

APRIL 7, 1977

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

Minutes of the last regular meeting, held March 30th, 1977 were read and approved as amended.

Because a public hearing had been legally advertised relative to a proposed annexation, the Mayor asked that annexation proceedings be introduced at this time by this memo from the Building Administrator:

City of Idaho Falls
April 6, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: LARRY CARLSON PROPERTY – ANNEXATION & INITIAL ZONING

Attached is a copy of an annexation ordinance and annexation agreement covering a parcel of ground owned by Larry Carlson. This property is unplatted and is located on the west side of the river at the intersection of Milligan Road and 17th Street.

The owner had requested annexation to the City of Idaho Falls. The City Planning Commission recently considered this proposal and at that time recommended annexation to the City and initial zoning of I&M-1. A plat was not required on this property as the annexation agreement covers the necessary dedications, including property for a green belt between Milligan Road and the Snake River.

This requested annexation is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

The City Clerk presented an annexation agreement between the City and the developer of the Larry Carlson property. 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, 4; No, none; carried.

ORDINANCE NO. 1489

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. (LARRY CARLSON PROPERTY)

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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, 4; 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, 4; No, none; carried.

The foregoing area having been annexed, the Mayor announced that this was the time and the place for a public hearing to consider its initial zoning. There were none who appeared for purposes of protesting or otherwise commenting on the initial zoning of the Larry Carlson property, as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that said property be initially zoned I&M-1, consistent with the surrounding area, and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider the rezoning of a portion of Block 1, Linden Park Addition, as more fully explained in this memo from the Building Administrator:

City of Idaho Falls
April 7, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: LINDEN PARK ADDITION, PORTION OF BLOCK 1 – REZONING

Attached is a copy of a rezoning petition and a proposed development plan covering a portion of Block 1 of the Linden Park Addition. The rezoning of this property was initiated by the City Planning Commission and was prompted by a petition from adjacent property owners.

The petition received by the City requested that the property be rezoned from its present RSC-1 (Residential Shopping Center) to R-1. After much discussion with the owners of the subject property, the Planning Commission recommended that the property be zoned R-3A and be developed as a Planned Unit Development.

The attached plot plan was approved as PUD at a recent meeting of the Planning Commission and provides for a retirement center facing on Lincoln Drive and 66 apartment units. This department concurs with the recommendation of the Planning Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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The Mayor invited Councilman Campbell, as Chairman of the Building and Zoning Committee, to conduct said hearing. A Planned Unit Development sketch was studied, revealing the proposed development as indicated in the foregoing memo. At the request of Campbell, Building Administrator Gilchrist appeared briefly and gave a brief history of the land in question, particularly as said history related to zoning. Gilchrist noted that the area was zoned commercial in the County before it was annexed into the City and also after it was annexed into the City until such time as it was rezoned RSC-1 in 1965. He said since that date the land had remained undeveloped except for construction of a service station and grocery store on 9th Street, both of which have discontinued business operations. He said that, because it was primarily vacant land, the area had been put to some nominally constructive use in the form of an ice skating rink in the winter, plus a dumping ground for snow removal from the streets. Campbell said that, reportedly, there was a condition at the time the land was zoned RSC-1 that, if it wasn't developed under said zone, it would revert to R-1. Asked for comment, City Attorney Smith said he was not aware of such a condition but that it was the Council's prerogative to consider said condition if, in fact, one ever existed. Councilman Karst registered an opinion to the effect that any such automatic reversion seemed rather obscure. He said the Council had a obligation to first seriously consider the Planning Commission's recommendation; namely, R-3A.

Mr. Joe Groberg, representing the developer, appeared before the Council. He said he saw no merit in considering an R-1 zone. He said it couldn't automatically revert to an R-1 zone, inasmuch as it had never been so zoned. Groberg then revealed an architect's sketch revealing the type of planned structures. He said the retirement center would be two stories in height; the apartments 1, 1½ and 2 stories, varying in size from 800 to 1600 square feet. He said the original plan called for a professional building on 9th Street but that the Planning Commission ruled this out in deference to the near-by residents. He said his preference was a professional building because, in his opinion, those would be less offensive to the 9th Street residents. Groberg continued by saying that all structures would be constructed of lumber and that the garages would be behind the residential units. In answer to a question by Councilman Karst, Groberg said Russett Street was not part of the planned unit developed and the R-2 zoning would remain unchanged. He said this development, when accomplished, would be harmonious and blend in with the planned unit development.

Mr. Glenn Scott, 1090 9th Street, appeared before the Council. In answers to a question by Scott, Groberg said the residential structures on 9th Street could face either way, preferably with their backs to 9th Street. Scott said he would favor no entrances to the complex on 9th Street which would be in accordance with the original development plan. Referring to the earlier discussion on the professional building, Scott said he favored this, particularly because of their daylight hours of operation.

Mr. Karl Page, 945 7th Street, appeared before the Council, questioning an earlier statement that this land had always been zoned commercial, prior to the time it was rezoned RSC-1. Page said he believed the records would reveal the fact that there was an earlier condition whereby, if the property was not developed under the RSC-1 zone, it would revert to R-1. Page said that, in his opinion, the Council had an obligation to consider more than just the rights and values of the developer and that the rights and values of adjacent residential property owners were equally as important. He said every precaution should be taken in their interests that this undeveloped property did not revert to a slum area. For purposes of illustration, Page cited the proposed wooden exteriors. He said the least the adjacent property owners could ask for would be masonry to conform with the existing adjacent multiple dwelling area. Campbell took issue with Page. He said that, speaking for himself as an interested Councilman, he always considered himself citizen oriented and felt that the proposed planned unit development was beneficial for the neighborhood.

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Mr. Percy Rice, 920 7th Street, appeared briefly to question the advisability of wooden structures, especially from the standpoint of safety against fire and fire rating. He said when he purchased his home in 1955 or 1956, he was advised by the realtor that the undeveloped block in question would be developed residential.

Mr. Dick Groberg, also representing the developer, appeared briefly to give a brief history of the block in question. He said that, throughout the years, there had been several near misses for commercial development as originally planned, including Grand Central and Safeway.

At this time Councilman Erickson registered an opinion to the effect that the developer had a right to know the consensus of opinion from the residents as to whether or not the professional building was more or less desirable than residential units.

It was noted that Mrs. Betty Scott, wife of Glenn Scott had expressed herself on this matter at the Planning Commission hearing. Asked for comment, Mrs. Scott said that, originally, she had opposed a professional building on the grounds that it was too commercial and would be precedent setting for other similar type structures but that, by now, she wasn't sure. Campbell reminded Mrs. Scott that the Planning Commission had deleted the professional building only in deference to the near by residents. Groberg said that the R-3A would permit multiple dwellings or professional buildings, Campbell said that he was prepared to make a motion and that said motion would place a restriction against a professional building if it was the will of the near by residents. He received no further guidance from said residents. Therefore, it was moved by Councilman Campbell, seconded by Erickson, that the area in question be rezoned R-3A without restriction pertaining to a professional building and that the Planned Unit Development, as recommended by the Planning Commission, be accepted. Roll call as follows: Ayes, 4; No, none; carried.

By memo, the Electrical Engineer introduced a plan for curtailment of electrical energy, as follows:

CITY OF IDAHO FALLS CURTAILMENT PLAN

This curtailment plan is hereby submitted to the Idaho Public Utilities Commission for consideration and/or approval. This plan shall become effective when approved by the IPUC and City Council of Idaho Falls, Idaho.

The following plan established the steps to be taken to curtail system energy consumption during the energy emergency. The plan will be implemented upon a written directive from the Bonneville Power Administration and/or the appropriate regulatory body having jurisdiction. The body requesting implementation must specify the amount to be curtailed and anticipated duration of and reason for the emergency. It is the intent of this plan to distribute the burden of curtailment as equally as practical to all classes of customers.

The utility reserves the right to amend this plan as necessary. Such amendment shall become effective upon approval of the IPUC and Idaho Falls City Council.

DEFINITIONS

As used in this plan, the following definitions apply:

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1. “Curtailment factor” is that percent of electric energy as ordered by the agency having jurisdiction by which the utility must reduce its energy consumption. The curtailment required may be accomplished voluntarily or involuntary.
2. “Major use customer” is a customer utilizing in excess of 50,000 KWH in any month.
3. “Base period” is a period 12 months or longer preceding a curtailment period and shall be designated by the utility for each curtailment period. The base period shall be equal for all customers.
4. “Base energy allocation” is the average energy used during the corresponding billing month in the base period reduced by the curtailment factor. If the base period exceeds 12 months the energy used during the corresponding billing months will be averaged.
5. “Energy emergency” is any emergency requiring curtailment of energy consumption when so declared in writing by the agency or agencies authorized to make such a declaration.
6. Accounts with inadequate billing history will be handled on an individual basis.
7. “Rotating blackout program” is a program by which electrical service within the service area will be interrupted on a rotating basis.

LOAD CURTAILMENT SEQUENCE

In the event it becomes necessary to curtail utility loads by order of their appropriate governing agency, the curtailment program will be implemented to the extent possible in the following sequence:

1. Initiate curtailment of all non-essential utility and City electrical consumption by directive of the Mayor.
2. Inform the public of the emergency and request voluntary curtailment of all non-essential uses.
3. Contact all major users on a personal basis and request their cooperation in curtailing to a specified percent of their base energy month.
4. Print base energy allocation on all utility bills for succeeding two months for all classes of customers. Intensify media and other coverage of the emergency.

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5. Penalize users who exceed their base energy allocation by applying a surcharge for all KWH in excess of such allocation at the following rates: .05/KWH for the first occurrence after the curtailment order, 7.5/KWH for the second consecutive occurrence and .10/KWH for each additional consecutive occurrence. The first 500 KWH of consumption will be exempt from the surcharge for all classes of customers, and no customer will be required to reduce consumption below 500 KWH.
6. Discontinue new electric customer connections using electric space heating and conversions to electric heat for the duration of the emergency. No utility customer exchanges will be permitted for the duration of the emergency.
7. If the above methods of curtailment fail to reduce system loading by the specified curtailment factor, the utility may proceed with a rotating blackout program. Blackouts shall extend for approximately a one hour period and will be shared by all classes of customers. In so far as possible blackouts shall be limited to the hours of 9:00 a.m. through 4:00 p.m. on weekdays. If possible Saturdays and Sundays will be excluded from the blackout program. In so far as possible, hospital circuits shall be exempt from the rotating blackout program but shall be contacted on an individual basis and urged to eliminate non-essential uses.

Notice of the time and general area of the blackouts shall be provided the news media as far in advance as practical.

8. Upon conclusion of the emergency, the news media in the area shall be informed for dissemination to the general public.
9. If any customer feels that the mandatory curtailment plan imposes an unfair or undue hardship on him, he may appeal in writing to the utility representatives. If a satisfactory agreement cannot be reached he may request that his appeal be considered by the Mayors appeal board to be established.

It was explained in said memo that this curtailment plan, if acceptable, would be filed in the office of the Idaho Public Utilities Commission by their request.

Mr. John Sharp, local attorney, appeared briefly expressing concern on this plan based upon a recent misleading news article. Councilman Campbell concurred that said article created confusion and proceeded to explain to Mr. Sharp that the first 500 KWH consumed by any user were exempt and, beyond that, all users would be given an average to work from, based upon past usage and would be penalized for consumption over and above said average on a percentage basis with the exempt portion taken into consideration in computing said over usage.

Mr. Armel Cates, 965 Westergard, appeared briefly to ask how a new home owner with no past record would be handled. Asked for comment, Electrical Engineer Harrison answered by saying this would necessitate estimating to arrive at an average.

Mrs. Cates, wife of Armel Cates, then appeared briefly to say that, in her opinion, such a plan would penalize those who have been frugal users, prior to the time the curtailment plan went into effect.

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Campbell rendered a reminder that this curtailment plan would be placed into effect only in case an emergency is declared and that said plan is only being submitted to the I.P.U.C. at this time to protect the City against a more stringent plan as might be submitted by that agency in the event the City did not respond or cooperate, also, he said that, by submitting this plan at this time, the City would have immunity against liability in the event an emergency was declared. It was moved by Councilman Campbell, seconded by Erickson, that this curtailment plan be accepted and approved as submitted. Roll call as follows: Ayes, Councilmen Campbell, Erickson, and Karst; No, Councilman Hovey; carried.

On a non-related matter but having to do with conservation, Mr. Pat Ford, 1219 Atlanta, appeared briefly to say it had come to his attention that many people are hosing with water as a clean up operation when sweeping would be as effective. The Mayor thanked Mr. Ford for this observation and assured him this practice would be investigated.

Because a letter from City Attorney Smith has been written to Mr. Stan Linkowski, lessee for the Airport lounge and café, copy to his attorney, Mr. M.B. (Buck) Hiller, inviting them to this Council meeting to discuss the possibility of canceling the lease the City and said lessee, and because these men were present in the Council Chambers, the Mayor announced that this matter would be open for discussion at this time. Recognizing that there had been certain additional violations by the lessee since a memorandum of understanding had been issued said lessee on October 7th, 1976, Councilman Hovey proceeded to make this motion: "That the lease of the restaurant and lounge at Fanning Field Airport be cancelled, to be effective thirty days from this date, on May 6th; that the grounds of cancellation be for cause, 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 owned by either party to the other and, if so, how much." This motion was seconded by Councilman Campbell. At this time, Mr. Hiller, Attorney for Mr. Linkowski, asked to be heard. Mr. Hiller, speaking in behalf of his client, expressed surprise at this action that was about to take place, based upon the foregoing motion, particularly because of Section 4 in the aforementioned memorandum of agreement, which he read aloud as follows: "Each of the parties hereto agree to communicate promptly to the other party any information concerning a claim on non-compliance with the terms of the lease, or complaints concerning the operation of said restaurant and lounge, so that proper and prompt remedial action might be taken." Hiller continued by saying that his clients first and only notice of a violation or of non-compliance with the lease was the letter written by the City Attorney, inviting him to this meeting this night. Hiller said there are serious matters of equity to be considered if the lease is cancelled and the City has a responsibility to recognize the fact that his client, as the lessee for the past several years, has accrued a substantial equity in the business. Hiller said another factor to be considered that had not been discussed is the fact that his client has been approached by a equitable and capable party who would agree to accept the business and have the lease assigned accordingly. He said his client has that right, under the terms of the lease. For these reasons alone, continued Hiller, he asked that this motion before the Council be tabled and that no action be taken for at least 60 days. Asked for comment, City Attorney Smith noted that, at a previous Council meeting, there was an approved agreement whereby the lessee was directed that there would be no further violations and that, in the interim period, there have been at least three violations, according to the Police Department. Smith took issue with Hiller's argument pertaining to the need for notice, beyond that which had been done, especially where flagrant violations were involved. Smith said his interpretation of notice and need for notice, according to the terms of the memorandum of agreement, would be in connection with the normal operation of the business and, as a result of said notice, both parties would communicate and correct, giving

the lessee an opportunity to take remedial action. But, continued Smith, how does one correct a violation. Smith said the best that could be hoped for, under such circumstances,

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would be that the accused would promise never to commit that particular violation again. In answer to a question by Hiller, Smith listed the violations that have taken place, according to the Police Department, since October 7th, 1976, as follows:

- 1- Insufficient fund checks written for both beer and liquor licenses.
- 2- Soliciting for and serving liquor by the drink away from the licenses premises.
- 3- Gambling on the licenses premises.

On the latter count, Smith said Linkowski had admitted to gambling on a taped interview in the office of the Police Chief.

Hiller responded by saying that he, as attorney for Linkowski, had not examined any of these accusations and asked for time to do so, especially item 3. Hiller again reminded the Council that Linkowski, if necessary, was in a position to divest himself of his equity in the business in such a way that he would not be financially deprived. The Mayor commented to the effect that this might prove a workable solution but that Linkowski's choice of a sub-lessee would obviously be subject to the approval of the Council. The City Attorney concurred and added that all applicants would be studied carefully by the Council to determine satisfactory qualifications. Referring back to the motion made by Councilman Hovey, Hiller said it would be ill-advised for the Council to take action this night, giving no time for response or rebuttal. Hiller said he needed to study all three alleged violations. As an example, continued Hiller, he questioned whether or not, under certain circumstances, serving liquor by the drink in the terminal lobby constituted a violation. By way of illustration, Hiller said a charter flight might, for a short period, bring many people into the terminal desirous of being served. He said he has seen this happen at other airports and, obviously, with the small bar at Fanning Field, space is a problem. Also, continued Hiller, the alleged transcript pertaining to gambling came as a complete surprise and that this needed investigation and study. Councilman Karst commented to the effect that, if a postponement is granted on the foregoing motion, he would urge that a definite time period be set, as he would strongly disapprove a series of postponements. Also, continued Karst, he would urge the City Attorney to advise Mr. Hiller and his client that official notice is hereby given as to said postponement if, in fact, a postponement is favorably voted by the Council. The Attorney proceeded to advise Mr. Hiller and his client accordingly, reiterating the three violations as heretofore mentioned in this discussion. Directing his remarks to the City Attorney, Hiller said that, for specifics in the interim period, he would be responding directly to his office. Hovey registered objection to a postponement. He drew attention to the fact that the entire airport operation is in a state of flux, so to speak. He said that, because of the proposed airport expansion, a long term lease for the lounge and café, at this time, could not be considered. On the other hand, there may be some delay in said expansion because it has not yet been determined as to the type of bond issue that would be permitted. Hovey said that a decision should be made without further delay and he could see no justification for further postponement, inasmuch as the City, as lessor, has abided by the terms of the lease agreement and Linkowski, as lessee, has failed to abide by said agreement. Erickson questioned the logic of Hovey's thinking particularly as it pertained to airport expansion. He said he saw no connection between that and the issue before the Councilmen this night. Besides, continued Erickson, if Linkowski had consistently operated within the term of the lease, he would very likely have had a better opportunity to participate in said

expansion. Meanwhile, concluded Erickson, he said he was impressed by Mr. Hiller's presentation in the interests of his client. Erickson said he assumed that there was a clear

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understanding, in the event of postponement, that Mr. Hiller and his client, by virtue of everything said and discussed this night, had received the notice as requested. It was moved by Councilman Erickson, seconded by Karst, that no action be taken on the earlier motion by Councilman Hovey, but, instead, this matter be tabled until the next regular Council meeting on April 21st, 1977. Roll call as follows: Ayes, 2; No, 2. Noting a tie vote of the Council, the Mayor broke said tie by voting in the affirmative and duly declared this matter as being officially tabled as indicated.

The City Clerk drew attention to a legal notice that was being published calling for a public hearing on April 21st, 1977 in connection with several proposed annexations and the fact that said publication had not been formally approved by the Council. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

Another legal publication was being published without benefit of formal approval by the City Council, according to the City Clerk; namely, a notice calling for a public hearing on April 21st, 1977, to consider a rezoning petition. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 4; No, none; carried.

Finally, under matters requiring Council ratification, the City Clerk reported that, on April 6th, 1977, he had forwarded this damage claim to the City's liability insurance carrier without formal Council approval:

Idaho Falls, Idaho
April 1, 1977

Mr. Kent B. Harker
Survey Chief
City of Idaho Falls, Idaho

Dear Mr. Harker:

Enclosed is a copy from Rex Sheppard Company for sprinkler pipe repair. You decided that the hole in the pipe was made by a pick, when a stop sign was put in the edge of the lawn.

Sincerely yours,
s/ Mrs. Fred Arnold

It was moved by Councilman Karst, seconded by Campbell, that this action also be ratified. Roll call as follows: Ayes, 4; No, none; carried.

Bills for the month of March, 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	\$425,583.68	\$268,194.87	\$693,778.55
Street Fund	39,476.12	15,190.15	54,666.27
Airport Fund	171,541.34	5,737.58	177,278.92
Water and Sewer Fund	166,869.08	31,527.00	198,396.08

Electric Fund	374,568.15	49,686.69	424,254.84
Recreation Fund	5,245.29	6,991.24	12,236.53

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General Library	2,816.33	11,611.35	14,427.68
Regular Library	164.73	537.00	701.73
Revenue Sharing	7,490.00	.00	7,490.00
Community Development	24,722.52	646.08	25,368.60
Flood Disaster	<u>391,749.35</u>	<u>.00</u>	<u>391,749.35</u>
TOTALS	<u>\$1,610,226.59</u>	<u>\$390,121.96</u>	<u>\$2,000,348.55</u>

LIBRARY CONSTRUCTION EXPENDITURES

BONDS AUTHORIZED

\$2,677,000.00

<u>Date</u>	<u>Company</u>	<u>Detail</u>	<u>Expenditures to Date</u>
3/11/77	Alder's Kitchen Equipment	\$3,100.00	\$2,025,902.91
3/28/77	City of Idaho Falls Reminbursement for Advertising for Sprinkler System	21.32	
3/28/77	Union Pacific Railroad Rental Lease Land Encroach	150.00	
3/30/77	Transport Clearings Intermountain Freight-Furn.	198.85	\$2,026,273.08

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Campbell, that the bills be allowed and the Controller be authorized to issue warrants or checks on the respective funds for their payment. Roll call as follows: Ayes, 4; No, none; carried.

Reports from Division and Department Heads were presented for the month of March, 1977, and, there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Hammond KOA; RESTAURANT, Bud's Fine Food, The Bylander; JOURNEYMAN ELECTRICIAN, Rue Stears, Kermit Owens; APPRENTICE ELECTRICIAN, Randy McConeghy with Edwards Electric, Nathaniel Short with Edwards Electric; CLASS D JOURNEYMAN, GAS FITTING, Earl Carter; MASTER PLUMBER, Gerald J. Lowe for Upper Valley Plumbing; JOURNEYMAN PLUMBER, Earl Carter, Jack Wickham, Gerald Lowe; NON-COMMERCIAL KENNEL, Janice Cave for Bo-Lay Kennel; BARTENDER, Deanna Priley, Herbert Lehman, Linda Sue Lewis, Donna Glick, Annette Cramer, Todd Allen Burgard; BEER (canned and bottled not to be consumed on the premises), Hammond KOA; BEER (canned, bottled to be consumed on the premises), Peter Swendsen for The Bylander, were presented. It was moved by Councilman Erickson, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Directors where required. Roll call as follows: Ayes, 4; No, none; carried.

From the General Services Director, came this memo:

City of Idaho Falls
March 31, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS

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The General Services Division respectfully request authorization to advertise for bids for that equipment budgeted for in the 1977 budget.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Erickson, that authorization be granted to advertise for bids on all equipment budgeted for 1977. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
March 30, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS

The General Services and Electrical Divisions respectfully request authorization to advertise for bids for electrical conductor required for the 1977-78 operations.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Campbell, that authorization be granted to advertise for bids on electrical conductor. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the City Controller was presented:

City of Idaho Falls
April 7, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen
FROM: John D. Evans, Controller
SUBJECT: FIRE INSURANCE COVERAGE RENEWAL

Because of the difficulty in obtaining insurance coverage at a reasonable rate, I request that you consider the attached proposal submitted for renewal by our present carrier the Homer-Gallup Agency.

Present and proposed coverage is as follows:

<u>Present Coverage</u>	<u>Deductible</u>	<u>Rate/\$100.00</u>
\$10,000,000	\$ 100.00	\$ 0.180
7,000,000	100.00	0.151
3,000,000	100.00	0.353

Total \$20,000,000

Average \$0.1958

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<u>Renewal Options</u>	<u>Deductible</u>	<u>Rate/\$100.00</u>
(a) \$21,000,000	\$ 100.00	\$ 0.192
(b) \$21,000,000	1,000.00	0.162

I feel that the City will have the best fire coverage if we accept the proposed option (b), which will include a \$21,000,000 blanket coverage on buildings and contents with an additional \$50,000,000 on inventory and appraisal with a premium of \$0.162 per \$100.00 and a deductible of \$1,000.00 (which disappears if a loss is over \$3,000.00). This would result in a premium savings of approximately \$6,300.00 per year over option (a) and \$7,100.00 over the current rates.

This has been discussed with members of the fiscal committee and meets with their approval. Therefore, I respectfully submit this recommendation for your approval.

s/ John D. Evans

It was moved by Councilman Karst, seconded by Erickson, that all of the recommendations as set forth in the foregoing memo be accepted and approved as indicated. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Public Works Director was submitted:

City of Idaho Falls
April 1, 1977

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WILLOW CREEK SANITARY INTERCEPTOR

On Tuesday, March 29, 1977 two bids were received for the construction of the Willow Creek Sanitary Interceptor as follows:

Engineer's Estimate	\$151,273.00
Burggraf Construction Co.	140,880.00
H-K Contractors, Inc.	147,545.00

These bids have been reviewed and we would recommend that the City Council award the contract to the low bidder, Burggraf Construction Co., in the amount of \$140,880.00.

s/ Don

It was moved by Councilman Karst, seconded by Campbell, that the low bid of Burggraf Construction be accepted for construction of the Willow Creek Sanitary Interceptor. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the Public Works Director was reviewed, as follows:

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City of Idaho Falls
April 7, 1977

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: REVISION OF WATER ORDINANCE

Section 4-5-14 of the Water Ordinance required a \$1.00 per foot main connection charge. Since this charge was established in 1968 and does not now approach costs, we would recommend that the City Attorney be authorized to prepare a revision to increase the charge to \$3.00 per foot.

Sincerely,
s/ Don

It was moved by Councilman Karst, seconded by Campbell, that the City Attorney be directed to prepare an ordinance revising the water connection charge, as recommended. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
April 7, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: STREET FLUSHING

The Mayor and Street Department have received complaints concerning the flushing of streets. Since we have strict sprinkling regulations and an energy shortage, the question has been raised whether it is wise to continue street cleaning.

From the records, our annual use of flushing water amounts to about 58% of one day's average production. In terms of power, we will use about \$250.00 worth of energy for a year of street flushing.

We would recommend to you that even though restricted, street cleaning should be maintained.

Sincerely,
s/ Don

Councilman Karst concurred with the foregoing memo and added that, due to prevailing dust, flushing is more effective than sweeping and, also, less costly. It was moved by Councilman Karst, seconded by Campbell, that the street flushing program continue but that there be no such activity on Wednesdays. Roll call as follows: Ayes, 4; No, none; carried.

From the Fire Chief came this memo:

APRIL 7, 1977

April 6, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and Members
FROM: Les Corcoran, Fire Chief
SUBJECT: ADOPTING 1976 EDITION OF THE UNIFORM FIRE CODE

The 1976 edition of the Uniform Fire Code has recently been released by the International Conference of Building Officials. This code works hand in hand with the Uniform Building Code.

We would like to request that the City Council authorize the City Attorney to draft an ordinance amending Section 7-2-1 of the City Code to adopt the 1976 edition of the Uniform Fire Code.

s/ Les Corcoran

It was moved by Councilman Erickson, seconded by Campbell, that the City Attorney be directed to prepare an ordinance for Council consideration, adopting the 1976 edition of the Uniform Fire Code by reference. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the Fire Chief was presented, to-wit:

April 6, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and Members of the City Council
FROM: Les Corcoran, Fire Chief
SUBJECT: TENTATIVE APPROVAL TO PROCEED WITH THE LINCOLN ROAD
FIRE STATION PROJECT

The Bonneville County Fire Protection District #1 and the City of Idaho Falls would like to explore the possibility of a lease-purchase agreement with the Idaho First National Bank for the construction of a fire station on Lincoln Road near Woodruff Avenue.

In order for the bank to proceed with preliminary work, they have asked for a written confirmation that the City is definitely interested in exploring the lease-purchase concept and that according to Idaho law, an agreement of this sort would be legally permissible for a municipality.

We are therefore, requesting that the City Council authorize the City Attorney to write a letter to the Idaho First National Bank stating that the City of Idaho Falls endorses the concept of a lease-purchase agreement in conjunction with the Bonneville County Fire District #1 for construction of the fire station and that we proceed with the final details subject to the approval of the City Attorney and final approval by the City Council.

s/ Les Corcoran

APRIL 7, 1977

It was moved by Councilman Erickson, seconded by Campbell, that in accordance with the recommendation of the Fire Chief, negotiations continue with the Bonneville County Fire District #1 for construction of a fire station on Lincoln Road near Woodruff Avenue under the terms and conditions as indicated. Roll call as follows: Ayes, 4; No, none; carried.

This letter was presented and read aloud:

INTERSECT

Mayor S. Eddie Pedersen
P O Box 220
Idaho Falls, Idaho

Dear Eddie:

After considerable deliberation on the part of the Intersec Board, the City of Idaho Falls and the State Parks Department, it is now evident that we will not be able to fulfill our portion of the obligation concerning BOR Project #16-00242, Intersec Park.

We wish to thank the City and the State Parks Department for their efforts on our behalf. Further plans at this time are uncertain but probably will include much less development on the property than originally planned.

If the City of Idaho Falls wished to follow through on the original plan we will be grateful but expect the Council to concur in our findings.

s/ Joe W. Hunter

The foregoing letter prompted this memo from the Parks & Recreation Director:

City of Idaho Falls
April 7, 1977

TO: Mayor and City Council
FROM: Ernest Craner
SUBJECT: INTERSECT PARK PROJECT

Request authorization for the Mayor to write a letter to the Idaho Department of Parks & Recreation, regarding the termination of BOR Project #16-00242, Intersec Park. Also stating that at a later date, when funds & labor are available the project will be submitted.

s/ Ernest Craner

It was moved by Councilman Erickson, seconded by Karst, that the Mayor be authorized to write the letter to the Idaho Department of Parks & Recreation as recommended in the foregoing memo. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the Parks and Recreation Director was forthcoming, as follows:

APRIL 7, 1977

City of Idaho Falls
April 7, 1977

TO: Mayor and City Council
FROM: Ernest Craner
SUBJECT: REVISION OF FEES

The Parks & Recreation Commission has reviewed all fees & charges on recreational activities for the coming season and have made the following recommendation for your approval.

s/ Ernest Craner

The foregoing memo eluded to a list of revised fees and charges for recreational activities, as follows:

PARKS & RECREATION DIVISION
RECOMMENDATIONS FROM THE PARKS & RECREATION COMMISSION
EFFECTIVE MAY 1, 1977

<u>FEES & CHARGES</u>	<u>1976</u>	<u>1977</u>
Knothole Baseball - Bobbie Sox	3.50	5.00
SWIMMING LESSONS:		
1. Novice, Beginners, Advanced Beginners	3.50	
2. Intermediate, Swimmers Basic Rescue	5.00	7.50
3. Advanced Life Savings	12.50	15.00
4. Water Safety Instructors	15.00	20.00
5. Adult Swimming Lessons	3.00	10.00
6. Competitive Swimming - (team)	.00	5.00
7. Swimming Pool Admissions	.35 - .50 - .75	.50 - .75 - 1.50
8. Family Night (Wednesdays)	1.00	2.50
9. Parties & Large Groups - Elm	15.00 per hour	25.00 per hour
- Reinhart	10.00 per hour	15.00 per hour
GOLF LESSONS - 5 Lessons + Tournament & Awards	5.00	7.50
TUMBLING & TRAMPOLINE (8 Weeks)	5.00	7.50
TENNIS LESSONS	3.50	5.00
ARTS & CRAFTS	3.50	5.00
GYMNASTICS	5.00	7.50
BOWLING CLASSES (5 Lessons)	3.50	5.00
DANCING LESSONS	3.50	5.00
TWIRLING CLASSES	3.50	5.00
FLAG FOOTBALL (Adult)		10.00 per team
ADULT BASKETBALL	10.00 per team	10.00 per team
ADULT SOFTBALL		10.00 per team

BOYS & GIRLS BASKETBALL
SKATING LESSONS

3.00
5.00

5.00
7.50

APRIL 7, 1977

LADIES PHYSICAL FITNESS	3.50	5.00
HANDBALL (Light Meter)	.50 per hour	.50 per hour .25 per person/hr
GUN RANGE		.50 per hour .50 per person
SHELTERS	Multi-Purpose	15.00
RENTAL – REC CENTER & LOG BLDG	30.00 or 15%	50.00 or 15%

*NOTE: Adult Leagues, out of County residence additional \$10.00 per activity.

Councilman Erickson noted that, in every instance these charges had been recommended by the Parks & Recreation Commission and that all affected parties had an opportunity for input. Erickson, continued by saying that, in order to provide recreation in the area, revenues from said recreation should come as close as possible to being placed on a self-sustaining basis. It was moved by Councilman Erickson, seconded by Karst, that these revised fees be approved, effective May 1, 1977. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Building Administration was presented and read:

City of Idaho Falls
April 7, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: HATCH-GRANDVIEW ADDITION, DIVISION NO. 3 – FINAL PLAT

Attached is a copy of the final plat of Hatch-Grandview Addition, Division No. 3. This property is within the City limits of Idaho Falls, and is presently zoned M-1 (Industrial Park). This was originally started some time ago, and it is now being submitted to the Mayor and City Council for final approval.

The Planning Commission reviewed this plat some time ago, and recommended approval, and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Campbell, seconded by Erickson, that the plat in question be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows; Ayes, 4; No, none; carried.

This letter was presented and read aloud by the City Clerk:

Consumer Business
Association
March 18, 1977

The Honorable S. Eddie Pedersen

City of Idaho Falls
Idaho Falls, Idaho

APRIL 7, 1977

Dear Sir:

The Consumer-Business Association of Idaho Falls, would like to request office space in the City Building as soon as it is vacated by the Police Department.

CBA is a non-profit consumer protection organization with a very small budget, therefore City office space would help relieve some of financial pressures. We could then offer an expanded consumer education service to the residents of Idaho Falls.

We would need a single office, large enough to accommodate two desks, filing cabinets and other necessary office equipment.

Thank you for your attention in this matter.

Sincerely,
s/ Christine Hubbard

Councilman Karst registered objection to reserving City Hall space for this organization on the grounds that this would be precedent setting. He said there are several consumer service agencies and he saw no reason to give one of them preferential consideration, at least not in City Hall. Mr. Cates reappeared briefly, speaking for Mrs. Cates who serves as Board Chairman for the Consumer Business Association. He said to his knowledge, there is no other such organization in the area. He said Mrs. Cates voluntarily took it over, just to keep it going. It operates on a nominal budget but provides a worthwhile civic service to the community. He said this organization worked out of the Chamber of Commerce at one time but their present location is not conducive to that type of professional activity. Mrs. Cates then reappeared to confirm the statements made by Mr. Cates. Mrs. Cates said it shouldn't be precedent setting for the City to assist such an organization, taking into consideration the fact that the City subsidizes other non-profit entities. She said this is the type of business which is actually promoted by local government in some other areas. It was moved by Councilman Karst, seconded by Erickson, that this request for space in City Hall be respectfully denied. Roll call as follows: Ayes, 4; No, none; carried.

It was then moved by Councilman Erickson, seconded by Campbell, that this be referred to the General Services Committee to determine if space might be available in some City owned building other than City Hall. Roll call as follows: Ayes, 4; No, none; carried.

This letter from Attorney Fred Hahn, acting in the interests of Mr. Joe Hunter, was then read aloud:

Holden, Holden, Kidwell
Hahn & Crapo

Honorable Mayor Pedersen
City Building
City of Idaho Falls, Idaho

Dear Mayor:

Last Friday I had occasion to be meeting with Joe Hunter in connection with another matter and he indicated to me a potential problem which I concluded might be averted by this letter.

APRIL 7, 1977

As you know, Joe lives immediately to the north of the City sand dunes property. For a number of years, he has had no sand invasion on this property. Since some City work had taken place on the sand dunes he is now experiencing considerable sand drifting onto his property. At this point in time there are no damages or problems, however, Joe indicates it is his understanding that the City is going to discontinue further work on the sand dunes property development and the City intends to go out to public bids for further development. It occurs to us that the potential problem should be specified in the contract specifications so that any contractor bidding the job will be alerted to the need for protective effort to avoid serious sand damage to the land lying to the north as a result of the interaction of the wind and the sand dunes in their disturbed fashion. In addition, it may be necessary for some minor maintenance work to be performed should the contract process delay continued work.

As I indicated, there is no problem now; however, the potential for serious damage could be very real.

I would appreciate having you refer this to the appropriate City personnel and if they desire to discuss the particulars of this matter more completely, both Joe & I would be available.

Best person wishes for the Easter Holiday.

Very truly yours,
s/ Fred Hahn

Councilman Erickson said he was aware of the sand problem as indicated. He said the golf course should be under irrigation by August 15th and that this is expected to provide remedial relief. Meanwhile, for the interim period, it was moved by Councilman Erickson, seconded by Karst, that this be referred to the Parks and Recreation Commission for investigation with the understanding that that agency keep in contact with the problem and offer assistance recommendation if necessary. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
April 7, 1977

ATTN: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: LEASE OPTION OF PROPERTY NORTH OF CITY HALL

We are attaching hereto a lease option for a parcel of property located adjacent and north of the City Hall on Shoup Avenue. This agreement, prepared by the City Attorney, calls for a \$1,000.00 per month payment commencing on June 10, 1977. The attached sketch shows how the City can immediately utilize this property by providing off-street parking and sign shop facility. We would request your favorable consideration of this option.

s/ Don

APRIL 7, 1977

Councilman Karst said the Councilmen were in general agreement that more parking was needed around City Hall particularly for City vehicles. Also, continued Karst, there is a tentative plan to use part of the area for a sign shop. He said, even allowing for said shop, there would be 18 parking spaces available. Moreover, the area might be of value for the far distant future for City Hall expansion. The City Attorney noted that, according to his information, the land owner, although interested, had not yet definitely agreed to such a lease option. It was moved by Councilman Karst, seconded by Campbell, that the Mayor and City Clerk be authorized to sign this lease option, subject, first, to obtaining the signature from the property owner. Roll call as follows: Ayes, 4; no, none; carried.

City Attorney Smith explained that the City was the holder of an option agreement for the purchase, from A.V. Larter, certain lands at the northeast corner of the intersection at Eastern Avenue and Walnut Street and that Mr. Larter was negotiating for the sale of said land to the State who would use it for parking purposes. Smith presented an option assignment to said property in favor of Mr. Larter. It was moved by Councilman Karst, seconded by Campbell, that this assignment be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1490

AN ORDINANCE REPEALING SECTIONS 4-5-40 AND 4-5-41, CITY CODE OF IDAHO FALLS, IDAHO; AUTHORIZING POLICE AND OTHER OFFICERS TO ISSUE CITATIONS TO PERSONS FOUND VIOLATING ANY PROVISIONS OF CHAPTER 5, TITLE 4, CITY CODE OF IDAHO FALLS, IDAHO, SAID CODE GOVERNING THE USE OF CITY WATER; PROVIDING FOR THE FORM OF THE CITATIONS AND DESIGNATING THE COURT WHERE APPEARANCE SHALL BE MADE; MAKING IT UNLAWFUL TO FAIL TO APPEAR PURSUANT TO SUCH CITATIONS; 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, 4; 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, 4; 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

OWNER; PROVIDING WHEN THE ORDINANCE
SHALL BECOME EFFECTIVE.

APRIL 7, 1977

Councilman Karst explained that this ordinance would affect only the Mayor's salary, effective January 1st, 1978 by increasing same from \$18,000 to \$26,000 annually. Karst said that, after extensive study, it was determined that this would place the salary of the Idaho Falls Mayor in line with other Mayor's salaries of the larger cities throughout the State. It was moved by Councilman Karst, seconded by Hovey, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Campbell, that the meeting adjourn at 10:30 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
