

AUGUST 24, 1978

The City Council of the City of Idaho Falls met in regular meeting, Thursday, August 24th, 1978, at 7:30 P.M., in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting; Mayor Tom Campbell; Councilmen Jim Freeman, Mel Erickson, Ralph Wood, Paul Hovey, and Sam Sakaguchi. Absent: Councilman Charles Clark. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held August 10th, 1978, were read and approved.

Anticipating annexation of an area known as the Rose Nielsen Addition-Hammer Farm, the City Clerk was asked to read aloud this introductory memo from Building Administrator Gilchrist:

August 24, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ROSE NIELSEN ADDITION (HAMMER FARM)

Attached is a copy of the annexation ordinance and annexation agreement for the above described property. The developers are requesting annexation and initial zoning of this property, with platting to follow as development occurs. The City Planning Commission recently held a public hearing on this matter and at that time recommended annexation to the City and initial zoning of RP-A, R-2A, R-3A and C-1, as shown on the attached Exhibit "A".

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

By means of an engineer's sketch on the wall, Gilchrist described the outer boundaries of the sizeable area as follows: Generally, Church Farm Road, 17th Street, Hitt Road and 25th Street extended. In answer to a question by Mr. Adrian Hill, 2389 Malibu, Gilchrist said that Hoopes was designed, according to the sketch, to extend south throughout this proposed annexation area.

In the absence of a final plat, this being an un-platted area, first to be considered was the annexation agreement between the City and the Rose Nielsen-Hammer Farm developer. It was moved by Councilman Freeman, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, two; carried. Councilmen Hovey and Sakaguchi voting no.

ORDINANCE NO. 1559

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. (ROSE NIELSEN-HAMMER ADDITION.)

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The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Erickson, 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, Councilmen Erickson, Wood, Freeman; No, Councilmen Hovey and Sakaguchi; 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, Councilmen Erickson, Wood, and Freeman; No, Councilmen Hovey and Sakaguchi; carried.

The Rose Nielsen, Hammer Farm Addition, 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 Erickson, that this area be initially zoned as follows: Tract A, R3-A; Tract B, C-1, Tract C, R3-A, Tract D, R2-A, Tract E, RP-A, as more fully described on Exhibit A, attached to and made a part of the annexation agreement. Roll call as follows: Ayes, Councilmen Freeman, Erickson, and Wood; No, Councilmen Hovey and Sakaguchi; carried.

As Chairman of the Building and Zoning Committee, Councilman Freeman asked Councilmen Hovey and Sakaguchi their reason or reasons for their opposition to this annexation, resulting in their No votes. Freeman said he recognized that these Councilmen originally opposed the large area annexation concept but, now that said concept had been accepted by the Council, as evidenced by annexation of the Rose Nielsen-Prestwich Farm, he could see no justification for any further attempt to oppose it. Speaking for himself and Councilman Sakaguchi, Hovey said that the previous objection, registered earlier at the time the Prestwich Farm was annexed, was still valid. Continuing, Hovey said an annexation of this size, in his opinion, constituted an implied obligation by the City which could well, sometime in the future, prove costly. He said that he, as Councilman, was not ready to accept such an implied obligation. Hovey concluded his remarks by saying he saw no need to reiterate the scope of said implied obligation as he has stated his position in detail at the time the Prestwich Farm was proposed for annexation.

An area to be known as the Ashment Addition, Division No. 2 was then introduced for annexation consideration by this memo:

City of Idaho Falls
August 24, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ASHMENT ADDITION DIVISION NO. 2, ANNEXATION, FINAL PLAT AND INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement and final plat of the above described area. This plat was recently considered by the City Planning Commission and at that time recommended the property be annexed

to the City, the final plat approved and initial zoning of R-3 be established on the property.

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

s/ Rod Gilchrist

It was explained by Building Administrator Gilchrist that this area is adjacent to the Vo-Tech School. First to be reviewed was the final plat. It was moved by Councilman Freeman, seconded by Erickson, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

An annexation agreement between the City and the Ashment Addition, Division #2 developer was then presented. It was moved by Councilman Freeman, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1560

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LAND AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (ASHMENT ADDITION, DIV., #2)

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

The Ashment Addition, Division No. 2 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 Erickson, that this newly annexed area be initially zoned R-3. Roll call as follows: Ayes, 5; No, none; carried.

With reference to both of the foregoing annexations, it was moved by Councilman Freeman, seconded by Erickson, that the Building Official be directed to reflect these initial zonings on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider re-zoning of a portion of the Hollipark Addition, Division No. 2. This informational memo from the Building Administrator was read aloud:

City of Idaho Falls
August 24, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist

SUBJECT: PROPOSED REZONING – HOLLIPARK ADDITION (PORTION OF
DIVISION NO. 2)

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The owners of the proposed rezoning of a portion of Hollipark Addition, Division No. 2 have requested that the public hearing on this matter, scheduled for August 24th, be recessed until the next regular meeting of the City Council.

s/ Rod Gilchrist

In view of this request from the owners, it was moved by Councilman Freeman, seconded by Erickson, that said request be honored and that this re-zoning hearing be recessed until September 7th, 1978. Roll call as follows: Ayes, 5; No, none; carried.

Noting Mrs. Maxine Ransom, 248 Valley Drive, present in the Council Chambers and, noting, further, that her presence was prompted because of an item on the agenda entitled "Appeal from Decision of Board of Adjustment", the Mayor asked the City Clerk to move said item up on the agenda for presentation at this time. This explanation memo from Building Administrator Gilchrist was read aloud:

City of Idaho Falls
August 24, 1978

MEMORANDUM

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

Attached is a copy of an appeal, submitted by Maxine Ransom, 248 Valley Drive. A request for a variance to construct an attached garage four (4) feet from the property line (five (5) foot side-yards are required in this area) was approved by the Board of Adjustment on June 6th, 1978. A second variance was later requested, asking for a side yard of 2 feet, 8 inches. This request was made in order to move the proposed garage forward to line up with the front of the existing house. As the side property line runs on a diagonal to the front property line, this would cause the front corner of the garage to have 2'8" side yard.

This request was denied by the board, and that decision is being appealed by the petitioner. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

By way of further explanation, Gilchrist appeared briefly, commenting to the effect that Mrs. Ransom's residence is located irregularly on an otherwise irregular lot due, primarily, to the curvature of the adjacent street at that location. Gilchrist continued by noting that, if this additional variance were to be granted, it would result in a side yard set back of only 2'8" at the extreme side of the garage but that, due to the above mentioned irregularities, there would be 7' to 8' set back at the back corner of the garage. Mrs. Ransom appeared briefly to say that the carpenters doing her construction work had recommended that the garage be lined up with the front of the house, as it would create considerable additional expense to be located according to the original plan. Councilman Wood commented to the effect that, in his opinion, this would be better planning from the standpoint of symmetry and appearance. In

answer to a question by the Mayor, Mrs. Ransom said that, if this additional variance were approved, there would still be approximately 15 feet, at the closest point, between her garage

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and the house occupied by her next door neighbor. In answer to another question, Mrs. Ransom said that neither that nor any other neighbor had registered objection. Gilchrist concurred by saying no protest nor objection has been filed in his office. Councilman Freeman registered concern about allowing this additional variance on the grounds that it would be precedent setting and, moreover, continued Freeman, it appeared unwise to take Council action contrary to a decision by the Board of Adjustment. It was moved by Councilman Freeman, that this appeal from the Board of Adjustment be denied. This motion died for want of a second. It was then moved by Councilman Wood, seconded by Erickson, that this appeal from the Board of Adjustment be honored and the additional variance request, as previously stated, be approved. Roll call as follows: Ayes, 4; No, one; carried. Councilman Freeman voting no.

The Mayor noted that the City Attorney had prepared a letter, in advance, addressed to Messrs. William Rigby and Richard Clayton, as follows:

City of Idaho Falls
August 25, 1978

Mr. William F. Rigby
545 Shoup Avenue
546 Idaho Falls, Idaho

Mr. Richard I. Clayton
545 Shoup Avenue
546 Idaho Falls, Idaho

RE: 1.87 acres of land at Broadway and Capital Avenue, Idaho Falls, Idaho – Eagle Rock Redevelopment Project, (Idaho R-6)

Gentlemen:

At a regular meeting held August 24, 1978, the Idaho Falls City Council discussed the status of the above land which was purchased by you subject to several covenants and the Urban Renewal Plan as amended. It was noted that the deed of conveyance was dated April 10, 1978, but that no delivery of the deed was accomplished, until June 14, 1978, when the Escrow Holder, Idaho Title and Trust Company, finally approved the title.

It was further noted that the THIRD Covenant of the deed provides that “construction shall commence within three (3) months from the date of the deed and shall be completed within eighteen (18) months of such date.”

Pursuant to your recent request, the City Council adopted on motion the following provisions pertaining to your land:

- (a) The commencement of construction shall be no later than September 14, 1978.
- (b) Strict performance of the THIRD Covenant is waived to extend the construction period to twenty (20) months following commencement date.

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- (c) The plans for the development of the 1.87 acre tract are on file in the office of the Building Official of the City and area approved as being in conformity with the Urban Renewal Plan for the above project.
- (d) Upon completion of the development of the land as set forth in said development plans (as amended), all conditions pertaining to development will be satisfied.

Sincerely yours,
s/ Thomas Campbell
Mayor

Recognizing Messrs. Rigby and Clayton present in the Council Chamber, the Mayor asked that this matter be considered by the Council at this time, explaining that this letter had been requested by these gentlemen to assist in obtaining needed financing for construction for the New Valley Bank at Broadway and Capital Avenue. After a brief explanation by the City Attorney, it was moved by Councilman Freeman, seconded by Erickson, that authorization be granted for the Mayor to sign and have delivered the foregoing letter. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk noted that a legal notice had been published without formal Council approval, calling for a public hearing on September 7th, 1978, to consider the initial zoning of an area to be known as the Westfield Plaza, said hearing to be conducted only if said area was first annexed into the City. It was moved by Councilman Freeman, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Another matter requiring Council ratification, according to the City Clerk, was the publication, without formal Council approval, of a legal notice calling for a public hearing on August 31st, 1978 to consider the Revenue Sharing Budget for the coming fiscal period beginning October 1st, 1978. It was moved by Councilman Hovey, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for ELECTRICAL CONTRACTOR, John Douglas Hall for J.D. Hall Electric, J. Wayne Van Orden for Ideal Electric; JOURNEYMAN ELECTRICIAN Richard Likes, John Schluter, Clifford John, William T. Eason, Val J. Vranes, J. Wayne Van Orden; APPRENTICE ELECTRICIAN, Robert Kinghorn with Star Electric, Paul Jose with Star Electric, Franklin Owen Ricks with LOC Electric; Jeff Ogden with Electri-con; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Glen E. Brown; CLASS C JOURNEYMAN, WARM AIR, REFRIGERATION, Roy Higbee; CLASS C JOURNEYMAN, Paul F. Russell; CLASS D JOURNEYMAN, REFRIGERATION, Garry L. Burke; CLASS D APPRENTICE, WARM AIR, Dennis Eddings with Bingham Mechanical; NON-COMMERCIAL KENNEL, Mrs. Margaret Walker; TAXI CAB DRIVER, Randy M. Garner with Rabbitaxi; BARTENDER, Lori Lanford, Sandy G. Arave, Charles B. McNeill, Jr. Boyd R. Roberts, Clara Ray, Kevin Butikofer, Wayne L. Cook, Doyle L. Bingham, Jo Elg, Joe P. Flora, were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk requested authorization to publish notice of a public hearing on September 7th, 1978, for consideration of the proposed budget for the next fiscal period beginning October 1st, 1978. It was moved by Councilman Hovey, seconded by Erickson, that authorization be granted for publication of said legal notice as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Also requested by the City Clerk was authorization to publish an advertisement for bids for construction of park improvements along the Snake River Green Belt, south of the Electrical Building. It was moved by Councilman Freeman, seconded by Erickson, that

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authorization be granted for publishing the legal notice as indicated. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk read the following proposed advertisement for bids under Local Improvement District No. 52:

INVITATION FOR BIDS
LID NO. 52 STREET IMPROVEMENTS, 1978
PROJECT 4B-52

Sealed unit price proposals for the construction of the above named project addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the City Clerk in the City Hall, Idaho Falls, Idaho, until 10:00 a.m. (local time) on September 12, 1978 and then publicly opened and read aloud.

The project consists of constructing approximately 2 miles of City streets, and 2.3 miles of sidewalks. Major items of work consist of approximately 11,900 C.Y. of Unclassified Excavation: 11,600 C.Y. of $\frac{3}{4}$ inch Aggregate for base: 43,500 S. Y. of asphalt plantmix pavement: 2,400 S. Y. of concrete street pavement: 16,200 L.F. of concrete curb and gutter: 7,600 S.Y. of concrete sidewalk and driveways: 65 L.F. of 24" extra strength concrete pipe: 1,920 L.F. of 18" extra strength concrete pipe: 1,700 L.F. of 12" extra strength concrete pipe: 410 L.F. of 10" extra strength concrete pipe: 1,800 L.F. of 8" extra strength concrete pipe; 22 manholes: 24 inlet boxes: and 1 storm drain lift station pump and controls.

Plans and specifications are available at the office of the City Engineer, City Hall Annex, Idaho Falls, Idaho. A copy of said documents may be obtained at the above office upon a deposit of \$20.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certificate check, cashier's check, or bid bond, payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

Successful bidder or bidders will be required to furnish security for faithful performance of the contract in the full amount of the contract price.

This Public Works project is not financed in whole or in part by Federal-aid funds. Bid proposals will be accepted from only those contractors (prime contractors, subcontractors, and/or specialty contractors) who, prior to the bid opening, hold current licenses as public works contractors in the State of Idaho.

The contractor will be required to pay not less than those minimum wage rates established by the Department of Labor, State of Idaho, and entitled "Prevailing Wage Rates For Use On All Public Works Projects in Conformity with the

provisions of Section 44-1002 Idaho Code.” These wage rate schedules are to be considered as part of the contract covering this project.

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The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal which serves the best interest of the City of Idaho Falls, Idaho.

Dated this 24th day of August, 1978.

City of Idaho Falls
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Sakaguchi, seconded by Councilman Hovey, that the advertisement for bids be accepted, and that the City Clerk be authorized and directed to cause the same to be published in the Post Register, the Official City newspaper, in three (3) consecutive issues of said paper. Roll call as follows: Ayes, Councilman Erickson, Freeman, Hovey, Sakaguchi, and Wood; Nay, none; motion carried.

From the City Controller, this memo was submitted:

City of Idaho Falls
August 24, 1978

MEMORANDUM

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

Requesting your approval to renew the following insurance policies:

False Arrest, Wolfstone-Donley-McMannama, Inc.
General and Vehicle Liability, Home Insurance Co.
Employee Faithful Performance Bonds, Holden-McMurray Agency
Airport Liability, Safeco Insurance

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Erickson, that the various insurance policies, as indicated, be renewed through the companies as stated. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the General Services Director was presented:

City of Idaho Falls
August 21, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID # IF-78-28, ONE 500 KVA TRANSFORMER

It is the recommendation of the Electrical and General Services Division that the City Council accept the low bid of Westinghouse Electric Supply to furnish

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one (1) 500 KVA, Three Phase Transformer at \$3820, as per Bid #IF-78-28.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Westinghouse Electric Supply be accepted for the transformer as described. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the General Services Director was forthcoming, to-wit:

City of Idaho Falls
August 24, 1978

MEMORANDUM

TO: Mayor & Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE – TURBINES/GENERATORS

The Electric and General Services Divisions respectfully request authorization to advertise for bids for bulb turbine and generators.

International Engineering Company, Inc. the engineer for this project has requested by telephone that this authorization be granted as soon as possible and will send a letter to confirm their request.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that authorization be granted to advertise for bids on the electrical equipment as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Prior to introducing a voluminous sign ordinance, City Attorney Smith explained that the information and date contained in said ordinance had been carefully studied and screened by many qualified persons including the City inspection staff. He said that this process had taken several years and it was now about to be presented with assurance that it was, in every respect, applicable to the needs of the City. Smith concluded his remarks by recommending that it be passed on its first reading, only, so that all interested parties would have an opportunity to protest any of its provisions. Smith then proceeded to introduce this sign ordinance for Council consideration:

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SIGN CODE FOR THE CITY OF IDAHO FALLS, IDAHO; MAKING IT UNLAWFUL FOR ANY PERSON TO ERECT ANY SIGN OR TO ENGAGE IN THE BUSINESS OF ERECTING SIGNS WITHIN THE CITY WITHOUT FIRST OBTAINING A LICENSE FROM THE CITY

THEREFOR AND SETTING FORTH EXCEPTIONS TO
SUCH LICENSING REQUIREMENT; SETTING FORTH

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THE REQUIREMENTS AND PROCEDURES FOR OBTAINING LICENSES AND FIXING FEES THEREFOR; PROVIDING FOR CANCELLATION OF SUCH LICENSES; DEFINING TERMS USED IN THE ORDINANCE REQUIRING PERMITS FOR INSTALLATION AND REMODELING OF SIGNS AND SETTING FORTH EXCEPTIONS TO SUCH PERMIT REQUIREMENT AND FIXING FEES FOR PERMITS; ESTABLISHING STANDARDS AND REGULATIONS FOR THE CONSTRUCTION, INSTALLATION, ERECTION, MAINTENANCE, ELECTRIFICATION, ILLUMINATION, SIZE, TYPE AND LOCATION OF SIGNS: ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE, PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Freeman, seconded by Erickson, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, one; carried. Councilman Hovey voting no.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 8:20 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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