

SEPTEMBER 23, 1976

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, September 23, 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 Paul Hovey, Tom Campbell, Jim Freeman, Mel Erickson, Ralph Wood, and Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all available Division Directors.

Minutes of the last recessed regular meeting, held September 14th, 1976, were read and approved.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing for the purpose of considering the re-zoning petition of Sho and Shirley Ueda. The Mayor asked the City Clerk to present and read aloud this introductory memo from the Building Administrator:

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION – 1505 E. 17TH STREET

Attached is a copy of a petition to rezone a parcel of property located at the northeast corner of the intersection of St. Clair Road and 17th Street. This property is located at 1505 E. 17th Street and is described by a metes and bounds legal description.

The request is to rezone from R-1 to R-3A and to convert the existing residence into a real estate office. The City Planning Commission, on August 24th, considered this matter and recommended approval of the request subject for installation of a sight-obscuring fence on the rear property line to screen the proposed parking area from the existing residences to the north.

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

s/ Rod Gilchrist

Councilman Campbell explained that this area is surrounded with some other lower zoning than R-1 and that there are two grocery stores and a carpet shop in the near vicinity. There were none who appeared to protest this rezoning petition. It was moved by Councilman Campbell, seconded by Erickson, that this rezoning be approved as requested, subject to the installation of a sight-obscuring fence along the real property line and the Building Official be directed to reflect said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 418 in this book of minutes and, more specifically, presentation at that time of a final plat and annexation ordinance of Bonita Park Addition, Division No. 1. Also, at that time an appearance by Mr. Robert Fanning and several of his neighbors was noted, protesting this proposed annexation, primarily because the proposed initial zoning was something lower than R-1. In deference to Mr. Fanning and Mr. Cliff Brady, the Council, by a split vote, agreed to postpone any further action on said annexation until this night, September 23, on the grounds that, had this item on the agenda been better publicized, many more near-by residents would have appeared to register their protest. The

Mayor announced that this was the time and the place for this issue to be reintroduced. The Mayor invited Councilman Campbell, as Chairman of the Building and Zoning Committee, to conduct this portion of the meeting. Campbell commented to the effect that the Mayor and all Councilmen wanted expression from any and all of those present who wished to be heard. Also, continued Campbell, he said the Council wanted to become better acquainted with the view of all near-by protesting residents. Campbell called upon Building Administrator Gilchrist to present a brief history of this area, dating back to a time when a plat of this same area, then referred to as the Laural Park Addition, revealed plans for high density structures. Gilchrist noted that this was completely unacceptable to the Planning Commission and that, in the interim, several revisions had been made but that this final plat of Bonita Park Addition, Division No. 1 was the first to meet with the approval of a majority of the Planning Commission. Gilchrist noted that objection had been raised at the previous Council meeting because it appeared an island of un-annexed land was about to be created. He said the largest portion of the Hatch and Peterson property had, for quite some time, been virtually an island with annexed development on three sides. He said the City couldn't force annexation of this land without the property owners' consent because it exceeds five acres in size. In answer to a question by Campbell, Gilchrist said it wasn't at all unusual for annexation of any given large area to be effected in tiers. Otherwise, explained Gilchrist, a problem of economics might result.

Mr. Bob Edward, 481 N. Woodruff, appeared before the Council, and presented this petition with 143 signers mostly residents of the Kelsey Estates Addition:

PETITION

THE UNDERSIGNED being residents and taxpayers of the City of Idaho Falls, hereby request that the City Council reject the annexation and zoning of Bonita Park Addition to the City of Idaho Falls, until all of the property owned by the present owner is annexed and zoned according to law. That the proposed annexation and zoning is detrimental to all of the homeowners and residents, in and around the area, as the same is now submitted to the City Council, as the same is not in the best interest of any of the citizens of Idaho Falls, and that the entire area should be zoned R-1 single dwelling units.

Mr. Edwards said the near-by residents should be entitled to a detailed preliminary plat of the entire Hatch-Petersen area that would serve as assurance for desirable development. Gilchrist presented such a plat, revealing street layout. Edward said this was not sufficient inasmuch as there were no firm guidelines pertaining to future development or zoning. Gilchrist replied by saying this information is never available on preliminary plats. Edward said his information reveals the fact that a request has been made that at least 14 acres of the Petersen development be zoned lower than R-1. Edward continued by registering an opinion to the effect that possibly too much planning emphasis is made on buffer standards on arterials, siting the residential portion of First Street and 17th Street as illustrations. He said that, in both of these instances, those streets have been classified as arterials but that only a relatively small portion has been zoned lower than R-1 and there has been little high density development. He said he saw no reason why Woodruff should be treated differently. Councilman Freeman drew to Mr. Edward's attention the fact that both of these streets were developed before adoption of the comprehensive zoning ordinance in 1964 and that under said ordinance, if these streets were to have been developed today, this situation would not

have been acceptable and probably not permitted. Freeman continued by saying that the City Council is primarily interested in protecting citizens by planning and zoning standards and part of said standards include buffer strips along arterials. Edward then continued by saying that high density in itself, created by buffer strips, add to traffic problems and, therefore, by zoning Bonita Park Addition along Woodruff as recommended, the traffic problem, in his opinion, would be accentuated. In answer to a question by Campbell, Edward said, if he had it to do over again, he would acquire his residential property on Woodruff if for no other reason than its favorable location in relation to a convenient school. He said the fact that he was remodeling his home at a cost of \$10,000 should serve as proof of that decision.

Mr. Robert Woods, 1573 Garfield, appeared briefly to concur with a previous remark to the effect that this buffer strip, if zoned lower than R-1, would be conducive to more traffic than that which now exists. Mr. Woods then asked what assurance near-by residents would have if this area were zoned as recommended.

Campbell said that, at the proper time, he was prepared to make a motion which, if passed by the Council, should provide the needed assurance.

Mr. Cliff Brady, 1668 Garfield, appeared before the Council with a reminder that if the area in question is developed with any additional high density structures, there is a good chance that all residents within said area would be reassigned to School District No. 91, something none of said residents want. With reference to the assurances Campbell said he was prepared to offer this night, Brady said he would be skeptical about their value, particularly with a change of administration. Campbell replied by saying that future administrations could not be bound and, therefore, the best that could be offered at this time would be assurances given by this administration. Campbell reminded Brady that one alternative which would certainly not be as attractive as annexation would be not to annex and to permit the entire area to be developed in the County. Asked by Brady what thought had been given to park development, Campbell said one or more parks are being planned that would properly serve both the developed and the undeveloped area.

Mr. Roy Bird, 1631 Garfield, appeared briefly. In answer to a question by Mr. Bird, Campbell advised that the proposed speed for this portion of Woodruff was 35 MPH. He said that the speed allowed on arterials was another argument in favor of a buffer zone, inasmuch as apartment tenants, traditionally, had fewer children than those found in single family dwellings.

Mr. Edward reappeared briefly to challenge that statement. He said there is a strong likelihood that, sometime within the predictable future, this trend would be reversed, due to economics.

Mr. Henry Jenkins, 542 Davidson, appeared briefly to say that some developers elect to face that portion of development bordering on arterial away from the arterial and if this were done, it would relieve the traffic problem. Campbell concurred but added that this is not included in the development plan. Instead, continued Campbell, the plan calls for driveways to be semi-circular so that, at least, the tenants facing the arterial would not find it necessary to back into the arterial to gain access to it.

Councilman Erickson said that he for one, wouldn't choose to live on an arterial and the time to make that decision is before said arterial becomes thoroughly established. Using West 17th Street as an example, Erickson noted that residents on that street became very bitter about the Council's decision to extend and widen that roadway as a collector street. He said this could happen to any street destined as an arterial and can only be avoided by advance planning. Councilman Hovey concurred and added that this factor discourages construction of single family residences, where as apartment tenants, generally, do not intend to reside at that location for an indefinite period of time. Using Skyline as an example, he said most residential property owners on that street, now that it has become an

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arterial, would prefer to be living elsewhere. Hovey continued by using Grandview as another example. Explaining, Hovey said that Grandview is destined to become an arterial and therefore, the land bordering said street has been properly zoned as a buffer. Therefore, it has been developed with attractive multiple housing units.

Mr. Brady re-appeared briefly. Directing his first comment to Councilman Erickson, Brady said using West 17th Street was an unfair comparison, inasmuch as Woodruff does not have a comparable problem of a wide arterial funneling traffic into a narrow residential street. Directing his next comment to Councilman Hovey, he said using Grandview as an example of a well planned street with a buffer strip failed to impress him. He said that, in his opinion, Grandview was one of the least attractive streets in the City because the architecture lacked individual design and style. Asked by Brady as to what recourse the near-by residents of the Bonita Park Addition might have, in the event this area was annexed and zoned as recommended, contrary to the wishes of all of those who signed the protest petition, City Attorney Smith said that such a decision would be a civil matter and recourse would be through the courts. Brady reminded the Councilmen that there were a substantial number of citizens who signed the petition and that the Councilmen had a duty to properly represent those property owner citizens.

Mr. Virlow Petersen, owner and co-developer of the Bonita Park Addition, appeared before the Council and reminded those present that he, too, was a property owner and that every effort had been expended to present a development plan that would be in the best interests of and compatible with the surrounding area. He said that after considerable time, a plat and a plan had been presented that met with the approval of the Planning Commission and that, in his opinion, it was good planning which, in the final analysis, would increase, not decrease, property values throughout the entire area.

In the absence of further comment, it was moved by Councilman Campbell, seconded by Erickson, that the final plat and the annexation agreement pertaining to Bonita Park Addition, Division No. 1 be approved and the Mayor and City Clerk be authorized to sign both instruments. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1465

AN ORDINANCE ANNEXING CERTAIN LANDS TO
THE CITY OF IDAHO FALLS; DESCRIBING SAID
LANDS AND DECLARING SAME A PART OF THE CITY
OF IDAHO FALLS, IDAHO.

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

With reference to the foregoing annexation, it was moved by Councilman Campbell, seconded by Erickson, that Lots 1 through 8, Block 2, be initially zoned R-2, that Lots 1 and 2, Block 1, be zoned R-3A 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.

It was then moved by Councilman Campbell, seconded by Freeman, that the Council go on record as being opposed to any lower zoning than R-1 for any future annexations within this undeveloped Hatch-Petersen area. Roll call as follows: Ayes, Councilmen Freeman, Wood, Hovey, and Campbell; No, Councilmen Erickson, and Karst; carried.

At this time the Mayor declared a brief recess and also, at this time, the Mayor asked to be excused.

After a brief recess, the meeting was reconvened by Mayor Pro-Tem Jim Freeman.

Mr. Stan Linkowski, owner and operator of the Airport Lounge and Café, known as Page I, appeared before the Council. At two previous Council meetings, Linkowski had appeared to register protest because he had received notification that his lease would be cancelled as of December 31st, 1976. Linkowski and his attorney had been notified that this subject would be aired in more detail at this meeting. Councilman Wood, as Chairman of the Airport Committee, presented to Linkowski certain statistical data as prepared and submitted by the City Clerk and the City Treasurer, revealing the fact that, during the past two years, handling of his financial affairs had raised a serious question of doubt as to whether or not he still qualified as a satisfactory lessee. From said data, Wood reported that his business operation, from time to time, had been delinquent in the payment of utility bills; also that he had been delinquent in remitting his monthly rental fee, which by agreement, is based upon a percentage of gross receipts; also, that both the City Clerk and the City Treasurer had, on several occasions, received insufficient fund checks back from Linkowski's bank; and finally, Wood noted that Linkowski's liability insurance carrier had submitted several notices that said insurance had been cancelled due to non-payment of premium. In fact, continued Wood, according to the information at hand, said insurance had been cancelled as of June 13th and not reinstated to date. Linkowski admitted that, due to several personal reasons, particularly during the past six months, he had experienced financial difficulties but that the worst of these problems had been resolved and that, other things being equal, he should again be on solid financial ground within 60 to 90 days. However, Linkowski took strong exception to the fact that he had ever been without liability insurance coverage and that, after talking with Mr. Lees Kiel, local insurance broker with Tandy & Wood, it was learned that these cancellation notices had been the result of a misunderstanding, prompted by a complicated computer system in Seattle. Asked by Wood when the City could expect arrears to be cleared on monthly rental fee, Linkowski said this would probably be accomplished by the following Monday. City Attorney Smith advised that if these insurance cancellation notices had been erroneously mailed out, this is a serious offense. Asked by Councilman Hovey if he had made the Director of Aviation aware of these personal financial problems, Linkowski answered in the affirmative. Linkowski continued by saying that, in his opinion, the Council should give priority consideration to the fact that, during his tenure as airport lounge and café lessee, his place of business had at all times been well maintained and that food and service had always been of the highest quality. Asked about an air conditioning system which had reportedly been repossessed, Linkowski said it had been given a fair trial and it just didn't function satisfactorily and so he had instructed the contractor to remove it. Asked for confirmation, Director of Aviation Hill appeared briefly to say that, according to his information, the contractor repossessed it, due to non-payment. Asked by a Councilman if he felt the aforementioned record of delinquencies was sufficient grounds for lease cancellation, Hill said that, at one time, with another lessee, delinquency was not only considered grounds for lease cancellation but also grounds for the impoundment of an airplane. Hill continued by saying that the airport has 55 lessees and if all or any part of these were permitted this laxity, all control would be lost. He said he was concerned about the establishment of a precedent and that prompt collection

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was part of his responsibility as Director of Aviation. Asked for comment, the City Attorney acknowledged that all of these allegations, if true, were indeed serious.

Councilman Erickson said that, in his opinion, Linkowski had a right to clear himself, particularly on the matter of liability insurance coverage. He said it would appear to him that the insurance company had a responsibility to account for itself and to provide a history of cancellation notices vs. payments.

Councilman Wood concurred and added that a statement of account, signed by Mr. Les Kiel should be in order. It was moved by Councilman Erickson, seconded by Campbell, that this matter be referred to the Airport Committee for verification of the foregoing testimony, particularly on the insurance coverage issue. At this time, Hill reminded the Council that the lease in question will automatically run for another year unless a decision is made 60 days before expiration, or October 31, 1976. Linkowski said that, in his opinion, he had supplied sufficient evidence to warrant the action as indicated by Councilman Erickson. He said the financial problems had been well aired and, under the circumstances, any one could become, temporarily at least, a victim to similar difficulties. He assured the Councilmen that he would be vindicated on the insurance coverage and, in view of these circumstances, he said he couldn't understand the attitude of the Director of Aviation and his insistence on lease cancellation. He said surely the Council would take into consideration the service that was being rendered the public as heretofore mentioned. Erickson responded by saying that, even though a lease and the terms within a lease should be enforced, he wasn't in a position to make a decision until the insurance issue is resolved. Hovey concurred and added that all the problems mentioned this night were clear in his mind except the insurance question. Councilman Karst asked what was to be the basis for Council action this night and was it the intention, subject to testimony, to cancel the lease with or without cause. The City Attorney responded by saying that, in the eyes of the court, there is a marked difference between canceling a lease with cause vs. without cause. However, he agreed that there could be a question of verification of some of the facts presented here this night. At this time, Councilman Campbell withdrew his second to the motion made by Councilman Erickson. Councilman Erickson said his motion still stood as above indicated. Erickson's motion was seconded by Councilman Wood. Roll call as follows: Ayes, 5; No, one; Councilman Campbell voting no, carried.

License applications for ELECTRICAL CONTRACTOR, J. Vernon Priest for Priest Electric, Max Sargent for Sargent Mechanical; JOURNEYMAN ELECTRICIAN, J. Vernon Priest, G. C. Bird; APPRENTICE ELECTRICIAN, Jerry Kop with Edwards Electric; AUCTIONEER, G. C. Baxter for House of Bargains; BARTENDER, Paula Cherry, Roger Thatcher, Boyd R. Roberts, Toni White, Wesley White, James Jensen, Mack Reisenburg, Nancy Jenkins, Bob Chavez, Kristie Jean Elliott, David G. Haefele, 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.

This memo from the City Controller was presented and read aloud by the City Clerk:

City of Idaho Falls
September 22, 1976

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: John Evans, Controller
SUBJECT: TAX LEVY – REDUCED ESTIMATED MILLAGE

SEPTEMBER 23, 1976

In view of the concern you have for the City taxes levied, I thought you would be pleased to know the following facts:

The City's 1976 tax assessment was \$2,648,700. and in preparing our estimated tax charge an assessed valuation of \$57,000,000. was used. The valuation given to me by the County Clerk this month was \$57,024,955., therefore, reducing the estimated millage required by the City.

We have not only held the mill levy, but rolled the mill levy back slightly.

County levy for the City of Idaho Falls

<u>Year</u>	<u>Mills</u>
1975	4.642
1976	<u>4.640</u>
Net reduction	.002

s/ John Evans

No action was considered necessary.

Another memo from the Controller was submitted, as follows:

City of Idaho Falls
September 22, 1976

MEMORANDUM

TO: Mayor S. Eddie Pedersen
FROM: John D. Evans, Controller
SUBJECT: OUTSTANDING CLAIMS - TETON FLOOD DISASTER

Attached is a notice regarding outstanding claims on the Teton Flood disaster.

The notice has been reviewed by W. R. Gilchrist and Art Smith and meets with their approval.

Please authorize the City Clerk to publish said notice.

s/ John Evans

It was moved by Councilman Karst, seconded by Erickson, that the City Clerk be authorized to publish a notice regarding claims on the Teton Flood Disaster, as requested. Roll call as follows: Ayes, 6; No, none; carried.

Finally from the Controller, this memo was submitted:

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City of Idaho Falls
September 22, 1976

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: John Evans
SUBJECT: COOPERATIVE AGREEMENT - BONNEVILLE COUNTY
COMPUTER FACILITIES

Attached is a Cooperative Agreement with Bonneville County regarding use of the City computer facilities.

Attorney Art Smith has assisted in preparation of the agreement and believes it satisfactory, as does Gary Jensen, County Attorney.

If the agreement meets with your approval, please sign and present said agreement to the Bonneville County Commissioners for their approval.

s/ John Evans

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

From the General Services Director came this memo:

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-76-20

It is the recommendation of the General Services and Public Works Divisions that the City Council accept the sole bid of Waterworks Equipment for \$31,449.20 to furnish 3300 feet of 12 inch water pipe and various fittings as per bid.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Campbell, that the Waterworks Equipment bid in the amount of \$31,449.20 be accepted for the water pipe and fittings as described. Roll call as follows: Ayes, 6; No, none; carried.

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

SEPTEMBER 23, 1976

City of Idaho Falls
September 22, 1976

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID # IF-76-18

It is the recommendation of the General Services Division that the City Council accept the sole bid of John D. Brown of \$85.00 to purchase a 1968, Ford ½ ton pick-up, serial number F10048472 and the sole bid of Tim Archibald of \$63.63 to purchase a 1938, Chevrolet 1 ½ ton truck cab and chassis, serial number 5TD05-5393.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Campbell, that these bids for these vehicles be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER SERVICE OUTSIDE CITY LIMITS

We have received a request from Henry Bennett for water service at this home on Sunnyside Road.

We would request that the Mayor be authorized to sign the City's approval after the requester signs a City contract.

Respectfully submitted,
s/ Don

It was moved by Councilman Karst, seconded by Campbell, that this outside the City water contract be approved and the Mayor and City Clerk be authorized to sign after said contract is signed by Mr. Bennett. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SEWER SERVICE OUTSIDE CITY LIMITS

SEPTEMBER 23, 1976

We have received a request from Janice Walstrom for sewer service at her home on Sunnyside Road.

We would request that the Mayor be authorized to sign the City's approval after the requester signs a City contract.

Respectfully submitted,
s/ Don

It was moved by Councilman Karst, seconded by Campbell, that the Mayor and City Clerk be authorized to sign this outside the City sewer service contract after it is signed by Janice Walstrom. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director, this memo was studied.

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST FOR SEWER INSTALLATION FOR THIOKOL CORPORATION

The Public Works Committee has reviewed a request for sewer installation for the Thiokol Corporation on Sunnyside Road. In this case, the City would be participating in the cost difference between an 8-inch and 12-inch sewer pipe and would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

Councilman Karst explained that the City, in this instance, would be justified in participating in the difference between an 8 inch and a 12 inch line so that said line would adequately serve future development beyond the Thiokol location. It was moved by Councilman Karst, seconded by Campbell, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WOODRUFF AVENUE AND HITT - HACKMAN ROAD

The Public Works Committee had been working with Bonneville County Commissioners during this past year to develop certain cooperative agreements for the construction of Woodruff Avenue and the Hitt-Hackman Road.

The drafts of these cooperative agreements have been approved and we are requesting that the City Attorney be instructed to place these agreements in final form for submission to the City and the County.

Respectfully submitted,
s/ Don

Councilman Karst explained that these agreements are in line with a long range plan for traffic control. It was moved by Councilman Karst, seconded by Campbell, that the City Attorney be directed to prepare these cooperative agreements as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST TO ADVERTISE

Plans and specifications are nearly complete for the construction of Sawtelle Avenue. Since we are committed to this construction, we are requesting authorization for the City Clerk to advertise for competitive bids.

Respectfully submitted,
s/ Don

It was moved by Councilman Karst, seconded by Campbell, that the City Clerk be authorized to advertise for bids on this project as soon as possible. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Administrator, came this memo:

City of Idaho Falls
September 23, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Pollock – Chairman
SUBJECT: TRAFFIC RECOMMENDATIONS

The following are submitted for your consideration as recommended by the Traffic Safety Committee.

1. Establish a School Bus LOADING ZONE on the south side of Garfield immediately east of the traffic light at Royal Avenue.
2. Establish a painted crosswalk for pedestrians at 1520 Sawtelle between the Computer Science Center and the Technical Support Building and restrict parking approximately one car length adjacent on each side of the cross walk.

s/ R. D. Pollock

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With reference to the first recommendation, it was moved by Councilman Erickson, seconded by Karst, that this school bus loading zone be established as recommended. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the second recommendation, it was moved by Councilman Erickson, seconded by Karst, that authorization be granted for the painting of a pedestrian cross walk and the establishment of restricted parking at the locations as indicated. Roll call as follows: Ayes, 6; No, none; carried.

These letters were presented by the City Clerk:

Bonn. Distributors, Inc.
1684 Foote Drive
September 13, 1976

Mayor S. Eddie Pedersen, and
Idaho Falls City Council
Idaho Falls, Idaho

Dear Sirs:

We are writing to you regarding a Westbank Restaurant sign located on Block #3 of the Airport Industrial Park, 1984 Foote Drive, Idaho Falls, Idaho. We are leasing this property from L. R. Bird, Idaho Falls, Idaho.

This sign was to have been moved as per our verbal agreement with Mr. Bird at the time of the erection of our warehouse facilities. It has now been 12 months since we have moved in and the sign is not removed and Mr. Bird now tells us that he will not move it.

The sign is blocking parking which is required for the employees of Bonneville Distributors, who now have to park in front of R & H Machine and block access for their customers. It is unsightly and, we understand, in violation of City covenants and ordinances. This sign also prevents orderly snow removal for all the residents in this area of Foote Drive as it prevents the snow from being piled in that area during the winter.

We are extremely upset with this situation as it is presenting a major problem for both ourselves and R & H Machine and we feel this whole situation is a gross violation of both City ordinances and moral conduct on the part of unfulfilled verbal agreements. It is a sad situation when something so simple as the removal of a sign has to become a legal matter. We respectfully request that the City Council have this sign removed immediately to facilitate on orderly operation for our business as was intended.

Thank you,
s/ James H. Capps
Owner - Bonn. Dist.

R H Machine
September 10, 1976

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

SEPTEMBER 23, 1976

I am writing you, in regard to the Westbank Restaurant at 1682 Foote Drive, Idaho Falls, Idaho.

This property is now leased from L. R. Bird, 1490 Broadway, Idaho Falls, Idaho by R & H Machine, Inc., East 306 Third Street, Colfax, WA. 99111.

At the time of the lease agreement there was a verbal indication from L. R. Bird that the Westbank Restaurant sign was going to be removed. With the understanding R & H Machine installed their own sign on the east end of their building, facing interstate freeway I-15. When the sign was not removed, Rand H. Machine moved their sign to the north side of the building.

R & H Machine contacted Rod Gilchrist, (of City Planning?) said "The Westbank Restaurant sign is a violation of covenant and lease ordinance made with Dean Storer, 725 Saturn Avenue, Idaho Falls, Idaho, which is now assumed by L. R. Bird, 1490 Broadway, Idaho Falls, Idaho".

We respectfully submit this summary and we would like the City Council to remove the Westbank Restaurant sign at 1682 Foote Drive, Idaho Falls, Idaho.

Sincerely,
s/ Ray Stueckle
President

It was moved by Councilman Wood, seconded by Campbell, that these be referred to the Airport Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Preparatory to introducing a revised sewer ordinance, City Attorney Smith explained the need for such procedure. He said one of the reasons was language modification to satisfy E.P.A. so that there would be no rate discrimination and so that every sewer user would pay his fair share of operation and maintenance of the over-all sewer collection and treatment system. Also, continued Smith, this ordinance would provide, in instances where future industry was served with a sewer facility funded in part by E.P.A., that industry be charged with the understanding that the Federal Government would be repaid, over a period of time, that portion of the capital investment which had been derived from said funding.

Smith pointed out, also, that, as a matter of convenience, the sewer rate schedule had been deleted from this ordinance and that said rate schedule would be established, instead, by resolution. Therefore, in the event this ordinance was passed on all three readings this night, there would immediately be presented for Council consideration two resolutions; one entitled "Establishing Rates for Use of Sanitary Sewer Facilities of Idaho Falls, Idaho" and the other entitled "Assuring the Establishment of a Special Account for User Fees Collected from Industrial Users Connected to the Woodruff Interceptor and Assuring Disbursement of such Funds Pursuant to Regulations of E.P.A."

The City Attorney then proceeded to introduce this ordinance:

ORDINANCE NO. 1466

AN ORDINANCE REGULATING AND LIMITING THE NATURE AND COMPOSITION OF SEWAGE WHICH MAY BE DISCHARGED INTO A PUBLIC SEWER; PROVIDING FOR THE FIXING OF SCHEDULES AND

CHARGES FOR SEWERAGE SERVICES AND WASTEWATER TREATMENT SERVICES OF THE CITY OF IDAHO FALLS, IDAHO, AND ESTABLISHING METHODS AND FORMULA FOR COMPUTATION OF SUCH CHARGES; PROVIDING THAT ALL USERS OF THE TREATMENT WORKS SHALL BE CHARGED PROPORTIONATELY ACCORDING TO THEIR USE; DEFINING TERMS USED IN THE ORDINANCE; REQUIRING THAT ALL SANITARY SEWAGE INDUSTRIAL WASTES, OR OTHER POLLUTED WATERS, DISCHARGING WITHIN THE JURISDICTION OF THE CITY BE DISCHARGED INTO THE WASTEWATER TREATMENT SYSTEM OF THE CITY; FORBIDDING THE DISCHARGE INTO THE WASTEWATER TREATMENT SYSTEM OF STORM WATER, GROUND WATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNPOLLUTED WATER, OR CERTAIN PARTICULARLY DESCRIBED POLLUTED WASTEWATER OR MATERIALS; REQUIRING APPROVAL BY THE APPROVING AUTHORITY BEFORE CERTAIN DESCRIBED WASTEWATER OR WASTES MAY BE DISCHARGED INTO A PUBLIC SEWER; AND REQUIRING PRETREATMENT OF CERTAIN WASTEWATERS AND WASTES; COMPELLING EVERY OWNER OR OCCUPANT OF PREMISES WITHIN THE CITY TO CONNECT SAID PREMISES TO A PUBLIC SEWER IF THE PREMISES BE WITHIN 200 FEET THEREOF; FIXING PLUMBING AND SEWER CONNECTION FEES; REQUIRING THE OWNER OF PREMISES CONNECTED TO A SIDE OR PRIVATE SEWER TO KEEP THE SAME IN REPAIR AND REQUIRING A PERMIT THEREFORE; MAKING IT UNLAWFUL TO WORK ON OR ALTER, OR CONNECT TO ANY PUBLIC SEWER WITHOUT FIRST OBTAINING A PERMIT THEREFORE; AUTHORIZING THE APPROVING AUTHORITY THE RIGHT TO ENTER ANY PREMISES WITHIN THE CITY FOR THE PURPOSE OF INSPECTION TO ASCERTAIN WHETHER THIS ORDINANCE IS BEING COMPLIED WITH; MAKING IT UNLAWFUL TO INJURE, BREAK OR TAMPER WITH ANY PART OF THE WASTEWATER TREATMENT SYSTEM; REQUIRING CONSTRUCTION AND MAINTENANCE BY INDUSTRIAL PATRONS OF FACILITIES FOR TESTING THE COMPOSITION OF WASTES DISCHARGING INTO THE WASTEWATER TREATMENT SYSTEM, AND PROVIDING FOR THE TESTING AND MEASUREMENT AND PRE-TREATMENT OF SUCH WASTES; PROVIDING THE METHOD OF BILLING FOR USE OF THE

WASTEWATER TREATMENT SYSTEM; REQUIRING THAT STIPULATED PERCENTAGES OF WOODRUFF AVENUE INTERCEPTOR INDUSTRIAL CHARGES BE PAID TO THE UNITED STATES GOVERNMENT; MAKING IT UNLAWFUL TO VIOLATE ANY PROVISIONS OF THE ORDINANCE; ESTABLISHING METHODS FOR ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCES AND PARTS OF ORDINANCE IN CONFLICT HEREWITH; 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.

R E S O L U T I O N (Resolution No. 1976-33)

ESTABLISHING RATES FOR USE OF
SANITARY SEWER FACILITIES OF IDAHO
FALLS, IDAHO

WHEREAS, the City of Idaho Falls owns, operates and maintains a waste water collection and treatment facility; and

WHEREAS, the total capital cost and the cost of operation, maintenance, and replacement thereof must be derived from user fees based upon their proportionate share of use;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO: That the following monthly user rates are established for use of sanitary sewer facilities:

DOMESTIC RATES (INSIDE CITY):

Single or duplex family dwellings, per unit: and Mobile Homes, permanent location	\$ 5.00 per month
Individual apartments	3.65 per month
Motels with cooking facilities per unit, and trailer courts, per trailer	3.35 per month

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Hotels and Rooming Houses and Motels
without cooking facilities, per unit 1.00 per month

COMMERCIAL USER RATES (INSIDE CITY):

Commercial Users:

Minimum Charge	5.00 per month
Plus Water Use by Meter over 18,000 gallons	.2665 per 1000 gal.

DOMESTIC AND COMMERCIAL RATES (OUTSIDE CITY):

(One Hundred Ten Percent) times the rates charged inside the
City, including minimums.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this
23rd day of September, 1976.

s/ S. Eddie Pedersen

It was moved by Councilman Karst, seconded by Campbell, that this Resolution be adopted and passed and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

RESOLUTION (Resolution No. 1976-34)

A RESOLUTION ASSURING THE
ESTABLISHMENT OF A SPECIAL ACCOUNT
FOR USER FEES COLLECTED FROM
INDUSTRIAL USERS CONNECTED TO THE
WOODRUFF INTERCEPTOR AND ASSURING
DISBURSEMENT OF SUCH FUNDS
PURSUANT TO REGULATIONS OF E. P. A.

WHEREAS, the City of Idaho Falls has caused the Woodruff Avenue interceptor (a trunk sewer main) to be funded for construction in part by a grant from the Environmental Protection Agency of the Federal Government, and,

WHEREAS, part of the conditions of the grant include a provision requiring that any industrial user connecting to this interceptor must pay its proportionate share of the cost of the facility, and

WHEREAS, the City of Idaho Falls is charged with the responsibility of making collection of the aforesaid industrial share of cost and reimbursing the Federal Government for 50 percent of the amount collected.

NOW THEREFORE, BE IT RESOLVED:

SEPTEMBER 23, 1976

1. That at such time as any industrial user shall connect to this interceptor, the City of Idaho Falls, through the office of its City Treasurer will establish a separate account in accordance with acceptable accounting procedures and the provisions of 40 C.F.R. 35.928-2 to handle the collection and reimbursement.

2. That the City of Idaho Falls agrees to reimburse the Federal Government on an annual basis for fifty percent (50%) of the amount collected from such industrial users. Forty percent (40%) of such amount, together with interest earned thereon, shall be used solely for the costs of any future expansion, upgrading or reconstruction of the Treatment System eligible for E.P.A. assistance; and ten percent (10%) shall be used as the City of Idaho Falls sees fit.

IN WITNESS WHEREOF, the City of Idaho Falls has caused these presents to be executed by the Mayor, attested to by the City Clerk and approved as to legal form by the City Attorney.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 23rd day of September, 1976.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilman Karst, seconded by Campbell, that this resolution be adopted and passed and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1467

AN ORDINANCE NAMING THE STADIUM IN
HIGHLAND PARK; PROVIDING WHEN THE
ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Hovey, 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.

At the invitation of Councilman Erickson the City Clerk read aloud this letter of appreciation:

SEPTEMBER 23, 1976

Prof. Golfers Association
of America
September 18, 1976

Mr. A. Lee Mundell, Personnel Director
City of Idaho Falls, Idaho Falls, Idaho

Dear Mr. Mundell:

Wish to express my sincere gratitude to you and the City Council for allowing the Golf Professionals to hold their annual P.G.A. Golf Championship on such a fine golf course as Pinecrest in Idaho Falls.

Mr. Mike Renshaw, host professional, plus his staff were accommodating in every way.

Mr. Chuck Deming, greens keeper had the golf course in excellent condition. The tournament was a success and the facilities were adequate.

Thank you so very much.

Sincerely,
s/ Mike Ceriello

No Council action was considered necessary.

There being no further business, it was moved by Councilman Karst, seconded by Erickson, that the meeting adjourn at 10:00 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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