

AUGUST 4, 1977

The City Council of the City of Idaho Falls met in regular meeting, Thursday, August 4th, 1977, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, and Jim Freeman. Absent: Councilman Tom Campbell. 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 21st, and a special meeting held August 2nd, 1977, were read and approved.

Noting from the agenda that the Council was to consider an annexation of the Hatch Addition, Division No. 10 this night, the Mayor asked that this introductory memo from the Building Administrator be presented at this time:

City of Idaho Falls
August 4, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: HATCH ADDITION, DIVISION NO. 10 – FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached is a copy of a final plat, annexation ordinance and annexation agreement for the above mentioned subdivision. The City Planning Commission, at their recent meeting, reviewed this plat and at that time recommended approval of the final plat, annexation to the City and initial zoning of R-1.

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

A final plat of the above mentioned area was then reviewed. It was moved by Councilman Erickson, seconded by Freeman, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was an annexation agreement between the City and the Hatch Addition, Division No. 10 developer. It was moved by Councilman Erickson, seconded by Freeman, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1511

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. (HATCH ADDITION, DIVISION #10)

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Freeman, that the provisions of Section 50-902 of the Idaho Code requiring all

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

The Hatch Addition, Division No. 10 having been annexed, the Mayor announced that this was the time and the place for a public hearing, as advertised, to consider its initial zoning. There were none who appeared to protest said zoning as recommended by the Planning Commission. It was moved by Councilman Erickson, seconded by Freeman, that this area be initially zone R-1 and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

Next to be presented for annexation was an area to be known as the Ashment Addition, Division No. 1. Recognizing the fact that the City seldom makes a practice of annexing any given area without an annexation agreement, duly signed by the developer and noting, further that, in this instance, the annexation ordinance was not accompanied by such as instrument, it was moved by Councilman Erickson, seconded by Freeman, that annexation proceedings, including consideration of the final plat and the annexation ordinance of the Ashment Addition, Division No. 1 be recessed until the next regular Council meeting. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson drew attention to the fact that a public hearing had been advertised to be conducted this night, relative to the initial zoning of the Ashment Addition, Division No. 1 but that the legal notice calling for said hearing had specifically stated that the public hearing would be conducted only if said area was annexed. Inasmuch as this annexation did not materialize this night, it was moved by Councilman Erickson, seconded by Freeman, that the aforementioned public hearing be recessed until the next regular Council meeting and, then, with the understanding that it be reconvened only after the Ashment Addition, Division No. 1 is properly annexed to the City. Roll call as follows: Ayes, 5; No, none; carried.

The foregoing recessed annexation prompted the appearance of Mr. David Benton, local engineer representing the Ashment Addition developers. Mr. Benton first presented and read aloud this letter from Mr. Reed Moss, one of the co-developers:

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Honorable Mayor and City Council
City Building
Idaho Falls, Idaho

Dear Mayor Pedersen and Members of the Council

As you may be aware, Neahl Johnson, Ivan Ashment and I are attempting to develop the L. R. Bird property on 17th Street. The primary thrust of the development at this point is to provide an area for the construction of apartment houses on property which Neahl Johnson has purchased which commences at a depth of approximately 550 feet north of 17th Street.

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Mr. Ashment and I own that 570 foot strip (except for approximately 200 feet of frontage which is owned by Glen George, where his house is located), and have requested this be zoned, but that it not be broken down into small lots. The reason for this is that we have no idea as to what the ultimate development might be.

We were just recently advised that the City intends to consider and possibly adopt a policy which would require developers to obligate themselves to pay \$100.00 per parking stall for property annexed to the City, such cost to be paid when a building permit is issued. The obligation would be the direct and primary responsibility of the developer, regardless of who the property is sold to.

The documentation which has been furnished to Mr. Ashment and myself indicates that the purpose for this levy of \$100.00 per parking stall is to "pay for the City's expenses incurred in developing arterial roads and bridges". We feel this is an attempt to impose a tax levy upon a group of people who bring new development into the City to pay for improvements which will benefit the entire populace of the City and that, therefore, such could be discriminatory. The time situation will not permit briefing of this question at this time, but on the surface this situation appears to be a discriminatory attempt to levy against a small group to furnish benefits for the entire populace.

Mr. Ashment and I have no objection whatsoever to paying the City for those services and other benefits which the City does provide for the property which will be involved in the annexation, and would want to be completely fair and equitable in that regard. However, since this \$100.00 charge becomes a benefit to the entire population and, particularly, since we have no idea as to what course the development of this particular street will take, we are reluctant to proceed with the annexation of our particular tract. If a shopping mall or some type of development were to come about which would require maximum parking, and, say a thousand stalls were necessary, this would amount to an obligation of \$100,000.00.

As a consequence of all the foregoing, until we have a better idea as to what type of development will take place on this property, we feel very uncomfortable about obligating ourselves to a burden, the extent of which we cannot reasonably fully anticipate. We have so advised Neahl Johnson of this fact and also Mr. Benton who is setting up the subdivision plat.

We understand that the City Council is to consider this policy this evening and we have requested Velma (in Roy Barnes office) to put our annexation matter on the agenda. However, since I have a commitment which will not permit me to be to the meeting this evening, I have requested Dave Benton to appear and speak for us; and I wanted to at least voice these thoughts by this means and will appreciate their consideration. Ivan Ashment is out of the State but concurs in this with me on the matters expressed herein.

Very truly yours,
s/ Reed L. Moss

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Mr. Benton, addressing the Council, said that he and those he represented were originally of the opinion, that the street and bridge policy, previously discussed by the Council but not yet adopted, was to be incorporated into an ordinance for final Council consideration. He said it is now learned that this is not the Council's intention but, instead, that it will remain only as a policy with its terms to be a condition of annexation. Benton said that he and those he represented would probably not have raised objection to this issue if the \$100 per parking space issue were to be made effective by ordinance but he protested its being covered only by a policy on the grounds that this left too much flexibility to be administered by too few; perhaps, even one person, such as the City Engineer. More specifically, Benton protested the charge as it would pertain to such annexations as the Ashment Addition or any other addition where there were large areas of a commercial or semi-commercial nature where specific development was still underdetermined.

Councilman Karst reminded Benton that the policy, as heretofore mentioned, has been approved only in principle by the Council and that those recent annexations where the parking space charges that were applied have been accepted voluntarily by the developer. Karst said he could find no complaint to having this charge reflected in the annexation agreement which has been satisfactorily in effect for many years and the burden of proof is on the developer to accept any and all charges as provided in said agreement as a condition of annexation. He said it stands to reason that the affected property would benefit more from arterials and bridges in that area than other fully developed areas that have long since been annexed into the City. In answer to a question by Councilman Erickson, Karst pointed out that the City is no longer the recipient of funds for E.P.A. and other governmental agencies which were used at least in part, to subsidize such projects as streets and bridges and unless this policy is adopted, the Council would find it necessary if they were to continue to fund said streets and bridges to assess non-affected tax payers for new development.

Mr. Melvin Call, realtor with D.V. Groberg Company appeared to ask how this new charge would affect churches. Karst said this problem had not as yet been resolved, especially as compared to schools, recognizing that a school is used, primarily, five days a week whereas a church, primarily, one a week. In answer to a second question by Mr. Call as to what would happen in the event a residential structure were renovated to the extent that the conversion raised the requirements from two to five parking spaces, Karst said such a renovation would not be affected, inasmuch as the charge would only affect newly annexed areas.

Benton said he could site any number of instances where bridges were constructed by the City prior to the time the area beyond was developed. Erickson reminded Benton that this was before the time Government funds were withdrawn. In answer to a question by Karst, asking his opinion as to whether or not this charge should be by policy or ordinance, City Attorney Smith answered by saying that this should be determined by the Council. Smith continued, however, by saying that if it were covered by ordinance it would affect all citizens and/or tax payers within the City whereas, if it were accomplished by policy, it could be so worded that it would affect only the developer. Smith said there are many other instances where similar charges are not covered by ordinance.

Mr. Jed Weiner, local TV representative, appeared briefly to ask this question: If this charge is not covered by ordinance, can the City proceed to assess said charge in an arbitrary manner? Smith answered in the negative, adding that a policy, as long as it is in force, is as binding as an ordinance and even though it is easier amended, the Council, as always, would be bound by that which is reasonable and prudent. He said this charge is considered an effort to see that those residing or doing business on the periphery of the City pay their fair share, even as those in a fully developed area, some time in the past have paid their fair share.

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Mr. Brent Messervi, address unknown, appeared briefly to ask whether or not streets throughout an area to be developed for multiple dwellings would be wider than an area planned for single family dwellings. Asked for comment, Building Administrator Gilchrist, explained that a plat for such an area, would first be presented for approval by the Engineering Department and the City Council. Plat requirements for streets serving such an area provide for no less than 60' right-of-way. Messervi concurred with the remarks made by Benton that, to eliminate the possibility of laxity, such a charge as heretofore discussed should be dictated by ordinance rather than by policy.

Mr. Neahl Johnson, one of the developers of the Ashment Addition, appeared briefly to register a protest against this street and bridge policy. He said there are many developers who would concur. He said that he had recently acquired other land for future development without any knowledge of said policy and if this is the developer's obligation and he has signed the annexation agreement, control is lost in the event such property is resold. Benton concurred, citing for purposes of illustration, the hypothetical case of a party who annexes into the City has the property properly zoned and has signed an annexation agreement which provides for certain obligations by virtue of the street and bridge policy. Later, before the property is developed, he sells to a speculator who successfully petitions to have said property re-zoned in such a manner that more parking spaces are required. Benton said that, according to his understanding, the party who originally signed the annexation agreement is responsible for the charge in question. The City Attorney disagreed. He said that, as he understands it, the obligation is due at the time of annexation and zoning; not 5 or 10 years later when factors and circumstances may have changed.

Mr. Rod Blossom, employed representative from the Benton Engineering Company, appeared briefly to say that, in his opinion, any future charge, based upon required parking spaces, should not be the responsibility of the original developer. Instead, continued Blossom, it should be the responsibility of the builder at the time application is made for a building permit, inasmuch as it is only then that the type of development can definitely be determined.

In the absence of further discussion, the Mayor reminded all interested parties that the annexation and zoning of the Ashment Addition had been recessed until the next regular Council meeting at which time this issue would probably be discussed further.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a variance in an R-1 zone, as more specifically explained by this memo from Building Administrator Gilchrist which was read aloud by the City Clerk:

City of Idaho Falls
August 4, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR A VARIANCE - DUPLEX IN AN R-1 ZONE

Attached is a request for a variance submitted by Laura Passey to utilize an existing dwelling at 1545 Westland Avenue as a duplex. This dwelling was recently converted to a duplex by the owner. This was done without a building permit and the owner did not know that duplexes are not permitted in an R-1 zone. The owner has rented the duplex to Navy personnel

and has signed a lease for the duration of the navy class which expires in mid-December.

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The owners have requested that they be allowed to honor the leases and at the time of their expiration they will either convert the residence back to a single-family rental or sell the property as a single family dwelling.

This Department recommends that the variance be granted for a period not to extend beyond January 1st, 1978. This request is now being submitted to the Mayor and Council for your consideration.

s/ Rod

Mr. & Mrs. Passey were present in the Council Chamber. Asked for comment, Mrs. Passey explained that this was not a conventional case of conversion into a duplex. She said that there were certain facilities already installed in the basement at the time they purchased the property, such as a sink and a kitchenette. She said the basement was not being used and it required the minimum amount of additional facilities to make the area livable for navy personnel. Asked how this matter came to the attention of the Building Administration office, Gilchrist said it was because of a complaint. Mrs. Passey said when she learned of this, she checked with eight of the closet neighbors and none of them objected to this arrangement nor could they give her any information or knowledge as to who would be so dissatisfied as to register a complaint. In answer to a question by Councilman Erickson, Mrs. Passey said she was now aware of the R-1 requirements and, therefore, understood the City's position. However, continued Mrs. Passey, she said she knew of many instances of multiple dwelling units within an R-1 zone. Councilman Freeman agreed, explaining to Mrs. Passey that these were pre-existing and were constructed or converted prior to the time the zoning ordinance was established in 1964.

Mrs. Passey then asked if it was permissible for a number of navy personnel to reside in a single family dwelling. Asked for comment, Gilchrist said that, technically, this is prohibited but that there are not proper facilities for policing this problem and, therefore, the City normally would take no action except where complaints are filed. It was moved by Councilman Erickson, seconded by Freeman, that this variance be allowed until January 1st, 1978, as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place for a public hearing, recessed for the fourth time, to consider the rezoning of a parcel of ground north of the John's Hole Bridge between the Porter Canal and the Snake River. There were none present representing the petitioner, including Attorney Reg. Reeves who, reportedly, was not in the City. Councilman Erickson, reported that it was the opinion of the Planning and Zoning Council Committee that if another recess is granted, the petitioner or his authorized representative be notified that there will be no further extensions and that the Council will take definite action at the next Council meeting to dispose of this problem and that a decision will be made accordingly at that time. It was moved by Councilman Erickson, seconded by Freeman, that this rezoning hearing be recessed until the next regular Council meeting with the understanding that there will be no further extensions beyond that date, that a decision will be made at that time as to the manner in which this matter will be resolved and that the petitioner or his attorney be advised accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Noting from the agenda that Mr. Bill Colson of the Colson Sign Company was to appear before the Council this night, the Mayor invited him to appear at this time. Instead, Cher Marcon appeared, explaining that Mr. Colson was out of the City and that she was present at his request and invitation. Miss Marcon explained, further, that she was co-owner of the Wood & Stone Shop who had ordered a wooden sign from the Colson Sign Company,

only to discover that, in this particular location, wooden signs were prohibited. It was explained by Councilman Karst that no wooden signs are permitted in a Fire Zone I and that

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this is dictated by the Uniform Sign Code, which has been adopted by the City by ordinance. He said compliance with the requirements in a Fire Zone I is necessary, as it affects fire rating and, thus, insurance rates. Miss Marcon argued that a wooden sign is not as conducive to starting a fire as for instance a neon sign and, thus, less hazardous. Miss Marcon apologized for the absence of Mr. Colson and received assurance from the Mayor that this subject would be discussed further at the next regular Council meeting at which time Mr. Colson would be present.

Three representatives from the Jaycee Civic organization appeared before the Council. Acting as their spokesman, Mr. Regi Hahn asked that the Council consider a special permit that would, by arrangement, allow designated groups to hold picnics in City parks and serve or have available alcoholic beverages - at least beer. Mr. Hahn was informed that this was discussed at the last Council meeting, prompted by a letter from the Jay Cees. Mr. Hahn said he was not present at said meeting. Reference is made to pages 614 and 615 in this book of minutes. Councilman Freeman and Erickson reiterated the discussion that took place at that time. Councilman Freeman advised that no change in the alcoholic ban policy is anticipated for this year in view of the fact that the summer season is drawing to a close. Freeman said the matter may be reconsidered next year, based upon public and police reaction in the interim period.

Mr. Jed Weiner reappeared briefly, drawing attention to the block on which he resided; namely, the 100 block of First Street. He said that, at one time, the curbs, for a reasonable distance from the intersection, were painted yellow but that the curbs are in need of repainting and vehicles are parking too close to the intersection. He said this creates a sign problem, recently resulting in some near accidents. It was moved by Councilman Erickson, seconded by Karst, that this be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Noting Mrs. Audrey Suckling in the Council Chambers, representing the Humane Society and recognizing that an agreement between the City and the Humane Society had been prepared and was ready for presentation this night, Councilman Erickson requested that she be recognized at this time. There was general discussion relative to the terms and conditions of this agreement, the principal one being the authorization to be granted by the City for the Humane Society or its delegated representative to conduct a house canvas within the City in an effort to license all un- licensed dogs. The City Attorney explained that the Society, under this agreement would have no police powers and that they would be relying on voluntary citizen cooperation. Mrs. Suckling assured the Council that the parties delegated to conduct the canvas would be properly insured from the standpoint of holding the City harmless. It was moved by Councilman Erickson, seconded by Karst, 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 Erickson then reported that the Humane Society is considering a neutering clinic whereby any dog unclaimed or not redeemed within a stated period would be placed up for adoption with the understanding that said dog, before being released, would be neutered, licensed and treated for distemper. Continuing with his report, taken from the Society's recommendations, Erickson said the cost of adoption would be the best obtainable price over the minimum adoption fee of \$30.00 or \$15.00 if the animal had previously been neutered but if investigation revealed that the dog was valuable, the Society's Board of Directors could elect to place such an animal out for adoption without neutering. Erickson said the local veterinarians had been working closely with the Society on these recommendations. Erickson concluded his remarks by saying that, hopefully, funds received from the neutering program would be ear-marked for shelter renovation and better service to

the public. It was moved by Councilman Erickson, seconded by Karst, that this proposal be

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referred to the City Attorney for preparation of an appropriate and agreeable amendatory ordinance. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to the fact that a legal notice was being published calling for a public hearing on August 18, 1977, to consider the initial zoning of certain property, subject to annexation, and that this was being done, in the interests of time, without formal Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Also, continued the City Clerk, a legal notice had been published without formal Council approval, calling for a public hearing conducted this night to consider a variance to permit two apartments in an R-1 zone. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was presented:

Bonneville Western Inc.
July 21, 1977

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. John Evans

Dear Mr. Evans:

This letter will confirm our telephone conversation of July 15 regarding my broken windshield. On the morning of July 15, 1977, while traveling on the highway from Rigby into Idaho Falls before crossing the bridge onto the divided highway, I met a City of Idaho Falls dump truck #93. While passing it, a rock or another hard object bounced off the truck striking my front windshield on the drivers side cracking it badly in the driver's line of vision. The driver of the dump truck was Roy D. Phillips. I followed the truck and notified the driver of the accident and I also called and notified you and Mr. Roger Searle about the incident.

I am sending a copy of this letter to Homer Koster Ins. Co. to notify them of the incident I had.

Cordially yours,
s/ John Bell

The City Clerk explained that this claim had been forwarded to the City's liability insurance carrier on July 27th without formal Council approval. It was moved by Councilman Karst, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of July, 1977, having been properly audited by the Fiscal Committee, were presented. The City Clerk read aloud all fund totals for materials, services and payroll, as follows:

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<u>FUND</u>	<u>SERVICES AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$437,430.54	\$453,737.02	\$921,167.56
Street Fund	133,036.80	28,084.60	161,121.40
Airport Fund	9,214.31	9,182.11	18,396.42
Water& Sewer Fund	350,522.71	55,193.70	405,716.41
Electric Fund	273,741.78	82,672.87	356,414.65
Recreation Fund	9,539.74	25,859.11	35,398.85
General Library	3,829.73	20,325.61	24,155.34
Regular Library	206.24	843.76	1,050.00
Community Development	12,889.22	1,015.68	13,904.90
<u>TOTALS</u>	<u>\$1,230,411.07</u>	<u>\$706,914.46</u>	<u>\$1,937,325.53</u>

LIBRARY CONSTRUCTION EXPENDITURES

<u>Date</u>	<u>Description</u>	<u>Detail</u>	<u>Expenditures to Date</u>
7/14/1977	Clark Learning Equip.	\$ 3,645.89	\$2,237,850.76
7/14/1977	Estey Corporation-Shelving & equip.	55,131.50	2,292,982.26
7/14/1977	Mitchell Const.-Estimate #21	99,492.50	2,392,474.76
7/27/1977	Arthur Landscape-Planting atrium	4,397.33	2,396,872.09
7/29/1977	Showroom One Furniture	1,538.08	2,298,410.17
7/29/1977	Herman Miller Inc.	14,341.18	2,412,751.98
7/29/1977	Demco Duecational Corp. Equip.	1,298.50	2,414,050.48

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Freeman, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 5; No, none; carried.

Reports from Division and Department Heads were presented for the month of July, 1977, 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 for ELECTRICAL CONTRACTOR, Leishman Electric, Bron W. Leishman, Flynn Home Builders, Jack M. Flynn, Le Roy L. Fleischmann, Electri-Con, Donald Burnham, Don's Electric; JOURNEYMAN ELECTRICIAN, Leroy L. Fleischmann, Donald Burnham, Bron W. Leischman; APPRENTICE ELECTRICIAN, Mathew John Scott Morris, with Falls Electric, David McInturf with Edwards Electric, Gary L. Fleischmann and Dale Fleischmann, with Electri-Con, George Danielson with Flynn Builders; CLASS D CONTRACTOR, WARM AIR, Fred Jeske, with Scotts Refrigeration; CLASS D CONTRACTOR, REFRIGERATION, Virgil Borchner with Scotts Refrigeration; JOURNEYMAN, CLASS D, WARM AIR, George Weaver with Scotts Refrigeration, Ted Levings; CLASS D JOURNEYMAN, REFRIGERATION, James R. Brennan; CLASS D APPRENTICE REFRIGERATION, Ben Dominguez with Scotts Refrigeration; RESTAURANT, Tom Burroughs with Tom's Landing; SECOND HAND STORE, The Opportunity Shop; TAXI CAB DRIVER, Vernon M. Daugherty; BARTENDER, Vickie Lynn Heath, Jeff Long, Sandy Arave, Sherlee Dawson, Theresa Smith, Ralph Grinnell; BEER, Transfer from Page One to Tom's Landing; LIQUOR, Transfer from Page One to Tom's Landing were presented. It was moved by Councilman Erickson,

seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Controller was submitted:

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City of Idaho Falls
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TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, City Controller
SUBJECT: NEW LIBRARY BUILDING – SUBSTANTIAL COMPLETION

Attached is a certificate of substantial completion submitted by Sundberg & Associates, Inc. and Mitchell Construction Company requesting that the City of Idaho Falls assume full possession of the new library building July 21, 1977.

Also, the contractor, Mitchell Construction Co., is requesting that the responsibility of the owner and the contractor for maintenance, heat, utilities and insurance shall be as follows:

July 21, 1977 shall be the date set for the owner to assume responsibility for maintenance, heat, utilities and furnishings.

August 5, 1977 shall be the date set for the owner to assume responsibility for fire and extended coverage insurance. Liability insurance, workmen's compensation, etc. shall be maintained by the Contractor until completion of the project.

I request Council approval of the above and execution of the attached by the Mayor.

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Karst, that this certificate of substantial library completion be accepted and the Mayor be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
August 1, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-15 PORTABLE RADIOS

It is the recommendation of the General Services and Police Division that the City Council accept the low bid of General Electric Company to furnish three (3) portable radios at \$977.00 each as per Bid IF-77-15.

Thank you,
s/ Chad

It was moved by Councilman Hovey, seconded by Freeman, that the low bid of General Electric be accepted for the portable radios as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Director of Aviation was presented:

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City of Idaho Falls
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TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: EXTENSION FAA LEASE CONTRACT NO. FAA-461 SECOND
FLOOR TERMINAL BUILDING

According to the subject lease agreement, we are able to renegotiate the maintenance portion of this rent free contract. This has been accomplished in the increased amount of \$1,216.00 annually to a gross rental of \$6,458.00 annually.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the attached extension.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Hovey, that this lease extension, as described, be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Also from the Director of Aviation, this memo was submitted:

City of Idaho Falls
August 4, 1977

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ADDITIONAL FAA AIRPORT GROUND LEASE (LEASE NO. DOT-
FA77NW-1032)

The Federal Aviation Administrator desires to install and maintain an additional landing approach aid "Visual Approach Slope Indicator" at the Idaho Falls Municipal Airport. This aid is to be placed immediately adjacent to the north/south runway at the south end, and will occupy approximately .04 acre of land, rent free.

At this facility is a needed improvement to the Airport. The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to execute the attached lease on behalf of the City.

s/ H.P. Hill

It was moved by Councilman Wood, seconded by Hovey, that this Airport Ground Lease, as described, be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the Traffic Safety Committee came this memo:

City of Idaho Falls
August 3, 1977

TO: Mayor and City Council

FROM: Traffic Safety Committee
SUBJECT: TRAFFIC RECOMMENDATIONS

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The Traffic Safety Committee makes the following recommendations for your consideration.

1. Posting South Higbee to the South 17th Street for 25 MPH speed. (This is due to the increased traffic caused by the building south of Longfellow School and the opening of the route to both Holmes and Sunnyside.)
2. Posting Hartert Drive from Boulevard to Holmes for 25 MPH speed. (Same as above).
3. Install STOP signs on Hartert at Fieldstream. (As above and to slow down traffic reducing the hazard).

Recommendation #1 was then reviewed: It was moved by Councilman Erickson, seconded by Karst, that this reduced speed proposal be approved as described. Roll call as follows: Ayes, 5; No, none; carried.

Recommendation # 2 was then reviewed. It was moved by Councilman Erickson, seconded by Karst, that this recommendation also be approved. Roll call as follows: Ayes, 5; No, none; carried.

Finally, the third recommendation was studied. It was moved by Councilman Erickson, seconded by Karst, that approval be granted for STOP signs at the location as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo was presented by Councilman Karst:

City of Idaho Falls
August 4, 1977

MEMORANDUM

TO: Gil Karst
FROM: Rod Gilchrist
SUBJECT: ACQUISITION OF PROPERTY - MELBOURNE PARK MULTI-PURPOSE AREA

The 1976 Community Development Grant included funds for the acquisition of the Melbourne Park storm water retention and park area. A portion of this property has been acquired and the City's Right-of-way Agent has been negotiating with the owners for acquisition of the remainder of the property.

The City Council needs to give formal notice to proceed with the acquisition before Community Development funds can be utilized.

s/ Rod Gilchrist

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted for the right of way agency to proceed with acquisition as described for the property as indicated. Roll call as follows: Ayes, 5; No, none; carried.

City Attorney Smith submitted a lease and concession agreement between the City and Tom Burroughs, recently appointed lessee of the airport lounge and café, to be known as Tom's Landing. Smith, recognizing that all Councilmen had received a draft of said

agreement, acknowledged that, since they had perused said draft, certain non-controversial changes had been made, none of which should affect the validity of the agreement nor its

AUGUST 4, 1977

basic terms. He referred to such changes as a provision for a terminal remodeling program, a boiler plate clause in the event the building were to be destroyed, for instance, by fire, and a provision for hiring without regard to race, color, religion, age, sex, national origin or physical handicap. It was moved by Councilman Wood, seconded by Hovey, that this lease and concession agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson, speaking in behalf of the Mayor and all Councilmen, expressed gratitude that the City Clerk had, after three weeks of hospitalization and convalescence, recuperated to the extent that he was again able to resume his duties and attend Council meetings. Also, Erickson expressed appreciation for the capable assistance rendered by Velma Chandler, Deputy City Clerk, during this period.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 10:00 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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