

**JULY 20, 1978**

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The City Council of the City of Idaho Falls met in regular meeting, Thursday, July 20, 1978, at 7:30 P.M. in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting: Mayor Thomas Campbell; Councilmen Ralph Wood, Charles Clark, Paul Hovey, Sam Sakaguchi, Jim Freeman and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last regular meeting, held July 6<sup>th</sup>, and a special meeting, held July 10<sup>th</sup>, 1978, were read and approved.

The Mayor invited Fire Chief Call to escort three retiring firemen to the Council table as follows: Messrs. Earl Danielson, Marian Hammon, and Val Morgan. Chief Call reported that Val Morgan was unable to be in attendance. The Mayor commended these men for their years of dedicated service as firemen, wished them well during their future years of retirement and then, as a token of appreciation, presented each man with an inscribed billfold. They then received a congratulatory handshake from all officials around the Council table. From Hill's resume' the Mayor reminded those present of Pete's impressive past achievements in the field of aviation and, more specifically, his record as Director of Aviation for the City of Idaho Falls, claimed by his having served a one year term as National President of the Airport Manager's Association. The Mayor also expressed appreciation for the integral part Pete played in the recent preliminary efforts which will eventually result in a major expansion program for the airport terminal. The Mayor also paid tribute to Dorothy Hill who had accompanied Pete to the Council Chamber, inasmuch as she, in her own right, has experienced enviable accomplishments in the field of aviation. The Mayor then presented Pete with an inscribed billfold, as a token of the City's appreciation and wished him well during his future years of retirement, after which he received a congratulatory handshake from all officials around the Council table.

Reference is made to page 246 in this book of minutes and, more specifically, presentation at that time of an amended street and bridge policy which created considerable discussion among Councilmembers, primarily because of a new section that would have given developers up to 42 weeks to remit in full under the terms of the annexation agreement, where large un-platted areas were involved. As a result of said discussion, the matter was referred back to the Public Works Committee for further study and, in the interim period, it was decided, upon advice of counsel, to convert the Bridge and Street Policy into an ordinance. City Attorney Smith proceeded to introduce said ordinance, drawing particular attention to Section 6 (B) pertaining to payment of fees for all annexed lands so zoned as to require a total payment of \$2,500 per acre. It was noted that, according to the ordinance, 10% of said payment would be required at or before the time the annexation agreement is submitted to the City Council for approval; an additional 10 % would be required on or before 6 months following the date of annexation; an additional 10% would be required on or before one year following the date of annexation; one fourth of the balance to be paid each three months thereafter so that the full amount of the fee would be paid within two years following the date of annexation. In answer to a question, Smith noted that church property would be assessed 25% of the calculated bridge and arterial street fee for the zone in which the property is situated except that church property not designed or used primarily for worship or education would not be entitled to such a reduction. At the time Smith introduced this ordinance, it was explained that he had alternate sheets prepared and ready for insertion in the event the above mentioned two year pay period was not acceptable. Councilman Erickson took exception to the two year maximum pay period on the grounds that this was too liberal in favor of the developer. Erickson illustrated his position by saying that, in the absence of Federal Funds for bridges and arterial streets, the City would likely be called upon in newly annexed areas for such improvements before fees are collected, thus creating a fiscal hardship on the Street and Bridge Fund. Councilman Freeman said that, in his opinion, this shouldn't pose an insurmountable problem, inasmuch as annexations of this size and nature would probably be infrequent. Councilman Clark commented to the effect

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that development of such areas should be considered a joint effort between the City and the developer and that, within reason, the City should cooperate with the financial needs of the developer. Recognizing, by now, that the preponderance of Council opinion favored a two year maximum payment period, Smith inserted the section providing for such a period and re-introduced this ordinance, reflecting said two year payment period:

**ORDINANCE NO. 1551**

AN ORDINANCE SETTING FORTH A STATEMENT OF INTENT; REQUIRING THE PAYMENT OF BRIDGE AND ARTERIAL STREETS FEES AS A CONDITION TO THE ANNEXATION SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE CITY OF IDAHO FALLS, IDAHO; FIXING THE AMOUNT OF SAID FEES AND THE TIME OF PAYMENT THEREOF. ESTABLISHING A BRIDGE AND ARTERIAL STREETS FUND AND PROVIDING THAT ALL FEES PAID PURSUANT TO THE ORDINANCE BE PLACED IN SAID FUND AND SPECIFYING THE PURPOSES FOR WHICH MONEYS MAY BE DISBURSED THEREFROM; SETTING FORTH THE RESPONSIBILITIES OF THE CITY IN THE DEVELOPMENT OF LAND, AND THE CONSTRUCTION OF STREETS AND BRIDGES WITHIN AND NEAR SUBDIVISION; DEFINING TERMS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. 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, 5; No, one; carried. Councilman Erickson 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, one; carried. Councilman Erickson voting no.

Noting from the agenda that there were several proposed annexations to be considered, the Mayor asked Councilman Freeman, as Chairman of the Building and Zoning Committee to conduct this portion of the meeting. The first annexation to be reviewed was an area to be known as the Grant Bowen Addition, Division No. 1, as more fully explained by this introductory memo from the Building Administrator:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: GRANT BOWEN ADDITION, DIVISION NO. 1 - FINAL PLAT, ANNEXATION AND INITIAL ZONING

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Attached is a copy of the final plat, annexation ordinance, and annexation agreement of the above described property. This plat was recently considered by the City Planning Commission and at that time they recommended annexation to the City, approval of the final plat and initial zoning of HC-1 (Highway-Commercial).

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

s/ Rod Gilchrist

A final plat of the above mentioned area was submitted. It was moved by Councilman Freeman, seconded by Clark, that this plat 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 the Grant Bowen Addition, Division No. 1 developer was presented. It was moved by Councilman Freeman, seconded by Clark, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1552**

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. (GRANT M. BOWEN ADD. DIV. #1)

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 Grant Bowen 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 by Councilman Freeman, seconded by Clark, that the Grant Bowen Addition, Division No. 1 be initially zoned HC-1. Roll call as follows: Ayes, 6; No, none; carried.

The next annexation to be considered was an un-platted area to be known as the Call-Baker property, as explained more fully by this from the Building Administrator:

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City of Idaho Falls  
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MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: CALL-BAKER PROPERTY – ANNEXATION & ZONING

Attached is a copy of the annexation ordinance for the parcel of ground generally described as the Call-Baker Property. This property consists of two developed but un-platted residential lots surrounded on three sides by platted ground. The property now constitutes a small county island within the City limits.

The property owners, some time ago, requested annexation to the City and this annexation proceeding was initiated by the City. The Planning Commission recently reviewed this matter and at that time recommended annexation to the City with initial zoning of RP-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

**ORDINANCE NO. 1553**

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. (CALL-BAKER PROPERTY)

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.

In answer to a question by Councilman Erickson, Building Administrator Gilchrist explained that no annexation agreement was necessary in connection with the Call-Baker annexation, inasmuch as said area was fully developed. Erickson said his question was prompted because he was of the opinion that all future annexations would be bearing their fair share of fees as outlined by the ordinances passed this night, incorporating those provisions previously covered in the Street and Bridge Policy. Gilchrist reminded Erickson that the Call-Baker property would undoubtedly be subject, eventually, to assessments for street, sidewalk, curb and gutter improvements. It was moved by Councilman Freeman,

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seconded by Clark, that this question be referred to the City Attorney for study and clarification. Roll call as follows: Ayes, 6; No, none; carried.

An area to be known as the Keefer Office Park, Division No. 2 was then introduced for annexation by this memo from the Building Administrator:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: KEEFER OFFICE PARK, DIVISION NO. 2 - 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 is immediately adjacent to Division No. 1, which is the site of the new EG&G office building, and will be utilized as additional parking for that facility.

This property was recently considered by the City Planning Commission and at that time it was recommended for annexation to the City and initial zoning of R-3A. This department concurs with their recommendation and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilman Hovey announced that, because of a conflict of interest, he would be refraining from all discussion and/or Council action in connection with this annexation. First to be considered was the final plat. It was moved by Councilman Freeman, seconded by Clark, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman abstaining.

Annexation agreement between the City and the Keefer Office Park, Division No. 2 developer was then reviewed. 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, 5; No, none; carried. Councilman Hovey abstaining.

**ORDINANCE NO. 1554**

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. (KEEFER OFFICE  
PARK, DIV. NO. 2)

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

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WITH?" Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining. 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 Hovey abstaining.

The Keefer Office Park, Division No. 2 having been properly annexed, 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 zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Keefer Office Park, Division No. 2 be initially zoned R3-A. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

Finally, the Rose Nielsen Prestwich Farm was introduced for annexation by the following memo, having been recessed from several past Council meetings:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: ROSE NIELSEN (PRESTWICH FARM) – ANNEXATION & ZONING

Attached is a copy of the annexation ordinance, annexation agreement and a zoning plan for the Rose Nielsen Addition, formerly referred to as the Prestwich Farm. A request has been made by the developer to annex this property with the zoning as outlined on the map described as Exhibit A.

The developer's proposal is to defer platting until a later date. This property contains approximately 40 acres. The City Planning Commission reviewed this request at a recent public hearing and at that time recommended that the property be annexed to the City, with initial zoning as shown on Exhibit A.

This department concurs with the recommendation of the Planning Commission and it is now being submitted for your consideration.

s/ Rod Gilchrist

Councilman Hovey said he wished to be heard at this time, prior to consideration of the Rose Nielsen Prestwich Farm annexation agreement or the annexation ordinance, relative to the concept of annexing large, un-platted areas into the City. Using the Rose-Nielsen Prestwich Farm for purposes of illustration, inasmuch as this proposed annexation contained 49.387 acres, Hovey said that, in his opinion, such action was fraught with potential danger in contrast with the commonly accepted annexation practice where the Council has an opportunity to review a final plat and perhaps even a development plan. Hovey continued by saying that if the Prestwich Farm were to be annexed at this time, for instance, the Council would have no concept of the future traffic pattern or structural development within said annexation. He said the only one who would benefit would be the developer, inasmuch as there are few adjacent property owners to protest the concept, making it relatively easy at some future date or dates to effect rezoning of a portion or portions of the undeveloped lands. Hovey refuted the argument that annexation and zoning of large, un-platted areas would

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serve as an advantage to interested land purchasers when said land is so volatile, zoning-wise. Continuing, Hovey said the economic pattern may change and if certain areas are rezoned, then nothing would be accomplished by annexation at this time, but, instead, the City could well be committing itself to a long term development that might not be fulfilled and, as a result, Hovey said he could foresee, sometime in the future, undeveloped islands within the city. Hovey concluded his remarks by saying that all of this could result in the City having to face an expensive obligation to install usually long water and sewer lines through undeveloped areas within the City to serve areas in the process of development beyond, not to mention the problems that would arise if an additional annexation request were made at a later date for another large expanse of undeveloped land, made contiguous to the City only by virtue of the first annexation. Asked for comment about the Planning Commissions reaction to this concept, Gilchrist appeared briefly to say it meets with their approval. He said that, in the opinion of that Governmental body, the City would have continued control at all times, particularly as, if and when rezoning petitions were submitted and, also, prior to any given development, through the medium of the final plat and the development agreement.

Mr. David Benton, engineer for the Prestwich Farm developer, appeared before the Council to concur with the decision of the Planning Commission. Turning, then, to Councilman Hovey's arguments, Benton said that this now concept, in instances where it would apply, would benefit all affected parties including the City, as said parties could look and plan ahead further, particularly because of the established zone at the time of annexation. Benton continued by saying that density could be determined and controlled by Planned Unit developments as the area was developed and that these, in each instance, would be reviewed by the City Council. He said that, by virtue of the large area annexation concept, the lands would be more conducive to large area development and, here again, the City would benefit by knowing, in advance, the needed size for utility lines. Also, large area development would minimize the potential problem of undeveloped islands within the City. In answer to a question by Francene Jensen, 1925 Malibu, the Mayor acknowledged that the City's Engineering Department would be in an excellent position to maintain control over the development of such an acreage. In absence of further comment, it was moved by Councilman Freeman, seconded by Clark, that the annexation agreement between the City and the Rose Nielsen Prestwich Farm Developer be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, 2; carried. Councilmen Sakaguchi and Hovey voting no.

**ORDINANCE NO. 1555**

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  
ADDITION, - PRESTWICH FARM)

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, 4; No, two; carried; Councilmen Hovey and Sakaguchi 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

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before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, 2; carried; Councilmen Hovey and Sakaguchi voting no.

The Rose Nielsen Addition Prestwich Farm having been properly annexed, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider its initial zoning. There was some general discussion among the Councilmen pertaining to Tract A as to whether R-3 or R-3A zoning would represent better planning from the standpoint of density. There were none who appeared to protest or otherwise comment on the zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark that the Rose Nielsen Prestwich Farm be initially zoned as follows: Tract A, R-3; Tract B, R-3; Tract C, R3-A; Tract D, R-1; Tract E, RP-A; Tract F, RP-A as described more fully in Exhibit A, attached and made a part of the annexation agreement. Roll call as follows: Ayes, 4; No, two; carried; Councilmen Hovey and Sakaguchi voting no.

With reference to all of the foregoing annexations and initial zonings, 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 the place, as advertised, to conduct a public hearing to hear and consider a variance request for the Gethsemane Baptist Church, as more fully explained by this memo from Building Administrator Gilchrist:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR VARIANCE – TEMPORARY USE OF MOBILE HOME BY GETHSEMANE BAPTIST CHURCH

Attached is a copy of a request for a variance to permit the placement of a mobile home on the Gethsemane Baptist Church property located at 2345 West Broadway, to be used as classrooms. This request is being made for the 1978-79 school year.

The church anticipates that construction of permanent facilities would be completed within the next year. This request is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Asked for comment, Gilchrist explained that this request was prompted because of an unavoidable delay in building plans. There were none who appeared to protest or otherwise comment on this variance petition. It was moved by Councilman Freeman, seconded by Clark, that this variance request for temporary use of a mobile home be approved for the school year 1978-79. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Dick Berger, President of the Homebuilders Association, appeared before the Council to inquire as to whether or not there had been any new developments in the sewer connection refund issue, one of the subjects of discussion during several past Council meetings. He reminded the Council that the City Attorney had recently received a letter from

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Mr. Richard Greener, Attorney for the Homebuilders Association, rendering as opinion to the effect that these sewer connection fees paid by dues paying members were due to a refund whether paid under protest or not. City Attorney Smith responded by saying that he, the Mayor and the City Council were well aware of the Homebuilders demands in this regard and that some refunds had been authorized and paid. He said a decision by the court would be necessary before demands for payment not paid under protest would be honored. Berger reminded Smith that there were some members who had remitted for several sewer connection fees, had indicated "Paid Under Protest" on some of these payments but not on others. Berger said these men had not even been reimbursed for those payments where "Paid Under Protest" was indicated. Smith said those parties had been contacted and had refused a partial refund for those payments in that category.

The City Clerk drew attention to a legal notice that had been published without formal Council approval, calling for a public hearing this night to consider a variance request from the Gethsemane Baptist Church for temporary placement of a mobile home. It was moved by Councilman Freeman, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for CONCESSION, Christy Strange for Woman's Resource Center; RESTAURANT, Ken Cox for Donut Palace. JOURNEYMAN PLUMBER, Robert W. Livesay, Bernard J. Hoeklen, Edward G. Harr, Jack Wickham; JOURNEYMAN ELECTRICIAN, Laurel J. Orr; APPRENTICE ELECTRICIAN, Paul Eatinger with Nelson Electric; NON-COMMERCIAL KENNEL, Bill L. Baker; TAXI OPERATORS, Bessie Carter Elmore, Jay D. Hofines, Gregory Woods; BARTENDER Richard E. Wheeler, Roberta Routh Grimmitt, Brent Messervy, Barbara Watson, Milton Peebler, Aleta Edwards, Alice O. Hayden, Kenneth Rick Miles, Robert Reed Clayton, Viola Hodson, 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, 6; No, none; carried.

The City Clerk presented an application for a Journeyman Electrician license in favor of Michael Tanaka, carrying a recommendation from the Electrical Inspector that it not be granted. It was moved by Councilman Freeman, seconded by Clark, that this recommendation be upheld and the license be respectfully denied. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller this memo was presented:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor Thomas Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: BULB TURBINE CONSTRUCTION FUND

Requesting your authorization to create a new fund, namely, the Electric Bulb Turbine Construction Fund, for the recording of expenditures and revenue, as approved in the Bulb Turbine Bond Election, and authorize expenditures to be made in accordance with the City's policies and procedures.

I have contacted Coopers & Lybrand and they will assist in any manner needed.

s/ John D. Evans  
Controller

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It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted to create this Electric Bulb Turbine Construction Fund as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was submitted:

City of Idaho Falls  
July 17, 1978

TO: Honorable Mayor and City Council  
FROM: Roy C. Barnes, City Clerk

Gentlemen:

During the past few weeks, Bud Evans and the writer have completely converted 16 City election precincts into 26 to comply with County precinct boundaries within the City. This became somewhat involved, as some of the periphery County precincts within the City extend out into the County.

Attached, then, is a complete revision of Chapter 14 of the City Code having to do with precinct boundaries. We ask authorization for the City Attorney to convert this data into ordinance form for Council consideration. Also, at the same Council meeting when said ordinance is considered, it would appear in order to have, as prepared by the City Attorney, a resolution adopting the County's registration procedures for Council consideration.

Respectfully submitted,  
s/ Roy C. Barnes

It was moved by Councilman Hovey, seconded by Erickson, that the City Attorney be directed to convert the recommended revision of Chapter 14, of the City Code, into an amendatory ordinance for Council consideration and, also, prepare for presentation at the same meeting, a resolution adopting the County's registration procedures. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

July 20, 1978

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: PANCHERI DRIVE ADDITIONAL DRIVEWAY APPROACH FOR  
MINIT LUBE WEST OF YELLOWSTONE HIGHWAY

The owners of the property are requesting an additional 40 foot driveway curb cut located further west of the existing 40 foot driveway.

The original agreement between the City and the owner allows only one 40 foot curb cut. At the time of property acquisition the City paid twice the appraised value for limiting the access to said property and the City also constructed all improvements along the frontage of said property.

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The recommendation from the Public Works Department is that this request be denied due to the following:

- a. This would set a precedent for permitting access to other areas along 17<sup>th</sup> Street where access has been controlled.
- b. The City has already paid the owner for limited access.
- c. The Pancheri Street Improvements between Yellowstone and Capital Avenue will ultimately require raised channelization, have an increase in traffic volumes. Therefore, we feel that this additional curb cut will create additional conflicts with vehicles on Pancheri Street.

Respectfully submitted,  
s/ Ed Turner  
for Donald Lloyd

Asked for comment, Mr. Ed Turner, Design Engineer with the City's Engineering Department, appeared and pinpointed the proposed Minit Lube location from an engineering drawing. It was noted that 17<sup>th</sup> Street, now known as Pancheri Drive, from the South Yellowstone Highway to the 17<sup>th</sup> Street Snake River Bridge, is designed as a limited access arterial. It was pointed out that there is an existing 40' driveway to the east of the proposed Minit Lube location and an additional 40' driveway has been requested by the developer. Turner drew attention to the fact that the 17<sup>th</sup> Street right of way was acquired by the City in 1969 from the Parker family and a severance cost was paid over and above the appraised value with the understanding that access be limited to the existing 40' driveway. Councilman Freeman registered an opinion to the effect that, by permitting a second driveway, a dangerous precedent would be set for further development, both on 17<sup>th</sup> Street and Pancheri Drive.

Mr. Joe Clayton, local realtor representing the Minit Lube, appeared briefly to suggest that a second driveway might benefit traffic to and from the proposed development.

Asked for comment, Police Chief Pollock appeared briefly to say that his department was recommending that this segment of Pancheri Drive be limited to one 40' driveway and, also, that the existing driveway be relocated to the West, in the interests of traffic safety.

Mr. Richard Titus, P.O. Box 1565, Salt Lake City, appeared before the Council, representing Minit Lube. He said his company would probably not be interested in developing at the location as proposed unless a second driveway could be constructed. It was moved by Councilman Sakaguchi, seconded by Hovey, that this request for a second driveway be respectfully denied for the reasons as stated. Roll call as follows: Ayes, 5; No, one; carried. Councilman Clark voting no.

This memo from the Building Administrator was presented:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: FIRST AMENDED PLAT – HATCH ADDITION, DIVISION NO. 8

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Attached is a copy of the final plat of the above described property. This property was recently annexed to the City, zoned R-2 and platted as one large lot to be developed as a planned unit development.

The proposed amendment divides this property into smaller lots to permit the construction of condominiums. No change of zoning has been requested and no access to Woodruff Avenue is proposed.

The Planning Commission recently reviewed this proposed amended plat and at that time recommended approval. This department concurs with their recommendation and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that this First Amended Plat, as amended, be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Building Administrator was forthcoming, as follows:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: AMENDMENTS TO ELECTRICAL CODE FOR THE CITY OF IDAHO FALLS

Attached is a copy of the recodified and amended City Electric Code. This proposed amendment updates the City's current code to conform with recent changes in the National Electric Code and increases fees for electrical permits. The proposed increase in fees would put the City on the same fee schedule as the State of Idaho is currently using.

This department recommends that this draft ordinance be referred to the City Attorney's office for preparation of the final ordinance.

s/ Rod Gilchrist

The foregoing memo served to introduce the following ordinance:

**ORDINANCE NO. 1556**

AN ORDINANCE ESTABLISHING A COMPREHENSIVE ELECTRICAL CODE FOR THE CITY OF IDAHO FALLS, WITH PROVISIONS FOR SAFEGUARDING PERSONS AND PROPERTY AND PROMOTING THE GENERAL WELFARE; DEFINING ELECTRICAL INSPECTOR AND SETTING FORTH THE QUALIFICATIONS AND DUTIES OF THE

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OFFICE; CREATING THE BOARD OF REGISTRATION AND REVIEW AND SETTING FORTH ITS DUTIES AND QUALIFICATIONS AND DUTIES OF THE OFFICE; CREATING THE BOARD OF REGISTRATION AND REVIEW AND SETTING FORTH ITS DUTIES AND QUALIFICATIONS AND TENURE OF MEMBERS THEREFOR; PROVIDING FOR THE LICENSING OF ELECTRICAL CONTRACTORS, JOURNEYMAN ELECTRICIANS AND APPRENTICE ELECTRICIANS AND SETTING FORTH THEIR QUALIFICATIONS; PROVIDING FOR THE ISSUANCE OF PERMITS TO INSTALL ELECTRICAL WIRING OR EQUIPMENT AND MAKING IT UNLAWFUL TO PERFORM WIRING PROCEDURES AND ELECTRICAL INSTALLATIONS, WITH SPECIFIED EXCEPTING, WITHOUT A PERMIT AND LICENSES, AND FIXING FEE SCHEDULES THEREFOR; ESTABLISHING STANDARDS FOR INSTALLATION OF ELECTRICAL EQUIPMENT AND WIRING; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE AND FIXING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE BECOMES EFFECTIVE.

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.

Finally, from the Building Administrator, came this memo:

City of Idaho Falls  
July 20, 1978

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: PROPOSED SIGN ORDINANCE FOR CITY OF IDAHO FALLS

Attached is a copy of the proposed sign ordinance for the City of Idaho Falls. This proposed ordinance was recently reviewed by the City Council in a work session, and at that time some changes were recommended by the Council. These changes have been incorporated into the draft and this department

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recommends referral to the City Attorney's office for preparation of the final ordinance.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the long awaited sign ordinance, as proposed and drafted, be referred to the City Attorney for its preparation in final form for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Traffic Safety Committee was reviewed:

City of Idaho Falls  
July 19, 1978

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

Referred from City Council to Traffic Safety: We recommend -

1. To restrict parking on the West side of Skyline between Grandview and Whitney to provide a two lane approach to Grandview.
2. Deny a 4-way stop at Iona and Bannock. (The visibility is good at this intersection with Iona being stopped at present. Very low accident rate. With the down grade going north on Bannock to Stop Traffic would result in vehicles sliding through intersection and rear end collision).

s/ R. D. Pollock

With reference to the first recommendation, it was moved by Councilman Clark, seconded by Freeman, that this restricted parking, as described, be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation Number Two was then considered. After some discussion, it was moved by Councilman Clark, seconded by Freeman, that this proposal for a four-way STOP at Iona and Bannock be denied for the reasons as stated. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that a modified and amended resolution of intent was about to be considered to create LID No. 52, with certain deletions of areas to be included and noting, further, that, of the 43 residents on Blaine and Bingham Streets, only 17 had acknowledged receipt of the registered letter informing them that they were to be included. Councilman Erickson registered concern that, conceivably, these residents did not have a clear understanding of the City's intention that they be a part of the district and assessed accordingly. In the absence of written or oral protest from said residents, however, it was generally agreed that the City had no choice but to leave them in the district, recognizing that, in justifiable instances, their protests, if any, could be considered later.

The City Council, having heard and considered protests against the creation of Local Improvement District No. 52 at its meeting on July 10, 1978, and having taken the protests under advisement, now, on motion of Councilman Sakaguchi, seconded by

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Councilman Hovey, the following Resolution was adopted by the unanimous vote of the Council and Mayor:

**RESOLUTION (Resolution No. 1978-14)**

“RESOLVED: THAT SEVERAL PROTESTS AGAINST PORTIONS OF THE PROPOSED WORK HAVE BEEN MADE IN WRITING BY PROPERTY OWNERS AND FILED WITH THE CITY CLERK; THAT SUCH PROTESTS HAVE BEEN MADE BY FEWER THAN 60% OF THE RESIDENT OWNERS AND BY THE OWNERS OF LESS THAN TWO-THIRDS OF ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT LANDS AND LOTS WITHIN SUCH PROPOSED IMPROVEMENT DISTRICT; THAT EACH AND ALL OF SAID PROTESTS HAVE BEEN CAREFULLY CONSIDERED; THAT CERTAIN PROPERTY IS INCLUDED WITHIN SAID PROPOSED DISTRICT WHICH SHOULD NOT BE ASSESSED TO PAY THE COSTS AND EXPENSES OF SUCH IMPROVEMENT, AND THAT PORTIONS OF SUCH IMPROVEMENT SHOULD NOT BE MADE, AND THE SAME MAY BE ELIMINATED FROM THE DISTRICT; THAT THE PETITIONS REQUESTING THE ORGANIZATION OF THE DISTRICT ARE PROPER AND THE DISTRICT AFTER SUCH PORTIONS ARE ELIMINATED THEREFROM WILL BE FOR THE BEST INTERESTS OF THE PROPERTY AFFECTED AND THE CITY OF IDAHO FALLS, IDAHO; THAT THERE IS REASONABLE PROBABILITY THAT THE OBLIGATIONS OF SUCH DISTRICT, AS MODIFIED, WILL BE PAID. THAT THE RESOLUTION OF INTENTION PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON JUNE 8, 1978, SHALL BE AND THE SAME HEREBY IS, AMENDED AND MODIFIED AS TO THE STREETS AND PARTS OF STREETS AND ALLEYS AND PARTS OF ALLEYS AND SIDEWALKS AND LOTS AND LANDS TO BE INCLUDED WITHIN THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 52, AND THE FOLLOWING DELETIONS ARE HEREBY ORDERED, NAMELY;

LID NO. 52

LOTS AND LANDS ELIMINATED FROM DISTRICT

CAPITOL HILL ADDITION

Block 2, Lots 25 to 48, Inclusive

DWIGHTS ADDITION

Block 1, Lots 15 to 23, Inclusive

ROSE PARK ADDITION

Block 2, Lots 11 and 12, Inclusive

Block 2, Lots 17 and 17, Inclusive

Block 2, Lot 19

SAFSTROM ADDITION, NO, 5

Block 6, Lots 6 to 8, Inclusive

Block 7, Lots 8 to 10, Inclusive

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SOUTH HILLCREST ADDITION

Block 8, Lots 22 to 27, Inclusive

SECTION 17, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Fanning Avenue – A parcel of land lying north of First Street extending Northerly to the south right-of-way of Lomax Street and extending west from west property line of Fanning Avenue to 125 feet.

L.I.D. NO. 52

DESCRIPTION OF IMPROVEMENTS ELIMINATED FROM DISTRICT  
SIDEWALK ELIMINATED IN CAPITOL HILL ADDITION

Whittier Street (North Side) From the easterly right-of-way line of Holmes Avenue to the Westerly right of way line of Freeman Avenue.

From the easterly right-of-way line of Freeman Avenue to the westerly right-of-way line of Wabash Avenue except for six (6) driveway approaches having widths of 1 at 40 feet wide, 1 at 35 feet wide, and 4 at 30 feet wide.

From a point that is 74.5 feet east of the easterly right-of-way line of Wabash Avenue thence Easterly 224.5 feet to a point that is 299 feet east of the easterly right-of-way line of Wabash Avenue; also from a point that is 424 feet east of the easterly right-of-way line of Wabash Avenue thence easterly 27.8 feet to a point that is 150 feet west of the westerly right-of-way line of Fanning Avenue.

Whittier Street (South Side) – From a point that is 251 feet east of the easterly right-of-way line of Wabash Avenue, thence easterly 200 feet to a point that is 150 feet west of the westerly right-of-way line of Fanning Avenue.

SIDEWALK ELIMINATED IN DWIGHTS ADDITION

Elva Street – From the east right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

SIDEWALK ELIMINATED IN HIGHLAND PARK ADDITION

Bingham Avenue (East Side Only) – From the north lot line of Lot 27, Block 30 of Highland Park Addition, thence 300 feet southerly across the frontages of Lots 27 through 38, inclusive to the Northerly right-of-way line of Crowley Street.

From the North lot line of Lot 38, Block 51, of the Highland Park Addition, thence 175 feet southerly across the frontages of Lots 38 through 44 inclusive to the north lot line of Lot 45, Block 51 of the Highland Park Addition.

SIDEWALK ELIMINATED IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 38,  
E.B.M.

Fanning Avenue (West Side) – From the south right-of-way line of Lomax Street south to north right-of-way of First Street.

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Elva Street – From the east right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

**STREET PAVING ELIMINATED IN SOUTH HILLCREST ADDITION**

Elva Street – From the east right-of-way line of Lee Avenue to approximately 322 feet of said right-of-way line.

That said Resolution in Intention as so amended and modified shall be, and the same hereby is, ratified and approved.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ Thomas Campbell  
Mayor

**ORDINANCE NO. 1557**

AN ORDINANCE REPEALING ORDINANCE NO. 1550, ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. 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?" Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Wood, seconded by Erickson, 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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