

**APRIL 21, 1977**

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The City Council of the City of Idaho Falls met in regular meeting, Thursday, April 21, 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 Jim Freeman, Mel Erickson, Ralph Wood, Gil Karst, and Paul Hovey. 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 April 7, 1977 were read and approved.

The Mayor invited Councilman Wood, as Chairman of the Airport Committee, to escort Dorothy Hill to the Council table. The Mayor noted that Dorothy had retired as a City Employee on December 18, 1976, having served in the capacity of assistant to the Airport Manager since 1966. Dorothy's resume' presented by the Mayor, revealed an enviable past record of airport association throughout the area, climaxed by having been selected as a member of the American Association of Airport Executives, and having established the Northwest Chapter of that organization. It was also noted that, in 1975, Dorothy was a national award winner for her innovations in runway striping. The Mayor congratulated Dorothy on these many achievements and wished her well during her years of retirement. Dorothy was presented an inscribed billfold as a token of appreciation, after which she received a congratulatory handshake from all City officials around the Council table.

A memo from the Building Administrator was presented, explaining that an error has been made on the legal description in Ordinance No. 1488 which annexed to the City an area known as Melbourne Park Addition, Division No. 9. It was explained, further, that, if it be the will of the Council, this would be corrected by passage of this de-annexation ordinance, followed immediately by a re-annexation ordinance with a corrected legal description. With this explanation, then, the following ordinance was submitted:

**ORDINANCE NO. 1491**

AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF IDAHO FALLS; PARTICULARLY DESCRIBING SAID LANDS; ORDERING THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE COUNTY RECORDER; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE. (De-annexation of Melbourne Pak Add., Div. #9)

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 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.

Anticipating re-annexation of the Melbourne Park Addition, Division No. 9, plus a parcel of unplatted property south of Melbourne Park Addition, Division No. 6 and 7, a final plat of Melbourne Park Addition, Division No. 9 was presented. 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.



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**ORDINANCE NO. 1492**

AN ORDINANCE ANNEXING CERTAIN LANES TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (Melbourne Park Addition, Division #9)

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 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 Mayor announced that this was the time and the place, as advertised, for a public hearing to consider initial zoning on all areas annexed to the City this night. First to be reviewed was the area just annexed, known as Melbourne Park Addition, Division No. 9. There were no protests to the initial zoning as recommended by the Planning Commission. It was moved by Councilman Erickson, seconded by Freeman, that this newly annexed area be initially zoned R-1. Roll call as follows: Ayes, 5; No, none; carried.

Next to be presented was a final plat of the Hatch Addition, Division No. 6, first amended plat. It was moved by Councilman Erickson, seconded by Freeman, that this 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 was then submitted between the City and the Hatch Addition, Division #6 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. 1493**

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 Add., Div. #6, 1st Amended plat)

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 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.

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Continuing with the previously announced public hearing, the Mayor asked if there were those present who desired to protest or otherwise comment on the Planning Commission's recommendation for R-2 on this newly annexed area.

Mr. Robert Fanning, 1710 Garfield, appeared briefly. In answer to a question by Mr. Fanning, Building Administrator Gilchrist explained that an R-2 zone permits two, three and four-family dwellings. In answer to another question, Gilchrist explained that the original plat was amended to provide for larger building lots. Also, continued Gilchrist, under the amended plat, there would be no access to the lots in question from Woodruff. There were none who appeared to protest this recommended zoning. It was moved by Councilman Erickson, seconded by Freeman, that the Hatch Addition, Division No. 6, 1<sup>st</sup> amended plat, be initially zoned R-2. Roll call as follows: Ayes, 5; No, none; carried.

A final plat of the Hatch Addition, Division No. 9 was 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.

An annexation agreement between the City and the Hatch Addition, Division No. 9 developer was presented. 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. 1494**

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 #9)

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 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.

Initial zoning of the foregoing newly annexed area was then introduced by the Mayor. There were none who appeared to protest the recommended zoning. It was moved by Councilman Erickson, seconded by Freeman, that the Hatch Addition, Division No. 9 be initially zoned R-1. Roll call as follows: Ayes, 5; No, none; carried.

This memo served to introduce proceedings on the Home Ranch Addition, Division No. 7:

City of Idaho Falls  
April 21, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist

SUBJECT: HOME RANCH ADDITION, DIVISION NO. 7, ANNEXATION, FINAL  
PLAT AND INITIAL ZONING

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Attached is a copy of the annexation ordinance, annexation agreement and final plat of Home Ranch Addition, Division, No. 7. Included in this legal description for annexation is a parcel of ground belonging to School District No. 91 which lies immediately south of Longfellow School and is now developed as a playground.

The Planning Commission recently reviewed this plat and recommended approval of the final plat, annexation to the City and initial zoning of RP-A for Home Ranch Addition, Division No. 7. A zoning of R-1 was recommended for the school property.

This Department concurs with the Planning Commission's recommendation and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

First, a final plat of this area was submitted. 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.

Next, an annexation agreement between the City and the Home Ranch Addition, Division No. 7 developer was presented. It was moved by Councilman Erickson, seconded by Freeman, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

**ORDINANCE NO. 1495**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALL, IDAHO. (Home Ranch Addition, Division #7)

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 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.

Continuing with the public hearing as earlier announced, the Mayor asked if there was anyone present to protest or otherwise comment on the initial zoning of the Homes Ranch Addition, Division #7, as recommended by the Planning Commission and as indicated in the foregoing memo. Mr. Jay Herring, engineer with the David Benton engineering firm appeared in behalf of the developer, L.A. Hartert & Company, drawing attention to the fact that the Planning Commission had recommended the zoning as indicated in the foregoing memo, plus R-2 zoning for four lots at the far end of one of the cul-de-sacs. Gilchrist agreed that this had been discussed but said that, to his knowledge, this proposal had been

abandoned. There was some general discussion on this matter, obviously a misunderstanding. Minutes of the Planning Commission were not readily available. Asked if

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time was of the essence in getting this property annexed and zoned, Mr. Herring answered in the affirmative. Tabling the zoning or zoning only a portion of this subdivision was ruled out, as this would temporarily leave all or a portion of annexed property within the City un-zoned. It was decided, with Mr. Herring's consent, to proceed with the initial zoning as indicated in the afore going memo with the understanding that the four lots in question could, at a later date, be the subject of rezoning consideration by petition. Therefore, it was moved by Councilman Erickson, seconded by Freeman, that the Home Ranch Addition, Division No. 7 be initially zoned RP-A except for the school property and that this be zoned R-1. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was a final plat of the Home Ranch Addition, Division No. 8. 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.

An annexation agreement was then considered between the City and the Home Ranch Addition, Division No. 8 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. 1496**

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. (Home Ranch Addition, Division #8)

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 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.

As part of the aforementioned public hearing, the Mayor invited protests or other comment from those present interested in the initial zoning of this area. There were none who appeared. It was moved by Councilman Erickson, seconded by Freeman, that the Home Ranch Addition, Division No. 8 be initially zoned RP-A. Roll call as follows: Ayes, 5; No, none; carried.

A final plat of the Park-St. Clair Addition was studied. It was moved by Councilman Erickson, seconded by Freeman, that this plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk then presented an annexation agreement between the City and the developer of the Park-St. Clair Addition. 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.

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ORDINANCE NO. 1497

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. (Park-St. Clair Addition)

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 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.

Concluding the zoning hearing as announced above, the Mayor invited protests or other comment from those who might have an interest in the initial zoning as recommended by the Planning Commission. There were none who appeared. It was moved by Councilman Erickson, seconded by Freeman, that the Park- St. Clair Addition be initially zoned RP-A. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning request affecting the Melbourne Park Addition, Division No. 8, as more specifically explained in this memo:

City of Idaho Falls  
April 21, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: MELBOURNE PARK ADDITION, DIVISION NO. 8 - FINAL PLAT AND REZONING

Attached is a copy of the final plat and development agreement for the above described plat. This property is now within the City limits of Idaho Falls and is zoned R-1. The developer has requested rezoning to R-2, R-2A, and R-3 as indicated on the attached plat.

The Planning Commission recently considered this request and recommended to the Mayor and Council that the final plat of Melbourne Park Addition, Division No. 8 be approved and rezoned as requested.

This plat is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist



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First to be considered was the final plat of the above mentioned area. 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.

The Mayor then invited protests or other comment from the floor from any citizen interested in the rezoning of this area, as recommended by the Planning Commission. There were none who appeared for this purpose. It was moved by Councilman Erickson, seconded by Freeman, that the following lots be rezoned R-2:

Lots 6 through 9	Block 10
Lots 14 through 25	Block 16
Lots 10 through 17	Block 17
Lots 1 through 11	Block 18
Lots 25 through 32	Block 19
Lot 23	Block 19

That the following lots be rezoned R-2A:

Lot 10	Block 10
Lots 12 through 22	Block 18
Lots 24 through 24	Block 19

That the following lots be rezoned R-3:

Lots 11 through 22	Block 10
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Roll call as follows: Ayes, 5; No, none; carried.

With reference to all of the foregoing initial zoning and/or rezoning, it was moved by Councilman Erickson, seconded by Freeman, that the Building Official be directed to reflect same on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

Attention is drawn to pages 547 and 548 in this book of minutes and more specifically, a motion made by Councilman Hovey, seconded by Councilman Campbell, that the lease between the City and Stan Linkowski, lessee for the Airport Lounge and Café, be cancelled, resulting in certain open discussion, an invitation extended to Mr. Hiller and his client to attend the next regular Council meeting to be held this night, April 21<sup>st</sup>, and, finally because of said invitation, a motion, duly passed, that any Council action be tabled.

The Mayor reintroduced the Linkowski matter, after which it was moved by Councilman Wood, seconded by Councilman Hovey, that the motion made by Hovey at the last meeting concerning the Linkowski lease be again taken up for consideration: Roll call as follows: Ayes, 5; No, none; carried. With reference to said motion made at the last meeting, the City Clerk was asked to read said motion aloud as follows: "that the lease of the restaurant and lounge at Fanning Field Airport be cancelled, to be effective thirty days from this date, on May 6<sup>th</sup>; that the grounds of cancellation be for cause and, also, pursuant to the provisions of the lease which permit cancellation, without cause; that the cancellation be effective as to the basic lease as well as the Page I assignment; that an auditor be employed to determine whether any moneys are owed by either party to the other and, if so, how much."

City Attorney Smith asked for an opportunity to clarify one of his earlier statements. He said he had commented to the effect that the Police Department has in its possession a taped recording wherein Linkowski had admitted to gambling on the premises.

Smith said he learned later that this was not a tape recording but, instead, a transcript of a

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statement made by Linkowski, taken by Officer Ralph Nixon, and overheard by Officer Richard Anderson.

Smith then reported to the Council a Blackfoot news item taken from the Bingham County Court record. Smith said it was learned from that source that Linkowski's trial, occasioned by a gambling charge, had been disposed of the day before on April 20<sup>th</sup> and that Linkowski had entered a plea of guilty as charged.

Asked for comment, Attorney Buck Hiller appeared before the Council. Referring first to the gambling charge, Hiller advised the Council that the Court had withheld sentence for a period of six months and, therefore, the Council should not feel justified in considering the gambling charge as a violation at this time. Hiller said his client pleaded guilty as a matter of economics and as a means of avoiding a costly and time-consuming court trial. He said that, at the end of the six month period, the court could clear his client of any charge. Referring next, to the violation having to do with soliciting customers for drinks outside the licenses premises, Hiller said his investigation revealed the fact that there had been a charter flight and many passengers wished to be served at once. Not having room to sit down in the bar, some of those served took their drinks to the lobby. Besides, continued Hiller, this event, according to his information, was prior to the execution of the memorandum of understanding dated October of 1976. Hiller said if this had, at the time, been classified or construed as a complaint, this should have been communicated to the lessee at that time, under the terms of the lease. Finally, Hiller referred to the third violation having to do with insufficient fund checks. Hiller explained that, in each instance, there was sufficient funds in the bank at the time the checks were written but that the checks were held about two weeks, and due to other transactions, there was not sufficient funds when the checks appeared at the bank for clearance.

Hiller again reminded the Council that his client has invested \$55,000 in the business at the time the lease was assigned to him and that this was approved on one of the provision of said assignment. He said his client, as recently as March of 1977, had asked for permission to assign his rights to another lessee but that, to his knowledge, this request had not been considered or acted upon by the Council. He said his main concern was that this client, if the lease is in fact cancelled, be given the right and the opportunity to divest himself and salvage his equity in the business. He said this could best be accomplished if his client were given the right and the time to submit an acceptable assignee.

Hiller said he had recently studied all lease documents dating back to 1969, together with subsequent assignment. He said that, in his opinion, these are antiquated and should be amplified and corrected. As an example, Hiller said there seemed to be some ambiguity pertaining to the liquor license. Hiller concluded his remarks by saying that, in the final analysis, his client was asking that the lease be entirely modified to clarify ambiguities with an added provision giving either party the first right of refusal and that said lease then be assigned for a period of five years to a responsible assignee acceptable to both the City and the present lessee.

City Attorney Smith then responded to Hiller's remarks. Referring, first to the insufficient check issue, Smith said it was the normal policy of the City Clerk to hold checks which accompanied license applications until said applications are approved for issuance of the license, rather than run the risk of embarrassment by immediately depositing said checks, only to find it necessary, later on, to refund the money in the event the application was denied. With reference to the violation pertaining to the serving of drinks off the licensed premises, Smith said he had been assured from the information at hand, that this did, in fact, take place after execution of the memorandum of agreement dated October of 1976. Finally, with reference to the gambling charge and the recent decision by a Bingham County

Court, Smith said that the plea of guilty, in his opinion, was admissible and could be considered by the Council regardless of the circumstances as previously stated, particularly

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in view of the fact that this same admission was made to the Police Officer at an earlier date. Smith acknowledged that the withheld sentence was no pronouncement of innocence or guilt but the plea of guilt is a matter of record.

Earlier, Hiller had eluded to one firm proposal for an assignee that would be acceptable to the present lessee. The Mayor asked if there was only one such proposal. Hiller answered by saying that, at one time, there were about three others but that they were reticent to commit themselves in view of the unknown but that if the Council would rule in favor of a five year lease, properly assigned, they would again be firm applicants. In answer to a question by Councilman Freeman as to whether or not the \$55,000 reportedly paid by Linkowski to originally acquire the business was part of the provisions of the lease. The City Attorney said he was in no position to answer that without further study. Hiller said that agreement was between Linkowski and Sky Haven Hangars with the understanding that said funds represented a fair market value for the lease, excluding inventory. There was again some general discussion relative to notice given the lessee. The City Attorney said he was not concerned on this issue. He said that, in his opinion, notice would be required on complaints unknown to the lessee but in this case, particularly on the gambling violation, this was known and, in fact, admitted by said lessee.

Referring back to the original motion made by Councilman Hovey at the last regular Council meeting, Councilman Wood moved that the motion be amended to provide that the cancellation of the lease be for cause, only, and that the premises be surrendered to the City two weeks from this date. This motion was seconded by Councilman Erickson. Roll call as follows: Ayes, 5; No, none; carried. It was then moved by Councilman Wood, seconded by Erickson, that the original motion to cancel the lease, as heretofore amended, be adopted and approved. 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 zoning hearing on May 5<sup>th</sup> in connection with certain proposed annexations and that, in the interests of time this was done 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, the City Clerk noted that another legal notice was being published calling for a public hearing on May 5<sup>th</sup> to consider certain changes in the zoning ordinance and also, to consider a rezoning petition and that this notice was being published without formal Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for GROCERY STORE, Harvey's Store; RESTAURANT, Plaza Lanes, Skyway Bar, Denny's Burger Hut; JOURNEYMAN ELECTRICIAN, Robert D. Richmond, Howard Taylor, Darrell Beasley, Joe Dyer; APPRENTICE ELECTRICIAN, Philip Guzman, Jr., Jeff White, Steven Puran, Noles Peterson, Darrell Allen, Kim Grover, Darrell Martin, Richard Byington with Northwest Electric; MASTER PLUMBER, F. Grant Pendleton for Pendleton Plumbing & Hearing, Ray Goyen for Ramark; JOURNEYMAN PLUMBER, F. Grant Pendleton, Mark Goyen, Russell Goyen, David Goyen; CLASS C CONTRACTOR, GAS, WARM AIR, Richard Wiemer; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Jack Frankhauser, Richard Wiemer, Joe Scheer, Don Warren; CLASS D APPRENTICE GAS FITTER, Richard Wiemer, Jr.; BOWLING LANES, Plaza Lanes; BEER, transfer only ( from R. D. Cleveland of Buckhorn Gardens to Bettie E. Lewis for Buckhorn Gardens) Canned, bottled and draught to be consumed on the premises; TAXI OPERATOR, Randy Scott Hilburn, Byron R. Herman, Dennis McKerigan, Jimmy D. Jensen; BARTENDER, Pat Rainey, Dolores J. Coates, Karen Bergman, Laura Garriott, Jeanine Schooley, Nila Crew, William T. Bishop were presented. It was moved by Councilman Erickson, seconded 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.

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This memo from the Director of Aviation was submitted:

City of Idaho Falls  
April 15, 1977

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: AMENDMENT TO SERVING AIR CARRIER LESSEES AT THE AIRPORT EFFECTIVE JANUARY 1, 1977

New space lease rates and airport use fees were negotiated with Western Airlines and Hughes Air West. The new fees reflect an approximate 25% increase over 1976 rates, and are effective only for calendar carriers for 1976 and beyond.

Accordingly, the Airport Committee recommends that the City Council approve, and that the Mayor and City Clerk be instructed to ratify, such amendment to agreement effecting Articles II and III of the parent agreement previously ratified by the carriers.

s/ H.P. Hill

It was moved by Councilman Wood, seconded by Hovey, that these amendments be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the Director of Aviation was presented, to-wit:

City of Idaho Falls  
April 15, 1977

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: SUB-LEASE IN AIRPORT INDUSTRIAL PARK

Walker Engineering, present lessee of Lot #2, Division #4 in the subject area, has requested permission from the City to sub-lease approximately 1/3 or 3,700 square feet of the leased property to Peterson and Nielson Construction Company for the purpose of providing additional employee auto parking to serve the adjacent Energy Research and Development Administration buildings.

The lessee and sub-lessee agree to continue to abide by all pertinent local rules, regulations, ordinances, and covenants.

The subject area has been approved by the City Engineering Department and the Traffic Committee.

The Airport Committee recommends that this sub-lease be approved.

s/ H. P. Hill

It was moved by Councilman Wood, seconded by Hovey, that this sub-lease, as described in the foregoing memo, be approved. Roll call as follows: Ayes, 5; No, none; carried.

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From the General Services Director came this memo:

City of Idaho Falls  
April 15, 1977

TO: Honorable Mayor and City Clerk  
FROM: Chad Stanger  
SUBJECT: BID #IF-77-6

It is the recommendation of the General Services and Electrical Division that the City Council accept the low bid of Spokane Transformer to furnish one (1) 750 KVA Pad mount Transformer at \$5,580.00 as per bid.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the Spokane Transformer bid in the amount of \$5,580 be accepted for the transformer as described. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls  
April 15, 1977

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID #IF-77-7

It is the recommendation of the Golf Course Superintendent and the General Services Division that the City Council accept the low bid of Great Western Seed Company to furnish 10,300 pounds of grass seed to the City at \$14,512.00 as per bid specifications.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that the low bid of Great Western Seed Company be accepted for 10,300 pounds of grass seed. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the General Services Director, this memo was reviewed:

City of Idaho Falls

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: FIRE ENGINE – BID #IF-77-5

It is the recommendation of the Fire Department and General Services Division that the City Council accept the low bid of Superior Fire Apparatus Company of Helena, Montana, to furnish one (1) new 1977, 1,000 GPM Pumper, Fire Apparatus at \$76,385.00 as per bid.

Thank you,  
s/ Chad Stanger

APRIL 21, 1977

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Councilman Freeman drew attention to the fact that, even though this bid be accepted this night, the City could expect 10 to 12 months for delivery. It was moved by Councilman Hovey, seconded by Freeman, that the low bid of Superior Fire Apparatus Company in the amount of \$76,385 be accepted for the fire engine as described. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director, this memo was presented:

City of Idaho Falls  
April 20, 1977

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SAND CREEK GOLF COURSE

On Tuesday April 19, 1977 five bids were received for the Sand Creek Golf Course, (Landscaping, etc.) as follows:

Federal Construction Co.	\$ 69,000.00
PRO INDIVISO, Inc.	136,370.00
Mill Creek Gardens, Inc.	143,000.00
Beco, Inc.	156,056.59
Greek Gardens	211,500.00
Engineer's Estimate	76,750.00

We are recommending that a contract be awarded to the low bidder, Federal Construction Co., in the amount of \$69,000.00.

s/ Don

Councilman Erickson expressed appreciation to all involved City Officials for the competent manner in which this project was handled, drawing particular attention to the fact that, originally, this was to be accomplished by a change order to the original contract but that, through bidding this phase of the work, approximately \$4,000 was saved and the August 15<sup>th</sup> deadline for seeding would still be met. It was moved by Councilman Erickson, seconded by Freeman, that the low bid of Federal Construction be accepted for this project as described. Roll call as follows: Ayes, 5; No, none; carried.

Next, this memo from the Public Works Director was studied:

City of Idaho Falls  
April 21, 1977

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: PETITION FOR ROSE AVENUE

We are submitting herewith a petition addressed to the Mayor and City Council concerning Rose Avenue. This petition, signed by twelve property owners, requests that the cost for improving the street be investigated with and without Federal Aide.

Respectfully submitted,  
s/ Don

APRIL 21, 1977

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It was moved by Councilman Karst, seconded by Freeman, that this matter be referred to the Public Works Council Committee for consideration. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls  
April 21, 1977

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SECTION 4-5-38 OF CITY WATER CODE

Section 4-5-38 of the City Water Code requires permission of the City Council to install an 8 inch fire service connection. Globe Mechanical, Inc. has requested the 8-inch fire service connection for a new building which is to be located at 895 Lindsay Boulevard. We have reviewed this request and would recommend that the City authorize its installation.

Respectfully submitted,  
s/ Don

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted to install an 8" fire service connection at the location as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director came this memo:

City of Idaho Falls  
April 21, 1977

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: INDEMNITY AGREEMENT IN FAVOR OF NEW SWEDEN  
IRRIGATION DISTRICT

Attached hereto is an Indemnity Agreement in favor of the New Sweden Irrigation District. This agreement holds the canal district harmless for any damages which may arise out of a power line crossing beneath the east lateral canal near Hansen Street. We would recommend the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,  
s/ Don

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

The City Clerk presented this petition with 78 signers, all residents within the Mountain View Development sub-division:

APRIL 21, 1977

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**APRIL 18, 1977**  
**REQUEST FOR ANNEXATION INTO THE CITY**  
**OF IDAHO FALLS**

We the undersigned respectfully request that consideration be given by the City of Idaho Falls to annexing the Mountain View Subdivision into the City of Idaho Falls limits.

It was moved by Councilman Erickson, seconded by Karst, that this request be referred to the Public Works and the Building and Zoning Committees for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

**ORDINANCE NO. \_\_\_\_\_**

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.

It was moved by Councilman Karst, seconded by Freeman, that this ordinance be passed on its second reading. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 9:45 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR