

MAY 5, 1977

The City Council of the City of Idaho Falls met in regular meeting, Thursday, May 5, 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 Gil Karst, Paul Hovey, Tom Campbell, Jim Freeman, Mel Erickson, and 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 21st, and a special meeting held May 4th, 1977, were read and approved.

Annexation proceedings of an area to be known as Rose Nielsen Addition, Division Nos. 8 and 9 were introduced by a memo from the Building Administrator. First to be considered were final plats of both Divisions. It was moved by Councilman Campbell, seconded by Erickson, that these plats be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Next, an annexation agreement was presented between the City and the Rose Nielsen developer. 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, 6; No, none; carried.

ORDINANCE NO. 1499

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.

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, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

The Rose Nielsen Addition, Division Nos. 8 and 9 having been duly annexed, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the initial zoning of these areas. There were none who appeared to protest said zoning as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that these Divisions within the Rose Nielsen Addition be initially zoned RP-A. 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 rezoning petition from the Eagle Rock Land Development Company as introduced and more fully explained by this memo from the Building Administrator:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist

SUBJECT: REZONING – LOTS 15-20, BLOCK 7, SECOND AMENDED PLAT –
CAMBRIDGE TERRACE PARK

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Attached is a copy of a rezoning petition of the above described property. This petition is being submitted by Eagle Rock Land Development Co. and requests the subject property be rezoned from RMH (residential mobile home) to R-2A. The property directly across the street is zoned R-2A.

The City Planning Commission considered this on April 12th and at that time no objections were heard. The Planning Commission recommended approval of the requested rezoning and this department concurs with their recommendation. It is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There were none who appeared to protest or otherwise comment on the proposed rezoning as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that this area be rezoned from RMH to R-2A. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the foregoing initial zoning and rezoning, it was moved by Councilman Campbell, seconded by Erickson, that the Building Official be directed to reflect said zoning and rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider certain amendments to the Comprehensive Zoning Ordinance No. 1115. The Mayor asked the City Clerk to present and read aloud this explanatory memo from Building Administrator Gilchrist:

Idaho Falls Planning
Commission
January 19, 1977

AMENDMENTS TO IDAHO FALLS COMPREHENSIVE ZONING ORDINANCE #1115

It is the recommendation of the Planning Commission that the City Council amend the supplementary regulations, Section 4-23, Paragraph D-1, (Required parking, residential and related uses) Part A (number required, Page 29) to read:

- A. Number Required
One, Two, Three and Four-Family Dwellings:
Two (2) spaces for each dwelling unit.

- Dwellings containing more than four (4) units:
Two (2) spaces for each dwelling unit.

(The balance of the paragraph to remain the same).

Councilman Campbell commented to the effect that these amendments would be an aggressive planning step and would benefit the entire community, particularly from the standpoint of vehicles now parked on the street. He said this action, in his opinion, is 20 years over due. He also drew the Council's attention to the fact that these amendments met with the approval of the local developers. In answer to a question by Councilman Karst,

Gilchrist said that, if these amendments were made, a two car garage or a double car width drive way would qualify. There were none who appeared to protest or otherwise comment on

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these proposed amendments. It was moved by Councilman Campbell, seconded by Erickson, that these amendments, as proposed and recommended, be adopted and approved and be made a part of the Comprehensive Zoning Ordinance No. 1115. 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 request for temporary placement of a mobile home, as more fully explained in this memo from the Building Administrator:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO USE A MOBILE HOME AS A TEMPORARY SALES OFFICE

Attached is a copy of a request for a variance, submitted by Stoddard-Mead Ford to locate a mobile home at the northwest corner of Denver Street and Nevada Avenue, to be used as a sales office on a temporary basis. A similar request was granted at this location several years ago. This request is being made until final plans can be completed for a permanent office building.

This department recommends approval of the request on a temporary basis and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There were none who appeared for purposes of opposing or otherwise commenting on this request. It was moved by Councilman Campbell, seconded by Erickson, that permission be granted for temporary placement of this mobile home for a period of six months at the location and for the reason as stated. 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 request for a variance to permit an illuminated pole sign in an R-3A zone, as more fully explained in this memo from the Building Administrator:

City of Idaho Falls
May 5, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR A VARIANCE TO PERMIT A POLE SIGN IN AN R-3A ZONE

Attached is a copy of a request to place an illuminated pole sign adjacent to the Town and Country Real Estate office located at 330 North Holmes Avenue. The

petitioner, Gary Sayer, states in his petition that the property is surrounded by commercial property and the sign will be visible from the street only.

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Attached to the petition are photos of the area and a drawing of the proposed sign. This department recommends approval as a non-illuminated sign and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

The City Clerk reported that Mr. Gary Sayer, the petitioner, had made contact with him this afternoon and had indicated that a non-illuminated sign would suffice. It was moved by Councilman Campbell, seconded by Erickson, that permission be granted for the installation of a non-illuminated sign at the location as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Attention is drawn to pages 510 and 518 in this book of minutes and, more specifically, certain open discussion relative to a sign on City owned library property, advertising the Star Doughnut Company business operation, located adjacent to said sign, just across a private driveway. Noting the owner of the doughnut shop in the Council Chamber, Mr. Gary Miner, Councilman Campbell, asked that this matter be reintroduced at this time. Mr. Miner appeared before the Council and proposed that a small portion of land on the extreme northwest corner of the library grounds be rented to him so that the sign in question would not have to be removed. Mr. Miner said he would be willing to pay the City \$10.00 a year annual fee and that, to make it more convenient, he would prepare the lease. He said such a sign is needed for the operation of a retail business and if this lease were permitted, it would save him the trouble and expense of installing a sign on his own property which would be within 24 inches of the existing sign. He said the existing sign is not harming others, whereas a sign that would be placed on his own property would be a hazard and would be vulnerable to cars passing in and out of the driveway. Miner reminded the Council that he was issued a sign permit for the existing sign and that the base of the previous one was already there when he moved in. Miner also reminded the Council that, even though he has placed signs in the driveway, it is still used by library patrons, in fact, there exists a concrete walkway from the front entrance of the library to his driveway. He said he was mentioning these factors because, whether it was to his liking or not, the driveway was providing a public service and, for that, he felt he was entitled to some consideration. In answer to a question by the Mayor, Gilchrist said a recent survey of the library property had revealed that the sign was in fact, located on City property by 2 feet. In answer to a question by Councilman Freeman pertaining to precedent, the City Attorney said that, in his opinion, there would be no precedent set in this case in the eyes of the law if the sign were permitted to remain, in view of the unusual circumstances, but that there probably would be from a political standpoint. Asked for the historical background of this sign, Gilchrist said the sign was permitted at the request of the Chamber of Commerce and, in exchange, that agency allowed the driveway and small parking lot to be used by library patrons. Gilchrist continued by saying that the sign was removed when the Chamber of Commerce relocated, leaving only the sign base. Jeanne Goodrich, City Librarian appeared briefly to concur with Gilchrist's remarks, adding that the White Star Laundry, when they occupied the building, limited their advertising sign to one that was located on top of said building. Miner re-appeared briefly to say that the moving of the sign would be costly and nothing would be accomplished. He said the difference in location of 24 inches, in his opinion, was an entirely insignificant matter. In answer to a question posed by Councilman Hovey, as to what would be gained by the moving of the sign for a mere distance of 24 inches, Campbell replied by saying the Council was still faced with the precedent setting issue. Hovey said that, in his opinion, a local administrative body must be sensible as well as legal on such matters. He said he couldn't see the justice to the relocation of the sign in question,

in view of the circumstances. The Mayor interceded at this point to say that Council evaluation should take into consideration the best interests of all affected parties and all

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citizens and when this is done, it didn't seem sensible, in his opinion to insist on the sign's relocation. Freeman disagreed on the grounds that the much discussed, precedent-setting factor was, in his opinion, all important. In the absence of further comment, it was moved by Councilman Campbell, seconded by Erickson, that the sign in question be removed from its present location within 30 days. Roll call as follows: Ayes, Councilmen Campbell, Freeman, Erickson; no, Councilmen Wood, Karst, and Hovey. Noting a tie vote of the Council, the Mayor cast his no vote and declared the motion defeated.

It was moved by Councilman Karst, seconded by Campbell, that a lease, as proposed by Mr. Miner, be prepared by the City Attorney or, if prepared by Mr. Miner, reviewed by the City Attorney and then presented to the Council for consideration. Roll call as follows: Ayes, 6; No, none; carried.

Noting several citizens in the Council Chamber interested in a controversy prompted by the City having recently posted "No Motorcycling" signs on certain City owned property adjacent to a sub-station north of the Falls Valley Addition, the Mayor asked the City Clerk to present and read aloud this petition with 3 signers:

We the undersigned wish to make it known that we would like the **NO MOTORCYCLING** signs to be removed. This is in order to allow motorcycling in the Falls Valley field.

Before inviting comment from the floor, the Mayor asked that this memo of recommendation from the Police Chief be presented:

City of Idaho Falls
May 4, 1977

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: PETITION TO ALLOW MOTORCYCLES BEING RIDDEN ON CITY PROPERTY

In response to the attached petition forwarded to this office by the Mayor requesting the signs be taken down on City property, namely the sub-station north of Falls Valley Addition.

The signs were prepared by the City sign crew and posted by the Electrical Division after receiving complaints from individuals in the area of the Nuisance Factor caused by motorcycles.

It is my suggestion that said petition be denied.

s/ R.D. Pollock

Mrs. Julie Neal, 838 Davidson, appeared before the Council. Mrs. Neal said a recent survey had been taken throughout the neighborhood, revealing the fact that there were more residents in favor of the motorcycling than against it. She said that, for the most part, the youth participants were too young to be motorcycling on the street and the field provided a perfect setting for such an activity. She said that, as long as they were contained in said field, there was no danger of being injured and meanwhile, the parents knew where they were

at all times. She said the motorcycling had been engaged in for years with no objection which has recently arisen only from a few new residents. In answer to a question by

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Councilman Karst, Mrs. Neal said the average age of the participating youths were between 8 and 14 years. Councilman Erickson noted that the area in question consisted of 12 acres; seven owned by the City and five by the Utah Power & Light Co. Erickson said there was a liability problem in connection with this activity site, for purposes of illustration, an accident and one injury which took place some time back at the sled riding hill within the Pinecrest Golf Course which prompted the City's liability insurance carrier to notify the City that there would no longer be any liability coverage for such functions on City owned lands.

Mr. Jim Riley, 2285 Mesa, appeared before the Council and protested the motorcycling at the location as heretofore described, on the grounds that they were annoying, noisy and unsafe. He said with summer nearby there would be no comfort in outdoor living. He said these cycles travel as fast as 50 mph and there are many small children around, not on cycles, who could get hurt which could result in a court suit against the City, the fence owners or both. Riley concluded his comments by warning that the number of signers on the foregoing petition should not be too impressive, inasmuch as many of said signatures were obtained by those in the area not living close by the field. He said only the near-by residents would have cause for complaint. Erickson reminded those present that the City does have a sound level ordinance and this is one of the reasons the City felt obligated to construct Noise Park. The City recognized the need, as there are many who enjoy such activity and said park was purposely located seven miles out in the desert where noise would not be an annoying factor to anyone. Continuing, Erickson said the riding in the sub-station field would probably be in excess of the permissible decibel limit if it were to be checked by the police department.

Mr. Ben David, 1794 Carmel Drive, appeared briefly to say that the excessive use of improperly muffled motorcycles are not limited to the area in question and should not be permitted, especially with Summer and outdoor living just a few weeks away.

Mrs. Berry Morgan, 676 Davidson Drive, appeared briefly to say that she had lived at the same address for eleven years and, during that time there has always been cycling in that field and never an injury. She said she resented the fact that her children were now old enough to ride a motorcycle, only to find an effort being made to prohibit that activity.

Referring back to the sled incident at the golf course, Councilman Freeman commented to the effect that, until that occurred, he was always of the impression that the children were sledding at their own risk but that he found out otherwise. In answer to a question by Freeman, the City Attorney said that, in his opinion, the sledding and the motorcycling activities are comparable from the standpoint of liability and that, for about two years, such liability insurance coverage has proven to be fiscally prohibitive. He said that such factors as public nuisance and negligence must be taken into consideration.

At this time Mrs. Susan Rhoades, 2351 Mesa, appeared before the Council and read this statement, signed by six near-by residents:

We the undersigned submit the following statements concerning the re-opening of the vacant City property adjacent to the Eastview Addition for motorcycle recreation:

1. We own homes on Mesa, which is a street that directly adjoins the vacant City property in question. We feel that the noise levels from the motorcycles in "our backyard" has been of very minimal annoyance to our families.

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2. More importantly, we are of the opinion that restricting this property from motorcycling use would deprive young people of a wholesome physical recreational outlet. We feel that such a restriction may have one or any of the following consequences:
 - a. Young people would be forced to ride their motorcycles on the streets in the neighborhood. Street riding on pavement is certainly more hazardous than dirt riding on the vacant lot.
 - b. Young people may choose to defy the restriction and ride on the restricted property anyway. It seems needless to make potential lawbreakers out of young people since the property, as it presently stands, is very suitable for motorcycling riding.
 - c. It is also our opinion that when positive forms of recreation are denied to young people, they may turn to negative forms of recreation. Motorcycling is positive – healthy and fun. We would not care to see the young people of our neighborhood turn to socially unacceptable ways to entertain themselves.

3. We would also like to submit that the question of utilizing the vacant City property for motorcycling does not have to be a “yes” of “no” issue. There are more choices than deciding that motorcyclists can or cannot use the property. Following are two alternatives:
 - a. The City can select an area of the vacant property furthest from homes and construct a kind of mini-course area that might include pits, hills, small jumps, and so forth. Such an alternative might attract riders to an area where they would be less likely to annoy homeowners.
 - b. The City could turn the vacant property into an area that is not compatible with motorcycle riding – but that will serve the recreational needs of a larger number of citizens. As the property stands now, it is perfect for motorcycle riding but of little or no use to anyone who is not a motorcyclist. If the City would convert the lot into a green belt or park area, providing trees, grass, picnic areas, swings, and so forth, then the recreational opportunities would be greatly expanded. The area would no longer be suitable for motorcycle riding - but the young people from the neighborhood, as well as the adults, would have a place to throw a Frisbee, play ball, picnic, relax, and have a good time.

Until the property can be further developed, we feel that it should not be closed to motorcyclists. Mr. Riley reappeared briefly to say, with reference to the foregoing statement, that he would concur with the proposal as stated, relative to a green belt. However, he

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reiterated his earlier statement that only those living close by, closer than where Mrs. Rhoades lives, gets the full brunt, noise-wise from the cycling.

Mrs. Fred Lang, 2343 Mesa, appeared briefly to suggest that, if the liability insurance is, in fact, prohibitive, perhaps the City could find an area adapted to motorcycling elsewhere.

Mr. Tim Neal, 838 Davison, appeared briefly to say that there seemed to be too much emphasis on the liability issue. He said the most likely chance of injury would be from the mounds of dirt, piled in the field by a building contractor. He said that if one of his children received injury and he felt justified in suing, he would charge the contractor with negligence rather than the City.

In absence of further comment, it was moved by Councilman Erickson, seconded by Karst, that the request to have the "No Motorcycling" signs removed be denied. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Erickson, seconded by Freeman, that this matter be referred to the Parks and Recreation Commission for investigation to determine the possibility and the feasibility of a suitable east side location for such activity as described. Roll call as follows: Ayes, Councilmen Wood, Campbell, Freeman, and Erickson; No, Councilmen Karst and Hovey; carried.

Jeanne Goodrich, City Librarian, appeared before the Council to announce that the new library would be ready for occupancy about June 1st, and asked that the Council consider authorizing invitation for bids on transportation services for the moving of all internal materials, including books, furniture equipment and shelving from the old to the new library. It was moved by Councilman Hovey, seconded by Karst, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. JoAnn Booth, 205 W. 19th Street, appeared before the Council and protested heavy vehicles, including concrete trucks, using Cemetery Drive on the grounds that this narrow street was never designed for such traffic. She said it is so narrow it is hazardous for a passenger car to meet such a vehicle on that roadway, especially when it is so close to a canal. Asked for a comment, the Police Chief appeared briefly to say that the management of one of the concrete companies has been told of such complaints but that they persist in using that street on the grounds that the intersection at 21st and Boulevard, in their opinion, poses even a greater and more hazardous problem. It was moved by Councilman Erickson, seconded by Karst, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. Booth then reappeared to discuss the recent ban, by ordinance, of alcoholic beverages in parks, particularly Tautphaus Park, on the grounds that such action was not necessary and did not address itself to the complete problem which, in her opinion, was lack of a recreational program for young people. In answer to a question by Councilman Wood as to her conception of a Recreation program, other than that which was already furnished and available, Mrs. Booth proposed supervised band music in an am phi-theatre type structure, barber shop competition, and Frisbee throwing contest. Mrs. Booth, referring to an earlier statement to the effect that parks were designed for the young and the old, said this excluded a sizeable element, including herself, namely, the young adult. Mrs. Booth continued by saying that a ban on alcoholic beverages would not correct such problems as littering and vehicular traffic within the park. Using parks in the State of Washington as an example, she said there was street enforcement on litter and traffic. She said Tautphaus Park had a lot to be desired from the standpoint of facilities that would serve and be of interest to the entire public. Mrs. Booth concluded her remarks by saying that if traffic,

including cruising, is not enforceable or controllable, then, perhaps, the park should be closed to all traffic which would lend itself to a quieter atmosphere. Mr. Bill Powell, local

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radio news reporter, reported that, as recently as this day, it had been announced that the City of Spokane had banned alcoholic beverages within all parks.

Miss Sue Foster, 850 Shoup, appeared briefly to concur with the remarks of Mrs. Booth, particularly as the alcohol ban would affect large groups who might be desirous of company picnics or class reunions and might, also, be desirous of moderate consumption of some type of alcoholic beverage. Earlier, a statement had been made to Mrs. Booth that the City expends \$120,000 annually on recreational activities. Mrs. Foster commented to the effect that, in her opinion, such expenditure would not appear to be very effective.

Mrs. Booth reappeared briefly to say that, in Washington, people seemed to be more litter conscious and, with proper inducement, young involved people could help on this problem. Councilman Freeman noted that the alcoholic ban, in itself, would help correct said litter problem.

The Mayor expressed appreciation to Mrs. Booth for her observation and comments and said more of their type of community interest would be welcome and is needed, as it is, after all, a community problem. Freeman concurred and, referring back to Mrs. Booth's proposal to ban traffic within the park, advised her that this last drastic step on alcoholic ban was expected to help but that, as a last resort, perimeter parking, which had been previously considered seriously by the Parks and Recreation Commission, might be put into effect. Freeman invited Mrs. Booth to sit in on the many meetings conducted by the Parks & Recreation Commission and said her suggestions to that group would be well received.

The City Clerk drew attention to the fact that he had published a legal notice calling for a public hearing on May 19th, 1977, to consider the initial zoning of an area, yet to be annexed, to be known as the Growth Center Addition, Division No. 2 and that this publication was without benefit of formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, according to the City Clerk, a legal notice had been published calling for a public hearing on May 19th, 1977, to consider several rezoning requests and that this was done, in the interests of time, without formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Continuing with matters requiring Council ratification, the City Clerk noted that he had published a legal notice calling for a public hearing this night to consider a request for a variance for a non-conforming illuminated sign and that this was done without formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in connection with publication of legal notices, the City Clerk noted that such a notice had been published calling for a public hearing this night to consider the granting of a variance for temporary placement of a mobile home and that this required formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification, the City Clerk presented this damage claim:

Darrell Wray
April 18, 1977

City of Idaho Falls

Administration

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Please forward claim to your insurance carrier for handling.

s/ Rex Wolf

It was noted that, in the interests of time, this had been forwarded to the City's liability insurance carrier for early investigation on April 25th without formal Council approval. It was moved by Councilman Karst, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of April, 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:

<u>FUND</u>	<u>SERVICES AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$402,537.32	\$273,647.91	\$676,185.23
Street Fund	22,871.69	15,790.48	38,662.17
Airport Fund	6,030.67	5,533.54	11,564.21
Water and Sewer Fund	128,250.25	33,037.03	161,287.28
Electric Fund	270,654.39	49,808.77	320,463.16
Recreation Fund	5,908.49	6,162.63	12,071.12
General Library	2,856.83	12,036.63	14,893.46
Regular Library	164.20	537.00	701.20
Anti-Recession Fund	13,393.04	.00	13,393.04
Community Development	66,188.30	646.08	66,834.38
Flood Disaster	<u>230,239.83</u>	<u>.00</u>	<u>230,239.83</u>
<u>TOTALS</u>	<u>\$1,149,095.01</u>	<u>\$397,808.77</u>	<u>\$1,546,295.08</u>

LIBRARY CONSTRUCTION EXPENDITURES

Date	Description	Detail	Expenditures to Date
			\$2,025,902.91
3/30/77			
4/09/77	Farr's Jewelry – Sound Projector	\$ 220.00	
4/09/77	City of Idaho Falls Pallets Built	103.02	
4/09/77	Mitchell Construction Co. Construction Est. #18	50,462.43	
4/19/77	Itex of Idaho Falls – Furniture and Equipment	19,645.68	
4/19/77	Hollidays – Locker Units	374.60	
			\$2,097,078.81

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 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, 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.

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License applications for GROCERY STORE, Perma-Pak Year Supply Sales; RESTAURANT, Doug's Dairyland, Western Amusement, Inc.; ELECTRICAL CONTRACTOR, Fairway Electrical, Inc.; JOURNEYMAN ELECTRICIAN, Harold Christensen, James Bird, Ronald Nugent; MASTER PLUMBER, John Jorgensen; JOURNEYMAN PLUMBER, John Jorgensen, Don Jakovac; DANCE HALL, Matador Lounge; MOTEL, Kelly's Ponderosa (80 units); PHOTOGRAPHY, Whitefox Studios; TAXI CAB DRIVER, Herman Bartlett; BARTENDER, Merrill Ingelstrom, Ralph Ingram, Sheryl Jensen, Arthur Carr, Bea Moyer, John Biebl, James Ingelstrom, William Hiatt, Ronald Namanny, Kathy Petersen, Daniel Groll; BEER, Canned and bottled to be consumed on the premises, Leo Larsen for Western Amusement, 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, 6; No, none; carried.

Presented by the City Clerk was a ten year extension rider to Union Pacific Railroad contract No. L.D. 17931 which covers right of way for a main water line from Short Street south to 15th Street. It was moved by Councilman Karst, seconded by Campbell, that this extension rider be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director, this memo was presented:

City of Idaho Falls
May 3, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-8 ELECTRICAL CONDUCTOR

It is the recommendation of the Electrical and General Services Divisions that the City Council accept the low bid of Electrical Contractors Supply of Idaho Falls to supply items 1, 2, 4, 5, 6, 7, 8, and 9 at \$31,748.60; and the low bid of Amfac Electric Supply of Salt Lake City, Utah, to supply Items 3 and 10 at \$21,544.40 as per Bid #IF-77-8.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the low bid for electrical conductor, in each instance, be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was submitted, as follows:

April 21, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BUREAU OF RECLAMATION – PARKING REQUEST

Attached is a request from the Bureau of Reclamation to use a portion of the City owned parking lot presently used by School District #91 at the corner of Holmes and 7th Street. The Teton Claims Office will be located at 790 South Holmes and the Bureau has requested temporary parking for 15 – 20 Bureau vehicles from mid June until School resumes in August. I discussed the

situation with Ken Schow of School District #91 on April 20, 1977, and he had no objections to the request.

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The Bureau has offered to pay a "fair market value" for the spaces, which might net between \$150.00 and \$300.00. I have instructed the Bureau that should an agreement be reached, it would be necessary for them to do their own signing of designated spaces.

I am presenting the matter for your consideration.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the City Attorney be directed to work out a suitable reasonable and acceptable agreement for the parking request as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Administrator came this memo:

City of Idaho Falls
May 5, 1977

MEMORANDUM

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

Attached is a copy of a request to vacate an easement located between Lots 1 and 2, Block 12, Hatch Addition, Division No. 6. It is being requested that this easement be vacated in favor of a new easement to be granted in accordance with the new legal description. This will place the easement on the other side of Lot 2, Block 12. This request is being made to facilitate building on the subject lots.

There were no objections to the request and this department recommends it be approved. It is now being submitted to the Mayor and Council for your consideration.

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, 6; No, none; carried.

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

City of Idaho Falls
May 5, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF EASEMENT – HATCH ADDITION, DIVISION NO. 7

MAY 5, 1977

Attached is a copy of a request to vacate an existing easement between Lots 16 and 17, Block 9, of the Hatch Addition, Division No. 7, and a legal description of a new easement to be granted on the other side of Lot 17, Block 9. This request is being made to facilitate construction of these two lots.

No objection to the request has been made and this department recommends approval of the request, and it is now being submitted to the Mayor and Council for your consideration.

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, 6; No, none; carried.

From the Police Chief, this memo was presented:

April 28, 1977

TO: John D. Evans
FROM: Pollock
SUBJECT: EXTENSION OF LEAVE OF ABSENCE FOR LT. DEWITT LARSEN

Due to postponed times of operation for Lt. Larsen the date of April 30, 1977 set as previously for the leave of absence has about expired. In meeting with the Police Council Committee they recommend an extension of said leave without pay be extended until 15 June 1977 with the City keeping his insurance in effect during said period.

s/ Robert D. Pollock

It was moved by Councilman Erickson, seconded by Karst, that this extension to an earlier leave of absence in favor of Lt. DeWitt Larsen be approved under the terms and conditions as indicated. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read aloud this letter:

Dist. 7 Health Dept.
April 29, 1977

Mayor S. Eddie Pedersen
Box 220
Idaho Falls, Idaho

Dear Mayor Pedersen:

In response to your request for the District 7 Health Department to make written application to the City of Idaho Falls, to up-date the food supervision program. I submit the following proposals:

1. The current municipal code of Idaho Falls under Title 8 "Health and Sanitation: Section 8-1-1 refers to Health Regulations for Eating

Premises and Food Establishments, grading and licensing, effective September 1, 1965, and incorporated into the municipal code by

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reference. This regulation referred to is outdated. Current regulations by which the District 7 Health Department is now functioning is entitled "Regulations and Standards for Food Service Establishments" effective February, 1975. This should be adopted by reference into the municipal code of Idaho Falls and should replace section 8-1-1 as now written.

2. There has been some confusion as to how licenses for eating and drinking establishments can be suspended or revoked for noncompliance with food regulations. It is proposed that if the District 7 Health Department determines that a license should be suspended or revoked, for noncompliance with the regulations or in the event of an immediate health board hazard, that upon request from the District 7 Health Department, the Idaho Falls Chief of Police or his designee will remove the license. If the establishment chooses to remain in operation after the license has been revoked, a complaint will be filed by the District 7 Health Department and or by the City of Idaho Falls to the City Prosecuting Attorney. Note that if the license is suspended or revoked, the food establishment will be given the opportunity to request a hearing if such a request is made within 10 days after receiving notification that the license is suspended or revoked.

Current regulations make no provisions for the grading of eating and drinking establishments such as grade A, B, or C. If the City of Idaho Falls wishes to continue with grading, which has been ignored for the past two years, due to the new regulations, it will require additional time and manpower to do the job adequately. Therefore, if the City of Idaho Falls wishes to continue the grading of eating and drinking establishments, the District 7 Health Department would request additional monies that would be required to conduct the program satisfactorily. To conduct a grading program, it has been determined that rather than the minimum of two inspections per year, a minimum of four inspections per year would be required. A detailed cost analysis would be submitted to the City of Idaho Falls for their approval if a request is made to continue the grading program within the City limits.

Your consideration of these three proposals and response is requested at your earliest convenience. If you have any questions I will be happy to answer them personally.

s/ E. Dennis Walker /cc

It was moved by Councilman Campbell, seconded by Erickson, that this be referred to the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1500

AN ORDINANCE REPEALING SECTION 1-7-1, CITY CODE OF IDAHO FALLS, IDAHO; FIXING THE SALARIES OF ELECTIVE OFFICERS OF SAID CITY; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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It was moved by Councilman Karst, seconded by Freeman, that this ordinance be passed on its third and final reading. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson introduced the Charlie Stewart business operation at 525 W. 13th Street. Erickson said complaints are again being received, due primarily to large stacks of scrap metal around the premises and that Mr. Stewart is not the holder of a junk dealer's license on the grounds, according to his statement at least, that he is not engaged in the junk business. Erickson noted that, on one or more occasions, the City Council had assured near-by residents that the appropriate ordinance would be enforced. Asked for comment, Police Chief Pollock reported that he had conferred with Mr. Stewart about 10 days ago on this matter and received assurance that said stacks of junk would be cleaned up and removed as soon as possible. Pollock acknowledged that, in the interim period, there has been no improvement and suggested that a 10 day correction notice be issued Mr. Stewart. It was moved by Councilman Campbell, seconded by Erickson, that such a notice be prepared by the City Attorney and properly delivered and that, if this situation is not corrected during that period, Mr. Stewart be prosecuted on the grounds of non-conformity with the Comprehensive Zoning Ordinance. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Karst presented a quitclaim deed in favor of the Local Housing Authority and asked City Attorney Smith for comment. Smith explained that the Local Housing Authority holds legal title to the old Riverside School property but that the City still retains a substantial equity interest therein and that the Local Housing Authority desires to convey the land to the Eastern Idaho Special Services or purposes of development, Smith continued by saying it had been suggested that the City divest itself of all interest in said property and, in return, therefore, receive a promissory note from the Local Housing Authority for the full amount of the City's interest – the note to be payable in installments as the property is developed. It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign and deliver this deed, subject to receipt of the note as described. Roll call as follows: Ayes, 6; No, none; carried.

Attention is drawn to pages 562 and 563 in this book of minutes, and more specifically, a memo presented by the Director of Aviation, introducing a sub-lease between Walker Engineering as Lessor and Peterson & Nielson as Lessee, whereby said Lessor would sub-lease to said Lessee certain lands to be used for parking purposes by the employees of the Energy Research and Development Administration. It was noted by Karst that, even though this sublease was approved by the Council, the minutes did not reveal that the Mayor and City Clerk were authorized to sign said sublease. Karst continued by saying that, at a later date when the lease agreement was delivered to the City Clerk, there was, in fact, a place for the Mayor's signature, making the City a third party to this sublease arrangement. Karst said he objected, generally, to the over-all fiscal policy pertaining particularly, to the Airport Industrial Park and the fact that the Lessees, in his opinion, are getting prime land for their business operation at some token rental figure in relation to its true rental value. Now, Karst continued, the Council is faced with a sublease, obviously for the enrichment of an individual at the expense of the City. Asked for comment, the City Attorney said there is nothing obligatory about the City having to approve a sublease between Airport Industrial Park tenants, and technically, there is some merit to the theory that if certain land is not needed by the Lessee, it should revert back to the City. In answer to a question by Councilman Hovey, the City Attorney said there is no language in the original lease form that would prevent subleasing but that said sublease must, in all instances, have approval by the City Council. Hovey said the precedent has been set in certain instances, as there are several subleases in existence within the park that have been previously approved. He said that, in his opinion, the parties to these subleases entered into these agreements in good faith and as long as present lease holders comply with all covenants and zoning, he could see

no reason for compliant as long as the Sub-lessee also complies. Hovey did agree, however, that perhaps the time has come when all leases within that park should be studied. Karst

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agreed that little could be done about existing leases. Councilman Freeman said he could understand Karst's philosophy and that the least the Council could ask for was the right to over-all review.

With reference to the sublease in question between Walker Engineering and Peterson & Nielsen, it was moved by Councilman Wood, seconded by Hovey, that the Mayor be authorized to sign. Roll call as follows: Ayes, Councilmen Hovey and Wood; No, Councilmen Campbell, Freeman, Erickson and Karst.

The foregoing motion having failed to pass, it was moved by Councilman Karst, seconded by Freeman, that the earlier action, approving the Walker Engineering-Peterson & Nielsen sublease be rescinded. Roll call as follows: Ayes, Councilmen Campbell, Freeman, Erickson, and Karst; No, Councilmen Wood and Hovey; carried.

It was then moved by Councilman Wood, seconded by Freeman, that this matter and the sublease in question be referred back to the Airport Council Committee for further study and consideration. Roll call as follows: Ayes, 5; No, one; carried. Councilman Hovey voting no.

In the absence of further business for this open Council meeting, it was moved by Councilman Karst, seconded by Freeman, that this meeting adjourn at 10:25 P.M. and that the Mayor and all Councilmen retire into Executive Session to discuss certain personnel matters. Roll call as follows: Ayes, 6; No, none; carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
