

NOVEMBER 18, 1976

The City Council of the City of Idaho Falls met in regular meeting, Thursday, November 18, 1976, at 7:30 P.M. in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Tom Campbell, Jim Freeman, Mel Erickson, Ralph Wood, Gil Karst, and Paul Hovey. Also present: Roy C. Barnes City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last regular meeting, held November 4th, 1976, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a re-zoning petition by Wendell R. Voss, as more specifically described by this memo from the Building Administrator:

City of Idaho Falls
November 18, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING – KUGLER ADD., BLOCK 1, LOTS 1-3 (R-2 TO R-2A)

Attached is a copy of the rezoning petition for the above described property, submitted by Wendell R. Voss. There are two existing four-unit apartments located on the subject property. The request has been submitted to permit the owner to construct a fifth apartment in the basement within each existing structure. The petitioner states that the necessary off-street parking is already in existence.

The City Planning Commission considered this matter on October 26, and at that time no objections were voiced from the adjacent property owners. The Planning Commission recommended approval of the request and it is now being submitted for your consideration.

s/ Rod Gilchrist

Councilman Campbell reported that he had viewed the premises in question and confirmed the fact that off street parking posed no problem. However, continued Campbell, there are many instances throughout the City where an additional apartment unit could be constructed and if the Voss request were permitted, it would establish a precedent for others.

Mr. Voss appeared briefly to say that, even though said additions were constructed, there would be no physical change to the buildings' exteriors, inasmuch as said units had been roughed in at the time of original construction. Councilman Hovey noted that the Council was not as interested in physical change as they were in density for the particular area which is presently restricted because of the R-2 zone. In answer to a question by Councilman Freeman, Mr. Voss said he was not aware, when he purchased the property that the R-2 zone prohibited more than four units per complex. There were none who appeared to protest this rezoning. It was moved by Councilman Campbell, seconded by Erickson, that in view of the precedent setting danger as heretofore discussed, this zoning request be respectfully denied. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that, on November 5, 1976, an Idaho Liquor Catering Permit was issued to Ray Robison, representing Ray's Western Bar, to provide for the sale of liquor by the drink to members of the Idaho State Riding Association at the Senior Citizens Center on November 6th. The City Clerk continued by saying that this was done with the

approval of the Police Chief but without the formal approval of the City Council. It was moved by Councilman Erickson, seconded by Karst, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, Albertsons Food, Murphy's Market, Reeds Mini-Market, Buttrey Food Store #43, Family Preparedness Center; RESTAURANT, Rosie's Café, Me-N-Ed's (76 & 77), Shakey's Pizza Parlour, Gay Nineties Pizza, Sandpiper, The Tavern, Skaggs Company, Inc., Gaslampe Pizza, Broadway Café and Lounge, Stardust Restaurant; JOURNEYMAN ELECTRICIAN, Edwin R. McGinty; APPRENTICE ELECTRICIAN, Steven Poulsen, James McGinty, Lewis A. Denning; CLASS D JOURNEYMAN, WH, Arlan Rooks; PUBLIC CONVEYANCE, Eastern Idaho Special Services; MOTEL, Stardust; DANCE HALL, Everett Jordan; TAXI CAB DRIVER, Francis S. Verosko; BEER (CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES), Safeway Stores, Albertson Food Store, Murphy's Market, Reed's Mini-Market, Buttrey Food Store, Van's Conoco, Safeway Store; BEER (CANNED, BOTTLED AND DRAUGHT TO BE CONSUMED ON THE PREMISES), Dusty's Broadway Café, Gay Nineties Pizza, Stardust, Tavern, Samoa Club, Shakey's Pizza Parlour, Pizza Hut, Gaslampe Pizza, Me-N-Ed's; BARTENDER, Caroline Doherty, Donna Donovan, Edith Vollman, Donna Mae Reuth, D. Trevor Proctor, Helen Ransom, Glenda Byington, Jack L. Cooper, James Mitchell, Margaret Thayer, Kenneth Walker; LIQUOR, Samoa Club, Broadway Café & Lounge, Stardust Restaurant and Lounge, were presented. It was moved by Councilman Erickson, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk were two City redemption tax deeds in favor of Kenneth Serr and Norman Schreier, accompanied by these resolutions:

R E S O L U T I O N (Resolution No. 1976-36)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, as Instrument No. 424333, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, within Local Improvement District No. 37, to-wit:

The north 46 2/3 feet of Lots 5 and 6, Block 60, Original Town of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

WHEREAS, NORMAN SCHREIER has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said NORMAN SCHREIER a deed to said property, pursuant to the provisions of Section 50-2954, Idaho Code.

PASSED BY THE COUNCIL this 18th day of November, 1976.

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APPROVED BY THE MAYOR this 18th day of November, 1976.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

R E S O L U T I O N (Resolution No. 1976-37)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 15th day of December, 1975, recorded as Instrument No. 488977, records of Bonneville County, Idaho acquire title to and possession of the following described real property, within Local Improvement District No. 40, to-wit:

In the Capitol Hill Addition to the City of Idaho Falls, County of Bonneville Lots 16-17 of Block 10 per the recorded plat thereof.

WHEREAS, KENNETH SERR has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said KENNETH SERR a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 18th day of November, 1976.

APPROVED BY THE MAYOR this 18th day of November, 1976.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk then presented a revised railroad agreement L.D. No. 23652, covering railroad right of way for 3.12 miles of the 161 KV loop to be constructed by the Electrical Division. It was explained that this was identical to an agreement that had been approved by the Council on August 12th, 1976, except for a slight revision required by the railroad, prohibiting signal or communication lines on the Goshen branch of said loop. It was moved by Councilman Wood, seconded by Campbell, that this revised agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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From the General Services Director came this memo:

City of Idaho Falls
November 11, 1976

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

The General Services Division respectfully requests permission to advertise for bids for automotive fuel for the year 1977.

Thank you.
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted to advertise for bids, as requested, on automotive fuel for 1977. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was forthcoming, to-wit:

City of Idaho Falls
November 18, 1976

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

The General Services Division respectfully requests authorization for the City Clerk to advertise for bids for an equipment storage shed.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted to advertise for bids on an equipment storage shed. Roll call as follows: Ayes, 6; No, none; carried.

Also by memo, the General Services Director asked for authorization to advertise for bids on nine miles of 161 KV steel poles. It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted to advertise for bids on these poles as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Continuing from General Services, this memo was submitted:

City of Idaho Falls
November 16, 1976

TO: Honorable Mayor and City Clerk
FROM: Chad Stanger
SUBJECT: AUTHORIZATION

NOVEMBER 18, 1976

The General Services and Electrical Divisions respectfully request authorization to advertise for bids for conductor pulling and tensioning equipment.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that authorization be granted to advertise for bids on conductor pulling and tensioning equipment. Roll call as follows: Ayes, 6; No, none; carried.

The General Services Director then presented this memo through the City Clerk:

City of Idaho Falls
November 18, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-76-26

It is the recommendation of the General Services and Public Works Division that Electrical Contractors be awarded the bid to furnish eight (8) traffic signal poles at a total cost of \$11,798.00. This amount represented the low responsive bid of those bids received.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that Electrical Contractors be awarded the low bid in the amount of \$11,798 for eight traffic signal poles. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls
November 8, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: NEIGHBORHOOD CENTER

It is the recommendation of the General Services Division that the City Council reject all bids on the proposed Neighborhood Center (Highland Ball Park) because of problems relative to the proposed building site.

Thank you,
s/ Chad Stanger

Councilman Campbell pointed out that the Council has not abandoned the idea of constructing a Neighborhood Center but that, if affirmative action were to be taken this night on the foregoing recommendation, it would only be because of site location. It was moved by Councilman Hovey, seconded by Freeman, that all bids on the Neighborhood Center be rejected for the reason as stated. Roll call as follows, Ayes, 6; No, none; carried.

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Attention is drawn to Page 449 in this book of minutes and, more specifically, a memo from General Services at that time, recommending a change order in the C-B Architects contract at the Highland Ball Park Stadium; namely, deletion of two mechanical exhaust fans and the addition of two plastic dome lights for a net addition to the contract in the amount of \$295.56. Councilman Freeman said that, in the interim period, the General Services Council Committee had had an opportunity to study the recommendation and were now in a position to take affirmative action. It was moved by Councilman Freeman, seconded by Hovey, that this change order, as recommended, be approved. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks & Recreation Director was presented:

City of Idaho Falls
November 18, 1976

TO: Mayor & City Council
FROM: Ernest Craner – Director
SUBJECT: SNAKE RIVER GREENBELT

Request authorization to submit Snake River Greenbelt Park Development project to Idaho State Parks & Recreation Dept. and Bureau of Outdoor Recreation for Land & Water Conservation Funds.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Erickson, that authorization be granted to submit the Snake River Greenbelt Park Development Project to the two governmental agencies, as indicated, for land and water conservation funds. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, this memo was presented:

City of Idaho Falls
November 18, 1976

ATTN: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REMODELING OF ANNEX BUILDING

On November 9, 1976, we presented a plan to the City Council for the utilization of the Annex Building. The plan involved Planning, Zoning, and Bonneville Council of governments to be moved in the section recently vacated by the Electric Light Division. The Engineering Drafting Section would be moved into the area now occupied by Building & Zoning. The present Drafting Room would then be adapted for Public Works Administrative Offices.

The General Services Division indicated that they could accomplish this remodeling over a period of three to four months at an approximate cost of \$43,000.00. These costs would include heating and air conditioning and repair of the roof. We are requesting ratification of the Council's earlier approval of this plan.

Sincerely,
s/ Don

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It was moved by Councilman Karst, seconded by Campbell, that this earlier informal action of the Council be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
November 18, 1976

TO: Mayor and City Council
FROM: Director of Public Works, Donald F. Lloyd
SUBJECT: WATER SERVICE CONNECTIONS

During this year through September, our water crews have installed some 43 service lines in four size categories. Comparing our actual cost of installation with the fee established by ordinance indicated an adjustment should be considered.

<u>Size</u>	<u>Amount Charged</u>	<u>Number Installed</u>	<u>Average Actual Cost</u>
¾ inch	\$200.00	11	\$545.72
1 inch	240.00	11	565.68
1 ½ inch	350.00	20	609.09
2 inch	400.00	3	565.87

We have noticed this inflationary trend continuing since our last adjustments of June, 1973.

We are recommending that the City Attorney and Public Works Committee be authorized to review and make recommendations for a new fee schedule.

Sincerely,
s/ Don

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

The following memo from the Building Administrator served to introduce and initiate annexation proceedings of Coachman West Addition, Division No. 2:

City of Idaho Falls
November 18, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT – ANNEXATION & INITIAL ZONING – COACHMAN WEST ADDITION, DIVISION NO. 2

NOVEMBER 18, 1976

Attached is a copy of the above described final plat, annexation ordinance and annexation agreement. An annexation hearing was recently held by the Planning Commission relative to this property, and at that time it was recommended the City Council approve the final plat, annex Coachman West, Division No. 2 to the City of Idaho Falls and establish an initial zoning of RMH (Residential Mobile Home).

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

s/ Rod Gilchrist

First to be considered was the final plat of the aforementioned area. It was moved by Councilman Campbell, seconded by Erickson, that this plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An annexation agreement between the City and the Coachman West developer was then presented. It was moved by Councilman Campbell, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1475

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. (COACHMAN WEST ADDITION, DIVISION #2)

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

It was moved by Councilman Campbell, seconded by Erickson, that Coachman West Addition, Division No. 2 be initially zoned RMH and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

This memo was forthcoming from the Building Administrator:

City of Idaho Falls
November 18, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE - PLACEMENT OF TEMPORARY MOBILE HOME AT ETHEL BOYES SCHOOL

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Attached is a copy of a request for a variance submitted by School District No. 91. The request is to place a mobile home on the west side of the Ethel Boyes Elementary School, located at 1875 Brentwood Dr., to serve as a temporary classroom. The enrollment at the school has created the need for additional classroom space and is currently critical enough that the present first grades must be split to form an additional class, and classroom space is needed.

A new elementary school is being planned for the west side and should be available to provide service in the fall of 1978. As soon as this new facility is available, the temporary classroom will be removed.

This Department recommends approval of the request and it is now being submitted for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Campbell, seconded by Erickson, that this request for temporary placement of a mobile home at the Ethel Boyes School be approved for a period of two years. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
November 18, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO ADD TWO GASOLINE DISPENSERS TO EXISTING SERVICE STATION

Attached is a copy of a variance request submitted by Flying J Oil Company (Fastway Gas), 930 E. 17th Street. The request is to add additional dispensers for unleaded and premium gasoline. The station now has only one of each and traffic backs up into 17th Street waiting to get to the pumps.

The applicant states that approval of this request will alleviate the traffic problem. This variance is necessary because of the number of pumps which would result at this location would be in excess of the number of pumps allowed in a C-1 zone. This request is now being submitted for your consideration.

s/ Rod Gilchrist

Councilman Campbell reported that he had studied this location and confirmed the fact that this station was so constructed that an additional pump could be installed. He also confirmed the fact that, at times, traffic does back up on 17th Street, as vehicles wait in line to get to the pumps. However, continued Campbell, there are undoubtedly other such instances throughout the City and the granting of this request would be precedent setting. Mr. Roland Fell, Manager of the Flying J Oil Company, appeared briefly to say that there were several known instances throughout the City of service stations in excess of five pumps in a C-1 zone. Mr. Fell was reminded that these were probably pre-existing at the time the

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comprehensive zoning ordinance was placed into effect. Councilman Hovey proposed that a five pump maximum for a C-1 zone might not now be realistic, in view of the need for unleaded gas. It was moved by Councilman Campbell, seconded by Erickson, that this request for a variance be denied with the understanding that the zoning ordinance be studied to determine the justification for an amendment in this regard, especially as it would pertain to service station facilities offering unleaded gas. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was presented:

City of Idaho Falls
November 15, 1976

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: PROPOSED EXPANSION AND MODERNIZATION OF IDAHO FALLS MUNICIPAL AIRPORT TERMINAL AREA

The Committee requests permission from the Council for submission of Project Application requesting grants in aid for the subject project to the:

1. Federal Aviation Administration
2. Economic Development Administration
3. Idaho Department of Transportation Division of Aeronautics

Further, that the Mayor and City Clerk be authorized to certify these applications on behalf of the City.

s/ Pete Hill

In answer to a question by Councilman Karst, Councilman Wood noted that the act of submitting project applications requesting grants-in-aid did not, in itself, bind the City. It was moved by Councilman Wood, seconded by Hovey, that authorization be granted to proceed with these applications as recommended and that the Mayor and City Clerk be, in turn, authorized to certify said applications at the proper time with the understanding that, by virtue of said applications, the City was not committing itself on expansion and modernization of the Municipal Airport terminal area. Roll call as follows: Ayes, 6; No, none; carried.

From the Traffic Safety Committee this memo was submitted:

City of Idaho Falls
November 18, 1976

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: RECOMMENDATIONS FOR YOUR CONSIDERATION

The following are for your consideration and/or approval submitted as of meeting held November 17, 1976:

1. Due to meeting requirements of a Traffic Signal Warrant on October 20, 1976, to give consideration for the installation of Traffic Actuated Signals at Memorial and "E" Street, with pedestrian pushbutton controls and the means for attaching an optic at some future date.
2. Approval of adequate signing to be installed as soon as possible on Memorial Drive in the area covering "E" Street through "G" Street alerting motorists of Pedestrian Crossings, along with overhead lights of the bouncing ball effect.
3. Traffic Safety Committee did not approve a request from School District #91 to hire a crossing guard for St. Clair and Maricopa due to lack of justification for same. (There was placed on St. Clair, prior to the start of the school year, the flip flop signs, reducing the speed on 20 MPH with flashing lights and officers have worked the area with radar).

s/ Robert D. Pollock

With reference to the first recommendation, Councilman Erickson advised that this should receive additional study, particularly from the standpoint of funding and an appropriate time schedule. It was moved by Councilman Erickson, seconded by Karst, that this matter be referred to the Police Council Committee for further study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

With reference to recommendation No. 2, Councilman Erickson said this pedestrian problem has been and will continue to be accentuated by the medical center and the employee parking lot across Memorial from the Idaho Falls Hospital. Asked for comment, Police Chief Pollock appeared briefly to concur with the remarks of Councilman Erickson, adding that one should take into account, with reference to hospital employees, that three shifts per day must be considered. Also, continued Pollock, it is particularly hazardous for pedestrians, inasmuch as Memorial is a wide street, plus the fact that said street turns just north of the Hospital, giving vehicular traffic little warning. Pollock concluded his remarks by saying that, even though a traffic light was installed at Memorial and E, this would be of little use to the pedestrian traffic in question because it takes place north of that intersection. Councilman Campbell questioned the cost of an elaborate overhead support for the proposed bouncing ball warning lights. Pollock said his understanding was that these would be installed by an extended arm from the side of the street. It was moved by Councilman Erickson, seconded by Karst, that this recommendation be approved, subject to the availability of funding, especially if the overhead structure was intended. Roll call as follows: Ayes, 6; No, none; carried.

Item No. 3 was then reviewed. Inasmuch as this was in the form of a report, rather than a recommendation, no Council action was considered necessary.

Inasmuch as traffic recommendations were being considered, Councilman Hovey proposed that, at First and Holmes, a left hand lane be established for north bound traffic on Holmes desirous of making a left hand turn into First Street and that said lane be signed with an arrow. It was moved by Councilman Hovey, seconded by Freeman, that this be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented an audit agreement between the City and Williams, Ferguson & Company, providing for terms and conditions whereby that firm would audit the 1976 records of the City of Idaho Falls. It was moved by Councilman Karst, seconded by

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Freeman, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read aloud:

November 17, 1976

Mayor S. Eddie Pedersen
Idaho Falls City Building
Idaho Falls, Idaho

Dear Mayor:

As a Mayor so concerned with the City of Idaho Falls and the feelings of it's citizens, we felt you would be interested in a little information about our group.

We call ourselves "The Concerned Citizens of the Original Townsite". We are residents and property owners of the Eagle Rock area.

We felt since you are a long time resident of Idaho Falls, you too, would be interested in preserving some of the heritage of our fine City.

Many of the homes in our area date back 70 to 90 years and we felt it vital to maintain these homes and this area as a nice residential neighborhood.

This are has been zoned General Commercial many years and the neighborhood rezoned residential and we have almost unanimous support of the property owners.

We would like to rehabilitate our neighborhood and possibly open up some new areas for more housing to be built.

I am enclosing a copy of a statement we submitted to the Citizens Advisory Committee.

We appreciate the interest you take in our City and us, it's residents.

Thank you,
s/ Nancy Duff
302 Hill Street

Attached to this letter, it was learned, was a list of concerned citizens, all residents within the Original Townsite, indicating their endorsement to the proposal as brought forth in the foregoing letter. Councilman Campbell noted that residents living in this area had difficulty applying for loans because of the zoning. The Mayor registered his endorsement by saying that this matter should be handled in accordance with a definite plan and program. It was moved by Councilman Campbell, seconded by Erickson, that this be referred to the Building and Zoning Council Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

This letter was then read by the City Clerk.

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190 Moonlite #4
Idaho Falls, Idaho

Idaho Falls City Council
Idaho Falls, Idaho

Gentlemen:

I would like to take this opportunity to bring further information to your attention concerning beer sales in restaurants on Sunday.

Many arguments for this have been put forward. The arguments against this ordinance seem to be simply, "We don't want it" or "We don't like it". As no one is requiring anyone to drink on Sunday, these don't seem to be very valid arguments. I honestly believe this law would be good for the City of Idaho Falls.

In one of the Council meetings, City Attorney Smith gave an opinion that this ordinance was discriminatory and that one of the non-restaurant bars might, at a later time, sue the City to be open because of discrimination against them. What of the grocery stores selling beer on Sunday? Must the restaurants sue to open? Is this not discrimination? There are several City ordinances that are discriminatory.

I understand that there will be beer sold by some of the service clubs at the Idaho Falls Noise Park during some of the events there. The Park belongs to the City and whether or not it is located in the County, where beer sales are legal on Sunday, Idaho Falls is still in the business of selling beer on Sunday, not bound by its own ordinance. Meanwhile, a restaurant in Idaho Falls cannot sell beer on that same day. Is this not discrimination?

Some persons may be against Sunday beer sales because of religious reasons. Is this not discrimination against people not of their religion? What of the Jews and Seventh Day Adventists? Must we close on Saturday or must we discriminate against them by not honoring their day of rest? If the council is concerned about discrimination, now is the time to eliminate some of it.

If the Council honestly believes that beer sales on Sunday is bad for Idaho Falls, then the grocery stores should be banned from selling it also, as it does no good to stop beer sales one place and allow them to sell beer a few feet down the street.

I thank you for your consideration of this letter.

Sincerely,
s/ Linus W. Bowman

Mr. Bowman was present in the Council chamber. Councilman Campbell registered an opinion to the effect that the discriminatory argument with reference to sale of beer in grocery stores, as depicted in the letter, was without justification. Campbell illustrated by saying that he had never seen nor heard of fights, rock band or dancing girls in a grocery store where beer, not to be consumed on the premises, was sold on Sunday. Directing his

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remarks to Campbell, Bowman asked what he had against dancing girls. Bowman then asked Campbell if his attitude on this issue was prompted by his religious convictions. Campbell answered by saying this was a possibility. At the invitation of Councilman Karst, City Attorney Smith took issue with the portion of the foregoing letter where he was quoted as saying the proposed ordinance was discriminatory. Smith said his earlier opinion, instead, was to the effect that it would be difficult to distinguish between a full fledged restaurant and a beer tavern serving occasional snacks such as tacos and hot dogs. In answer to a question by Councilman Freeman as to whether or not an ordinance could be drafted which would appropriately, adequately and completely define a restaurant, Smith said this would be difficult and might even invite a court suit.

Mr. Everett Jordan, Manager of the Stardust Lounge and Café, appeared before the Council and offered a solution; namely, that a restaurant with complete facilities must be licensed and that, under the proposed ordinance, only a licensed restaurant would be permitted to sell beer on Sundays. In answer to a question by Freeman, Mr. Jordan said that, even if the ordinance were passed, his bar would not be open on Sundays; instead, beer would be dispensed through the restaurant. Councilman Karst registered an observation, from memory, that the Stardust restaurant melds into the bar area. Jordan answered in the negative, at least on Sundays. He said the bar, on that day, is shielded and blocked off from the restaurant area. He said this would be one of the responsibilities of the State inspector; namely, to determine whether or not any given location was a restaurant or a bar and, if determined to be a restaurant, the area that would be designated as the restaurant portion, vs. the bar portion. Mr. Jordan concluded his remarks by reiterating his philosophy offered at previous Council meeting; namely, that Idaho Falls is destined to become a recreational center and that the sale of beer in restaurants on Sundays would be an attractive service to the recreational element. Freeman asked Bowman if, in the event the proposed ordinance were passed, he planned to have his bar open for the sale of beer on Sunday. Bowman answered by saying he hadn't yet decided but that if his decision was to stay open and if it became necessary, under the provisions of the new ordinance, to segregate the bar from the restaurant on Sunday, he would comply. Freeman said that, in his opinion, if beer on Sunday was dispensed through the restaurant, the policing problem should be at a minimum.

Mr. Warren Stevens, representing Tiger Industries, distributor of recreation equipment, appeared before the Council briefly to say that the recreational element would welcome and appreciate this service as evidenced in the City of Boise and other cities throughout the area and that, in his travels, he had never witnessed a fight or any other type of distasteful conduct, in a restaurant that sold beer on Sundays. At this time, Councilman Erickson explained, as Chairman of the Police Committee had given the matter in depth study and, among other things, the County Sheriff had reported that the sale of beer on Sunday in the County posed a problem.

Mr. Greg Crowder, also a Tiger Industries representative, appeared briefly to say that, even under the City's present restrictive ordinance, the City also has Sunday beer drinking problems. Erickson acknowledged this to be true. He said the sale of beer by grocery stores, to some degree, creates a problem, particularly in the parks during the Summer but there is still hope that this seasonal problem will continue to be controlled. Erickson continued by reminding the Council that the law now permits sale of beer and even liquor by the drink on Sundays under certain conditions such as conventions but, at least, each one of these situations is considered on its own merit. Councilman Hovey noted that the sale of alcoholic beverages on Sunday is designed for and limited to specific groups rather than the general public and is permitted by issuance of a Liquor Catering permit. He said that to his knowledge, no application for such a permit had ever been denied by the Council. Asked for comment, Police Chief Pollock concurred with the remarks by Councilman

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Erickson. He said the County Sheriff would like to see the sale of beer on Sundays discontinued, siting, as an example, calls that are required from taverns to establish order as a result of fights where beer is sold on Sunday. However, continued Pollock, this might be an unfair comparison, as the issue now being considered is limited to the sale of beer by restaurants. Freeman concurred. He said he wasn't concerned about the sale of beer on Sunday as long as it is limited to restaurants but that he would oppose the opening of the bars and taverns on Sunday. Hovey said that, in his opinion, money would only be made through the sale of beer where large groups were being served and that restaurants would not prosper by selling one or two beers per customer.

In the absence of further comment, it was moved by Councilman Erickson, seconded by Karst, that this request for passage of an ordinance permitting the sale of beer on Sundays be denied. Roll call as follows: Ayes, 5; No, one; carried. Councilman Freeman voting no.

ORDINANCE NO. 1472

AN ORDINANCE CHANGING THE NAME OF A PORTION OF A STREET FROM CHAMBERLAIN AVENUE TO PARK AVENUE; PARTICULARLY DESCRIBING SAID PORTION OF STREET; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

ORDINANCE NO. 1473

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF SAID CITY A QUITCLAIM DEED CONVEYING SAID VACATED LAND TO G.H.G. INVESTMENT COMPANY, THE ADJACENT OWNER; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

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REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

It was noted that, by passage of the foregoing ordinance, the Mayor and City Clerk were authorized to sign the quit claim deed conveying the vacated easement to the G. H. G. Investment Company.

ORDINANCE NO. 1474

AN ORDINANCE AMENDING ORDINANCE NO. 1115, BEING THE ZONING CODE OF IDAHO FALLS, BY CHANGING THE DEFINITION OF "HOSPITAL" IN ARTICLE II OF SAID CODE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

This written legal opinion from City Attorney Smith was presented and read aloud:

City of Idaho Falls
November 18, 1976

Honorable S. Eddie Pedersen
Mayor, City of Idaho Falls
City Building
Idaho Falls, Idaho

RE: CLAIM FOR DISABILITY RETIREMENT BY BOB L. HARRISON

Dear Mayor Pedersen:

At the latest Council meeting the undersigned was directed to review some questions asked by Chief Pollock concerning the entitlement of Bob L. Harrison to disability retirement benefits under PERS as augmented by the old Police Retirement Fund. The undersigned observes that the City is presently paying certain premiums on insurance coverage for Mr. Harrison and as it was believed important that the findings of the undersigned be made known to the Administration as early as possible.

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A study has been made of the PERS statutes, contracts and other documents leading up to the merger of the two plans. A meeting has been held with Chief Pollock, Mr. Mundell and Mr. Evans and the undersigned. The undersigned has discussed the matter with PERS in Boise.

There is no coverage afforded for any police officer in PERS as to any disability benefits not service connected until he has ten years credited service in the plan. Under the status and under the contract between the City of Idaho Falls and PERS, no public employee gets any service credit in PERS after July 1, 1965, unless during that time he has been an actual paying member of PERS. Of course, the City did not pay to fund coverage under PERS for police officers between July 1, 1965, and September 1974, when the policemen came into PERS. Of course, all such funding was done under the old Police Retirement Plan.

Funding for service credit during those years would probably cost close to a million dollars, although an additional actuarial study would have to be made to determine the precise amount.

Policemen had no non-service connected disability benefits under the old plan; under the new plan they have benefits as soon as they have ten years of credited service.

s/ A. L. Smith

Councilman Freeman registered an opinion to the effect that the members of the Police Department, in the final analysis, have not been hurt by Mr. Terrill's interpretation of the PERS statute, as related at the last Council meeting and confirmed by the foregoing legal opinion. Freeman continued by saying it was generally known, at the time the Police Retirement Fund was merged into PERS in 1974, that it was not actually sound. He said that, under the PERS contract, the police officers receive no less coverage than they had before and, under the old fund, they had no off duty coverage. Councilman Campbell said it was unfortunate that this had not been explained to the police officers at the time they were considering the merger. He noted that there was a substantial amount of money that had been transferred to PERS. He asked what said funds bought, at that time. Smith answered by saying this money made up the unfounded liability. Smith continued by saying that there were certain documents available at the time, including the actuarial study, which clearly explained all this. Councilman Hovey said the City abided by all the basic ground rules. He said it was understood that, by virtue of the merger, the police officers were to receive the "best of two worlds", so to speak, and that this was accomplished. No further Council action was considered necessary.

Councilman Erickson reintroduced the subject of traffic signalization at First and Woodruff. He said it appeared to him that there had been unexplainable, or at least an unnecessary, delay on this project since it was first authorized. In the interim period, continued Erickson, the Council and particularly the Police Committee have been under pressure from citizens who use that intersection. He said that long lines of traffic, both on the north-south road and east-west road are created by the existing four way stop signs, especially at peak traffic periods and that inclement winter weather will surely augment this condition. Asked for comment, Public Works Director Lloyd said that all material had been placed on order but that 14 to 16 weeks delivery could be expected on some of said material, such as the steel traffic poles, bid of which was awarded this night. Councilman Freeman said a complete report on delivery dates would be desirable and, if the Council is looking at a

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six months delivery period, perhaps a temporary installation might be considered. Freeman acknowledged, however, that without a complete installation, including left turn bays and actuating devices, the traffic problem would be relieved very little. It was moved by Councilman Karst, seconded by Erickson, that the Public Works Division render a report on the earliest possible construction schedule and, also, the advisability of a temporary installation in the interim period. Roll call as follows: Ayes, 6; No, none; carried.

Police Chief Pollock reappeared before the Council with reference to the legal opinion rendered this night pertaining to the non-eligibility for disability retirement for police officers and the ensuing conversation that took place between the Councilmen, prompted by said legal opinion. Pollock was also concerned about the past service credit which, it was learned, the police officers are not entitled to from 1965 to 1974. Pollock said this apparently was a common misunderstanding. He said he received little satisfaction from the legal opinion or the conversation and was at a loss as to what, specifically, he was to tell his officers who were all under the impression they had received past service credit for that nine year period. As an example, continued Pollock, pertaining to the ten year credited service provision, he was under the impression that 25 officers were covered but now it is discovered there are only 11. Pollock concluded his remarks by saying that it would appear his department had received poor guidance from the PERS officials on this and other issues. The City Attorney reminded Pollock that the Police Association had the benefit of their own private attorney, who was or should have been well aware of this from the actuarial study, how there could have been a misunderstanding. He registered caution on this matter, on the grounds that, if PERS was challenged and if the City was found to have justifiable grounds for its position, PERS would then turn to this City for funding which, according to the foregoing legal opinion, might cost as much as \$1,000,000. Needless to say, concluded Karst, this from a fiscal standpoint, would be out of the question.

There being no further business, it was moved by Councilman Campbell, seconded by Hovey, that the meeting adjourn at 9:55 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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