

MAY 4, 1977

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Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in special session in the Le Baron's Coffee Shop on the 4<sup>th</sup> day of May, 1977, at 12:00 o'clock noon, for the purpose of considering an ordinance that would prohibit the consumption of alcoholic beverages within City parks, with certain limitations, as well as any other business which might be appropriately presented. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Jim Freeman, Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, and Tom Campbell. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Robert Pollock, Police Chief; Don Lloyd, Public Works Director.

The Mayor announced that the purpose of this special session was to consider an ordinance that would prohibit the possession or consumption of alcoholic beverages in public parks. The Mayor invited Councilman Erickson, as Chairman of the Police committee, to conduct the meeting. Erickson briefly reviewed the history of park problems, particularly Tautphaus Park, dating back 6 to 8 years and then invited comments from Councilman Freeman, Chairman of the Parks and Recreation Committee. Freeman reminded the Council that the primary issue at hand, that of consumption of alcoholic beverages within public parks, is not a local one. He cited several illustrations of other cities with a similar problem. He said the situation had deteriorated so noticeably, particularly at Tautphaus Park, that there are times when citizens, other than beer drinkers, hesitate or refuse to enter the park and that this is an untenable situation, as public parks are maintained for the enjoyment of all citizens. Freeman continued by saying that, in past years, many innovative approaches have been effected with some success, including changes in the traffic grid, speed bumps, designated parking area and the closure of one entrance. He said that, regardless of all this, there is an element that persist in taking advantage of this public area and that consumption of alcoholic beverages accentuates their intolerable behavior. Erickson added his comments by saying that, in the past, a park marshal was employed but, for proper policing, more than one was finally needed and so off duty police officers were brought in. He said that some semblance of control was maintained but that this year, due to early spring weather, the situation got completely out of hand, at least on one recent Saturday night occasion.

Councilman Karst commented to the effect that this ordinance was being considered, even recognizing the fact that large groups desirous of having summer picnics in the park would find it necessary to sacrifice the enjoyment of moderate consumption of alcoholic beverages. But, continued Karst, a problem would really be posed if an attempt were made to cater to such groups when the public, otherwise, would be restricted. Councilman Campbell commented to the effect that, from his observations, since the recent news release, announcing the need for this prohibitive ordinance, citizens, generally, seemed to understand. With reference to the recent Saturday night episode, Erickson noted it was particularly unfortunate that the trouble makers were, for the most part, from outside this city, and that the primary purpose of this special session was to get an ordinance passed and published as soon as possible, if it be the will of the Council, so that there would be no more week-end re-occurrences. He said regulatory signs are being prepared and if this ordinance is passed during this session of the Council, the signs would be installed in time for this next weekend. Erickson continued by saying that all Councilmen had received a first draft copy of an ordinance as prepared by the City Attorney and certain revisions had been suggested. Erickson first drew attention to Section Two and proposed, with general Council concurrence, that the word "Safety" be added as one of the protections this ordinance would offer the public. Erickson then referred to Section Three, having to do with possession of beer and alcoholic liquor in a public park or recreation area and proposed that the following be added: "On public parking lot adjacent to such park or recreation area." Police Chief Pollock asked about the Science Center. Erickson said it was not considered a public area and recommended that no attempt be made to further amend the ordinance for such

coverage at this time. Erickson acknowledged the possibility that further amendments might be deemed necessary at a later date for such coverage. The City Attorney warned that

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possession in a parking lot might involve innocent parties. It was generally agreed that this would call for some discretion on the part of the Police Officers. Campbell urged that parking lots be included as it might be of benefit, particularly where the School District was concerned. The Police Chief agreed that the Police Department, in the past, had received numerous calls on parking lots and, if this were included in the ordinance, it would assist in enforcement. Freeman commented to the effect that the primary problem appeared to be with young people a little older than high school age. Erickson acknowledged that this ordinance, if passed, would not be a cure-all but, rather, an effective step in the right direction.

Mr. Darwin Storer, owner and operator of the Senior Frogs, formerly the Tiki Room, appeared briefly to encourage passage of this proposed ordinance. He said that, in his opinion, parks were maintained primarily for small children and law abiding adults and that every effort should be made to protect these areas and make them safe for the entire public.

Mr. Ted Troescher from the Idaho Potato Brokers appeared briefly to concur with the remarks by Mr. Storer, adding that he had small children and that, even though he enjoyed beer drinking in moderation, he would gladly sacrifice his own likes, in public parks and recreation areas, for the health, safety and morals of his and other children. Erickson concluded his remarks by saying that, if this proposed ordinance is passed, the Police Department is prepared to enforce and if outside enforcing agencies are required from time to time, they are also prepared for this contingency.

The Mayor commented to the effect that this ordinance should not be construed as implying that the City Administrators are anti-booze advocates. Instead, continued the Mayor, the Council is only attempting to establish an enforceable law. He said the need for such an ordinance is regrettable, particularly from the standpoint that many innocent citizens must sacrifice to some degree but that at the present time, in certain areas, the atmosphere is completely degrading and, therefore, some remedial action is considered necessary.

In the absence of further comment, Councilman Erickson introduced the following ordinance with the understanding that, when revised and prior to publication, it would reflect the foregoing proposed changes in Sections Two and Three:

**ORDINANCE NO. 1498**

AN ORDINANCE MAKING UNLAWFUL THE POSSESSION OF ALCOHOLIC LIQUOR OR BEER WITHIN ANY PUBLIC PARK WITHIN THE CITY OF IDAHO FALLS: PROVIDING FOR EXCEPTION THEREFORE AND EXPRESSLY SETTING THEM FORTH; DEFINING TERMS; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the

question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

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There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 1:15 p.m., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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