brooks, Grace Tucker.
Precinct No. 2	JUDGE, Marge Killian; Clerks, Irene Bailey, Carol Jensen, LaReu Daw, Susan Hagen.
Precinct No. 3	JUDGE, Wilma Olsen; Clerks, Melba Parkinson, Eilene Anderson, Joann Cissel.
Precinct No. 4	JUDGE, Dora Clark; Clerks, Noel Bickel, Helen Howell, Colleen Wright.
Precinct No. 5	JUDGE, Joy Hobbs; Clerks, Joyce Schrader, Arlene Hanson, Sondra Holmes.
Precinct No. 6	JUDGE, Jolynn Wyatt; Clerks, Ruth Moore, Anna-Marie Shafer.
Precinct No. 7	JUDGE, Peggy Empey; Clerks, Ester Mathews, LaRue Bell, Lois Park.
Precinct No. 8	JUDGE, Ethel Rasmussen; Clerks, LaVinia Van Orden, Inez Molen, Barbara Dahlstrom, Beth Jensen.
Precinct No. 9	JUDGE, Eva Metcalf; Clerks, Doris Meikle, Ella Nielsen, Katie Wray.
Precinct No. 10	JUDGE, Daun Schwartzenberger; Clerks, Shirley Willis, Geniece McPherson, Helen Benzon.
Precinct No. 11	JUDGE, Rochelle Campbell; Clerks, Mary Green, Mary Olsen, Rita Phippen, Marilyn Quast.
Precinct No. 12	JUDGE, Jean Erickson; Clerks, Faye Peterson, Thelma Fullmer, Margene McInelly, Myrna Combe.
Precinct No. 13	JUDGE, Brooke B. Leonard; Clerks, Laraine Pratt, Ben A. Brown, Marilla Grimmett.

Precinct No. 14	JUDGE, Lyla K. Baker; Clerks, Patsy Cherry, Mrs. A.L. Lempke, Mildred Rushton.
Precinct No. 15	JUDGE, Leona Benson; Clerks, Deaune Davis, Clara Jenkins, Ruby McArthur, Melvin Benson.
Precinct No. 16	JUDGE, Janet Larson; Clerks, Carol Romer, Ada Litteneker, Nancy Lechelt, Marian Williams.
Precinct No. 17	JUDGE, Betty Roberts; Clerks, Rhea Croft, Ora Whittier, Beth Robbins, Dewetta Moss.
Precinct No. 18	JUDGE, Jill Hofhines; Clerks, Hazel Monson, Millie Stommel, Becky Forcey.
Precinct No. 19	JUDGE, Frances W. Wilson; Clerks, La Mae Harris, Ruth Ebersole, Carline Toller, Marie Long.
Precinct No. 20	JUDGE, June Couch; Clerks, Bernie Fauth, Merlene Ball, Shirley Whitbeck, Sydney Byerly.
Precinct No. 21	JUDGE, Edna E. Denning; Clerks, Billie Hagen, May Jones, Edward J. Denning.
Precinct No. 22	JUDGE, Hazel Toole; Clerks, Rubine Sanders, Anita Hoskins, Doris Plesner.
Precinct No. 23	JUDGE, Pauline Nielsen; Clerks, Margo Myler, Mary Goodell , Marla Larsen Carolyn Garner.
Precinct No. 24	JUDGE, Jan Jensen; Clerks, Brenda Prudent, Mae Hoffman, Shari Feldman.
Precinct No. 25	JUDGE, Geraldine Burby; Clerks, Josephine Sorensen, Donna Salvesen, Margaret Wood, Edith M. Park.
Precinct No. 26	JUDGE, Floriene Oakey; Clerks, Armell Jean Christensen, Viola Harris, Marie Saunders.

State law permits up to 50 cents a name for every new registration acquired by the Deputy Registrar during their house-to-house canvas. Following past precedent, we recommend that this past policy be continued for the up-coming election on November 6th. Under Section 50-415, Idaho Code, compensation for poll workers shall be established by the City Council at the time of making appointments. As you are aware, we have adopted the County's registration procedures, therefore, we will be paying $3.00 per hour for Judges and $2.75 per hour for Clerks.

Your appointment of the foregoing election workers to the positions as indicated is requested.

You may note that some precincts will have more workers than others. This is because of the size of the precinct.

Respectfully submitted,
s/ Velma Chandler

It was moved by Councilman Hovey, seconded by Erickson, that the election workers, as listed, for the up-coming election be approved. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller, came this memo:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: RENEWAL – LEASE PURCHASE AGREEMENTS IDAHO FIRST NATIONAL BANKS

Authorization is hereby requested to renew Lease Purchase Agreements with the Idaho First National Bank for the following equipment:

Computer Equipment	$55,000.00
Golf Course Equipment	5,028.24
Fire Station #4	33,817.01
TOTAL	$93,817.01

Funding for the above was included in the 1979-80 budget.

s/ John Evans

It was moved by Councilman Hovey, seconded by Erickson, that the City Controller be authorized to renew the lease-purchase agreements with Idaho First National Bank. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-79-21, AIRPORT CARPET

It is the recommendation of the General Services Division and the Architect that the City Council accept the low bid of Cannon's Inc. to supply the 24 ounce carpeting for the Airport as specified at $28,550.00 and authorize the Mayor to sign the contract documents.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Cannon's, Inc. to supply carpeting for the airport be accepted and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also from the General Services Director, came this memo:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-79-24, TRANSFORMERS

It is the recommendation of the General Services and Electric Division that the City Council accept the low bid of Amfac Electric Supply Company to supply (2) KVA Transformers at $4,360.00 each and one (1) 500 KVA Transformer at $4560.00 as per bid.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Amfac Supply Company for transformers be accepted in the amount as stated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Airport Committee was then reviewed:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: APPROVAL OF GRANT AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND THE IDAHO TRANSPORTATION DEPARTMENT, STATE OF IDAHO

On December 9, 1976, the City of Idaho Falls accepted a portion of a 4-year grant from the State of Idaho in the amount of $20,000 for development of the Municipal Airport.

This grant offer, presented before you, encompasses the remaining three (3) years, totaling $60,000; thus, completing the State commitment, totaling $80,000. The Grant Agreement, as well as the accompanying resolution, has been reviewed by the City Attorney.

Accordingly, the Airport Committee recommends the City Council authorize the Mayor and City Clerk to ratify the above documents.

s/ Robert T. Miller

This memo served to introduce this resolution:

R E S O L U T I O N (Resolution No. 1979-16)

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, ACCEPTING THE GRANT OFFER OF THE

STATE OF IDAHO THROUGH THE IDAHO TRANSPORTATION DEPARTMENT (DIVISION OF AERONAUTICS AND PUBLIC TRANSPORTATION) IN THE MAXIMUM AMOUNT OF $60,000.00 TO BE USED UNDER THE AIRPORT DEVELOPMENT AID PROGRAM PROJECT NO. 6-16-0018-04 IN THE DEVELOPMENT OF IDAHO FALLS MUNICIPAL AIRPORT.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

Section 1. That the City of Idaho Falls shall accept the grant offer of the State of Idaho in the amount of $60,000.00 for the purpose of obtaining State Aid under Project No. 6-16-0018-04 in the development of Idaho Falls Municipal Airport.

Section 2. That the Director of Aviation of the City of Idaho Falls is hereby authorized and directed to sign the statement of acceptance of said grant offer on behalf of the City of Idaho Falls, and the City Clerk is hereby authorized and directed to attest the signature of the Director and to impress the official seal of the City of Idaho Falls on the aforesaid statement of acceptance.

Section 3. A true copy of the grant offer referred to herein is attached hereto and made a part hereof.

PASSED by the Council and APPROVED by the Mayor this 4th day of October, 1979.

s/ Thomas Campbell
Mayor

ATTEST: s/ Velma Chandler
City Clerk

It was moved by Councilman Clark, seconded by Hovey, that the Grant Agreement and the Resolution between the City and Idaho Transportation Department be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Next, this memo from the Public Works Director was presented:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER & SEWER SERVICE OUTSIDE CITY

Applewood Place is a proposed mobile home subdivision located on the south side of Lincoln Road, 2000 feet east of Woodruff Avenue. Since it is not presently possible to annex this subdivision, the developer has requested he be allowed to extend water and sewer facilities at his own cost, with the

understanding the City will reimburse a portion of his cost from future main charge collections from these facilities. Council's Public Works Committee, Mayor and Attorney, have received this proposal in detail and are recommending the Mayor and City Clerk be authorized to sign City's approval, subject to final review of City Attorney and Public Works Department.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that this outside the City water & sewer contract be approved and the Mayor and City Clerk be authorized to sign, subject to final review by the City Attorney and Public Works Department. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director, this memo was reviewed:

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER SERVICE OUTSIDE CITY

We are submitting herewith an executed water service contract for outside the City, and a check for $1,375 from Max Ker for property south of 25th Street, located adjacent to the east line of Railroad depot. Water is intended for a single temporary mobile home which will serve as a dispatching office until development plans are prepared. Public Works Committee is recommending this contract be approved.

Respectfully submitted,
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the outside the City water service contract in favor of Max Ker be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
October 4, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT FOR SUNNYSIDE-HOLMES ADDITION

We are presenting herewith an amendment to the Annexation Agreement for Sunnyside-Holmes Addition having to do with an approach to a pedestrian bridge. The developer has placed money in escrow to cover the cost of sidewalks and fence approach to bridge when needed. Public Works Committee has reviewed this amendment and recommend the Mayor and City Clerk be authorized to sign approval.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the amendment to the annexation agreement for Sunnyside-Holmes Addition be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo, with seven traffic recommendations, was presented:

City of Idaho Falls
September 20, 1979

MEMORANDUM

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

1. Deny request of 46 petitioners for 15 MPH or less speed on "Children at Play" signing at Neptune Street.
2. Install stop sign on Dale Drive at Brentwood and paint crosswalk on Dale, also across Brentwood on the east side of the intersection.
3. Paint a crosswalk on Pancheri to the west of Grizzly.
4. Deny a School Crossing Guard for Pancheri at Dickson Avenue.
5. Paint crosswalk on John Adams on the west side of Tyra
6. Designate NO PARKING on the west side of Riverside Drive.
7. Designate South Boulevard as 25 MPH between First Street and Seventeenth Street, excepting at Hawthorne School, with the amber lights activated during school hours at 5th and 9th Streets.

Recommendation No. 1 was then considered. It was moved by Councilman Clark, seconded by Freeman that the request for 15 MPH speed limit at Neptune be denied. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 2 was then reviewed. It was moved by Councilman Clark, seconded by Freeman, that a STOP sign be installed on Dale Drive at Brentwood and crosswalks be painted on Dale and Brentwood. Roll call as follows: Ayes, 6; No, none; carried.

Next, Recommendation No. 3 was presented. It was moved by Councilman Clark, seconded by Freeman, that this recommendation to paint crosswalk on Pancheri, west of Grizzly be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 4 was considered. It was moved by Councilman Clark, seconded by Freeman, that the request for a school crossing guard for Pancheri at Dickson Avenue be denied. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 5 was reviewed. It was moved by Councilman Clark, seconded by Freeman, that this recommendation to paint a crosswalk on John Adams on the west side of Tyra be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 6 was studied. It was moved by Councilman Clark, seconded by Freeman, that NO PARKING be designated for the west side of Riverside Drive. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Recommendation No. 7 was presented. It was moved by Councilman Clark, seconded by Freeman, that this recommendation for 25 MPH speed limit on South Boulevard, between First and Seventeenth Streets be approved, except for Hawthorne School, with the amber light activated during school hours at 5th and 9th Streets. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Police Chief came this memo:

City of Idaho Falls
September 6, 1979

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: RECOMMENDED NO PARKING ZONE

It is the recommendation by our Traffic Section and School Officials that a NO PARKING zone be established adjacent to Ethel Boyes School. This would be a distance of 56 feet along the south side of Brentwood between the driveway into the school and 556 Westhill which is the property of Adolph Kochevar and who initiated the request for the safety of the students.

s/ R.D. Pollock

It was moved by Councilman Clark, seconded by Freeman, that the NO PARKING zone be established adjacent to Ethel Boyce School as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor appointed Velma Chandler as City Clerk of the City of Idaho Falls, It was moved by Councilman Hovey, seconded by Erickson, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Freeman, that the meeting adjourn at 11:30 P.M., carried.

ATTEST: s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor

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