

JANUARY 8, 1976

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, January 8, 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 Ralph Wood, Gil Karst, Paul Hovey, Jim Freeman, and Mel Erickson. Absent: Councilman Norris Gesas. Also present: Roy C. Barnes, City Clerk, Arthur Smith, City Attorney, and all other available Division Heads.

Minutes of the last regular meeting, held December 18th, 1975, were read and approved.

The Mayor acknowledged Scout Troop No. 329 present in the Council Chambers, accompanied by their Scout Master, Mr. Earl Booth. It was learned that these young men were working toward their merit badges. The Mayor thanked them for their presence and their interest in local government.

The Mayor called Councilmen-elect Tom Campbell, Jim Freeman, and Gilbert Karst to stand before him at the Council table and proceeded to swear them in as Councilmen, after which they signed the oath of office and received certificates of election, bearing the signatures of the Mayor and City Clerk and the imprint of the City seal. These men then received a congratulatory handshake from all officials around the table and were assigned seats around said table by the Mayor.

The Mayor then called for nominations for President of the Council. Councilman Erickson nominated Councilman Jim Freeman and then moved that the nominations cease and that Freeman be elected by acclamation. This motion was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor made these Council Committee appointments, the No. 1 assignment, in each instance, signifying that, that Councilman was to serve as Chairman:

COUNCIL COMMITTEES

TOM CAMPBELL	1.	Building & Zoning
	2.	Electric
	2.	Public Works
MELVIN ERICKSON	1.	Police
	2.	Parks & Recreation
	2.	Building & Zoning
JIM FREEMAN	1.	Parks & Recreation
	2.	General Services
	2.	Fiscal (Finance & Personnel)
PAUL HOVEY	1.	Fire
	1.	General Services
	2.	Airport
GILBERT KARST	1.	Fiscal (Finance & Personnel)
	1.	Public Works
	2.	Police
RALPH WOOD	1.	Airport
	1.	Electric
	2.	Fire

JANUARY 8, 1976

The Mayor made note of certain other basic and important City functions that would be under the administrative auspices of certain existing committees, as follows:

Community Development	Fiscal
Golf Course, Cemetery, Zoo	Parks & Recreation
Library	General Services

Also, the BCOG function would fall under the administrative auspices of Councilman Wood as Chairman and Councilman Campbell.

Finally, the Mayor concluded his City Government organization by announcing that all Division Heads were reappointed.

The Mayor announced that this was the time and the place for re-convening a recessed portion of a public hearing conducted on December 18th, 1975, to hear protests and other comment relative to a proposed re-definition of the term HOSPITAL as it appears in the comprehensive zoning ordinance. The proposed re-definition would read as follows:

HOSPITAL – An institution providing health services, primarily for in-patients, and medical, surgical or custodial care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, pharmacies, training facilities, central service facilities, medical service facilities, and offices for hospital personnel and for physicians and surgeons who are members of the medical staff.

The Mayor asked the City Clerk to present and read aloud this letter:

247 Hartert Drive
Idaho Falls, Idaho

Mayor of Idaho Falls and City Councilmen
City of Idaho Falls

Gentlemen:

Once again an attempt is being made to lower the zoning requirements for the Community Hospital property. As a nearby property owner as well as a staff physician I protest this proposal.

As was pointed out at the last hearing of this proposed lowering of this zoning, previous requests to the City Council to allow clinics in this area have been repeatedly denied. These were made about eighteen years ago by the Medical Center for Women and Children and several years later by the Eye Clinic. On both of these occasions these requests were denied.

The only change since that time in this area has been the development of an RPA zone around two sides of this property.

JANUARY 8, 1976

Recently "The Post-Register" of Idaho Falls, has on several occasions, presented editorials pointing out the undesirable effects of the lowering of zoning requirements and the need for consistency if zoning is to be effective. In the Sunday, December 14, 1975 editorial column is found an editorial entitled "Citizens Are Heard" in which is pointed out the importance of citizens input in various situations. Although this article is concerned with a four-lane highway through the Wood River Valley to Ketchum I believe it is appropriate here in that it points out that the input of citizens is very important because "the ever bigger crowd" had desired this in the name of economic expansion of the valley.

I don't argue at all with the possible need to expand the hospital - as a hospital - in the future but believe that allowing a physician clinic to be developed either in the present hospital or by building a clinic nearby would block this expansion in the future should it become necessary.

I have been assured by a property owner on Sunnyside Road that property is available for a clinic there. This location is actually closer to Community Hospital than are some of the hospitals associated with the Mayo Clinic to that clinic.

I appreciate the opportunity that we do have in our community to express ourselves on such an important issue.

Sincerely,
s/ Ronald K. Lechelt

Mr. Doug Nelson, local attorney, appeared before the Council representing several doctors who objected to the proposed re-definition, particularly as it pertained to a hospital providing "offices for personnel and for physicians and surgeons who are members of the medical staff." Mr. Nelson also represented near-by residents to the Community Hospital, primarily within the Home Ranch Additions, who objected on the same grounds. Mr. Nelson first acknowledged Tom Campbell as a newly elected Councilman and congratulated him as a member of the City Administration. Nelson then reiterated, in brief, some historic dates in connection with the Community Hospital, formerly known as the Sacred Heart Hospital, to-wit: 1957 - the hospital was offered any reasonable amount of additional vacant land to the south for its future needs and the offer was declined by the Hospital directors; 1965 - the hospital grounds were re-zoned, in part, to R-1 and at that time a legal opinion was rendered by the City Attorney to the effect that expansion, under the code, would be permitted but not for purposes of establishing a medical clinic; 1974 - expansion of the parking lot was permitted and, at that time, plans were presented for eventual expansion of the hospital building.

Nelson continued by saying that, in view of all that, the affected near-by residents have every right to be skeptical of and to challenge the proposed change in definition that would allow doctors' offices and undoubtedly, in the event of building expansion, additional doctors' offices. He said if this change were permitted, all control would be lost, and affected citizens and the Council would then lose their right to review any and all plans for expansion and use. To illustrate, he said that, when the request was made for parking lot expansion and when building expansion was mentioned, the Council at that time, said there would be no building expansion without a review of the building expansion plan. Nelson said that this was the primary concern of those he represented. Under the revised definition, the hospital would only need to apply for a building permit which would be handled through the Building and Zoning Department and that those officials would only be

JANUARY 8, 1976

concerned about such important factors as aesthetics, environment, etc. Nelson touched upon the tax structure. He said doctors having their offices within the hospital do not carry their fair share of the tax burden and read this letter from Dr. Davis, dated July 11th, 1974, to substantiate this theory:

July 11, 1974

TO: The Idaho Falls City Council

As a practicing Idaho Falls physician, I wish to take this opportunity to enter my objection to the proposed construction of a medical clinic on the property of the Community Hospital. I do so for the following reasons:

(1) The need for this facility has not been accurately demonstrated. The report used by the hospital administrator to justify a need for the medical clinic refers to regional trade area as the population which must receive medical care by Idaho Falls physicians. In truth, the Idaho Falls medical community, with the exception of a few limited specialties, does not customarily service this large region. Nearly all surrounding counties and many communities have their own hospital and their own physicians. The population standard which the hospital administrator hypothecates is simply overstated.

(2) The importation of more out of state physicians closes the door to Idaho residents who wish to return and establish a medical practice in the area. I know personally of several young professionals who have voiced a desire to return but may not be able to if the market continues to be saturated by the proposed medical clinic.

(3) The expansion of the Community Hospital would also discriminate against the established medical practitioner. On at least three prior occasions the City has rejected medical clinics or rezoning attempts at the community hospital. In reliance on the belief that the City has and would continually uphold the quality residential zone near the Community Hospital and other areas in the City, many physicians have spent thousands of dollars purchasing commercial lands for clinics and have paid many dollars in property taxes. In contrast the present practitioners, and the proposed 35 new ones, are able to conduct their services in the heart of a high quality residential zone. Furthermore, the physicians at Community Hospital, although seemingly as productive as most other practitioners, are not required to share in the property tax burden of the County. How the hospital has been able to circumvent property taxes when it provides a profit making facility for the private practice of medicine is a mystery to those of us who support the County Treasury.

(4) I have yet to talk with a single physician, who is not presently subsidized by the Hospital who favors the proposed clinical expansion. On the contrary, it appears most oppose it. The Hospital administration has yet to seek the advice of the County Medical Association and to my knowledge, has forgone the customary route of approval from the State Health Services Association.

(5) The proposed medical clinic does not have the life-saving advantages asserted by its proponents. It is unlikely the thirty-five doctors who will staff this clinic will be present at the facility more than 8 or 9 hours daily, five days a week. the other 75% of the time, the regular emergency staff will be on the receiving end in critical situations. The possibility of having a person's own physician attend him in emergency situations would not be greater since in those cases which allow time for personal physicians to be summoned, a practitioner anywhere in the City could be at the Hospital within minutes. Furthermore, if a patient of a clinical practitioner were taken to the other hospital for an emergency the practitioner would be much farther from his patient than those physicians who have a more central location.

Respectfully submitted,
s/ Dr. J.D. Davis

Nelson said that, in his opinion, doctors' offices within the hospital are discriminatory to doctors who are not members of the hospital staff.

Mr. Gilbert St. Clair, attorney for the Community Hospital, appeared before the Council. He first read a recommended definition of a hospital and its permitted uses, from the American Hospital Association and noted that the proposed re-definition being considered this night was comparable. St. Clair refuted the argument presented this night that the hospital once rejected an offer for additional land for future expansion by saying, at that time, there was no need for same. The City was still small and the demands on the hospital were minimal comparatively speaking. With reference to the tax problem as earlier mentioned, St. Clair admitted that this may be a point of consideration and possible correction. St. Clair said the facilities as presently provided by the Community Hospital is common practice as evidenced by the Idaho Falls Hospital which has more doctor's offices and clinics within or around the hospital than does the Community Hospital. He said a hospital is such a basic and needed service that there should be within the zoning ordinance a special zoning category referred to as a "Hospital Zone". He said today's society makes heavy demands on the services of a hospital and more than minimal services are expected for such a facility to be completely functional;, even to the point that said services affect the future growing process of the entire community.

Maggie Tupper, 2680 Fieldstream Lane, appeared briefly and reminded the Council that the hospital governing body was asked by the council to present a master plan of expansion in 1974 and that, to her knowledge, said plan was still not available. She said that in her opinion, the action proposed this night should be deferred until such a plan is submitted. St. Clair answered by saying that the hospital's expansion plans are not yet that finalized and that a master plan, to his knowledge, would not be forthcoming within the foreseeable future. Councilman Erickson asked City Attorney Smith about the need for a conditional use permit, not only for a hospital, but for other public facilities such as schools and churches. Smith answered by saying that these types of facilities can be located in any zone but a conditional use permit must be issued and the Council may specify and place certain conditional uses on the building permit. He said the exchange was made in 1968.

JANUARY 8, 1976

Prior to that, the hospitals were construed as being a non-conforming use which prohibited any expansion. In answer to a question by Councilman Campbell as to why the conditional use permit could not be resorted to, rather than a change of definition, Smith said the definition was no longer applicable as it didn't provide for physicians on location. He said this needed to be spelled out in the definition. In answer to a second question by Campbell, Smith explained that, even in the event the definition is changed, a conditional use permit would still be needed and that future expansion might be subject to restrictions. Earlier in this meeting, an interested citizen asked, inasmuch as a hospital is permitted in any zone, what would prohibit a doctor, as an example, living in an R-1 residential area, from converting his home to a hospital. Asked for comment on this by Campbell, Smith said this would be lawful, providing that said residence, when converted met every qualification as a hospital. Councilman Hovey commented to the effect that this changed definition, in his opinion, broadened the use without loss of any restrictive power by the City. Smith answered in the affirmative. then, in answer to a question by Hovey, Smith said he could see nothing unlawful about an attorney's office being located within the hospital, providing his professional talent was directed and related directly to the hospital.

In answer to a question by Mr. Larry Larsen, 142 Hartert Drive, Smith said that, unless this definition is changed, it creates an embarrassing gray area whereby doctors with offices in the hospital could be in violation of the ordinance. Mr. Larsen said the nearby residents are convinced that the Community Hospital is in violation of the zoning ordinance because of the doctors' offices.

At the invitation of Councilman Erickson, Mr. Tom Harris, Idaho Falls Hospital Administrator, appeared before the Council. Mr. Harris said there is no precedent being set here in this City, on the contrary, for doctors and doctors' offices to be within or at least contiguous to a hospital, especially such technical doctors as neurologists, cardiologists, radiologists and pathologists. He said men in these fields are so specialized it is not conducive to a private practice.

Mr. Nelson replied by saying the people he represented did not object to specialists of this nature being located within the hospital but, rather, to general practitioners which this changed definition would permit. Nelson said his people were primarily concerned about the future possibility of an immense clinic. Nelson then submitted and read aloud an alternate definition to a hospital which would meet with the approval of his clients as follows:

HOSPITAL - An institution providing health services, primarily for in-patients, and medical, surgical or custodial care of the sick or injured, including such related facilities as laboratories, pharmacies, training facilities, central service facilities and medical service facilities all exclusively for patients of the hospital and offices for hospital personnel, necessary to the ordinary operation of the hospital.

Councilman Freeman registered apprehension toward this definition on the grounds that the City may not have the right to direct the hospital as to the specific type of professional tenant that would be housed within the hospital. The City Attorney concurred on the grounds of discrimination. Mr. St. Clair re-appeared briefly to remind the Council that the parking lot requirements in itself would prohibit mass expansion. In answer to a question by Councilman Campbell, Mr. Harris said Mr. Nelson's definition was as applicable as any he had heard this night but that neither that one nor the one proposed nor the one read by Mr.

JANUARY 8, 1976

St. Clair would be completely adequate in his opinion. Asked if he could provide a utopian definition for consideration, Mr. Harris answered in the negative.

Mr. Jim Forester, Community Hospital Administrator, appeared briefly to say that a changed definition should distinguish between in-patients and out-patients. Councilman Erickson commented to the effect that, in his opinion, judging from conversation that had taken place this night, it must be assumed that hospital personnel would include specialists such as the type previously illustrated. He said he, too, was concerned about the discrimination factor if the City were to attempt to dictate who might qualify as acceptable tenants for doctors' offices within the hospital. Councilman Hovey registered an opinion to the effect that perhaps what is needed is a concise definition of the term "staff". He said, speaking from a personal view-point, he didn't care whether or not his doctor had an office in the hospital unless he was a patient. He said it would be convenient and would perhaps give the patient a feeling of security to know that his doctor was located there, rather than in an office across town. On the other hand, continued Hovey, there are many doctors within the area that are not essential to the hospital nor visa versa. He said there is no good comparison, in his opinion, between a specialist and a general practitioner. He said that in view of this fine line it would appear that the City should not attempt nor otherwise feel a responsibility to determine the hospitals' office tenants. Mr. Harris reminded the Council that most specialists are not paid by the hospital. Instead, they maintain their own practice and, directly or indirectly, are paid by the patient. At this point, the City Attorney took a moment to differentiate between a clinic and a hospital. He said that the primary difference is the fact that the clinic has no facilities for providing board and room for the patient.

Mr. Nelson re-appeared briefly to say that one of the objections raised by the physicians he represented was the fact that a clinic must be located in an R-3A zone or lower and those physicians must expend their own funds to build and furnish said clinics; also, they are subject to property taxes on their operation, where as the doctors within the hospital avoid most of these problems. Mr. Harris said the doctors within his hospital are limited to and are referred to as staff doctors. Councilman Wood drew attention to the fact that, even if the Community Hospital were to submit as extensive expansion plan, the limited parking area would probably prohibit same. Hovey, for purposes of illustration likened the hospital to Rogers Brothers, and asked the City Attorney if the City could restrict their operation. Mr. Smith said the City could, by code enforcement, restrict them as to location, size of structure, etc., but once located, could not restrict them as to the number or type of worker within said structure.

Mr. Arth Ball, 129 Hartert Drive, appeared briefly and asked if the Community Hospital cannot materially expand because of limited parking, what then, was the purpose of this hearing. The City Attorney answered by saying that, until or unless, the definition of hospital was changed, there would always be a smoldering potential basis for a law suit.

In absence of further comment, it was moved by Councilman Wood, seconded by Erickson, that the revised definition of a hospital, as submitted this night, be approved and included in an amendatory ordinance, yet to be prepared. Roll call as follows: Ayes, 5; No, none; carried. Councilman Karst abstaining.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the Max L. Hammon re-zoning petition, as explained by this memo from the Building Administrator which was read aloud by the City Clerk:

JANUARY 8, 1976

City of Idaho Falls
January 8, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – PROPERTY LOCATED NORTH OF 1ST STREET &
SOUTH OF LOMAX EXTENSION, BETWEEN WABASH & FANNING
AVENUES

Attached is a copy of the rezoning petition for the above described metes and bounds property description. This request is for a zone change from R-3 to R-3A. This zone change would allow professional offices in addition to what is presently permitted.

The Planning Commission reviewed this request at their regular meeting in December. At that time, there were two protests received regarding the zoning change. The Planning Commission recommended approval of the rezoning.

This department recommends approval of the rezoning request and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Mr. Hammon was present in the Council Chambers. No protests were registered. It was moved by Councilman Wood, seconded by Erickson, that this rezoning from R-3 to R-3A be approved on the lands as described and the Building Official be directed to reflect said change of zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Mary Lou Marshall, President of the League of Women voters, appeared before the Council. She said that the League is dedicated to open and responsible government and, therefore, the organization she represented felt it their duty to protest the fact that, according to a recent Council approved policy relative to allocation of Community Development funds, Health, Social Services, and Senior Citizen's activities was limited to 8% of the total, vs 80% for public works. In answer to a question by Mrs. Marshall, Councilman Karst said no part of the amount allocated for public works would be for social services except in its broadest sense where certain public works projects might be construed as benefiting the entire community and, this, those who otherwise would qualify as recipients for social services. In answer to another question by Mrs. Marshall, Karst explained that the percentages, as outlined, were accepted as recommendations from the Citizen's Advisory Committee and in accordance to the need, in the judgment of the City Council. Mrs. Marshall replied by saying that, in the opinion of the League, the right people weren't heard. She illustrated by drawing attention to a public hearing last November, conducted by the Citizens Advisory Committee, at which time eleven citizens appeared before said committee, ten of which were urging support for social services. She said the people of the community are not being heard or heeded. Asked what sector of social services, in her opinion, were being overlooked or neglected, Mrs. Marshall said that, particularly, the Senior Citizens need more attention because in no way can they help themselves. The Mayor reminded Mrs. Marshall that there are 70 special agencies involved.

Mrs. Marshall continued by saying that the Council should more clearly define public works with the end objective of making it less broad in favor of special services. Karst contended that the definition, in its broadest sense, was clear. Mrs. Marshall disagreed. She said it read very restrictive. Karst said close analysis will reveal some latitude. Mrs. Marshall then registered concern because, in her opinion, the Committee's recommendations were not followed. Karst replied by saying their function was advisory only and their recommendations were used as guidelines. He stressed the fact that, in the final analysis those who appoint the Committee, namely the Mayor with Council confirmation, are the ones that must shoulder the responsibility. He said the Committee first asked for policy and guidelines and their recommendations were based upon said guidelines.

Mrs. Marshall then commented to the effect that the emphasis was wrong. She said Community Development funds should be applied, largely on people and people services rather than other material things such as projects. Councilman Campbell interjected an opinion at this point by saying that, in his opinion, such public works projects as water and sewer lines are social services, inasmuch as they benefit the people.

Mrs. Judie Lussie, another member of the League of Women voters, appeared briefly to say that the previously mentioned statement of policy, should have concentrated more on guidance and less on quotas.

Karst attempted to stress the fact that the Council had to be very careful not to expend Community Development funds on reoccurring expenditures. He said if this were done, it would be very embarrassing when this type of funds were no longer forthcoming and by precedent, those obligations continued. Mrs. Marshall said such a problem could be faced when it arose. Councilman Freeman said there was every reason to believe that such funds could not be counted on as a permanent source of income, explaining that the City of Idaho Falls received them in the first place only because of its proven history of aggressiveness toward community development. He said when said funds were cut off, and if they had been used in the past to a large degree to create and establish benefits for social services, it would be expected that said benefits would continue when C.D. funds ceased and the City would then be forced to substantially increase tax levies to provide those equivalent funds. Councilman Hovey noted that material improvements, such as public works projects, are a prime obligation of the City where as other governmental agencies also contribute funds to social services. In the absence of further comment on this issue, the Mayor thanked the League of Women voters for their interest in this regard.

So that monthly bills and other essential expenditures might legally be paid prior to passage of the annual appropriation ordinance, Councilman Karst introduced this ordinance:

INTERIM APPROPRIATION ORDINANCE NO. 1442

AN INTERIM ORDINANCE APPROPRIATING SUFFICIENT FUNDS FOR PAYMENT OF EXPENSES AND SALARIES BY THE CITY OF IDAHO FALLS, IDAHO DURING THE 1976 FISCAL YEAR PRIOR TO THE PASSAGE AND APPROVAL OF THE ANNUAL APPROPRIATION ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Karst, seconded by Freeman, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as

JANUARY 8, 1976

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.

Bills for the month of December, 1975, having been properly audited by the Fiscal Committee, were presented. The City Clerk read aloud all fund totals for salaries, materials and services, as follows:

FUND	SERVICES AND MATERIALS	GROSS PAYROLL	TOTAL EXPENDITURE
General Fund	\$344,688.39	\$271,690.10	\$616,378.49
Street Fund	22,768.63	20,005.96	42,774.59
Airport Fund	10,725.59	5,848.42	16,574.01
Water and Sewer Fund	147,758.36	31,728.51	179,486.87
Electric Fund	292,959.84	49,904.60	342,864.44
Recreation Fund	9,497.48	2,829.28	12,326.76
Municipal Capitalization Fund	82,800.00	.00	82,800.00
General Library	2,490.93	11,465.41	13,956.34
Regular Library	165.43	779.20	944.63
Revenue Sharing	57,370.40	.00	57,370.40
Community Development	<u>23,222.71</u>	<u>553.76</u>	<u>23,776.47</u>
<u>TOTALS</u>	<u>\$994,447.76</u>	<u>\$394,805.24</u>	<u>\$1,389,253.00</u>

LIBRARY CONSTRUCTION EXPENDITURES
BONDS AUTHORIZED
\$2,677,000.00

<u>DATE</u>	<u>COMPANY</u>	<u>DETAIL</u>	<u>EXPENDITURES TO DATE</u>
1/14/75	I.F. Redevelopment Commission-Land	500.00	
3/14/75	Post Register - Bond Advertisement	147.00	
4/14/75	Post Register - Lib Gen Obligation Bonds	152.46	
4/16/75	I.F. Redevelopment Commission-Land	256,976.30	
4/16/75	Hoyt Galvin & Asso. - Consulting Fee	1,598.12	
	Year To Date - April 30, 1975		259,374.28
May		-0-	
June		-0-	
July		-0-	
August		-0-	259,374.28
September	City of Idaho Falls, General Fund	799.86	
	Hoyt Galvin & Asso. - Consulting Fee	1,001.34	261,175.48
October		-0-	
11/7-75	Mitchell Construction Company	57,596.86	
11/17/75	Idaho First National Bank - Boise	13,385.00	
11/25/75	Mitchell Construction Company	55,090.64	387,247.98
December		-0-	387,247.98

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Freeman, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of December, 1975, and, there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Wealth of Health, Grand Central; RESTAURANT, Dean's Prairie Dogs, Aunt Fanny's (2), Runnings of Idaho Falls, Chicken Broaster, Saga Food Services; FOUNTAIN, Don Wilson (2); ELECTRICAL CONTRACTOR, Electrical Services, Inc. Arthur Pugh Electric, Century Electric, C.P. Jeppesen & Son Electric, A. L. Brown Electric, Electrical Contracting Falls Electric, Inc., Grant Gallup Electric, Electrical Enterprises, LOC Electric; JOURNEYMAN ELECTRICIAN G.C. BIRD, Arthur Pugh, Jr., David Norris, Glayde Hill, Curtis Jeppesen, Vinnie Tryhe, A. L. Brown, Grant Carlson, Randall Wheeler, Dean Jacobson, Rue Stears, Leroy Hale, D.H. Fannesbeck, E. Milton Freeman, James Kandel, T. Grant Gallup, Robert Oyler, Harold Christensen; APPRENTICE ELECTRICIAN, Neal Scott, Pedar Jeppesen, Rick Williams, Robert James, Phil Oakes, Wayne Munson, Paul Eater; MASTER PLUMBER, Darwin Mathews for Mathews Plumbing & Heating, Darrel W. Olsen with Ammon Plumbing & Heating Services, Max A. Groom with Modern Plumbing & Heating, Lew Thompson with Lew Thompson Plumbing, Bill Wheeler with Greene Plumbing & Heating, Robert Hill with Hill's Plumbing, Vern Saxton with Vern Saxton Plumbing; JOURNEYMAN PLUMBER, Gene Mathews, Darwin Mathews, Darrel Olsen, Rex Rolfe, Max Groom, Lewis Thompson, Vern Saxton, Vern Hutchens, Daniel Lewis, Robert Hill; APPRENTICE PLUMBER, Dale Huntsman with Mathews Plumbing & Heating, Inc., Blaine Briggs with Mathews Plumbing & Heating, Kent Rolfe with Modern Plumbing & Heating, Randy Madsen with Modern Plumbing & Heating, Randy Rolfe with Modern Plumbing & Heating; CLASS B CONTRACTOR, REFRIGERATION, WARM AIR, GAS FITTING, Lyman Taylor with Taylor's Aire Service; CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Warren Butler; CLASS C CONTRACTOR, WET HEAT, AND WARM AIR, Max Groom; CLASS D CONTRACTOR, REFRIGERATION, Dick Scott with Koldaire, D.H. Fannesbeck with Falls Electric; CLASS B JOURNEYMAN, GAS FITTING, Lyman Taylor; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Vern Hutchens; CLASS C JOURNEYMAN, GAS FITTING & WET HEAT, Daniel Lewis; CLASS D JOURNEYMAN, WARM AIR, Rex Onan, CLASS D JOURNEYMAN, GAS FITTING, Paul Ostler, Robert Schriener; CLASS D JOURNEYMAN, REFRIGERATION, Gene Mark, Myron Beeson, Martel Smith, Don Campbell, Paul Sloan, Darrell Smith; CLASS D APPRENTICE, GAS FITTING, Blair Nave with Paul's Natural Gas Service, Marks Ostler with Paul's Natural Gas Service, Gary Ostler with Paul's Natural Gas Service; TAXI CAB PERMIT, Larry Wallace for Star Cab; JUNK DEALER, Bill McCarty; MOTEL, Elmo Warren (5 units), SECOND HAND STORE, Ellis H. Sprinkle; PHOTOGRAPHERS, P. K. McKenzie for Chronalloy Photographic Industries, Inc.; TAXI CAB OPERATORS, Don Fouts, Clifford Ray Ryner, Larry Wallace, James I. Roland, Darrel L. Jensen, Sheldon E. Poole, Merlin W. Nelson, Donald Bateman, Johnny Storer, Tony Richard Stafford, Michael Stearnes, Steven Kent Jones, William Edward Eichler; BARTENDER, Brent Meservy, Richard Calhoun, William Paul Kelley, Ronald G. Bagshaw, Pamela Rieves, Loretta Roberts, Jon V. Jones, Donald A. Spitz, Richard Allen Bowen, JoAnn Divine; BEER (CANNED, BOTTLED, AND DRAUGHT TO BE CONSUMED ON THE PREMISES), Jolene Beck for The Innersection, George A. Head for George's Bar, LIQUOR, Ralph K. Ingram, James Ingelstrom, Merrill Ingelstrom dba Ford's Bar, G. J. Harmon dba Chariott II, S. C. Montague dba Starlite Lounge,, William Paul Kelly dba Ponderosa Inn, Roderick Fisher dba Burnt Offering, Sheila Bowman dba Hal's Half Acre, Stanley Linkowsky dba Page One Restaurant and Lounge, were presented. It was moved by Councilman Erickson, seconded by Freeman,

JANUARY 8, 1976

that these licenses be granted, subject to the approval of the appropriate Division Director, were required. Roll call as follows: Ayes, 6; No, None; carried.

From the Public Works Director came this memo:

City of Idaho Falls

January 6, 1976

ATTENTION: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AWARD OF CONTRACT – RUSSET NOISE PARK

Bids were received on December 23, 1975 for construction of the Motorcycle and Snowmobile Racing Oval at the Russet Noise Park from the following bidders:

Bateman Brothers	\$45,150.00
United Constructors	\$87,895.00
R. V. Burggraf	\$52,570.00
Grover Construction	\$77,725.00
H-K Contractors	\$63,680.00
K-G Excavating	\$65,482.50

We recommend award of contract to the Bateman Brothers Excavating Company of Shelley, Idaho in the amount of \$45,150.00.

Respectfully submitted,
s/ Don

It is explained that, in the interests of time, the Council had previously, at an informal meeting, awarded a contract to Bateman Bros. Excavating for this Russet Noise Park development project. It was moved by Councilman Karst, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Another matter requiring Council ratification was introduced by this memo from the Electrical Engineer:

City of Idaho Falls

January 5, 1976

TO: Mayor and City Council
FROM: G. S. Harrison
SUBJECT: BID #IF-75-30

Request is made for ratification of previous informal Council action regarding award of bid for purchase of steel transmission poles.

The low bid of \$392,729.00 was for 54 poles and went to Roger Strong Associates of Salt Lake City, Utah.

s/ G. S. Harrison

JANUARY 8, 1976

It was moved by Councilman Erickson, seconded by Wood, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

These damage claims were presented by the City Clerk:

Dear Sirs:

I would like compensation for a tire, wheel & rim, that was damaged by the City's negligence, while I was traveling down Broadway Street. I called the police when the incident occurred, according to a witness the City had been informed previously by a State Policeman that the chuck hole existed. In that the City failed to repair the hole reasonably and allowed a known hazard to exist, I cite the City of Idaho Falls for negligence and wish compensation for damages caused by the City.

s/ H. Vahn Weldon
235 N.W. Bonneville

Robert J. Fanning
December 31, 1975

City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Dear Sirs:

Notice is hereby given that Alma Hearn fell on slick ice in the alley way between Broadway and A Street on September 13, 1975, at approximately the hour of 3:00 p.m. of said date. Mrs. Hearn suffered a broken arm, and has had her arm in a cast since that date and the arm will be in a cast for approximately another four (4) weeks.

Demand is hereby made on the City of Idaho Falls for the sum of \$3,500.00 for injuries to her arm and for the sum of \$3,500.00 for injuries to her arm and for her pain and suffering and inconvenience suffered by the fall. It is obvious that this accident was due to the negligence of the City in not keeping the alley way free from ice and snow.

Very truly yours,
s/ Robert J. Fanning

It was explained that, in the interests of time, these had previously been forwarded to the City Insurance Carrier without formal Council approval. It was moved by Councilman Freeman, seconded by Karst, that these actions be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented two City redemption tax deeds in favor of Floyd C. and L. Virginia Jones and Leon Radford, accompanied by these resolutions:

JANUARY 8, 1976

R E S O L U T I O N (Resolution No. 1976-01)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 23rd of January, 1969, recorded as Instrument No. 393302 records of Bonneville County, Idaho acquire title to and possession of the following described real property, within Local Improvement District No. 35, to-wit:

In the South Bel Aire #2 Addition to the City of Idaho Falls, County of Bonneville, Lots 63 of Block 7, per the recorded plat thereof.

WHEREAS, L. VIRGINIA OR FLOYD C. JONES 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 FLOYD C. JONES OR VIRGINIA JONES, a deed to said property, pursuant to the provision of Section 50-2951 Idaho Code.

PASSED BY THE COUNCIL this 8th day of January, 1976.

APPROVED BY THE MAYOR this 8th day of January, 1976.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

R E S O L U T I O N (Resolution No. 1976-02)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 23rd day of January, 1969, recorded as Instrument No. 393301 records of Bonneville County, Idaho acquire title to and possession of the following described real property, within Local Improvement District No. 35, to-wit:

In the South Bel Aire #1 Addition to the City of Idaho Falls, County of Bonneville, Lots 5, of Block 5 per the recorded plat thereof.

WHEREAS, LEON RADFORD 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:

JANUARY 8, 1976

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

PASSED BY THE COUNCIL this 8th day of January, 1976.

APPROVED BY THE MAYOR this 8th day of January, 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.

From the Treasurer came this memo:

City of Idaho Falls
January 6, 1976

TO: Mayor and City Council
FROM: Lorna Coughlin

It is now time to act on the decision for Jack Hurley's assessment in LID No. 36. His land was in the Omitted Lands and he has not paid the assessments because of this. I have a letter from the City Attorney advising that it may be your wish to accept payment without the delinquent accrued interest at this time. I would appreciate Council action and direction as to what must be collected.

Mr. Frank Keefer property is also in the "Omitted Lands" and he has held up his payments in LID No. 27 and 36 until ownership was declared. Now he wants to pay off his assessments. If the City wants to waive the accrued interest on Mr. Hurley's property would they also make the same offer to Mr. Keefer? He had talked to the Mayor and myself regarding this and was told he would have to settle when the Court Decision was made.

I also have a note from Mr. Karst regarding the Lawrence Fager assessment in LID No. 44, in which he recommends that the City waive the penalty, certificate fee and delinquent accrued interest on the assessment. This is with the understanding that he pay the balance of the assessment and regular interest as it is set up on the books. He recommends this due to a transaction some years ago by Mr. Fager and an ex-City Official. I would appreciate Council action and direction on this matter also.

s/ Lorna

JANUARY 8, 1976

With reference to the Hurley and Keefer assessments, the City Attorney explained that the Court has ruled that the owners had legal ownership of these omitted lands at all times and that the City, therefore, had the right to assess. It was moved by Councilman Karst, seconded by Hovey, that, in both instances, no waiving of assessments, interest or delinquent accrued interest be permitted. Roll call as follows: Ayes, 6; No, none; carried. With reference to Lawrence Fager, it was moved by Councilman Karst, seconded by Freeman, that penalty and interest on the delinquent assessment as indicated, be waived. Roll call as follows: Ayes, 6; No, none; carried.

From the Controller came this memo:

City of Idaho Falls
January 8, 1976

TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, Controller
SUBJECT: ROBBERY AND BURGLARY COVERAGE

Requesting your approval to advertise for bid the robbery and burglary coverage on City money and securities.

s/ John D. Evans

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted to advertise for bids on the insurance coverage as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
January 8, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: CIVIC AUDITORIUM RENTAL AGREEMENT

The General Services Division respectfully requests approval of the Civic Auditorium Agreement as per attached copy. This Agreement has met with the approval of the Civic Auditorium Coordinating Committee and the City Attorney. This Agreement is a revision of the previous form, attempting to provide a "Hold Harmless" clause and establish a more definite understanding with Civic Auditorium Lessee.

s/ Chad Stanger

Attached to the foregoing memo was a revised Civic Auditorium Rental Agreement form with a provision contained within said Agreement that would hold the City harmless when outside groups rent the Civic Auditorium. It was moved by Councilman Erickson, seconded by Hovey, that this revised Agreement be approved for use between the City and future lessees. Roll call as follows: Ayes, 6; No, none; carried.

The Public Works Director presented this memo through the City Clerk:

JANUARY 8, 1976

City of Idaho Falls
January 8, 1976

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SUPPLEMENTAL ENGINEERING AGREEMENT NO. 3

We are submitting herewith four copies of Supplemental Engineering Agreement No. 3. with Stevens, Thompson and Runyan, Inc., consultants for the Anderson-Lewisville Project. Although there remain areas of dispute, this agreement deals with those items on which all parties are in agreement. We are recommending that the Mayor be authorized to sign City's approval.

s/ Don

It was moved by Councilman Karst, seconded by Campbell, that this Supplemental Engineering Agreement be accepted and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1443

AN ORDINANCE REPEALING ORDINANCE NO. 1439; ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (Rose Neilsen Add., Division #7)

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.

Councilman Karst introduced Ordinance No. 1444 entitled:

ORDINANCE NO. 1444

"AN ORDINANCE CONCERNING COSTS AND EXPENSE OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS, CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 49 FOR IDAHO FALLS, IDAHO, FOR STREET AND ALLEY IMPROVEMENTS, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COSTS AND EXPENSE OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS AND PARCELS OF

JANUARY 8, 1976

LAND IN SAID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT”.

He moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Freeman and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Hovey, seconded by Councilman Wood, that the ordinance pass its third reading and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote it was unanimously carried, the vote being as follows: Councilman Campbell, Councilman Erickson, Councilman Freeman, Councilman Karst, Councilman Hovey, and Councilman Wood.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 10:55 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor
