

OCTOBER 19, 1978

The City Council of the City of Idaho Falls met in regular meeting, Thursday, October 19, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Jim Freeman, Mel Erickson, Ralph Wood, Charles Clark, Paul Hovey, and Sam Sakaguchi. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held October 5th, 1978, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider objections to the Assessment Roll in Local Improvement District No. 52. The Mayor invited Councilman Sakaguchi, as Chairman of the Public Works Committee, to conduct said hearing. Sakaguchi first asked that all written objections be submitted and read aloud by the City Clerk, as follows:

Browning Freight Lines
October 16, 1978

City of Idaho Falls
Mr. Roy Barnes, City Clerk
P.O. Box 220
Idaho Falls, Idaho

Dear Mr. Barnes,

Thank you for the information regarding the notice of hearing concerning District No. 52. This is to advise that we do object to the improvements proposed concerning curbs, gutters, pavement, etc., for streets Browning and Hemmert.

Our freight terminal is in an area that is unimproved. The proposed area is further undeveloped as far as our use is concerned. We request that assessment number 78 in the amount of \$9,423.47 be withdrawn.

We plan on having a representative attend the hearing on October 19th to represent our interest as may be needed.

Yours very truly,
s/ Lowell Browning
Vice President

Idaho Falls
October 17, 1978

To City Clerk's Office, City of Idaho Falls

In regard to pavement on Whittier Street which borders my home on the north, I feel I have to protest it, or object to it. I am paying the assessments on Wabash Street, also the storm sewer and with insurances to pay, and only a low income, I could not take care of more assessments at the present time. Could you work out a plan to hold the assessments until later. When my home is sold?

s/ Ruby Lords
694 E. Whittier
Idaho Falls, Idaho

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2020 E. 1st Street
October 10, 1978

Mr. Roy C. Barnes, City Clerk
Idaho Falls, Idaho

Dear Mr. Barnes:

I am a widow living at 2020 E. 1st Street without income besides a small savings account and a Social Security monthly check which is not too large. (\$195.70)

If there is some way the assessment could be reduced or if my property could be excused from the local improvement district, I would request it.

Respectfully yours,
s/ Sue Shikashio

OBJECTION TO ASSESSMENT ROLL AND INCLUSION OF PROPERTY IN
LOCAL IMPROVEMENT DISTRICT NO. 52, IDAHO FALLS, IDAHO

COMES NOW the Post Company, an Idaho corporation, by and through its President, James M. Brady, and hereby objects to the Assessment Roll which has been filed for Local Improvement District No. 52 which states that The Post Company objects to having its property included in said Local Improvement District and it further objects to having its property assessed in any amount whatsoever for the cost of the improvements made in connection with Local Improvement District No. 52. This objection is made on the grounds that none of the improvements made in connection with Local Improvement District No. 52 are adjacent to the property owned by the Post Company and the Post Company property is not benefited in any manner whatsoever by the said improvements. The Post Company property is not fronting on, abutting, adjoining, contiguous or adjacent to the streets improved under Local Improvement District No. 52, and said streets do not provide any direct access to the Post Company property.

The Post Company will appear by and through its attorney, Charles A. Homer of Holden, Kidwell, Hahn and Crapo, at the hearing to be held October 19, 1978, at 7:00 o'clock p.m. to consider objections to the Assessment Roll of Local Improvement District No. 52.

WHEREFORE, The Post Company respectfully requests as follows:

That the City Council for the City of Idaho Falls, Idaho, not confirm the Assessment Roll for Local Improvement District No. 52 until there is excluded from Local Improvement District No. 52 and removed from the Assessment Roll the property owned by the Post Company which the Assessment Roll provides to be assessed under Assessment No. 97.

Dated this 17th day of October, 1978.

THE POST COMPANY
s/ James M. Brady
President

The City Clerk then added that another written protest would have been presented in writing by Mr. Arthur Holm, 1198 Bingham, Assessment No. 71, except that he had recently undergone surgery and was unable to write or attend this hearing. Instead, Mr. Holm had submitted his protest on Bingham Street but felt he must object, by virtue of the fact that he was unable, financially, to pay the annual assessment.

Sakaguchi then invited verbal protests or other comments from the floor.

Mr. Russell Berrett, 1845 Tiffany, appeared before the Council in the interests of Highlander Farms, Assessment No. 96. Mr. Berrett protested the proposed assessment and the inclusion of Highlander Farms in the District on the grounds that there would be no benefit, particularly from sidewalks, as Highlander Farms is located on the periphery of the City where there is no pedestrian traffic.

Mr. Chuck Homer, local Attorney representing the Post Company, Assessment No. 97, appeared. It was noted that his was one of the written protests presented earlier. Homer protested the inclusion of the Post Company in the district on the grounds that affected property owned by that company is not even adjoining the street to be improved; neither does the Post Company have access to it. Therefore, in the opinion of Mr. Homer, no benefit would be derived.

Mr. Lowell Browning, Vice President of Browning Freight Lines, appeared in the interests of that company, Assessment No. 78, to supplement a written protest, presented earlier. Browning protested his company being included in the district on the grounds that the affected property lies in an isolated area and would not benefit from the improvement.

At this point, Councilman Freeman interceded to say that protests of this nature should have been presented at the initial hearing before the district was created, although, by a recent change in the law, it is now in order to present them at the assessment hearing, provided the protest is on the grounds of no benefits.

Mr. Arthur Montague, 679 College, Assessment No. 19, appeared briefly to register an objection on the amount of his assessment, as calculated, compared to an earlier, lower figure which reportedly had been given him. Montague was told there was no other time when the City, by official notification or otherwise, had any occasion to provide any other amount. It was assumed the lower figure to which he referred must have been given by an employee of the Engineering Department as a rough estimate. Montague then turned to a section of the notice sent him in the mail, quoting said section as follows: "You are further notified that in revising up to twenty percent (20%) of the original amount thereof without giving further notice and holding a new hearing thereon." Asked for comment, City Attorney Smith advised that State Law makes it mandatory for such a section to be included in said notice. He drew attention to the specific wording which says the Council might proceed in this manner, emphasizing the word, "might". He said this was deemed in order to give the Council some leeway in the event of unknown contingencies. Smith concluded his remarks by saying that no City Council, to his knowledge, had even taken advantage of this clause. The Mayor concurred and, speaking for the existing City Council, said there was no intention, under any circumstances to charge more than the assessment as stated.

Mr. George Peterson, local Attorney representing E.W. Ferguson, Assessment No. 30, appeared to report that his client had contracted with a private contractor, H-K, to do the construction work which would otherwise be accomplished under L.I.D. #52 and on these grounds, asked that his client be withdrawn from the District. He said the cost, going this route, would be somewhat less than the assessment as calculated. In answer to a question by the City Attorney, Mr. Peterson said this decision was reached after the district was created. In answer to another question, Peterson admitted that the Engineering Department had not been notified as to this decision. The Mayor acknowledged that virtually any and all of these proposed improvements could be done less costly to the property owner, if he were to work directly with a private contractor, inasmuch as the LID assessment reflects, not only construction costs, but legal and engineering costs as well. The Mayor said it was

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unfortunate that this announcement was not made before the district was created and a lien placed on the property accordingly. The Mayor concluded by saying that, had the Engineering Department been so notified at the proper time, they would have welcomed the opportunity of excluding the improvement in question.

Mr. John Homer, representing the Village Investment Company, Assessment No. 112, appeared briefly to say that the company he represented also planned on and would prefer proceeding with their own construction work and be withdrawn from the district on the same grounds. Homer said the company he represented even had the engineering work planned when they received the assessment hearing notice.

Mr. Gordon Barben, Shelley, Idaho, Assessment No. 76, appeared to protest said assessment and asked to be excluded from the district on the grounds that the proposed improvement would not benefit him in relation to cost.

Mr. Vick Ganieany, 1151 Bingham, Assessment No. 66, appeared to protest Bingham becoming a through street on the grounds that this would create a dangerous hazard to the children.

Mr. Paul Badnerosky, 1165 Bingham, Assessment No. 67, appeared to concur with the remarks of Mr. Ganieany and also to say that his assessment, as proposed, would work a financial hardship.

At this time, Mr. Ed DiBello, 960 Washburn, not affected by nor a part of L.I.D. No. 52, appeared as a citizen to register concern pertaining to the comments made by Attorney George Peterson, DiBello implied that, in his opinion, the difference between the Assessment calculated for Mr. Peterson's client and the amount quoted by a private contractor to do the same work was entitled to an explanation. DiBello concluded his remarks by registering an opinion to the effect that if this is a common occurrence when and L.I.D. is created, the City should find another vehicle for such construction. Asked for comment, City Attorney Smith explained that this is the only vehicle provided by law for such improvements when said improvements are financed through the issuance of bonds which necessitates considerable legal and engineering costs. Smith continued by saying that the total cost of any given L.I.D. is averaged out equally to all of those assessed within the district and it goes without saying that some areas, free of lava rock, for instance, could be improved cheaper than others if singled out and accomplished by a private contractor. The Mayor added a word by saying the City would welcome these various improvements being done by a private contractor, providing the Engineering Department were to be notified before the District was created.

In answer to a question by Mr. Hillman, 634 Lomax, the City Attorney explained that the bonds issued under L.I.D. No. 52 would probably extend for a 15 year maturity period and that assessments would be payable accordingly. Also, Smith said that interest on said bonds, although not yet set, would be at a comparable rate to similarly rated bonds nationally, determined by the bond market index at the proper time, and that this information would be furnished by one or more financial consultants. In answer to a question by Mr. Berrett, the City Treasurer explained that assessments could be paid in full within a given thirty day period without interest or penalty; beyond that, the first assessment payment would be due 10 months from the date of the bonds and annually thereafter. She said a partially paid assessment could be paid in full at any period during the life time of the bonds by paying the total amount of the unpaid portion of the assessment, plus the current year's interest plus one additional year's interest.

Mr. David Lowry, 1160 Bingham, Assessment No. 74, appeared to say his assessment for Bingham Street improvement would be of no benefit to him in relation to cost. Mr. Lowry also concurred with other statements made during this hearing that if Bingham Street, by construction of a bridge, were to become a through street, this would create a safety hazard.

Mr. Mark Beebe, representing Fred Barnhart, et al, Assessments No. 54 and 55, appeared briefly to say that the improvements on the properties owned by the property owners he represented would be of no benefit in relation to cost.

Ms. Fran McGill, a member of the League of Women Voters, appeared briefly to ask about a bridge proposed for construction on Bingham Avenue, her question being: Is it right to assume that if Bingham Avenue is not improved, the bridge will not be constructed? In answer, the Mayor advised that there was no connection between the district and the bridge and that the funds for the bridge, if constructed, would not be forthcoming from the District.

Mr. Beebe re-appeared briefly, asking what would happen to assessed properties if assessment payments were not made. In answer, the Mayor said the City Treasurer and the City Council would do everything in their power to work with specific cases of hardship. The City Attorney clarified this statement, however, by saying that, in the final analysis, now that the district is created, assessments of affected properties will appear as a lien against such properties, the bondholders being the lien holder. Referring back to the unique situation as presented by Attorney George Peterson, Mr. Dave Benton, local Engineer, appeared briefly to say that his firm had several clients who would also like to withdraw from the district and have the improvements done by a private contractor if this was determined to be permissible.

Several protests in writing having been filed against items set forth in the Assessment Roll of Local Improvement District No. 52, and the City Council having heard oral protests and having considered said oral and all written protests against items in the Assessment Roll, the adoption of the following resolution was then moved by Councilman Sakaguchi, seconded by Councilman Hovey, and unanimously passed, to-wit:

(Resolution No. 1978-18) "RESOLVED: THAT THE CITY COUNCIL TAKE UNDER ADVISEMENT ALL OF THE PROTESTS AGAINST ITEMS IN THE ASSESSMENT ROLL AND RENDER A DECISION CONCERNING SAID PROTESTS AT A FUTURE MEETING."

The foregoing resolution having referred to a pending decision at some future meeting, it was moved by Councilman Sakaguchi, seconded by Hovey, that the date of said meeting where protests against the Assessment Roll, L.I.D. No. 52, would be considered by the Council be set for November 9th, 1978. Roll call as follows: Ayes, 6; No, none; carried.

Anticipating annexation of an area to be called Coachmen West Addition, Division No. 3, the City Clerk presented and read aloud this introductory memo from Building Administrator Gilchrist:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: COACHMAN WEST ADDITION, DIVISION NO. 3 - FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement and final plat of the above described property. This property was recently the subject of a public hearing at the Planning Commission level, and at that time they

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recommended approval of the final plat, annexation to the City and initial zoning RMH (Residential Mobile Home). No protests were heard at this hearing; however, after that date a petition protesting this development was submitted to the City Clerk's office.

This 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

Asked for comment, Gilchrist appeared briefly to explain that the final plat of this area called for 19 lots, ranging from 78' X 125' to about an acre, to be occupied by mobile homes. Gilchrist said that, in the opinion of the Planning Commission, this development would be properly buffered for its intended use by a canal, the airport clear zone, Reinhart Park and another area occupied by a church, adding that, to the south, there existed a large mobile home subdivision. Gilchrist concluded his remarks by again referring to the large size of the lots, emphasizing that this would be conducive to lower density than would result from multiple family units. The City Clerk then read aloud this letter of protest relative to the proposed zoning and use of the Coachman West, Division No. 3:

September 18, 1978

Mayor Thomas Campbell
City of Idaho Falls
Idaho Falls, Idaho

Dear Mr. Mayor:

I would like to bring the attached petition to your immediate attention and notify you that the residents adjacent to the proposed Coachman West Division No. 3 are opposed to the change in zoning of this land. The zoning is to be changed from agricultural to residential motor home and the land annexed to the City.

A recent poll conducted in the area indicates the residents are opposed to the zoning change for the following reason:

- a) The mobile homes will decrease the value of our property.
- b) The area population density will be increased.
- c) There are already sufficient trailer courts in the area.
- d) The proposed zoning is not compatible with other zoning north of Grandview Avenue.

The developer of this area has recently graded the roadway, delivered sewer pipe, and started trenching for sewer installation prior to final annexing of the land by the City. A discussion with a representative of the construction firm, Hartwell Construction, indicates that they consider the land annexed and the zoning approved. However, conversation with Mr. Gilchrist of the Zoning Department over the past several months indicate that City Council action is pending. Therefore, I ask that you as Mayor take immediate action to halt all

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construction activity on this project until the zoning and annexation regulations have been properly complied with by both the City and the developer.

s/ Ed DiBello
960 Washburn Avenue

The foregoing letter served to introduce the following petition of protest with thirty signers, all residents on Washburn or Melody Drive:

WE THE UNDERSIGNED PROPERTY OWNERS IN
THE VICINITY OF THE PROPOSED COACHMAN
WEST DIVISION NO. 3 ARE OPPOSED TO THE
CHANGE IN ZONING OF THIS LAND FROM
AGRICULTURAL TO RESIDENTIAL – MOTOR HOME
(R-MH) ZONING.

Referring back to the foregoing letter, the Mayor commented to the effect that it would be beyond the City's jurisdiction to prevent grading and trench digging, inasmuch as the area is still in the County. Councilman Hovey concurred and then took this opportunity to register his disappointment and concern that the area of City impact still had not been accepted by the County. He said that if this action had been consummated, the City might have some control on matters of this nature.

Mr. DiBello re-appeared briefly to draw attention to the fact that the above letter was dated September 18th. He said that, in the interim period, water lines and fire hydrants have been installed.

Nancy Aguire, 1939 Melody Drive, appeared before the Council to protest the proposed development within Coachman West, Division No. 3. She said there was a time when she had a beautiful view from her home but now, due to the above mentioned preliminary construction, it is dirty and dusty and, if this development is permitted, the future months promise more of the same if not worse. Beyond that, continued Mrs. Aguire, the proposed development, when completed, will likely not be a thing of beauty as mobile home developments do not have a reputation for a satisfactory or adequate landscaping program.

Mrs. Lynn Kirby, 1325 Melody, appeared to ask if the developer would be permitted to proceed with the above mentioned grading and trenching if annexed. In answer, the Mayor explained that he would be permitted to proceed whether annexed to the City or not but, if annexed, he would be forced to comply with City Codes and the provisions of the annexation agreement. In answer to a question by Councilman Erickson, Gilchrist responded by saying the area is question is County-zoned RA-1 which would allow mobile homes if approved by the County Planning Commission. Gilchrist continued by saying that, prior to the Planning Commission hearing, notices were sent to all residents within 300 feet, as required by law, and there were none who appeared to protest or otherwise comment on this proposed development. Councilman Freeman registered an opinion to the effect that residents living close to an area about to be annexed should welcome annexation on the grounds that when annexed, all future development would be scrutinized and controlled by City Code, especially on such facets of said development as the installation of water, sewer, electric services and street sidewalk, curb and gutter improvements. As for recommended zoning, Freeman said that RMH is the zone recommended by the Planning Commission and the City Council, with only rare exception, even zoned or re-zoned lands contrary to the recommendation of that planning body.

Mr. Alan Stephens, 1418 Melody, appeared briefly to remind the Council that schools are presently overcrowded and need maximum tax support from all sources. He said there would not be as much tax revenue from this development, as proposed, as would be available from many other types of development.

Mr. DiBello re-appeared to say that even though property tax continues on the incline, his residential property would be devalued by such a development in the near vicinity. In answer to a question by DiBello having to do with the time delay between the Planning Commission hearing and the City Council hearing on this issue, Gilchrist explained the steps that must be taken to comply with the law. In answer to another question by DiBello as to why the area of City Impact had not been accepted by the County, the Mayor assured DiBello that the City has been pursuing this problem for one and a half years without success to date. DiBello concluded his comments and questioning by proposing that the City Council refuse to annex the area in question until the developer agreed to draw up restrictive covenants. DiBello was advised that this was not the prerogative nor within the power of the Council.

Mr. Robert Drexler, 1893 Melody, appeared briefly to register an observation from the preceding dialogue. He said that, in his opinion, a developer apparently, can flagrantly disregard all rules and regulations and proceed with no fear on controls or regulatory directives.

At this time, Mr. Dave Benton, engineer for the project, appeared before the Council to refute the Drexler comment. He took strong exception to the idea that there was any flagrant planning on the part of the developer. He said the mobile home concept was considered to be less objectionable than high-rise apartments from the standpoint of the view of those living to the east. He reminded Drexler of the large lots that would create less density. He said the impact area County ordinance will permit smaller lot minimums than are being planned. He said the building plans have been checked by the Health Department, the City Engineer and other responsible officials, as well as the Planning Commission, and have received their blessing.

Rev. John Sweeney, Pastor, First Church of the Nazarene, 965 Washburn, appeared briefly to ask whether the canal adjacent to the Coachman West Division No. 3 was to be included in this proposed annexation and was answered in the negative by Gilchrist. Rev. Sweeney said his concern was prompted because of motor bikes that use the canal banks as a motor bike path and many of the operators appear to be under age. It was generally agreed that there would be more control over this recreational activity if the canal were in the City.

DiBello again appeared, reminding the Council that some sewer lines had already been installed and covered. He asked how the Public Works Division intended to cope with this problem from the standpoint of inspection. Asked for comment, Public Works Director Lloyd said the Sewer Department would resort to their specially built, sewage line TV camera which is not uncommon for inspection of sewer lines that have been installed prior to annexation. In the absence of further comment, it was moved by Councilman Freeman, seconded by Clark, that the final plat of the Coachman West Addition, Division No. 3 be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An annexation agreement between the City and Coachman West Addition, Division No. 3 developer was then introduced. It was moved by Councilman Freeman, seconded by Clark, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1567

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. (COACHMAN WEST ADDITION, DIV. #3)

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 Coachman West Addition, Division No. 3, having been properly annexed into the City, the Mayor announced that this was the time and the place, as advertised, to consider its initial zoning. There were none who appeared to protest or otherwise comment on said initial zoning, as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Planning Commissions' recommendation be upheld and the area in question be initially zoned RMH. Roll call as follows: Ayes, 6; No, none; carried.

Turning to Mr. Benton, the Mayor said that, in his opinion, the developer of the Coachman West Addition, Division No. 3 displayed crudeness by proceeding with grading and trenching, prior to and in anticipation of annexation. Benton said this was the decision of the developer who, apparently, was willing to take the chance that he would be annexed.

Referring back to Reverend Sweeny's observation relative to the motor bike activity on the canal, it was moved by Councilman Freeman, seconded by Clark, that the City Attorney be directed to prepare an ordinance that would annex the East Lateral Canal, adjacent to Coachman West Addition, Division No. 3. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that annexation proceedings were anticipated for an area to be known as the Evans property on West Broadway, Councilman Freeman asked the City Clerk to read aloud the following introductory memo:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: EVANS PROPERTY ON W. BROADWAY – ANNEXATION & INITIAL ZONING

Attached is a copy of the annexation ordinance, and annexation agreement pertaining to the Evans property located on West Broadway in a metes and bounds legal description. The property owners have requested annexation to the City in order to be served by the City utilities. No plat was required as this property is currently developed with a home and a duplex.

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The City Planning Commission recently reviewed this request and at that time recommended annexation to the City and initial zoning of R-3A.

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

It was moved by Councilman Freeman, seconded by Clark, that the annexation agreement between the City and the owners of the Evans property be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1568

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. (EVANS PROPERTY ON WEST BROADWAY)

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 Evans property having been properly annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on said zoning, as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Evans Property on West Broadway be initially zoned R-3A. Roll call as follows: Ayes, 6; No, none; carried.

With reference to both of the foregoing annexations, it was moved by Councilman Freeman, seconded by Clark, that the Building Official be directed to reflect said zonings on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and place, as advertised, to consider a re-zoning petition from Mr. E. W. Ferguson, as introduced by this memo from the Building Administrator:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION – CAPITAL HILL ADDITION, BLOCK 25, LOTS 25 THROUGH 36 – R-2 TO R-3A

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Attached is a copy of a request to rezone the above described property, submitted by E. W. Ferguson. This property is adjacent to, and on the north side of Lomax Street, east of Freeman Avenue. The Planning Commission recently considered this matter at a public hearing and at that time several protests from adjacent property owners were heard.

The Planning Commission recommended denial of this request. This recommendation was made inasmuch as the majority of the surrounding property was zoned R-2 and it was also felt that while professional offices might be a desirable use adjacent to Lomax Street, a high density apartment complex would not be compatible with the area.

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

s/ Rod Gilchrist

Councilman Freeman announced that the petitioner had expressed a change of mind on this matter since it had been considered by the City Planning Commission and now wished to re-petition the Planning Commission, requesting a different zone than R-3A. Asked for comment, the City Attorney advised that this would require further consideration by the Planning Commission. He also advised that the only action required by the Council, if it be their will, would be to recess this rezoning request until it had again been reviewed by the Planning Commission. Therefore, it was moved by Councilman Freeman, seconded by Clark, that this matter be recessed and referred to the Planning Commission for further consideration. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and place, as advertised, for a public hearing to consider a variance request for placement of a mobile home, as more fully explained by this memo from Building Administrator Gilchrist:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO PLACE MOBILE HOME IN I & M-1 ZONE

Attached is a request for a variance from Lemon's Housemoving to place a mobile home adjacent to Houston Avenue. This mobile home would be placed on their housemoving yard to provide quarters for a night watchman. The petitioner has stated that they have suffered considerable loss due to theft and vandalism and wish to have a night watchman on duty at nights and on weekends.

This department concurs with their request and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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At the invitation of Councilman Freeman, Gilchrist located the proposed mobile home location on the map which revealed that it would be well within an Industrial area. Even so, Freeman questioned the advisability of allowing permanent placement on the grounds that it would be precedent setting. There were none who appeared to protest or otherwise comment on this variance as requested. It was moved by Councilman Freeman, seconded by Clark, that authorization be granted to allow this mobile home request for a period of six months with the understanding that, if desired, it could be reconsidered for an additional period after six months. Roll call as follows: Ayes, 6; No, none; carried.

License applications for JOURNEYMAN ELECTRICIAN, Gary Foster, Sr., Frank W. Pierce, John Morgan for APPRENTICE ELECTRICIAN; BEER (CANNED, BOTTLED, AND DRAUGHT TO BE CONSUMED ON THE PREMISES), TRANSFER, from Ponderosa Inn to Littletree Inn; CAB DRIVER, Leonard Denton; PRIVATE PATROLMAN, Mark Randal; BARTENDER, Clinton B. Martin, D.V. Sydow, Peggy L. Parsons; LIQUOR, TRANSFER, from William P. Kelly d.b.a. Kelly's Pub to William B. England d.b.a. Littletree Inn, were presented. It was moved by Councilman Clark, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Directors, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented City Redemption Tax Deeds in favor of Aldon Colby and Van Johnson, accompanied by these resolutions:

RESOLUTION (Resolution No. 1978-19)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 17th day of June, 1975, recorded as Instrument No. 480432 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lots 11 and 12, Block 6, Dwights Addition to the City of Idaho Falls, Bonneville County, Idaho per the recorded plat thereof

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

NOW, THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL this 19th day of October, 1978.

APPROVED BY THE Mayor this 19th day of October, 1978.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

OCTOBER 19, 1978

R E S O L U T I O N (Resolution No. 1978-20)

WHEREAS the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 9th day of November, 1971, recorded as Instrument No. 424331 in the records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lot 2, Block 95, Riverside Addition to the City of Idaho Falls, County of Bonneville, State of Idaho.

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

NOW, THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL THIS 19th day of October, 1978.

APPROVED BY THE MAYOR THIS 19th day of October, 1978.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

It was moved by Councilman Hovey, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the resolution and the deeds. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was submitted:

City of Idaho Falls
October 18, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: EAST-CENTRAL IDAHO ENERGY MANAGEMENT PROGRAM

It is the recommendation of the General Services Division that the City Council endorse the City's participation in the East-Central Idaho Energy Management as proposed by the ECIPDA. This participation includes those activities as proposed on attached schedule.

Thank you,
s/ Chad Stanger

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It was moved by Councilman Erickson, seconded by Sakaguchi, that the City Council endorse the City's participation in the Management Program as indicated and recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: AUTHORIZATION FOR CUSTOMER TRANSFER

Eight Utah Power & Light Company accounts have requested transfer to City electrical service. Total cost is \$31,552.98.

They are all customers within the City limits and Utah Power & Light Company has agreed to their transfer request.

Council authorization for transfer is requested.

s/ Steve Harrison

Referred to in the foregoing memo were the following Electric accounts:

Furniture Fair
Gene B. Christiansen
LDS 34th and 35th Wards
Ron Hendricks
Ken Galloway (3)
Motor Matt

It was moved by Councilman Wood, seconded by Hovey, that authorization be granted for the City to consummate the transfer of these inside-the-City electric accounts as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks and Recreation Director was reviewed:

City of Idaho Falls
October 18, 1978

MEMORANDUM

TO: Mayor & City Council
FROM: Ernest Craner, Director
SUBJECT: REPAIR OF SOUTH END OF LOG BUILDING AT HIGHLAND

Request permission to award a contract to Gordon Barben & Associates, Idaho Falls, to make repairs to the south end of log building at Highland Park – at cost of not to exceed \$4,950.00.

OCTOBER 19, 1978

Plans for repairs are in the office of City Planner for approval and building permit.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Erickson, that the City Attorney be directed to prepare a contract between the City and Gordon Barben & Associates for the repairs as indicated, after which the Mayor and City clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was forthcoming:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: KEARNEY STREET BRIDGE

The design has now been completed for the Kearney Street bridge crossing over the Meppen Canal. We are requesting authorization to advertise for construction on November 5, 12, 19, 1978 and open bids November 21, 1978.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that authorization be granted to advertise for bids on the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
October 1, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: HEMMERT STREET CULVERT AT WILLOW CREEK

Plans are now complete for the pipe arch culvert for Hemmert Drive at Willow Creek and Street Department plans to make the installation during the winter. We are now requesting authorization for General Services to call for bids for this material.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that authorization be granted to advertise for bids on the material as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was presented, to-wit:

OCTOBER 19, 1978

City of Idaho Falls
October 18, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PEDESTRIAN RAMPS AT CIVIC AUDITORIUM

On October 6, 1978 two bids were received for the Pedestrian Ramp at the Civic Auditorium.

TAP Construction	\$46,858.75
Reinhart Construction	47,721.16
Engineer's Estimate	36,888.30

These bids have been reviewed and we conclude there would be no benefit to re-advertising. We are therefore recommending:

1. That the Grant Administrator be authorized to reallocate \$1858 from local option portion of CD funds to this project, and
2. A contract be awarded to the low bidder, TAP Construction, in the amount of \$46,858.75 subject to a receipt of written release of 1978 CD funds.

s/ Don

With reference to the CD fund reallocation, it was moved by Councilman Sakaguchi, seconded by Hovey, that said reallocation be authorized. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the contract award, it was moved by Councilman Sakaguchi, seconded by Hovey, that TAP Construction be awarded the contract for the Civic Auditorium ramp in the amount of \$46,858.75, subject to receipt of written release of the 1978 CD funds. Roll call as follows: Ayes, 6; No, none; carried.

Continuing with memos from the Public Works Director, the following was submitted:

City of Idaho Falls
October 18, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WELL NO. 14

On October 17th a single bid was received for the construction of Well No. 14 by Clark Bros. Construction Co. at a total cost of \$288,763, while the Engineer's estimate was \$232,000. We also notice two informalities in the bid; Addendum No. 2 was not properly acknowledged and no pre-submittal was made for the generator as specified.

OCTOBER 19, 1978

We are requesting that the Council reject this bid and further, that the City Clerk be authorized to re-advertise on October 29, November 5 and 12, 1978 to open bids on November 21, 1978 at 10:00 a.m.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that for the reason as stated, the single bid received for construction of Well No. 14 be rejected and, also, authorization be granted to re-advertise for bids on the project, as indicated, as soon as possible. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then submitted:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PURCHASE OF DRAINAGE MULTI-PURPOSE AREA

Negotiations have been completed for acquiring a portion of the proposed Westside Drainage Multi-Purpose area. We are requesting authorization for the City Attorney and Public Works to complete the acquisition of a 4.25 acre parcel at \$5,000 per acre.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney, working with the Public Works Division, be directed to proceed with the land acquisition, as stated, for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk read aloud another memo from the Public Works Director, as follows:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: OPTION TO PURCHASE LAND

On October 25, 1977, the City entered into an Option to Purchase Agreement with Bish Jenkins and Sons, Inc. We are requesting authorization to exercise this option by purchasing Tract No. 1 of ten acres for \$44,000.00.

Respectfully submitted,
s/ Don

OCTOBER 19, 1978

Councilman Sakaguchi explained that this purchase option expires this month and therefore, should be exercised as soon as possible. The Mayor noted that the land in question, when acquired will serve a dual purpose; namely, a gravel pit and later, when the gravel is exhausted, a landfill. It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney be directed to proceed with the exercising of this option as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director having to do with the exercising of an option was submitted, as follows:

City of Idaho Falls
October 19, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: OPTION TO PURCHASE LAND

In March, 1977, the City entered into an Option Agreement to purchase road right-of-way from McCarty's Inc. Arrangements have been made to exercise this option for a total price of \$9,202.75 which includes adjustments for the Consumer's Price Index. We are requesting your authorization to acquire this right-of-way.

Respectfully submitted,
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney also be directed to proceed with the exercising of this option as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, this memo was submitted:

City of Idaho Falls
October 18, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PANCHERI CURB CUT FOR ROGERS BROS.

Attaching a letter from Rogers Bros. requesting a curb cut on Pancheri Drive near Capital Avenue. This curb cut will be conditioned upon it being used for servicing the wastewater treatment facilities; keeping the property fronting on Pancheri fenced, with the gate at the curb cut normally closed.

The Public Works Committee has reviewed this request in detail and would recommend the Council authorize the Mayor to sign the City's approval.

s/ Donald F. Lloyd

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It was moved by Councilman Sakaguchi, seconded by Hovey, that with the understanding and conditions as described in the foregoing memo, this request be granted and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation Miller was submitted:

City of Idaho Falls

October 19, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: IDAHO FALLS MUNICIPAL AIRPORT BUILDING AND EXPANSION PROJECT

We respectfully request that the Mayor and City Council authorize the City Clerk to advertise for bids, as soon as possible, for the expansion and modernization of the Idaho Falls Municipal Airport Terminal Building.

s/ Tom Miller

Asked for comment, Miller appeared briefly to report that the architect's drawings and specifications are about 96% complete and, barring unforeseen developments, it would be hoped that advertisement for bids might be published, starting around the first of November. It was moved by Councilman Clark, seconded by Wood, that authorization be granted to advertise for bids as soon as possible on the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the Police Chief came this memo:

City of Idaho Falls

October 19, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: TRAFFIC AND/OR PARKING RECOMMENDATION

The following submitted for your consideration:

1. Have the center passing lane painted out along with removal of the NO PARKING signs on Shoup Avenue from the north side of Market Street south to the railroad tracks. (This will provide parking for an additional fifteen plus vehicles during the construction of the State building and can be changed back, if required, at normal cost).
2. Request amendment to the Traffic Safety item #10 on two hour parking on the south side of Lomax approved at the City Council meeting of 5 October 1978. In place of: WEST OF HOLMES AVENUE TO THE DRIVEWAY OF FIRST STREET WELDING, It read: West of Holmes Avenue for sixty (60) feet of parking.

s/ Robert D. Pollock

With reference to the first recommendation, it was moved by Councilman Clark, seconded by Freeman, that this proposal be approved. 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 with reference to recommendation No. 10, considered and acted upon by the Council on October 5th, said action be rescinded and, instead, this amended recommendation be approved to provide 60' of two hour parking at the location as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 305 in this book of minutes and, more specifically, presentation of an ordinance providing for the licensing of contractors doing work within public ways and easements. Reference is further made to the fact that, on October 5th, said ordinance having to do with the warranty on street repairs. Therefore, the City Attorney had rewritten that section, as follows:

SECTION 4.

- (L) The Licensee shall warrant the adequacy and continued satisfactory condition and function of any street repairs and of any street and/or utility facilities constructed or reconstructed within any public right-of-way for a period of three (3) years after they have received their final approval and acceptance by the City. Provided, however, such warranty shall extend only to any unsatisfactory condition or function caused by interior design, workmanship and/or materials furnished by the Contractor.

Councilman Sakaguchi reported that the concerned contractor had seen this revised section and that it now met with his approval.

The City Attorney then reintroduced the Contractor's licensing ordinance as follows, reflecting the foregoing amendment:

ORDINANCE NO. 1569

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO PROVIDING FOR THE LICENSING OF ALL CONTRACTORS DOING WORK WITHIN PUBLIC WAYS AND EASEMENTS OF THE CITY OF IDAHO FALLS; FIXING FEES FOR SAID LICENSING; REQUIRING PUBLIC LIABILITY INSURANCE FOR AND BONDING OF LICENSEES; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Sakaguchi, seconded by Hovey, 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 AS AMENDED?" Roll call as follows: ayes, 6; No, none; carried.

Reference is made to Page 223 in this book of minutes and more specifically, a letter from the Bonneville Board of Commissioners, asking for the opportunity to negotiate with the City, relative to settlement of certain court fees due the City from the County. The

OCTOBER 19, 1978

Mayor reported that he had recently received another letter from that governing body, offering to pay the City \$21,500 or 50% of that which the City was claiming. The Mayor said they reasoned that the County has supplied some facilities and, therefore, was entitled to some consideration. It was moved by Councilman Hovey, seconded by Erickson, that this offer be referred to the Fiscal Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of Councilman Erickson, the City Clerk read aloud this letter of recommendation from the Golf Advisory Board pertaining to golf fees for season tickets at both golf courses:

City of Idaho Falls
September 19, 1978

Mayor Tom Campbell & Council
P O Box 220
Idaho Falls, Idaho

Gentlemen:

On Monday noon, September 18, 1978, the Golf Advisory Board met to consider the Men's Golf Association's proposal that there be an option for Pinecrest ticket holders to have a season ticket at Pinecrest only, or a combined ticket for Pinecrest and Sandcreek. They reasoned that it would not decrease the number of ticket holders, as those who are content to stay at Pinecrest only, could do so, but it does allow the season ticket holders to have the opportunity to play both golf courses.

It is the recommendation of the Golf Advisory Board that the following fees for season tickets be considered by you:

Jr. Ticket weekday only, before 4:00 p.m.	\$ 35.00
Jr. Ticket non-restricted	70.00
Jr. Ticket at Pinecrest & Sandcreek	125.00
Pinecrest Season Ticket	100.00
2 nd Pinecrest Season Ticket	75.00
Sandcreek Season Ticket	100.00
2 nd Pinecrest Season Ticket	75.00
Season Ticket, both Pinecrest & Sandcreek	150.00
2 nd Season Ticket, both Pinecrest & Sandcreek	125.00

Sincerely,
s/ Marge Dierks
Secretary

Erickson noted that the foregoing meets with the approval of the men's and women's golf associations. In answer to a question by Councilman Hovey, Erickson said there was no way of knowing at this time, whether one of the courses will be overcrowded in relation to the other but that this will be closely watched and, over a period of time, should balance out. It

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was moved by Councilman Erickson, seconded by Freeman, that the foregoing fee schedule for season tickets at the municipally owned golf courses be accepted and approved. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 10:25 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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