

**AUGUST 24, 1977**

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Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls met in Special Session in the Bonneville Hotel on August 24, 1997, at 12:00 o'clock Noon for the purpose of considering a street and bridge policy as a condition of annexation; also, any other business which might appropriately be presented. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, Tom Campbell, and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lee Mundell, Personnel Director; Les Corcoran, Fire Chief; and, Steve Harrison, Electrical Engineer.

The following Ordinance was introduced in written form by Councilman Karst, and was read by title. Councilman Karst moved that the rule requiring the reading of the Ordinance three different days be dispensed with, and the motion was adopted by vote of not less than one half plus one of the members of the full City Council, to-wit: Aye: Councilmen Campbell, Erickson, Freeman, Hovey, Karst, and Wood; No, none.

The Ordinance was thereupon again read by title, after which, pursuant to motion made by Councilman Karst and seconded by Councilman Freeman, the Ordinance was adopted by the following vote: Aye: Councilmen Campbell, Erickson, Freeman, Hovey, Karst, and Wood; No, none.

The Ordinance was thereupon signed by the Mayor in evidence of his approval, was attested by the City Clerk, was numbered 1513 and ordered recorded, and is as follows:

**ORDINANCE NO. 1513**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AUTHORIZING THE ISSUANCE OF \$3,465,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY FOR THE PURPOSE OF PROVIDING PART OF THE FUNDS NECESSARY TO REFUND CERTAIN OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; AUTHORIZING THE PURCHASE OF CERTAIN OBLIGATIONS WITH THE PROCEEDS OF THE SALE OF SUCH REFUNDING BONDS AND CERTAIN ADDITIONAL FUNDS OF THE CITY AND FOR THE USE AND APPLICATION OF THE MONEYS TO BE DERIVED FROM SUCH INVESTMENTS; PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING BONDS TO BE REFUNDED; PROVIDING THE DATE, FORM, TERMS, MATURITIES AND COVENANTS OF SAID REFUNDING BONDS TO BE ISSUED AND FOR UNLIMITED TAX LEVIES TO PAY THE PRINCIPAL THEREOF AND INTEREST THEREON; AND CONFIRMING THE SALE THEREOF.

It was moved by Councilman Karst, seconded by Councilman Freeman, that the Mayor and City Clerk be authorized to sign all supporting documents as prepared by the Bond Attorneys in connection with the foregoing Ordinance, including a safe keeping agreement, signature identification and non-litigation certificate and certificates of manual signature. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a lease assignment in favor of the Idaho First National Bank, said lease being between the City as Lessor and James McGeachin, owner and operator of Western Transmission Company, as Lessee. It was noted that said Lessee is a tenant within the Airport Industrial Park. It was explained that the purpose of this Lease

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Assignment was to acquire funds for plant expansion. The Lease Assignment was accompanied by two documents requiring execution by the Mayor and City Clerk; namely, consent to assignment and a subordination and severance agreement. Asked for comment, the City Attorney said he had not prepared these documents and, in fact, had not perused them. Therefore, it was moved by Councilman Karst, seconded by Freeman, that said documents be referred to the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Pages 596 and 597, Book 16 of the Council Proceedings dated June 9th and, more specifically, a draft of a Bridge and Street Policy that was presented and openly discussed at that time. As indicated on the call sheet, one of the purposes of this Special Session was to review and openly discuss a revised Bridge and Street Policy, as follows:

**BRIDGE AND STREET POLICY (Resolution No. 1977-06)**

WHEREAS, the development of new subdivisions around the periphery of the City is impacting the City's bridges and major streets; and,

WHEREAS, the increased traffic volume generated by these new subdivision developments requires the construction of collector and arterial streets and bridges; and,

WHEREAS, it does not appear equitable for the existing tax base to fund the entire cost of the necessary arterial street improvements and bridge construction; and,

WHEREAS, the developing subdivisions and other lands being annexed are creating the necessity for improvements to streets and bridges and, therefore, reasonably be expected to pay a portion of the cost thereof.

NOW,

THEREFORE, be it resolved by the Mayor and City Council of Idaho Falls, Idaho, that a "Bridge and Street Policy" is hereby established and includes the following provisions:

1. The provisions and conditions of the Bridge and Street Policy will apply only to lands annexed to the City accompanied by an Annexation Agreement.
2. Bridges which are required across canals, ditches, and streams lying entirely within a single subdivision and primarily for the benefit of circulating local traffic shall be paid for entirely at the cost of the developer.
3. The City shall construct all bridges on local, collector, and arterial streets when above bridges are deemed necessary by the City, except as defined in Item No. 2 above.
4. Construction of "controlled access" streets, shall be the responsibility of the City. However, the owner shall be responsible for dedicating to the public up to a maximum of 57 feet for right-of-way purposes. Note: Standards and typical sections for street construction are on file in the office of the City Engineer and all construction shall comply therewith.

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5. For arterial and collector streets, where local individual property access is allowed, the owner shall dedicate the necessary right-of-way and pay all costs for the development of a standard 60-foot street.
6. A "Bridge and Street" fee shall be assessed to each owner seeking annexation of lands to the City. This fee is based upon the number of parking spaces required by Ordinance for the zoning classification approved by the City Council and shall be calculated on the number of parking spaces shown in the table below. The total amount of the fee shall be based upon \$100.00 for each required parking space.

Zones	Parking Spaces Per Acre
RP, RPA, R-1	Actual Lot Count (5 Spaces Per acre if Unplatted)
R-2	10
R-2A	14
R-3, R-3A, I & M-1, M-1	25
Commercial (RSC-1, C-1, HC-1, GC-1)	40

7. Monies collected by reason of this resolution shall be deposited in the Bridge and Arterial Street Fund.
8. A payment of at least 25% of the calculated Bridge and Street fee shall accompany the Annexation Agreement at the time the Agreement is submitted to City Council. The Annexation Agreement shall include a schedule for payment of the balance of the Bridge and Street fee specifically approved by the City Council, but in every case, the schedule shall provide for full payment within one year after date of annexation.
9. The Bridge and Street fee shall be collected by the City Treasurer in accordance with the terms specified in the Annexation Agreement.
10. Church Property being annexed shall be assessed one-third the calculated Bridge and Street fee for the zone in which the Church property is situated.
11. Publicly owned property upon which a public entity holds an option to purchase, shall be exempt from the Bridge and Street fee.
12. As used in the Bridge and Street Policy, the terms "controlled access streets or highways" and "arterial streets" shall have the meanings ascribed to them in Section 49-514 Idaho Code, and the term "collector street" means a street providing for traffic movement between arterial streets and local streets with direct access to abutting property.

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It was noted that, in the interim period, there had been several protests registered pertaining to the proposed Bridge and Street Policy, one of the grounds for protest being that it should be in the form of an Ordinance rather than a policy. Asked for comment, City Attorney Smith registered an opinion to the effect that an Ordinance would govern and/or regulate City activities and governmental functions within the City, whereas this policy would be designed to access certain charges outside the City to-wit: Lands that have been proposed for annexation by land owners and/or developers. Even though this is a policy rather than an Ordinance, continued Smith, it would be rigidly administered by the input of the City Engineer, the Public Works Director, the Building Administrator, the Public Works Council Committee, and subject to review, in some instances, by the full Council. Also said Smith, being only a policy, it would be more flexible and easier to amend, as if and when amendments are deemed necessary. Councilman Karst concurred, adding that contingencies can be expected, depending on the development. There was general discussion pertaining to Item No. 6, having to do with parking spaces per acre within certain zones. No changes were recommended. Public Works Director Lloyd drew particular attention to Item No. 8, having to do with the original payment. Lloyd said this percentage of 25%, as stated in the foregoing policy, was an arbitrary one which might or might not be considered fair and equitable, considering the fact that many developers operate on borrowed money until the development is well under way or completed. Karst commented to the effect that a lower figure might create a slight risk on the part of the City, in the event the development was completed within a year at which time the balance would be due and payable. Karst admitted this would not be too likely. After some discussion, it was generally agreed that 10% would be more reasonable and the foregoing draft was revised accordingly.

Regarding Item No. 10, pertaining to church property, it was generally agreed that such property should be nominally assessed. It was recognized that a church, even though it was to be constructed on newly annexed lands, would probably have many members living inside the City. The City Attorney noted that most church property would benefit even more, inasmuch as, in most cases, it would be an R-1 zone. Karst objected to the nominal assessment on churches, as proposed, on the grounds that church property would benefit equally with all other property within the development. Freeman commented to the effect that a nominal assessment would seem to be in order, inasmuch as church parking spaces are used, primarily, only once a week or at least less frequently than a business. It was generally agreed that Item 10 of the policy was revised accordingly. With reference to Item No. 11, the City Attorney explained that the words "public entity" referred to any governmental subdivision. Karst noted that this policy, if adopted, would not provide sufficient funds for needed streets and bridges and that such projects would still need to be subsidized. In the absence of further comment, it was moved by Councilman Karst, seconded by Campbell, that, reflecting the foregoing revisions as indicated, this Bridge and Street Policy be adopted. Roll call as follows: Ayes, 6; No, none; carried.

Noting that several Annexation Agreements, reflecting the charges as stated in the Street and Bridge Policy had previously been approved by the Council, it was moved by Councilman Karst, seconded by Campbell, that the terms of said Agreements conform to the Street and Bridge Policy. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 5 in this book of minutes and, more specifically, a memo from the Fire Chief asking, in part, that plans and specifications for the new fire station be approved by the Council. This request was referred to the Fire Committee for study and recommendation. Mr. Earl Booth, Architect for said building, being present, Councilman Freeman turned to him for comment. Booth advised that there had been no structural changes in the final plans, only changes pertaining to asphalt paving, air conditioning and water lines. Freeman noted that the architect's estimate had now increased to \$160,000 but that said increase reflected no more than the above-mentioned non-structural revisions. Freeman reminded the Council that the earlier plans for construction of this fire station had to be delayed, because anticipated revenue sharing

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funds were not forthcoming. It was generally recognized that this station, when constructed, would replace the station on 8th Street. Freeman said that, reportedly, there had been some protest on this relocation from certain 17th Street residents on the grounds that their fire protection would be jeopardized. Freeman noted that this protest was without grounds because a fire truck could reach a 17th Street destination as quickly, if not sooner, from the Lincoln and Woodruff location because of the unimpaired routing. It was moved by Councilman Freeman, seconded by Wood, that these final plans and specifications be approved as presented. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Freeman, seconded by Wood, that authorization be granted for the Citizens Development, Inc., to advertise for bids for construction of the new fire station. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Karst, seconded by Freeman, that the Mayor and all Councilmen retire into Executive Session for the purpose of discussing contract negotiations pertaining to the Fire Fighters and the Electrical Workers. Roll call as follows: Ayes, 6; No, none; carried.

After the Mayor called the Executive Session to order, the following were found to be present: Mayor S. Eddie Pedersen, Councilmen Campbell, Erickson, Freeman, Hovey, Karst and Wood. Also present, Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lee Mundell, Personnel Director; Les Corcoran, Fire Chief; Steve Harrison, Electrical Engineer. The subject matter of this Executive Session as heretofore indicated, was thoroughly discussed. During the latter part of this meeting, Councilmen Freeman and Wood, found it necessary to leave and were excused.

After said discussion was completed, it was moved by Councilman Karst, seconded by Campbell, that the meeting adjourn at 2:30 p.m., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR