

MAY 11, 1978

The City Council of the City of Idaho Falls met in a special meeting, Thursday, May 11th, 1978 at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho to canvas all votes cast at the Airport Special Revenue Bond Election, held May 9th, 1978 and also to consider all other business which would normally have been presented at the first regularly called meeting of the month, May 4th, 1978, but which was recessed till this date by order of the Mayor. There were present at said meeting: Mayor Tom Campbell, Councilmen Charles Clark, Melvin Erickson, Jim Freeman, Paul Hovey, Sam Sakaguchi, Ralph Wood. Also present: Roy C. Barnes, City Clerk, Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held April 20th and a special meeting, held May 4th, 1978, were read and approved.

The Mayor announced that there were several public hearings scheduled on the agenda having to do with variances, annexations and zoning and invited Councilman Freeman, as Chairman of the Planning and Zoning Committee to conduct this portion of the meeting. First to be considered for annexation was an area to be known as the Parkwood Addition, Division No. 3. This introductory memo from Building Administrator Gilchrist was read aloud:

City of Idaho Falls
May 11, 1978

MEMORANDUM

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

Attached are copies of the final plat, annexation ordinance and annexation agreement for the above described property. This property is located south of John Adams Parkway, north of 9th Street, between Woodruff Avenue and St. Clair Avenue. The zoning requested on this property is R-1.

The Planning Commission reviewed this plat at their regular meeting, April 11th, 1978 and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

The City Clerk then drew attention to a penned notation across the face of the foregoing memo, advising that this annexation be recessed due to the fact that the annexation agreement had not been signed.

Mr. Claire Moser, 967 S. Woodruff, appeared before the Council, to register concern about what he had learned while attending the Planning Commission hearing on this proposed annexation at which time a much larger parcel was submitted, according to the plat, and the larger area was, at that time, recommending, not only an R-1 zone, but an R-2 zone as well. He said it is obvious to him and his neighbors that it will be only a matter of time until the area recommended for R-2 and R-3 zoning will also be submitted for annexation but he and his neighbors do not live within 300 feet of that area and, even though they have an interest in said area to oppose said recommended zoning, they, in the

natural order of procedure, would probably not receive a notice of the hearing. He asked that the same residents that would otherwise have received notification if the larger area were to have been annexed, receive the notification when the area proposed for R-2 and R-3 zoning is

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considered. It was moved by Councilman Freeman, seconded by Clark, that annexation proceedings of the area to be known as the Parkwood Addition, Division No. 3 be recessed until May 25th, 1978. Roll call as follows: Ayes, 6; No, none; carried.

In deference to Mr. Moser's request, it was moved by Councilman Freeman, seconded by Clark, that the Building Administrator be directed to see that all the residents that live within 300 feet of the larger area, as described, be given notification of the hearing, as if and when the area with the propose R-2 and R-3 zoning is considered for annexation and zoning. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: OLD FASHION WAY, DIVISION NO. 2 – FINAL PLAT, ANNEXATION AND INITIAL ZONING

Attached are copies of the final plat, annexation ordinance and annexation agreement for the above described property. This property is located north of West Broadway between the Coachman West Addition and Esquire Acres. The zoning requested for this property is R-1.

The Planning Commission reviewed this plat at their regular meeting April 11th, 1978 and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Likewise, it was pointed out by a penned notation that this annexation should also be recessed, in the absence of a signed annexation agreement.

Mr. Doug Wenzel, Route 4, Box 76, representing himself and others, appeared before the Council and presented the following paper, having to do with a surface drainage problem which Mr. Wenzel urged be given consideration before the Old Fashion Way, Division No. 2 was annexed:

Idaho Falls, Idaho
May 1, 1978

The City of Idaho Falls
Idaho Falls, Idaho 83401

Gentlemen:

We feel that the storm water drainage plans for the Old Fashion Way, Division No. 2, are inadequate. Storm water drainage during periods of high runoff will

flow into an area near our homes, thereby increasing the likelihood that our homes will be flooded.

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We have tried diligently to obtain engineering drawings for this proposed subdivision. We were told by Larry Hudson of Ellsworth Engineering, Inc. on May 8th during a phone call that we could not get the drawings because they were not completed and had not been approved by the City. He said that it would be approximately another three weeks before the drawings would be completed.

Sections 50-11302, 50-1306, 67-6508 and 67-6518 of the Idaho Code require that a City review development details including storm water drainage provision prior to recording a plat or issuing a development permit. Details in the mind of the developer are not sufficient. City cannot legally annex a subdivision without reviewing and approving the developer's engineering drawings and plans. Drawings obviously cannot be approved before they are completed.

Mr. Hudson said that the Old Fashion Way Division No. 2 has no storm water drainage provisions other than the edges of the streets which will drain the water to Old Fashion Way, Division No. 1. Division No. 1 will depend upon 5 French drains and an illegal connection to a dry well. Modifications of this dry well occurred during the construction of Old Fashion Way, Division No. 1. These modifications were made without permits of any kind. Such modifications are prohibited by Idaho law. Section 42-3911 of the Idaho Code states:

“Any owner who causes an existing waste disposal and injection well to be modified or consents either expressly or impliedly to the modification of an existing waste disposal and injection well without having first obtained a permit therefore from the Director of the department of water resources as provided in this act shall be guilty of a misdemeanor. From and after January 1, 1974, any owner who continues to use and maintain or consents either expressly or impliedly to the continued use and maintenance of an existing waste disposal and injection well without having first obtained a permit therefore from the department of water administration as provided in this act shall be guilty of a misdemeanor. Each and every day that such activity is carried on in violation of this section shall constitute a separate and distinct offense.”

Modification of the dry well in Old Fashion Way, Division No. 1 was made on or several days before May 5, 1978. This modification was strictly illegal as neither the City of Idaho Falls or the developer has obtained a permit from the State of Idaho to either modify or use this dry well. The attached letters show that the Idaho Department of Health and Welfare, the U.S. Environmental Protection Agency and a memorandum within the Idaho Department of Water Resources recommend that permits for use of dry wells for storm water drainage purposes on the west side of Idaho Falls be denied.

Storm water drainage through the use of French drains is inadequate. Engineering reports prepared by CH2M in 1964 and by Ellsworth Engineering,

Inc. in 1976 for the City both recommend against the use of French drains, particularly in soil such as found on the west side of Idaho Falls which has no natural layer of gravel to carry drainage away. Percolation of water into the

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ground from French drains on the west side is less than 0.4 inch per hour. When the initial volume is filled, French drains simply overflow and cause flooding. They are a very poor form of drainage and the developers just are not putting in enough of them to do much good. The recently constructed French drain in Alice Dickson Estates Division No. 4 had to be pumped out before it was even completed. The City would be embarrassed if it knew how little water this French drain will actually hold. None of the existing French drains on the west side of Idaho Falls provides adequate drainage.

A good example of the inadequacy of French drains can be seen during any period of increased precipitation at Dickson Circle West in the new Pancheri Subdivision. The City of Idaho Falls routinely has to pump the flooding water from the two interconnecting French drains to an adjacent irrigation canal. The New Sweden Irrigation District, of course, frowns on such unauthorized discharges into their canals. The Old Fashion Way Subdivision does not have a nearby canal which can be used illegally or otherwise to pump flooding water into. Furthermore, dispatching of pumping crews during every storm is not a solution, particularly during high runoff.

The storm water drainage plans for the proposed subdivision are not in accordance with Section 4-10, Item 3, of Ordinance No. 1115. Here it is stated that the "Flood damage hazard to surrounding land and improvements will not be increases—." The storm water drainage plans also are not in accordance with the standards proposed and the recommendations made to the City in 1964 by CH2M in "A Report on an Engineering Study of the Storm Sewer Systems".

The west side of Idaho Falls is being developed without adequate storm water drainage provisions despite adequate prior warning. It is the responsibility of a City to insure that new subdivisions have adequate storm drainage provisions. When a City approves drainage plans, it must use reasonable care and diligence to insure that the system is adequate to handle what is expected to occur. A City cannot artificially accumulate storm drainage waters and cast them upon a lower land owner in unnatural amounts. Continued west side development without adequate storm water drainage provision will lead to flooding of our homes. Such flooding will not come as a surprise nor will it be considered an "Act of God" when it occurs.

We, therefore, protest the annexation of Old Fashion Way, Division No. 2 as currently proposed on the grounds that it will aggravate the severe storm water drainage problems currently existing on the west side of Idaho Falls.

Sincerely,

Attachments:
cc: S. H. French
K. R. Peters
D. R. Wenzel

s/ Douglas R. Wenzel
Joyce Wenzel
Kermit R. Peters
Marilyn M. Peters

It was moved by Councilman Freeman, seconded by Clark, that annexation proceedings of the area to be known as the Old Fashion Way, Division No. 2 be recessed until May 25th, 1978. Roll call as follows: Ayes, 6; No, none; carried.

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Finally, according to the agenda, an area to be known as the Rose Nielsen Addition (Prestwich Farm) was scheduled for annexation. This memo from the Building Administrator was read aloud:

City of Idaho Falls
May 11, 1978

MEMORANDUM

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

It is requested that the annexation hearing for the Rose Nielsen Addition (Prestwich Farm) be recessed to the next regular Council meeting, due to the fact that the annexation agreement has not been signed.

s/ Rod Gilchrist

In answer to a question by Mrs. Charlene Booth, 3203 Nona Drive, the Mayor explained that, had this area been ready for annexation this night, no final plat would have been presented, inasmuch as this was primarily un-platted land. Mrs. Booth then said that, when this proposed annexation was presented at the Planning Commission hearing, a plat was submitted. It was explained that, at the time of that hearing, only a relatively small portion of the Prestwich Farm was being considered and that portion had been platted. It was moved by Councilman Freeman, seconded by Clark, that annexation proceedings of this area, to be known as the Rose Nielsen Addition (Prestwich Farm) be recessed till May 25th, 1978. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE – RIVERVIEW HOSPITAL

Attached is a copy of a request for a variance for the temporary placement of a mobile home at the Riverview Hospital, to be used as office space adjoining the existing laboratory.

This request is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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Councilman Freeman noted that said hospital already has two mobile homes in use on a temporary basis. However, continued Freeman, it should be pointed out that these were brought in before consolidation of the two hospitals at which time the Riverview Hospital had form plans for expansion. Meanwhile, concluded Freeman, the two existing mobile homes, as well as this third one, if permitted, are and will be away from public view. Asked for comment, Gilchrist concurred with the remarks made by Freeman and added that, because of the consolidation as mentioned, Riverview Hospital's expansion plans will not be completed for about two years. There were none who appeared to protest or otherwise comment on this variance request. It was moved by Councilman Freeman, seconded by Clark, that this variance be approved for a one year period with the understanding that, beyond one year, it may be subject to review. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Bert Barnes, 2324 Craig, appeared before the Council. Mr. Barnes explained that he was primarily present to discuss the alley problem within the Jennie Lee Addition but that he had some views on trailer houses that he wished to express, prompted by the action just taken in allowing a variance for temporary placement of a mobile home in favor of the Riverview Hospital. Using, for purposes of illustration, a mobile home which had recently been located in a parking lot just north of the electrical building, Barnes said that, in his opinion, especially in a location which was otherwise being converted into a place of beauty because of the new electric building, the new library, Pedersen Park and a landscaped parking lot, the mobile home provided an eye sore to the scenic environment of the entire area. The Mayor explained that, where mobile homes are not otherwise permitted because of zoning, they are allowed by variance, if deemed justified, on a temporary basis, such as the above mentioned mobile home north of the electric building. Continuing, the Mayor said that was allowed only for a temporary quarters for the Valley Bank while the permanent bank building is being constructed. He said, normally, except for extenuating circumstances, these temporary placements are permitted for only a six month period. Councilman Freeman concurred and added by way of illustration, that several mobile homes have been permitted, temporarily, at several schools and that this was done in a spirit of cooperation with the School District, pending planned expansion.

Recognizing that there were others present in the Council Chamber wishing to be heard on the alley problem within the Jennie Lee Addition, this being the subject of discussion at one or more previous Council meetings, the Mayor asked that this memo from the Public Works Director Lloyd be presented at this time:

City Annex Building
May 1, 1978

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: DONALD F. LLOYD, DIRECTOR OF PUBLIC WORKS
SUBJECT: PROGRESS REPORT ON ALLEY IN JENNIE LEE ADDITION

During April, the City received a petition from citizens in the Jennie Lee area regarding an alley approach. Commercial and residential areas are separated by this alley and the conflicts of noise, traffic, safety and appearance are of real concern. We have subsequently visited with each property owner adjacent to the alley to determine their appraisal of need for the alley. Two of the owners expressed a need to retain the alley as public right-of-way and, consequently, we have proposed a screening fence across the east end of the alley. On May 9, we talked with two property owners, Dr. Gene Kantack and Ed Dakolios about a proposal to connect each of their properties with a screening fence. The type of

fence would be their choice. The proposal met their approval, although Ed Dakolios did state he might sell his home because of the proximity of the commercial area.

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We are now waiting to hear the size and type of fence wanted.

Respectfully submitted,
s/ Donald F. Lloyd
Director of Public Works

Asked for comment, Councilman Sakaguchi, as Chairman of the Public Works Committee, explained that the Public Works Division had been authorized to barricade the east entrance to the alley with a screening fence and that the screening would match whatever type of fence, wall or barricade that was decided upon for construction along the affected resident's property line. Mr. Ed Dakolios, 1802 Tiffany Drive, appeared to say this decision should be aired, inasmuch as this arrangement would still allow the business to have access to the alley. He said a recent informal poll of affected property owners indicated their preference to have the alley vacated. Mrs. R. W. Berrett, 1845 Tiffany, appeared briefly, stating that this corrective action, as proposed by Sakaguchi, was contrary to the will of the affected property owners, all of which hadn't been contacted for an opinion. Dr. Gene Kantack, 2352 Craig, appeared briefly with reference to his apartment complex. He said a screening fence, as proposed, would be a handicap, due to its proximity to his garages. Dr. Kantack also drew attention to an electric guy wire that would pose a problem. Lloyd appeared briefly to say that the Public Works and the Electrical Divisions were aware of said guy wire and had decided that it could be moved to a less offensive location.

At the request of Councilman Freeman, Building Administrator Gilchrist again gave a brief history of this area, covered previously in this book of minutes, emphasizing the fact that, originally, the first commercial development to be constructed, this setting a precedent for other commercial development to the east, was accomplished before annexation and when annexed, was given an R-3A non-conforming zone as a protective buffer for future development to the west. With that explanation, Freeman said the Council was faced with a decision based primarily of safety and, thus, felt that a screening barricade at the east entrance to the alley would satisfactorily protect the residential area, recognizing that the alley would be needed by the businesses. Councilman Erickson concurred and added that the Council must do their best to rectify a bad situation, doing that which would most likely satisfy the wants and needs of both the residents and the businesses. Dakolios reappeared briefly, commenting to the effect that, in his opinion, the rectification was entirely in favor of the business establishments, although, continued Dakolios, he was no longer personally concerned, anticipating the commercial development, he was in the process of selling his home and was moving elsewhere. Barnes reappeared briefly, drawing attention to the fact that all of the commercial developments, existing or as planned, were of the drive-in nature and, therefore, service trucks would constitute no more of a hazard along 17th Street than would be caused by customers. Mrs. Berrett reappeared briefly to say that, if the alley is not vacated, this would create undue disturbance for all near-by residents because of excess noise from trucks, etc. Mr. Jim Gilman, 1805 Tiffany, appeared briefly to advise the Council that Mr. Groberg had already agreed to construct a cinder block screening wall on his property. Gilman said he would like to see a commitment that the rest of the screening would be similarly constructed. Gilman was assured that, if this was the type of screening decided upon, the City's participation, blocking the alley to the east, would be identical. Mrs. Berrett again reappeared briefly to ask about the curb at the entrance to the alley. She was assured that, when the screening fence or wall was constructed, the curb cut would be converted into sidewalk. Sakaguchi reminded those present that, according to the Public Works Division, the alley was also needed by the City to serve as an easement for such utilities as water and sewer. Mrs. Booth reappeared briefly, acknowledging that she was not

directly affected by the issue now being discussed, to suggest that an ordinance be considered having to do with visual and physical barriers as a screening protection to residents in problems of this nature. The Mayor commended Mrs. Booth for this constructive

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suggestion. In the absence of further comment, it was moved by Councilman Sakaguchi, seconded by Hovey, that the alley in question not be vacated, that, at the proper time, a matching fence or wall be constructed at the east entrance to said alley, that, also at the proper time, the curb cut be converted to conventional sidewalk and that appropriate relocation of the guy wire, previously discussed, be authorized and directed. Roll call as follows: Ayes, 6; No, none; carried. With reference to Mrs. Booth's suggestion on a visual and physical barrier ordinance, it was moved by Councilman Freeman, seconded by Clark, that said suggestion be referred to the Planning Commission for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Dick Berger, President of the local Homebuilders Association, appeared before the Council to discuss refunds on sewer connection fees and, more specifically, he asked why the delay in processing claims already submitted. It was acknowledged that partial refunds may be necessary, in some instances, due to a recent court decision whereby the Homebuilders challenged said fee. It was further acknowledged that this situation was corrected by the adoption of Ordinance No. 1539, passed March 23rd, 1978. Asked for comment, City Attorney Smith explained that all such claims had been turned to him and that he was still in the process of evaluation. He said the claims that would probably qualify for partial refunds would be limited to those that had not yet made claim and probably wouldn't until a decision was made. Smith said all claims would be reviewed and those that did not qualify would be so notified. It was moved by Councilman Sakaguchi, seconded by Hovey, that this matter be referred to the Public Works Committee and the City Attorney for continued study and appropriate action. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 184 in this book of minutes and, more specifically, a petition of protest to the 161 kV loop to be constructed around the City by the Electrical Division. Recognizing that there were those in the Council Chamber wishing to pursue this issue, the Mayor asked that the following memo from the Electrical Engineer be presented at this time:

City Hall
May 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: 161 kV LOOP

The Electric Division requests authorization to send a letter of information to property owners from whom right-of-way for the City's planned 161 kV transmission line is to be acquired.

Attached is the proposed letter for your consideration.

s/ Steve Harrison

The foregoing memo prompted the City Clerk to read aloud the following letter:

MAY 11, 1978

Rt. 3, Box 232A
Idaho Falls, Idaho
May 10, 1978

To the Honorable Mayor and City Councilman
Idaho Falls, Idaho

Dear Sirs:

In regards to the proposed powerline girding the City, we, as signers of a petition submitted at the last City Council meeting, would like to express our continued interest in this matter. We, and the other signers of the petition, live adjacent to the proposed powerline right-of-way. As such, our homes are in many instances in closer proximity to the powerline than those of the property owners from which the right-of-way is to be purchased.

Therefore, we request that any information which is being extended in writing to the property owners on the right-of-way also be extended in writing to the signers of the previously submitted petition. Inasmuch as the signers of the petition included mainly people living near the proposed powerline path, and the addresses of the signers were included on the petition, we do not feel that adding these names to the mailing list is an unreasonable burden to the City.

We and the other signers of the above mentioned petition would again like to express our concern in this issue. It is our sincere hope that the City will be willing to keep the concerned and affected citizens informed on this matter. In this direction, we further hope that a public hearing on this matter will allow for further exchange of information on the subject of the powerline.

Very truly yours,
s/ Mr. and Mrs. Clair
Fitch

Mr. Brad Jahn, Route 4, Idaho Falls, appeared before the Council and presented this written paper:

May 1, 1978

My name is Brad Jahn and I live at Route 4, Idaho Falls.

First, I would like to compliment the City Council for considering the motion to contact all landowners about the proposed 161 kV transmission loop. I think that this is a step in the direction of informing these people who will be greatly affected by the line. But, I also believe that this step is only a beginning and should be followed by public hearings which would include all interested and affected County and City residents. We support the letter read tonight expressing concern that all affected parties be given relevant information. We urge the Council to direct Mr. Harrison to contact the affected landowners on the north half of the loop as well as the south half, and to make additional copies of the letter available to interested persons at his office.

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I would also like to point out that the petition presented to the Mayor and City Council requesting a public hearing was by no means inclusive of everyone who is concerned about the project. Many more signatures could be gathered if a demonstration of more interest in a public hearing is necessary.

It is still the sentiment of my group and me that misunderstandings about the project are bound to occur when the landowners and the City Electrical Division deal with each other on a one to one basis. A public hearing where information given was available to all present, including media representatives would be more beneficial.

I think it also appropriate to review at this time the statement attributed to Mr. Harrison in the Post Register of May 9, 1978; "The 3 million dollar project got City Council approval in 1974 after public hearings". I would like to know what public hearings Mr. Harrison was referring to and when they were held. We only have found reference to two City Council meetings: #1- held June 13, 1972 which resulted in authorization of the 1973 study and #2- held June 14, 1974 which concerned a rate increase to fund the project. If Mr. Harrison or Mr. Hovey can provide me with dates of public hearings held and further information, I would appreciate it. If the two City Council meetings are the public hearings referred to, it should be noted that, although the meetings are public, they are not a public hearing in the true sense of the word. I would also like to request information from Mr. Harrison and Mr. Hovey about what advance publicity preceded the meetings.

I further respectfully request that the City Council set a date for a public hearing and that this information be included in the letter proposed by Mr. Harrison.

Mr. Robb Williams, Fieldstream Lane, appeared briefly to ask whether or not, ultimately, after the informational letter is delivered, there would be a public hearing. Councilman Wood advised that this has not yet been decided. Wood said a determination would be made after the letter is received and, if there are still questions or problems, a public hearing would probably be scheduled. Mr. Jahn reappeared briefly to ask whether or not letters would be sent to those residents and/or property owners affected by the north loop. The Mayor answered in the negative, at least not at this time. Jahn said that, in his opinion, this should be considered. He said it would be too late to seek their opinion, assuming the south loop was eventually constructed, inasmuch as the precedent would have then been set. Asked for comment, Electrical Engineer Harrison appeared briefly to explain that the north loop and the south loop could operate independently and that it would be some time before the City would start negotiating on the north loop right-of-way. He said the south loop, when activated, would serve the City's needs for several years. Referring back to the foregoing letter by Mr. and Mrs. Fitch, it was moved by Councilman Wood, seconded by Hovey, that all petition signers receive a copy of the informational letter, whether they be immediately affected property owners or not. Roll call as follows: Ayes, 6; No, none; carried.

Assuming there might be those in the Council Chamber with an interest in one or more of the following traffic recommendations, the Mayor asked that these be presented at this time, as follows:

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TO: HONORABLE MAYOR AND CITY COUNCIL, CITY OF IDAHO
FALLS
FROM: TRAFFIC SAFETY COMMITTEE
SUBJECT: TRAFFIC RECOMMENDATIONS

1. Establish 25 MPH on North Bellin Road between West Broadway and Grandview.
2. Establish 25 MPH on Mesa Street and Eastview Drive.
3. Install STOP sign on Renny Avenue at Eastview.
4. Install STOP sign on Alturas at Moran.
5. Establish a pedestrian crossing on Sawtelle for west side of EG&G buildings.
6. Establish a school crossing on Pancheri Drive to the west of Eagle Rock Jr. High and place variable speed signs with flashing lights controlling the area from west of the crosswalk to the east of Skyline High School wherein the speed will be 20 MPH when students are crossing and reverting to 35 MPH.
7. Restrict parking on the west side of Foote Drive immediately north of Grandview for 130 feet to establish a right turn lane.
8. Change time in loading area on Freeman Avenue for postal trucks to NO PARKING from 7:00 A. M. to 11:00 A.M.
9. Allow installation of speed bumps at top of hill and on flat to the east in the alley between Boulevard and Lee Avenue, 8th and 9th Streets to slow traffic for children at Catholic school and playground.
10. Establish two more 2-hour parking zones to the west of the two on the north side of Lomax immediately west of Holmes Avenue.
11. In compliance with Idaho Code 49-672, the Traffic Safety Committee suggests that installation of STOP signs at the following railroad grade crossings would constitute a greater hazard than their absence:
 - a. West River Road (Lindsay Blvd. south of the Animal Shelter)
 - b. West 23rd Street off South Yellowstone Highway.
 - c. Sunnyside Road off South Yellowstone Highway.
 - d. South Yellowstone at enterprise. (U. S. Highway 91-191-26).
12. Establish a loading zone on the west side of Park Avenue immediately north of the driveway at rear of Ferrells' Store.
13. Restrict parking at the intersection of 1st and Woodruff to allow for an improved traffic flow by painting in lanes.
14. Prohibit all parking on 17th Street from Boulevard east to City limits.

s/ Robert D. Pollock
Chairman Traffic Safety
Committee

Individual Council consideration was deemed necessary on each recommendation. With reference to recommending No. 1, Councilman Hovey said he saw no justification for a 25 MPH being established on the street as indicated because it is so sparsely populated. The Police Chief said this request has been made by several Mothers, concerned about the safety of their children. It was moved by Councilman Clark, seconded by Freeman, that this

recommendation be approved. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey voting no.

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With reference to recommendation No. 2, it was moved by Councilman Clark, seconded by Freeman, that this speed limit be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The proposed STOP sign on Renny Avenue at Eastview was then reviewed. 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. 4 was then presented. It was explained that this was prompted to discourage traffic from cutting through from Woodruff to First to avoid the signal at First and Woodruff. It was moved by Councilman Clark, seconded by Freeman, that this request be granted. Roll call as follows: Ayes, 6; No, none; carried.

Submitted next, was recommendation No. 5, having to do with a pedestrian crossing on Sawtell, on the west side of the EG&G buildings. It was noted this would affect and benefit only EG&G employees. It was moved by Councilman Clark, seconded by Freeman, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

With reference to item No. 6, it was moved by Councilman Clark, seconded by Freeman, that approval be granted for the school crossing and installation of variable speed signs with flashing lights at the location as indicated for the reason as stated. Roll call as follows: Ayes, 6; No, none, carried.

A recommendation was then submitted to restrict parking on the west side of Foote Drive, immediately north of Grandview for 130 feet to establish a right turn lane to help alleviate the back up on Foote Drive at peak traffic hours during the day. It was moved by Councilman Clark, seconded by Freeman, that this proposal be approved. Roll call as follows: Ayes, 6, No, none; carried.

Because the Postal Department now loads in the morning rather than at night, it was recommended that the time be changed within the Post Office loading area on Freeman Avenue from 7:00 A.M. to 11:00 A.M. for NO PARKING. It was moved by Councilman Clark, seconded by Freeman, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 9 was then considered. The Police Chief commented to the effect that several corrective solutions has previously been tried without success to combat hot-rodders. Councilman Freeman registered objection to speed bumps, generally, except under extremely unusual circumstances. It was moved by Councilman Clark that this proposal be approved. This motion died for want of a second, thus denying the recommendation as stated.

With reference to item No. 10, it was moved by Councilman Clark, seconded by Freeman, that the two hour parking zones be approved as requested. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 11 was then reviewed. Councilman Clark explained that State Code requires STOP signs at railroad crossings unless the Governing Body declares that such signs are a greater hazard than their absence. It was moved by Councilman Clark, seconded by Freeman, that, with reference to all the locations as indicated, STOP signs not be installed for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

Item No. 12, pertaining to a loading zone on the west side of Park Avenue, immediately north of the driveway at the rear of Ferrells' Store, was then presented. It was moved by Councilman Clark, seconded by Freeman, that this request be granted. Roll call as follows: Ayes, 6; No, none; carried.

It was noted that recommendation No. 13 was one of a precautionary nature, facing a potential problem before one existed. In other words, explained Clark, a restricted parking zone should be established in the interests of traffic flow at the location as indicated

before vehicles initiate the practice of parking, which would create a traffic hazard. It was moved by Councilman Clark, seconded by Freeman, that restricted parking at the intersection as stated be approved. Roll call as follows: Ayes, 6; No, none; carried.

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Finally, recommendation No. 14 was presented. Preparatory to a re-striping program on 17th Street, from Boulevard east to the City limits, it was moved by Councilman Clark, seconded by Freeman, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

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

Another matter requiring Council ratification was introduced and explained by this memo from the General Services Director:

City of Idaho Falls
April 28, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-22, TWO POLICE LEASE SEDANS

It is the recommendation of the General Services and Police Division that the City Council accept the low bid of Stoddard-Mead Ford, Inc. to furnish two (2) four door sedans on a twelve (12) month lease with full maintenance to be furnished by the supplier at \$271.45 per month each as per specifications Bid #IF-78-22. This action is necessary to ratify previous action of the Council when polled April 28, 1978.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that this informal action on the part of the Council be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification, this memo was submitted:

City of Idaho Falls
April 28, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-23, ONE SEDAN

It is the recommendation of the General Services and Public Works Divisions that the Council accept the low and sole bid of Stoddard-Mead Ford, Inc. to furnish one (1) four door sedan at \$5,107.23 as per specifications Bid IF-78-23. This action is necessary to ratify the previous action of the Council when polled April 28, 1978.

s/ Chad Stanger

MAY 11, 1978

It was moved by Councilman Erickson, seconded by Sakaguchi, that this informal action on the part of the Council also be ratified. The City Clerk read aloud all fund totals for materials, services and payroll, as follows:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
MAT/SERV: \$	487,353.30	\$ 36,234.29	\$ 10,432.60	\$ 301,280.57
SALARY:	<u>332,944.59</u>	<u>17,529.20</u>	<u>7,493.14</u>	<u>37,988.78</u>
TOTAL:	\$ 820,297.89	\$ 53,763.49	\$ 17,925.74	\$ 339,269.35

	<u>ELECTRIC</u>	<u>RECREATION</u>	<u>MUN CAP IMP</u>	<u>GEN LIBRARY</u>
MAT/SERV: \$	338,573.97	\$ 4,333.49	\$ 6,018.06	\$ 3,283.74
SALARY:	<u>54,554.04</u>	<u>6,922.53</u>	<u>.00</u>	<u>14,379.05</u>
TOTAL:	\$ 393,128.01	\$ 11,256.02	\$ 6,018.06	\$ 17,662.79

	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COMM DEV</u>	<u>FLOOD DISAS</u>
MAT/SERV: \$	344.31	\$ 10,000.00	\$ 83,429.39	\$ 21,218.34
SALARY:	<u>1,144.51</u>	<u>.00</u>	<u>702.40</u>	<u>.00</u>
TOTAL:	\$ 1,488.82	\$ 10,000.00	\$ 84,131.79	\$ 21,218.34

CITY TOTALS

MAT/SERV: \$ 1,302,502.06
SALARY: 473,658.24
TOTAL: \$ 1,776,160.30

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

Reports from Division and Department Heads were presented for the month of April, 1978, and, there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications were presented for the following: RESTAURANT, Ada's Café; ELECTRICAL CONTRACTOR, Steve Smith Electric, The Home Electric; JOURNEYMAN ELECTRICIAN, Steve Smith, Michael T. McNamara, Glen A. Schneider, William C. Robinson, Warren George Mikkola, Kermit Owens; APPRENTICE ELECTRICIAN, Carl Dean Robbins, Brett L. Belnap; MASTER PLUMBER, Atlas Mechanical, Inc., Plumbing & Heating Service, Inc., Poor Richard's Plumbing; JOURNEYMAN PLUMBER, Carlo D. Gioia, Bruce Siqueiros; APPRENTICE PLUMBER, James Cahoon; CLASS A CONTRACTOR, Atlas Mechanical, Inc.; CLASS D CONTRACTOR, (Refrigeration), REFCO; CLASS D JOURNEYMAN, (Gas fitting), James J. Taylor; CLASS D JOURNEYMAN, (Refrigeration), LeMar Eslinger; TAXI PERMITS, Idaho Courier & Security Services, Inc.; PAWN BROKER, Don's Pawn Shop; MOTEL, Motel West; BARTENDER, Sam McGee, Patsy Prasch, Michael Barnett, Mary Lou Oster, Caroline Heiselt, Kenneth E. Staley, Sr., Bert Dalling, Robert J. Hauck, Karen Dixon, Jackie D. Dalling, Margaret Thayer, Leslie A. Raichart, Tamera Kinney. It was moved by Councilman Erickson, seconded by Freeman, 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.

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The City Clerk presented an application for a cab driver's license in favor of Boyd Jeffrey Rauch, carrying a recommendation from the Police Chief that the license not be granted. It was moved by Councilman Freeman, seconded by Clark, that this recommendation be upheld and the license be respectfully denied.

By memo, the Director of Aviation presented an architectural contract between the City and Larry Matson to prepare plans and specifications for the airport terminal building expansion project. Asked for comment, Director of Aviation Hill appeared briefly to note that Mr. Matson had, for the past 2 ½ years, been under contract with the City to provide design work on the proposed airport terminal expansion and that this architectural contract be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was submitted:

City of Idaho Falls
May 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: SURPLUS EQUIPMENT

The General Services Division respectfully requests permission to advertise for the receipt of bids to sell certain items of City owned equipment. It has been determined that these items are no longer of value to the City either because they are surplus or junk.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the General Services Director be authorized to proceed with disposing of certain City owner surplus equipment in the manner as stated. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
May 10, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AIRPORT PROPERTY LEASE

Attached is a lease agreement between the City of Idaho Falls and Idaho Falls Aviation, Inc. (Red Baron Flying Service) for the lease of certain property located at the Idaho Falls Municipal Airport. The lease is for a term of one year commencing on May 5, 1978. Legal counsel has approved the lease and it has been signed by Idaho Falls Aviation, Inc.

The General Services Division respectfully request authorization for the Mayor and City Clerk to sign this letter.

s/ Chad Stanger

MAY 11, 1978

It was noted that this lease incorporated, among other areas, the log house at the airport, previously utilized as a residential unit. It was noted, further, that the lease was for a one year period at \$200.00 per month. It was moved by Councilman Erickson, seconded by Sakaguchi, that this airport lease be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, this memo was presented:

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: SALVATION ARMY

In a brief review of the situation, the City of Idaho Falls evidently acted as the fiscal agent in acquiring federal funds for the purpose of constructing the former Salvation Army Building at 521 North Capital Avenue. In order that the City might receive this funding, it became necessary for the Salvation Army to deed the subject real property to the City in 1938. In addition to acting as the fiscal agent for the building construction, the City has, over a period of years, provided utilities, building maintenance and other support to the Salvation Army. In 1976, the City donated the subject property to the City-County Law Enforcement complex as a portion of their required financial participation. The building was razed as the construction project progressed. At this time, the City anticipated allowing the Salvation Army to use the old Public Library essentially "rent free".

Following several months of discussion and two (2) legal opinions from the City Attorney, it has become apparent that the City is not in a position to provide "rent free" housing for the Salvation Army. The concept of providing housing at the old Public Library at a "fair market" rental rate has been further pursued with the Salvation Army. They have subsequently disclaimed any interest in this approach. The General Services Division has also researched the City's inventory of real estate in an attempt to find a parcel of property which might be provided to the Salvation Army. This attempt did not produce any property for the Salvation Army's needs.

The situation at present is such that a decision is required. It would seem that the following questions might be answered: First, how long should the Salvation Army be allowed to use the Library Building while finding future housing? Second how much, if any, is owed to the Salvation Army for the subject property?

s/ Chad Stanger

With reference to the first question, as indicated in the memo, Councilman Erickson said that, in his opinion, the Salvation Army is entitled to an answer so that they can make their future plans accordingly and, therefore, the General Services Committee was prepared to

recommend, for Council consideration, that the Salvation Army be given six months, or till November 30th, 1978 to remain in the old library building without benefit or rental agreement or any other requirements. Councilman Sakaguchi commented to the effect that if

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relocation poses a justifiable and a major problem by that date, it would be their prerogative to request an extension. It was moved by Councilman Erickson, seconded by Sakaguchi, that notice be served the Salvation Army that the present non-lease arrangement for occupancy of the old library building be terminated in six months or till November 30, 1978. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the second question, Councilman Erickson registered an observation to the effect that, thinking back forty years, if the Salvation Army had in some way known, at that time that, forty years hence, they would be without a home, they would undoubtedly have taken a second look, so to speak, and would have planned accordingly for the problem facing them today. Taking into consideration the historical background, including the deeding of their land to the City, Erickson, continued by saying that, in his opinion, the least the City could do at that time to make token amends for that transaction would be to remit to them \$5,000, the approximate value of the land at that time. Councilman Freeman concurred and added that, had the Salvation Army known of their future plight, they would have made other protective arrangements. Also, Freeman registered deep sympathy for the organization, in view of the services they have rendered the community and that \$5,000 could serve as some consideration and appreciation for said services. In answer to a question by Freeman as to the legality of a \$5,000 reimbursement, City Attorney Smith advised that this could conceivably result in a rest suit but, in the final analysis, this is a decision that could and should be made by the Council.

Councilman Sakaguchi registered a comment to the effect that the Council, during the past few months, have been thoroughly appraised of the legal aspects on this issue. Looking at the other side for a moment, Sakaguchi continued by saying it is conceivable that, to some degree at least, we are now living in a changed society where a smaller segment of said society now has occasion to accept their services, siting, for purposes of illustration, the wide spread use of the Salvation Army by G.I.'s during World War II. Further, continued Sakaguchi, during those forty years, as mentioned, the City provided many services to that organization such as utilities, maintenance, etc. Councilman Hovey concurred and added that the old Salvation Army building was, after all, constructed with government funds. In answer to a question by Hovey, Erickson said the Salvation Army had not requested funds as proposed. Councilman Wood observed that the organization in question did enjoy forty years of use and utility services and that he, for one, felt proud that the City was in a position to cooperate and assist to that extent during that period. It was moved by Councilman Erickson, seconded by Freeman, that the City reimburse the Salvation Army \$5,000 for the reasons as stated and discussed. Roll call as follows: Ayes, 2; No, 4. The Mayor thereupon declared the motion defeated. Upon advice from the City Attorney, the following motion was deemed to be in order. It was moved by Councilman Hovey, seconded by Sakaguchi, that the City make no further payment nor any other manner of monetary compensation or consideration to the Salvation Army. Roll call as follows: Ayes, 4; No, 2; carried. It was then moved by Councilman Hovey, seconded by Sakaguchi, that the Mayor be authorized to notify the Salvation Army, relative to the two foregoing decisions by the City Council. Roll call as follows: Ayes, 6; No, none; carried.

This memo, in the form of a progress report, was presented to the Council by the Public Works Director and read aloud by the City Clerk:

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PROGRESS REPORT ON SWEEPER DUMP SITE

MAY 11, 1978

Last month the Council received a protest from citizens in Highland Park area regarding a sweeper dump site.

We have relocated the dump site to the area just north of McDermott Field, next to the scoreboard on City property. The citizens have stated satisfaction providing the sweeper dump site is fenced with the only approach from the alley. This arrangement has been committed and the fence construction started with the expected completion before June 1, 1978.

Respectfully submitted,
s/ Donald F. Lloyd
Director of Public Works

This report was accepted by the Mayor who asked that it be made a matter of record. No Council action was considered necessary.

Another memo from the Public Works Director was reviewed, as follows:

City of Idaho Falls
May 11, 1978

MEMORANDUM

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

On May 2, 1978, three bids were received for the construction of Well No. 14, as follows:

Rocky Mountain Well Drilling	\$ 33,855.50
Andrew Well Drilling	39,900.36
Jack Cushman Well Drilling	44,470.00
Engineer's Estimate	44,405.00

The apparent low bidder, Rocky Mountain Well Drilling, was not licensed as a Public Works contractor at the time of bidding. Since Idaho Code requires all bidders to be licensed in order to bid projects not funded in whole or in part by Federal Funds, we consider the apparent low bid to be non-responsive.

As a result, we recommend that a contract be awarded to the second low bidder, Andrew Well Drilling in the amount of \$39,900.36.

Respectfully submitted,
s/ Donald F. Lloyd
Director of Public Works

Councilman Sakaguchi noted that the City Attorney had been contacted, relative to the licensing problem, as mentioned in the foregoing memo, and he had advised that, under the circumstances, the City would be within its legal rights to select the second low bidder. It was moved by Councilman Sakaguchi, seconded by Hovey, that Andrew Well Drilling be

awarded the contract for the drilling of Well No. 14 in the amount of \$39,900.36. Roll call as follows: Ayes, 6; No, none; carried.

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

MAY 11, 1978

City of Idaho Falls
May 11, 1978

MEMORANDUM

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

We are attaching hereto a water service contract for an outside-the-City service in favor of Janice Walstrom. This water service is for a single family residence located on the south side of Sunnyside Road, west of St. Clair Road. In consideration for service, Walstrom has dedicated the necessary right-of-way for Sunnyside, paid the water main charge and the service connection charge. We would recommend the Mayor and City Clerk be authorized to sign this contract.

s/ Donald F. Lloyd
Director of Public Works

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

From the Building and Zoning Division, came this memo:

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rolfe Lines
SUBJECT: REQUEST FOR AUTHORIZATION TO SIGN PRE-APPLICATION FOR SMALL CITIES PROGRAM

Request is being made to the City Council for authorization for the Mayor to sign the "Pre-Application" for the Small Cities Program of the Housing and Community Development Act of 1977.

s/ Rolfe Lines
Grants Administrator

It was moved by Councilman Hovey, seconded by Erickson, that the Mayor be authorized to sign the Pre-Application for the Small Cities Program under the Housing and Community Development Act of 1977, as requested. Roll call as follows: Ayes, 6; No, none; carried.

At the request of Councilman Erickson, the City Clerk presented and read aloud this letter of appreciation:

Professional Golfers
Association of America
May 8, 1978

The Idaho PGA just recently played it's Annual Pro-Am at the Pinecrest Golf course.

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We would like to thank the City of Idaho Falls for making this fine facility available to us. The Tournament was a great success under the leadership of Mike Taylor, your Professional. Gary Metzger, Jack Elliott and Chuck Demming also aided nicely in accommodating all the 145 golfers.

Pinecrest still stands out as the best public facility in Idaho. Congratulations and thank you again.

Sincerely,
s/ Jerry Bieanel
Sec/Treas. Idaho PGA

The Mayor expressed appreciation for this letter of commendation and asked that it be made a matter of record.

The Mayor appointed Mr. George Foster as a member of the Idaho Housing Authority. It was moved by Councilman Wood, seconded by Freeman, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then appointed Dorothy Mandeloff as a member of the Idaho Falls Planning Commission as a replacement for Mr. Burl Bandel. It was moved by Councilman Freeman, seconded by Clark, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith noted that, during the past several months, there had been several proposed amendments to the Zoning Ordinance and that, after several public hearings, these had been approved by Council action. Smith introduced the following ordinance which, he explained, incorporated said amendment as part of comprehensive Zoning Ordinance No. 1115:

ORDINANCE NO. 1545

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING CODE OF IDAHO FALLS, IDAHO, BEING ORDINANCE NO. 1115, AS AMENDED, BY ADDING THERETO A PROFESSIONAL BUSINESS OFFICE ZONE, ALSO DESIGNATED "P-B ZONE"; SETTING FORTH THE USES PERMITTED IN SAID ZONE AND ALL OTHER CONDITIONS AND REGULATIONS APPLICABLE THEREIN; ALSO AMENDING SAID ZONING CODE BY CHANGING ARTICLE IV THEREOF TO REQUIRE ADDITIONAL OFF-STREET PARKING SPACES FOR CERTAIN PROPERTY USES, AND SPECIFYING SUCH USES; ALSO AMENDING SAID ZONING CODE BY ESTABLISHING A FEE OF \$25.00 FOR FILING A PETITION TO AMEND SAID ZONING CODE OR OFFICIAL ZONING MAP AND REQUIRING NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO SAID ZONING CODE OR OFFICIAL MAP TO BE PROVIDED TO CERTAIN PERSONS AND SPECIFYING THE CLASSES OF PERSON TO BE PROVIDED SUCH NOTICE; ALSO AMENDING SAID ZONING CODE BY ADDING A PROVISION TO ARTICLE IX THEREOF REQUIRING THE PAYMENT OF \$25.00 PER LOT TO ACQUIRE A

TRAVEL TRAILER COURT PERMIT AT A MOBILE
HOME SUBDIVISION PERMIT; PROVIDING WHEN
THE ORDINANCE SHALL BECOME EFFECTIVE.

MAY 11, 1978

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.

Reference is made to page 168 in this book of minutes and, more, specifically, certain Council action adopting Ordinance No. 1539 which, among other things, created a sanitary sewer capital improvement fund. City Attorney Smith said he was about to introduce an ordinance repealing Ordinance No. 1539 because certain revised plumbing and sewer fees had been inadvertently omitted. Smith then introduced the following Ordinance, said Ordinance being identical to Ordinance No. 1539 except for the inclusion of said revised fees:

ORDINANCE NO. 1546

AN ORDINANCE REPEALING ORDINANCE NO. 1539, BEING SECTION 8-7-13, CITY CODE OF IDAHO FALLS, IDAHO; ESTABLISHING FEES AND CHARGES FOR SANITARY SEWER CONNECTION PERMITS AND FOR THE INSTALLATION OR ALTERATION OF PLUMBING OR SANITARY SEWERS WITHIN SAID CITY; SETTING FORTH A SCHEDULE OF FEES THEREFOR; MAKING IT UNLAWFUL TO INSTALL OR ALTER ANY SANITARY SEWER OR PLUMBING WITHIN SAID CITY OR TO TAP ONTO OR CONNECT TO ANY SANITARY SEWER LINE OR MAIN OF SAID CITY WITHOUT FIRST OBTAINING A PERMIT THEREFOR; ESTABLISHING A SEWER CAPITAL IMPROVEMENT FUND AND PROVIDING THAT ALL FEES AND CHARGES DERIVED FROM THE ISSUANCE OF PERMITS FOR THE INSTALLATION OR ALTERATION OF PLUMBING OR SANITARY SEWERS, OR FOR CONNECTING TO A SANITARY SEWER, SHALL BE PLACED IN SAID FUND; SETTING FORTH THE PURPOSES FOR WHICH MONEYS IN SAID FUND MAY BE EXPENDED; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; 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.

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City Attorney Smith advised that the City and the County had been expending considerable time together, in an effort to come to agreement on an area of City impact. Smith presented the following with an explanation that this, in the opinion of the responsible City Officials, represented the official statement of City impact:

SUGGESTED REGULATIONS FOR AREA OR IMPACT

- I. The Bonneville County Comprehensive Land Use Plan, as amended, applies.
- II. The Bonneville County Zoning Code, as amended, applies.
- III. City's Subdivision Ordinance, as amended, applies to all platted subdivisions except:
 - (a) Any subdivision zoned for housing whether single-family dwellings or multiple units, where the average density in the entire subdivision is equal to, or less than, one single-family unit per acre.
 - (b) Any subdivision zoned for industrial purposes having lots of at least two acres and front footage of at least 300 feet. (Commercial development, including use for offices, shall be governed by the City's Subdivision Ordinance.)
- IV. The City shall have the right, at its own expense, to inspect, approve or reject, all public construction and public improvements within subdivisions governed by the City's Subdivision Ordinance, and the County shall enforce the City's decisions.
- V. The City shall have the right to review, at its expense, all building permits outside recorded subdivisions, and no permit shall be issued in the presence of a written objection by the City. Provided, however, the City shall object to a permit only if its issuance should violate an ordinance, statute or valid regulation of a regulatory agency.
- VI. The City shall continue to have the authority granted to it by Section 50-1306 Idaho Code. (Approving plats)
- VII. The County shall, at its expense, supervise all development, and enforce all ordinances and regulations applicable within the Impact Area; and the County shall collect and regain all fees in furtherance of the same.
- VIII. The Ordinances of Bonneville County shall continue to govern the Impact Area except as otherwise herein provided.

It was moved by Councilman Freeman, seconded by Clark, that the foregoing regulations be presented to the County Commissioners as the City's proposal in this regard. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith reported that the City is in conflict with the County on the percentage of court fees due the City. He said it had to do with interpretation of terms. Smith continued by saying that, according to figures as submitted by the City Controller,

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approximately \$44,000 was owing the City and that, if it be the will of the Council, the City has respectable justification for a test case lawsuit. He said the County had been approached on this matter and had offered \$15,000 in full settlement. Councilman Erickson observed that, in his opinion, the facts should be clear and well defined, as the City is being guided by State Legislation, pertaining to the division of funds from fines, etc., as set forth by formula. Erickson also commented to the effect that it required State Legislation for the City to receive any monies from the County. Councilman Hovey concurred and added that, in his opinion, the City should have a meritorious case. It was moved by Councilman Hovey, seconded by Erickson, that the Mayor be authorized to notify the County that the \$15,000, as previously mentioned, cannot be accepted and, further, the Mayor be authorized to notify the County that, unless there is affirmative action on the amount claimed by the City as heretofore indicated within 60 days, the City Attorney be authorized and directed to proceed with legal action. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that one of the purposes of the meeting, as required by law, was to conduct an official canvass of all votes cast for the Airport Special Revenue Bond election, held May 9th, 1978, pursuant to the provisions of Ordinance No. 1538, adopted March 23rd, 1978. The City Clerk then presented to the Council the returns of said election from each voting place, the ballots cast at the election and all other pertinent data. The City Clerk reported that, as of the close of registration on May 6th, 1978, 11,916 citizens were qualified to vote by virtue of having voted at the last general municipal election, which were officially found and determined to be as follows:

<u>PRECINCT NO.</u>	<u>POLLING PLACE</u>	<u>NO. OF VOTES IN FAVOR</u>	<u>NO. OF VOTES AGAINST</u>	<u>NO. OF MUTILATED BALLOTS</u>	<u>TOTAL</u>
1.	Bush School 380 W. Elva	88	20	0	108
2.	Log Hut 600 W. Elva	142	33	0	175
3.	4 th & 10 th Ward Church 1460 Idaho Avenue	88	15	0	103
4.	Veteran's Mem. Bldg. 485 C. Street	51	17	0	68
5.	Templeview School 1500 Scorpious	262	56	0	318
6.	O. E. Bell Jr. High 151 N. Ridge	218	19	0	237
7.	Hawthorne School 1520 S. Boulevard	172	27	0	199
8.	Longfellow School 2500 Higbee Avenue	415	77	0	492
9.	Linden Park School 1455 9 th Street	298	29	0	327
10.	Theresa Bunker School 1385 E. 16 th Street	267	28	0	295
11.	Pinecrest Golf Course 701 E. Elva	206	31	0	237
12.	Dora Erickson School 850 Cleveland	310	23	0	333
13.	Emerson School 335 5 th Street	255	27	0	282
14.	IF. High School 601 S. Holmes	276	35	0	311
15.	Edgemont Gardens 1240 Azalea	429	49	0	478
16.	Eagle Rock Jr. High 2020 Pancheri Drive	360	62	0	422

TOTALS

3,837

548

0

4,385

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It was moved by Councilman Erickson, seconded by Hovey, that the foregoing be accepted and certified as the results, by official Council canvass, of all votes cast at the election as hereto indicated. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Clark, that the meeting adjourn at 11:15 P.M., carried.

s/ Roy Barnes
City Clerk

s/ Thomas Campbell
Mayor

* * * * *