

JUNE 23, 1977

The City Council of the City of Idaho Falls met in regular meeting, Thursday, June 23, 1977, at 7:30 P.M., in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Tom Campbell, Jim Freeman, Mel Erickson, Ralph Wood, and Paul Hovey. Absent: Councilman Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held June 9th, 1977, were read and approved.

Preparatory to annexation consideration of certain lands to be known as the Montcliffe Estates, Division No. 4, this introductory memo was presented and read aloud by the City Clerk:

City of Idaho Falls
June 23, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT, ANNEXATION & INITIAL ZONING – MONTCLIFFE ESTATES,
DIVISION NO. 4

Attached is a copy of the final plat, annexation ordinance, and annexation agreement of the above described property. This property lies adjacent to, and south of First Street, east of Woodruff Avenue. The developer has requested the tier of lots adjacent to First Street be zoned R-3A and the remaining 12 lots of the subdivision to be zoned R-2.

The City Planning Commission recently considered this matter and recommended the plat be approved, annexed to the City of Idaho Falls and initial zoning of R-3A and R-2 as shown on the attached plat.

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

An annexation agreement between the City and Montcliffe Estates, Division No. 4 developer was then submitted. It was moved by Councilman Campbell, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1503

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 (Montcliffe Estates, Div. #4)

JUNE 23, 1977

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

The Montcliffe Estates, Division No 4, having been duly annexed, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider its initial zoning. The Mayor also announced that, due to a conflict of interest, he chose not to preside over this hearing and invited Councilman Freeman to serve as Mayor ProTem in his place. Freeman, in turn, invited Councilman Campbell, as Chairman of the Planning and Zoning Committee, to conduct the hearing. Campbell reported that the members of the Planning and Zoning Committee were not in agreement with the Planning Commission's recommendation as outlined in the foregoing memo. Campbell invited comment from the floor from any and all interested citizens.

Mr. Bill Braun, a nearby resident, appeared before the Council, representing himself and eight other nearby residents, also present, protesting the recommended R-2 zoning adjacent and adjoining the lots recommended for R-3A zoning fronting on First Street, on the grounds that, if so zoned, professional buildings or certain limited types of multiple housing would be permitted, thus downgrading the neighborhood. Asked by Freeman on what grounds the Planning Commission had made their decision, Building Administrator Gilchrist said the thinking of that group, generally was that R-2 would serve as a buffer between the R-3A zone and the R-1 zone contemplated for future development. Gilchrist continued by saying that rock has been encountered in that particular area and, therefore, construction of basements for single family dwellings would be costly.

Mr. Ron Woodhouse, 1829 Moran, appeared briefly to concur with the remarks of Mr. Braun, adding that single family dwellings without basements should pose no problem, particularly those of split level design. Campbell asked those present if they would purchase a single family dwelling located next to a professional building. There were those who said they had done this some time in the past and found nothing offensive about it.

Recognizing that there had been no protests registered to the recommended R-3A zoning, Campbell elected to make two motions for Council consideration. It was moved by Councilman Campbell, seconded by Erickson, that all the lots fronting on First Street within the Montcliffe Estates, Division No. 4 be initially zoned R-3A. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Campbell, seconded by Erickson, that all the remaining lots within said subdivision be zoned R-1. Roll call as follows: Ayes, 5; No, none; carried.

Anticipating annexation of an area to be known as the Alice Dickson Estates, Division No. 3, this introductory memo was read:

City of Idaho Falls
June 23, 1977

MEMORANDUM

JUNE 23, 1977

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT, ANNEXATION & INITIAL ZONING – ALICE DICKSON ESTATES,
DIVISION NO. 3

Attached is a copy of the final plat, annexation ordinance and annexation agreement of the above described property. This plat is an extension of the existing street system in the area and is proposed as a single-family area.

The City Planning Commission recently considered this and at that time recommended approval of the final plat, annexation to the City and initial zoning of RP-A.

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

s/ Rod Gilchrist

A final plat of the Alice Dickson Estates, Division No. 3 was then studied. It was moved by Councilman Campbell, seconded by Erickson, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

An annexation agreement between the City and the Alice Dickson Estates, Division No. 3 was then submitted. It was moved by Councilman Campbell, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1504

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 (ALICE DICKSON ESTATES, DIV. #3)

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

The Alice Dickson Estates, Division No. 3 annexation having been accomplished, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on said zoning as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that this area be initially zoned R-PA. Roll call as follows: Ayes, 5; No, none; carried.

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The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning petition as more specifically explained by this memo:

City of Idaho Falls
June 23, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUESTED REZONING – PARK-ST. CLAIR ADDITION, LOT 1, BLOCK 2

Attached is a copy of a petition to rezone the above described property from RP-A to R-3. This property was recently annexed to the City of Idaho Falls when Division No. 1 of Park-St. Clair Addition was annexed and zoned RP-A.

In general discussion of this property at the Planning Commission level, it was understood at such time as the development plan for this property was completed, it would be submitted as a Planned Unit Development for the construction of an apartment complex. A copy of the development plan is attached.

The Planning Commission, on May 24th, considered this matter and at that time, recommended approval of the rezoning and approval of the development plan, as submitted.

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

Councilman Campbell reminded the Council that the area in question had been designated and destined to become a planned unit development since it was annexed into the City. there were none who appeared to protest this requested rezoning. It was moved by Councilman Campbell, seconded by Erickson, that this area be rezoned from RP-A to R-3 for the reasons as stated and that the development plan, as submitted, be approved. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to pages 591 and 592 in this book of minutes and, more specifically, a public hearing to consider the rezoning of a parcel of ground located north of the John's Hole Bridge between the Porter Canal and the Snake River. Reference is made, further, to the fact that said hearing was recessed at that time, to be reconvened this night. The Mayor announced that this was the time and the place, as indicated, to reconvene the hearing in question. Councilman Campbell, noting the reason that the Council allowed said hearing to be recessed was to give Attorney Reginald Reeves time to acquire some needed right-of-way, reported that said right-of-way had not yet been acquired but he had information indicating that this problem would soon be resolved. Therefore, it was moved by Councilman Campbell, seconded by Erickson, that this hearing again be recessed to the next regularly scheduled Council meeting, July 7th, 1977. Roll call as follows: Ayes, 5; No, none; carried.

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Mr. George Bever, 1880 Riviera Circle, appeared before the Council to propose that the City Council initiate a reacquisition program, similar to the one now effective at the Rosehill Cemetery, for unwanted or unneeded cemetery spaces in Fielding Memorial Park. Mr. Bever drew attention to the fact that, at the time Fielding Memorial Park was first established, before the City took ownership, many individuals accepted lots in lieu of cash for services and/or materials and that many of said individuals, in need of money, would be interested in selling said lots to the City. Bever continued by saying that this in turn would be a good investment for the City, as said lots could be resold for purposes of interment. He said this would be a well accepted and appreciated service for those individuals. It was moved by Councilman Hovey, seconded by Freeman, that this matter be referred to the General Services Council Committee for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood, as Chairman of the Airport Committee, reported that all three applicants for the position of lessee at the Airport Lounge and Café had been recently interviewed by the members of said Committee who, by now, were in a position to make recommendation for that position. Wood said the interviews, in each instance, were completely successful and all three applicants revealed such enviable qualifications that the decision was a hard one to make. Councilman Hovey, the other member of the Airport Committee concurred. He said there was some variation in all the proposals as submitted, particularly in the proposed program of operation and this made the decision particularly difficult. Councilman Freeman commented to the effect that he was impressed that all of the applicants were local businessmen. Asked by local news reporter, Bill Powell, as to some of the basic requirements of the proposed lease, Wood said it would be of a two year duration with a provision for first right of refusal to continue a lease. Wood also pointed out that the City would receive 6% of the gross receipts. Wood said that, after thorough analysis, Tom Burrows, Manager of the Idaho Falls Country Club, was the unanimous choice of the Committee, particularly because of his experience in food management and advertising. It was moved by Councilman Wood, seconded by Hovey, that Tim Burrows be selected as the Airport Restaurant and Lounge lessee and that the City Attorney be directed to prepare an appropriate lease agreement accordingly, effective July 15th, 1977. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to the fact that a legal notice is in the process of being published, calling for a public hearing on July 7th to consider the initial zoning of certain areas to be annexed, as well as several rezoning petitions and that publication of said legal notice was done without formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Also, continued the City Clerk, this damage claim was received and forwarded to the City's liability insurance carrier on June 22nd without formal Council approval:

Denman Reeves & Ohman
June 21, 1977

Mr. Robert C. Barnes
City Clerk
City Building
Idaho Falls, Idaho

Dear Mr. Barnes:

JUNE 23, 1977

Mr. and Mrs. Robert Jacobson, previous owners of the residence at 192 11th Street, received an approval from the City of their electrical wiring on October 22, 1973. Recently, incident to the sale of their home, the inspection was again undertaken by Mr. Bob Jones of the City Electrical Division, and as many as 17 objections were raised. By reason of the City's negligence in first approving such wiring, and then disapproving thereof, Mr. and Mrs. Jacobsen have sustained damages in the sum of \$750 (the cost of curing the apparent defects.) For this reason, demand is hereby made against the City for such amount.

For your information, Mr. and Mrs. Jacobson resided within such residence continuously for a number of years until their recent move to Los Angeles.

Thank you for your prompt attention to this matter.

Yours very truly,
s/ John M. Ohman, ESQ.

It was moved by Councilman Freeman, seconded by Campbell, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under matters requiring Council ratification, this memo from the City Controller was presented:

City of Idaho Falls
June 23, 1977

TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, Controller
SUBJECT: CITY'S PARTICIPATION - UNEMPLOYMENT COMPENSATION LAW SUIT

Requesting Council ratification of the City's participation in the National Institute of Municipal Law Officers lawsuit of the Federal Unemployment Compensation Tax litigation trust fund as approved by the Mayor. City's contribution amounting to \$2,500.00.

s/ John D. Evans

It was moved by Councilman Freeman, seconded by Campbell, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for FIREWORKS, Hamilton Drug, Village Market, Saving Center (2), Dixie Johnson, Skaggs Drug, Kings, Ben Franklin, Ray's Minit Market, Reed's Mini Market, Murphy's Market, Town Square, Bowl-ero, Holiday Market, Fay's I.G.A., Patnam Fireworks, Midget Market, Katz Pharmacy, Black Jack's Magic, Ned Sweat, Bill Reed; ELECTRICAL CONTRACTOR, Steve Smith Electric; APPRENTICE ELECTRICIAN, Bradley Gardner, Brian Earl; MASTER PLUMBER, Atlas Mechanical; CLASS A CONTRACTOR, WARM AIR, WET HEAT, GAS, REFRIGERATION, Atlas Mechanical; PHOTOGRAPHY, Carol Mayer; MOTEL, Haven Motel for 24 units; TAXI CAB DRIVER, Randall Hudson; BARTENDER, Thomas Idelman, Bradford Miller, Lorene Steele, Jesse Funk, Phillip Wilkinson; GROCERY STORE, Speedi-Mart; RESTAURANT, Hayashakee; BEER (CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES), Lennis Terrill for

JUNE 23, 1977

Speedi-Mart were presented. 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, 5; No, none; carried.

This letter in the form of an offer on certain City tax deeded property was submitted:

Idaho Falls, Idaho
June 22, 1977

Dear Mayor Pedersen and City Council members:

Enclosed is my check in the amount of \$2,501.00. This is an earnest money bid for the property on the SW corner of Anderson Street and Bingham Street, Idaho Falls.

Thank you.

s/ Thurman H. Peterson

The foregoing letter prompted this memo from the City Treasurer:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Lorna Coughlin
SUBJECT: TAX REDEMPTION PROPERTY

Attached please find a letter from Thurman H. Peterson with an offer to redeem a piece of City tax deeded property on the southwest corner of Anderson and Bingham. He will build a home there. This property was in LID #32 for sewer. We need \$876.93 to repay the Guarantee Fund. I recommend that we accept this offer for this property as it is. Also ask for authorization for City Attorney to prepare the proper deed and Mayor and City Clerk to sign it.

s/ Lorna

It was moved by Councilman Freeman, seconded by Campbell, that the foregoing offer be accepted, in accordance with the City Treasurer's recommendation, and that the Mayor and City Clerk be authorized to sign the deed, when prepared and presented. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Administrator, came this memo:

City of Idaho Falls
June 23, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF EASEMENT – HATCH ADDITION, DIVISION NO. 6

JUNE 23, 1977

Attached is a request to vacate a portion of an easement located between Lots 1 and 2, Block 9 of the Hatch Addition, Division No. 6. There are no utilities located in this easement and we have no objection to granting the request.

We recommend the proper ordinance be drafted to vacate the above described easement.

s/ Rod Gilchrist

It was moved by Councilman Campbell, seconded by Erickson, that the City Attorney be directed to prepare an appropriate vacating ordinance for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FREMONT AVENUE WATER AND SEWER LINES

The plans and specifications for the water and sewer facilities under Fremont Avenue are nearly complete. The projects costs are now estimated at \$95,000.00 of which \$60,000.00 has been committed from last year's C.D. allocation. It is necessary to install these facilities before the construction of Fremont Avenue. We would request authorization for the City Clerk to advertise for competitive bids.

Sincerely,
s/ Don Lloyd

It was moved by Councilman Campbell, seconded by Freeman, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the Public Works Director was forthcoming, to-wit:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: RAILROAD AGREEMENT FOR PARK AVENUE AND SHOUP AVENUE

We are attaching hereto two copies of a railroad agreement covering the T-Cor Crossings of the railroad at Park and Shoup Avenues. The questions which were involved in this agreement have been satisfactorily answered and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Sincerely,
s/ Don

JUNE 23, 1977

It was moved by Councilman Campbell, 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.

Continuing with memos from the Public Works Director, this memo was submitted:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AMENDED ANNEXATION AGREEMENT FOR THE BURGGRAF PROPERTY

We are attaching hereto an amended annexation agreement which involves the Burggraf property. Due to a misunderstanding on the scope of the original annexation agreement, an unnamed street was included as part of the consideration. The amended agreement removes any reference to this unnamed street. This agreement has been reviewed by the City Attorney and the Engineering Department and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Sincerely,
s/ Don

It was moved by Councilman Campbell, seconded by Freeman, that this amended annexation agreement be approved for the reason as stated and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Still another memo from the Public Works Director was presented and studied, as follows:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ENGINEERING AGREEMENT FOR THE WESTSIDE INTERCEPTOR AND TREATMENT FACILITIES

In 1975, Bonneville County and the City of Idaho Falls, jointly sponsored a study for sewage collection and treatment for the Westside area. The current building boom and the proposed elementary school on the west side demand that we provide preliminary designs and, in some cases, final designs for portions of the Westside Interceptor and Treatment Facilities. We are submitting herewith an Engineering Agreement with Ellsworth Engineering to aid this department in the development of these plans. These Agreements and the need for the engineering work has been reviewed by the Public Works Committee and we are recommending that the Mayor be authorized to sign the City's approval.

Sincerely,
s/ Don

JUNE 23, 1977

Councilman Campbell explained that the Westside sewage collection facilities are at times, even now, at maximum capacity, particularly as said facilities pertain to the suspension bridge across the river and that the Public Works Division is studying the possibility of a sewage collection lagoon. He said that, hopefully, Federal funds would be available at the proper time to subsidize this project. Councilman Hovey registered concern about such a facility. He said that an enlarged or a second line across the river, in his opinion, would be preferable. Campbell said the purpose of this study, in part, would be to determine the most attractive economies and feasibility of an over-all Westside Interceptor and treatment program, as well as proper line grade for sewer locations. It was moved by Councilman Campbell, seconded by Freeman, that an in-depth presentation be prepared by the Public Works Division for a work session of the full Council. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls
June 23, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT FOR THE EASTVIEW ADDITION,
DIVISION NO. 4

In June of 1974, the City entered into an annexation agreement for Division No. 4 of the Eastview Addition. Since that time, the Hitt-Hackman Road concept has been formalized with the County, and the City has been discussing a new bridge and arterial street policy. For these reasons, it appears reasonable to amend the 1974 annexation agreement. The attached agreements have been reviewed by the Public Works Committee and we are recommending that the Mayor and City Clerk be authorized to sign.

Sincerely,
s/ Don

It was explained by Councilman Campbell that the original annexation agreement provided that the houses on Hitt Road within the Eastview Addition would face Hitt Road but the developer, Mr. Russ Dahl, had agreed to construct another street so that the backs of said house would front on Hitt Road and would face the other street which is better planning from the standpoint of access. Mr. Dahl also agreed, in this amended annexation agreement, to participate in a needed bridge. In answer to a question by Councilman Erickson, Campbell said that the present plan is for all houses along Hitt Road, as they are constructed, to be facing away from Hitt Road. In answer to a question by Campbell, Public Works Director Lloyd said that this is the first of a nine year program for Hitt Road improvement. It was moved by Councilman Campbell, seconded by Freeman, that this amended annexation agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Hovey, seconded by Campbell, that instructions be given the Planning & Zoning Division that no further final plats or annexation ordinances would be considered by the Council until transparencies are made available so that the View-Graph unit can be utilized. Roll call as follows: Ayes, 5; No, none; carried.

JUNE 23, 1977

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 9:00 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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