The City Council of the City of Idaho Falls met in regular meeting, Thursday, December 18th, 1975, 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, and Mel Erickson. Absent: Councilmen Norris Gesas and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other Division Heads.

Minutes of the last regular meeting, held December 4th, 1975, were read and approved.

The Mayor noted that there were five retiring City employees present in the Council chambers as follows: Ernst Zwygart, Airport; Battalion Chief Bill Donnelly and Fire Inspector Weldon Lloyd, Fire Department; Jim Ford, City Garage; George Veach, Building Maintenance. Separately, the Mayor asked Director of Aviation Hill to escort Mr. Zwygart to the Council table; Fire Chief Corcoran, escorting Messers. Donnelly and Lloyd; General Services Director Stanger, escorting Messrs. Ford and Veach. In each instance, the Mayor commended these men for their years of dedicated service in their respective fields as a City employee and wished them well during their years of retirement. They were then presented with an inscribed billfold as a token of appreciation after which they received a congratulatory handshake from all City officials around the Council table.

Mr. Roland Beazer, 990 Jefferson Avenue, appeared before the Council and presented this written statement:

> When the Federal Government in the late 1960's laid claim to lands along the Snake River that had been omitted in an earlier survey, it was a bombshell to many citizens of Idaho Falls who owned lots in the affected area. This was a diabolical action on the part of the Department of Interior. To lay claim after all these years to land that was worth pennies per acre when the survey was made, now almost one hundred years later when some of it was worth thousands of dollars per acre.
>
> My sense of justice was aroused to the extent that I wrote several letters to the editor of the Idaho Falls Post Register and sent copies to our Senators in Washington and when Senator Church's bill designed to correct the evil was being considered by the Senate Committee, I gathered abstracts of title, deeds, tax receipts and other evidence from the people this affected showing that this area had been treated as private property for over twenty five years. This evidence was sent to the committee by a local attorney. The City of St. Anthony which was in a similar situation, sent delegates to Washington to meet with the committee but the City of Idaho Falls was strongly silent. In fact, the legal department seemed to view the situation from two widely different angles. The lots the State Highway Department tore into to make the approach to the freeway were definitely government property and thus the State could use them. But on the other hand, lots not thus used were private property and people would still keep paying for a city map line that served them. For non payment the City made itself tax deeds to them. Then on February 20, 1974, the City Attorney's office instigated quiet title proceedings on these lots and others in district court. In the deposition to this court all BLM or Dept. of Idaho former owners were listed as defendants but the Federal Government was nowhere mentioned. Now the City's attorney and the other City officials who signed that document knew that at that time the Federal Government's claim to those lots was just as legal as it was when the State Highway took the other lots in the same situation, yet in paragraph nine of this claim to the court it states the plaintiff "ie the City of Idaho Falls is the owner and in possession of the property above described."
>
> In February, 1975, the Federal government relinquished their claims to the omitted lands. It wasn't widely published however and the first most people knew of it was when the State Highway Department began paying the previous owners for the lots it had taken.
>
> The City attorney knew of it however and began selling the lots the City had taken just as illegally.
>
> I asked the City Treasurer if they were sold at auction and she replied that as of last year, LID lots didn't have to be sold at auction. Now since the Federal Government has backed up in this thing and the State is covering its tracks. I am asking the City to restore the lots it has taken to the rightful owners then it can start counting delinquency on its LID's from February 1975. The first date in 9 years that they the people really owned them.

> The City's position is indefeasible and clearly a violation of the Fifth Article of the U. S. Constitution and if justice is not done in this matter I will continue in my efforts to prove it.

Asked for comment, City Attorney Smith said that there are certain procedures that must be followed under the LID law and that, whenever an LID is created, the City, through its legal department, follows that law to the letter. Smith reminded the Council that, even after a property is tax deeded to the City for default of assessment payment, the former owner has the right to reclaim said property by payment of back assessments, interest and penalties after which he receives a City Redemption Tax Deed. However, Councilman Erickson felt Mr. Beazer was entitled to the courtesy of a reply. Therefore, it was moved by Councilman Erickson, seconded by Wood, that this matter be referred to the Fiscal Committee for study and that a written report of said study be submitted to Mr. Beazer. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider certain proposed house-keeping amendments to the Zoning Ordinance. First to be considered was an amendment in Article II, definitions, which would change the definition of "Hospital" to read as follows:

> HOSPITAL – An institution providing health services, primarily for inpatients, 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 services facilities, and offices for hospital personnel and for physicians and surgeons who are members of the medical staff.

Recognizing the fact that there were certain citizens who wished to protest or otherwise be heard on this proposed amendment, particularly residents within the Home Ranch Addition, and recognizing further that these citizens were unable to attend this hearing due to a conflict of interest, it was moved by Councilman Wood, seconded by Erickson, that this portion of the hearing be recessed until January 8th, 1976. Roll call as follows: Ayes, 4; No, none; carried. Next to be considered were certain amendments having to do with design criteria for off-street parking, covered in three different sections of the Code, as follows:

> Amending Section 4-23-I, supplementary regulations of said code by providing that employee parking spaces, when so signed be so designated, may be eight and one half (8 ½) feet in width and nineteen (19) feet in length.
>
> Amending Section 4-23-K-1, supplementary regulations of said code, by providing that parking facilities be so designated that forward travel to and from such facilities on a dedicated street or alley be afforded in all cases except single family residential.
>
> Amending Section 4-23-L, supplementary regulations of said code, by providing that design for traffic circulation within a parking area shall afford compliance with the following requirements:
>
> 30° parking – 13 feet 45° parking – 15 feet
> 60° parking – 18 feet 90° parking – 24 feet

Inasmuch as these were all related, they were reviewed jointly. There were none who appeared to protest these proposed amendments. It was moved by Councilman Wood, seconded by Erickson, that these amendments be approved and be included for adoption in an amendatory ordinance, yet to be prepared. Roll call as follows: Ayes, 4; No, none; carried.

There were two proposed amendments having to do with changing the fee for filing a rezoning petition or applying for a conditional use permit, as follows:

> Amending Section 3-2B of said code by providing that any person filing a petition seeking to amend said code or to amend the zoning map shall pay a fee of twenty-five dollars ($25.00) to the City of Idaho Falls at the time of filing.

> Amending Section 5-9-B of said code by providing that all applications to the Building Official seeking a conditional use permit shall be accompanied by the payment of a fee of twenty-five dollars ($25.00).

There were no protests registered. It was moved by Councilman Wood, seconded by Erickson, that these amendments be approved and be included in an amendatory ordinance, yet to be prepared. Roll call as follows: Ayes, 4; No, none; carried.

Finally, several sections of the code were considered for amendment which would give the Planning Commission, rather than the Board of Adjustment, the power and authority to authorize the granting of conditional use permits for crematories, cemeteries, mausoleums, columbarium', mortuaries and funeral homes as follows:

> Amending Sections 5-8-G, 5-8-H-3-(i), 5-9-A-1, 4-26-J, and 4-26-G of said code to provide that the Planning Commission and not the Board of Adjustment, shall have the power and authority to authorize the granting of conditional use permits for crematories, cemeteries, mausoleums, mortuaries, columbarium, and funeral homes.

None appeared for purposed of protesting the amendment of these various sections of the code to provide for this change as indicated. It was moved by Councilman Wood, seconded by Erickson, that these amendments be approved and be included in an amendatory ordinance, yet to be prepared. Roll call as follows: Ayes, 4; No, none; carried.

License applications for GROCERY STORE, Reed's Mini Market, Highland I.G.A. Market, Earl's, Northgate Saving Center, Midget Market; RESTAURANT, Ponderosa Inn of Idaho Falls, Scotty's Drive-In, Skyline Lanes Café & Lounge, Page One Restaurant & Lounge; MOTEL, Riverview Motel, Ponderosa Inn of Idaho Falls; DANCE HALL, Hub Bar, Ponderosa Inn of Idaho Falls, Bon Villa Club, Stockman's; MASTER PLUMBER, Harold Bates, F. L. Pendleton, Jack Hill, Scott Bair; JOURNEYMAN PLUMBER, F. L. Pendleton, Harold Bates, Larry R. Bates, D. L. Davis, Jack L. Hill, Leslie Spear; CLASS C CONTRACTOR, WET HEAT, GAS FITTING, WARM AIR HEATING, Jack Hill; CLASS B JOURNEYMAN, GAS FITTING, WET HEAT, WARM AIR HEATING, Jack L. Hill; CLASS C CONTRACTORS, GAS FITTING & WET HEAT, F. L. Pendleton, Bradley Boiler Co.; CLASS C JOURNEYMAN, GAS FITTING, WET HEAT, F. L. Pendleton, Adrian DeKramer; CLASS C JOURNEYMAN, GAS FITTING, REFRIGERATION, Leslie Spear; CLASS D CONTRACTOR, REFRIGERATION, William Johnson; CLASS D CONTRACTOR, GAS FITTING, Jay Rawley; CLASS D JOURNEYMAN, GAS FITTING, Jay Rawley, D. L. Davis; CLASS D JOURNEYMAN, REFRIGERATION, Vaughn Johnson; ELECTRICAL CONTRACTOR, Rod Dockstader, R & R Electric, Heber Hadlock, Riv-Eon Electric Sign Co., Don L. Scarlet, Johnson Controls; JOURNEYMAN ELECTRICIAN, Heber Hadlock, Don Scarlet, Max Storer, Kay Thurman, Boyd Emery, Ariel Hill, Wayne Harris, Rocky Shore, Rod Dockstader; APPRENTICE ELECTRICIAN, Jack Jones, Roger Dye, Bob Sager, John D. Bull, John K. Bull, Allen Landon, Robert Baird; NON-COMMERCIAL KENNEL, Justine M. Smith; TAXI CAB PERMIT, Norris Hendrickson, Donald Bateman; TAXI CAB DRIVER, David Marler; BARTENDER, Daniel Parker, Jay Harman, Fremont Jess Ellis; BEER, CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES, Highland I.G.A. Market, Yellowstone Texaco, Midget Market, Northgate Saving Center, Earls, Westland Distributing, Reed's Mini Market, Harvey's Store; BEER, CANNED, BOTTLED AND DRAUGHT, TO BE CONSUMED ON THE PREMISES, Ponderosa Inn, Stockman's Bar, Ray's Western Bar, Hal's Half Acre, Hub Bar, Chariot II, Page One Restaurant & Lounge, Dog House, Skyline Lanes Café & Lounge; LIQUOR, Sandpiper, Eagles Lodge, Westbank Coffee Shop, Stardust Restaurant and Lounge, Russet Bar & Café, Samoa Club, Broadway Café and Lounge, LeBaron's Coffee Shop and Lounge, Benevolent & Protective Order of Elks Lodge, Bon Villa Club, Grand Hotel, Golden Crown Lounge; BARTENDER, Dorothy Lehman, J. W. Banks, John M. Ransom, Leonard Mitchell, Arthur Hammer were presented. It was moved by Councilman Karst, seconded by Erickson, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 4; No, none; carried.

Presented by the City Clerk was an application for a cab driver's license in favor of James Martineau, Sr., carrying with it a recommendation from the Police Chief that the license not be granted. It was moved by Councilman Karst, seconded by Erickson, that the recommendation be upheld and this license be denied. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk presented a City redemption tax deed in favor of George Earl Brunt, accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1975-60)

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 3rd day of May, 1965, recorded as Instrument No. 347419 records of Bonneville County, Idaho, acquire title to and possession of the following described real property, within Local Improvement District No. 27, to-wit:

In the Highland Park Addition to the City of Idaho Falls, County of Bonneville, Lots 25-40, inclusive, of Block 38 per the recorded plat thereof.

WHEREAS, GEORGE EARL BRUNT, 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 GEORGE EARL BRUNT a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 18th day of December, 1975.

APPROVED BY THE MAYOR this 18th day of December, 1975.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Karst, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 4; No, none; carried.

It was drawn to the attention of the Council by the City Clerk that there is need to schedule a public hearing to consider a re-zoning request. It was moved by Councilman Wood, seconded by Erickson, that said hearing be scheduled for January 8th, 1976, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 4; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: POLICE PATROL SEDANS

The General Services Division respectfully requests permission to advertise for bids for the purchase of Police Patrol Sedans for the budget year 1976.

Thank you,
s/ Chad Stanger

It was explained that advertisement for bids on these vehicles is necessary at this time because time must be allowed for delivery. It was moved by Councilman Erickson, seconded by Hovey, that authorization be granted to advertise for bids as indicated. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: SANITATION TRUCKS

The General Services Division respectfully requests permission to advertise for bids for the purchase of Sanitation trucks for the budget year 1976.

Thank you,
s/ Chad Stanger

Councilman Erickson explained that, similarly, it is necessary to advertise for this equipment at this time because of an anticipated delay in delivery. It was moved by Councilman Erickson, seconded by Hovey, that advertisement for bids on this equipment, as indicated, be approved. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the General Services Director was then considered:

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID NO. IF-75-28

It is the recommendation of the General Services and Finance Divisions that the City Council accept the bid of International Business Machines Corporation for upgrading the current System/3 Model 10 Computer at $17,660.00.

Thank you!
Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that the bid of International Business Machines be accepted for the equipment as described. Roll call as follows: Ayes, 4; No, none; carried.

Also, by memo, the General Services Director recommended that the low bid of Ray Groth Oil Company be accepted for gasoline, diesel fuel and heating oil. It was moved by Councilman Erickson, seconded by Hovey, that this recommendation be upheld and the low bid be accepted from the vendor and for the products as indicated. Roll call as follows: Ayes, 4; No, none; carried.

The same memo carried a recommendation that all proposals received for motor oil be rejected. It was moved by Councilman Erickson, seconded by Hovey, that all proposals for motor oil be rejected and the General Services Director be authorized to re-advertise. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID NO. IF-75-31

It is the recommendation of the General Services and Electrical Divisions that the City Council accept the low bid of Arnold Machinery Company for furnishing a materials handling crane at $27,275.00 for the Electrical warehouse.

Thank you!
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that Arnold Machinery Company be awarded the low bid in the amount of $27,275.00 for a hydraulic handling crane for the Electrical warehouse. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-75-14

It is the recommendation of the General Services and Finance Divisions that the City Council reject the bids for additional core storage for EDP System and the General Services be authorized to re-advertise for this core storage.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that all bids received for additional core storage for the EDP system be rejected and that authorization be granted to re-advertise. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
December 18, 1975

TO: Mayor and Council
FROM: Donald F. Lloyd
SUBJECT: ANDERSON-LEWISVILLE

We are herewith submitting resolutions and cooperative agreement with the Department of Transportation for the construction of the Anderson Lewisville project. The Public Works Committee and the City Attorney have reviewed these documents in detail and are recommending that the Mayor and City Clerk be authorized to sign the City's approval and further we are recommending that the City Controller be authorized to issue warrants for the City's share of the estimated construction costs.

s/ Don

The foregoing memo served to introduce two cooperative agreements between the City and the State of Idaho Transportation Department for the construction of the Anderson-Lewisville Project, accompanied by these resolutions:

R E S O L U T I O N (Resolution No. 1975-61)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of Anderson Street between Yellowstone Avenue and Boulevard Avenue, excepting the intersection at Lewisville Road on 0.777 miles of F. A. Urban System, under Federal Aid Project M-7046 (001); and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance made to the Federal Aid Highway System when there is Federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Cooperative Agreement; and

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and

WHEREAS, the City is fully responsible for all project costs; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal Participation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal Aid Highway Project M-7046(001) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City.
3. That duly certified copies of the resolution shall be furnished the Idaho Transportation Department, Division of Highways.

R E S O L U T I O N (Resolution No. 1975-62)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, has submitted a cooperative agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of Lewisville Road at and adjacent to its intersection with Anderson Street on 0.377 miles of F. A. Urban System under Federal Aid Project M-7316(001); and

WHEREAS, the allotment of Federal and State funds for the improvement is contingent upon compliance with the laws governing State Highways and State Highway traffic, availability of necessary right of way, adequate provision for the maintenance of the completed improvement and the establishment of traffic control measures and the means of enforcing them;

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal Aid Highway Project M-7316(001) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City.
3. That duly certified copies of the resolution shall be furnished the Idaho Transportation Department, Division of Highways.

Mr. Cannon Anderson, 1980 Santalema and owner of a place of business within the Anderson-Lewisville intersection area, appeared briefly to ask about the completion date. Public Works Director Lloyd answered by saying that, tentatively, said date would be at or around the end of the year 1976. It was moved by Councilman Karst, seconded by Erickson, that these resolutions be adopted and passed. Roll call as follows: Ayes, 4; No, none; carried.

It was noted that, by passage of the foregoing resolutions, the Mayor and City Clerk were authorized to sign both cooperative agreements, numbered M-7046(001) and M-7316(001). It was then moved by Councilman Karst, seconded by Erickson, that the City Controller be authorized to issue warrants for the City's share of the estimated construction costs, as requested in the foregoing memo. Roll call as follows: Ayes, 4; No, none; carried.

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

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER MAIN ON DENVER STREET

Stoddard Mead Ford is constructing a new building on Denver Street beyond our present water system. The City has requested that the water main be extended to connect with an existing water main on the west end of Denver Street in order to improve our water system characteristics for pressure and fire protection.

The Public Works Committee has tentatively made arrangements for the cost of this 6" water main extension. We are requesting authority from the Mayor and City Clerk to sign a contract with Stoddard Mead Ford for the participation in the water main installation.

s/ Don
Donald F. Lloyd

It was moved by Councilman Karst, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the contract agreement between the City and Stoddard Mead Ford for participation in this water main installation. Roll call as follows: Ayes, 4; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
December 18, 1975

ATT: Roy C. Barnes
FROM: G. S. Harrison
SUBJECT: 161 KV RIGHT-OF-WAY

The Electrical Division will require the service of a qualified appraiser prior to acquisition of easements for approximately 8.5 miles of 161 KV line.

The estimated cost of easements is $60,000 and the estimated appraisal fee is $6,000.

Council consideration of these two requirements is requested.

s/ G. S. Harrison

It was moved by Councilman Wood, seconded by Karst, that these two expenditures be authorized as recommended. Roll call as follows: Ayes, 4; No, none; carried.

Anticipating annexation of the Esquire Acres Subdivision No. 6, a final plat of that area was submitted. This explanatory memo from the Building Administrator relative to this proposed annexation was read aloud:

City of Idaho Falls
December 17, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ESQUIRE ACRES, DIVISION NO. 6 – ANNEXATION, FINAL PLAT & INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement, and the final plat of Esquire Acres, Division No. 6. This is a proposed five-lot subdivision at the extension of Neptune Street in the Esquire Acres area. The location of this proposed plat has been checked by the Engineering Department and this Department and it is outside of the clear zone area and does not interfere with the proposed extension of Grandview.

The Planning Commission recently held an annexation hearing relative to this property and at this time recommended annexation to the City, approval of the final plat, and initial zoning of R-1.

s/ Rod

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

The annexation agreement of the aforementioned subdivision was then presented. It was moved by Councilman Wood, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1440

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 Wood, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, none; carried.

It was moved by Councilman Wood, seconded by Erickson, that this newly annexed area be initially zoned R-1 and the Building Official be instructed to reflect said zoning on the official zoning map located in his office. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Building Administrator served to introduce an appeal by J. Keith Ormond from a Board of Adjustment decision:

City of Idaho Falls
December 18, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

Attached is a copy of an appeal to the Mayor and City Council from J. Keith Ormond, requesting a side-yard variance for a proposed addition to a building at the northeast corner of Elm Street and Water Avenue. This building was for many years a filling station, operated as a non-conforming use in an R-3A zone. It is now being remodeled and added on to, to provide professional office space.

The variance requests that the new addition be allowed to set approximately four (4) inches from the north property line, where five (5) feet is required in the R-3A zone. This property line abuts an existing parking lot. This request is being made to allow a better design of the parking area, permit landscaping, and preclude redesign of the architect's drawings.

This request was originally submitted to the Board of Adjustment, together with a request relative to the off-street parking. Both requests were denied. The petitioner has since redesigned and greatly improved the off-street parking area, but is appealing the decision relative to the side-yard requirement.

This Department recommends approval of the request. It is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Erickson, that in view of the fact that Mr. Ormond has re-designed and otherwise improved the off-street parking area, this request for a variance be approved as described and recommended. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Building Administrator was presented through the City Clerk:

City of Idaho Falls
December 17, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: PRE-APPLICATION FOR MUNICIPAL SOLID WASTE RESOURCE RECOVERY IMPLEMENTATION GRANT

Attached is a copy of the pre-application requesting assistance from the Environmental Protection Agency to investigate the use of fluidized bed incinerator for the disposal of municipal solid waste, the generation of energy from solid waste, and the recovery of scrap metals after combustion of the solid waste.

We are requesting the Environmental Protection Agency grant the sum of $12,100 for the study. A figure of $6,000 in matching funds would be authorized to sign the attached form and that this pre-application be submitted to EPA at the earliest opportunity.

s/ Rod Gilchrist

It was moved by Councilman Karst, seconded by Erickson, that this pre-application be approved and the Mayor be authorized to sign the pre-application from. Roll call as follows: Ayes, 4; No, none; carried.

This memo from Building Administrator Gilchrist was submitted:

City of Idaho Falls
December 17, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED STATEMENT OF POLICY RELATIVE TO COMMUNITY DEVELOPMENT FUNDS

Attached is a copy of proposed policy statement of the Idaho Falls City Council regarding the allocation of Community Development funds for the remainder of the Community Development Block Grant Program. This statement is proposed as guidelines for use by the Community Development Citizens Advisory Committee, and is being submitted to the Mayor and City Council for your discussion and consideration.

s/ Rod Gilchrist

The foregoing served to introduce this statement of policy from the City Council, addressed to the Community Development Citizen's Committee:

STATEMENT OF POLICY OF THE IDAHO FALLS CITY COUNCIL

SUBJECT: Community Development Funds
TO: Community Development Citizens Committee

Community Development Funds will be available to the City of Idaho Falls for four (4) years under the "Hold Harmless" section of the Federal Law. We are one of four cities in the State that qualify for the grants due to prior participation in sewer projects, urban renewal project, etc.

Community Development Funds are intended to meet and solve community needs as determined by your Committee, subject to the provisions of the Federal Statute, and within policy guidelines established by the City Council who is ultimately responsible for the administration of the program. Budgets are adopted by the Council and administered through a joint Division Directorship and supervised by a Council Committee.

In November 1974 when it first became apparent that we were to receive these funds and the purposes for which they could be used was established, the Council discussed several aspects of the program but established no firm policy for the guidance of the Citizen's Committee.

It has been established by the Council that we do not wish to create an administrative structure requiring additional administrators outside of our present staff. Clerical staff is to be kept at a minimum and preferably with their duties integrated with other City functions such as Zoning, BCOG. The overall cost of administration to be kept to an absolute minimum in order to apply all possible Community Development funds to the purpose for which they were intended.

Assistance to Health and Social Service programs is provided for in the Federal Statute. The attitude of the Council toward these programs has been guided by our desires to avoid municipal funding of these activities on any continuing basis. We have determined that these agencies have, in the past, received their encouragement and funding from other Federal, State and local sources and without municipal support.

Recognizing that municipal revenues to provide support for these programs in the future will without doubt be unavailable, we do not wish to encourage these agencies to develop facilities or systems that cannot be supported by their present revenue sources. Use of CD Funds allocated to these agencies will be limited to Capital Outlay functions, and their total allocation shall bear a minor relationship to the total CD Funds available in any one year.

Several years ago the Council created a local housing authority as allowed under the Idaho Statutes. The purpose and intent at that time was to provide the agency, and the means, for providing construction of low cost housing and a central clearing house for information as to the availability of housing. The

intent was not to create an agency of the City to carry out the activities usually identified with a landlord. Prior to the advent of CD Funds little was accomplished by this agency due to limitations on funding from Federal sources. It was determined that CD Funds would be allocated to the Housing Authority to carry out administrative functions to accomplish certain housing goals. It is contemplated that these goals will be accomplished by agency efforts in locating available Federal programs that can be utilized by local agencies or individuals and assisting in their execution. It is not contemplated that this agency be funded in such a manner that it will carry out a financing activity for home improvements or be in landlord—ownership position. The allocation of CD Funds to this activity shall bear a modest relationship to the total annual CD Budget.

Public Works projects will include only Capital Outlay items of a permanent nature which will benefit a large segment of the public. The Council's position that CD Funds arose from the participation by the City in Public Works projects and that the preponderance of the funds should be used for that purpose is reflected in this policy. Public Works projects are to serve the purpose of meeting our long range planning goals as well as immediate problems. The term Public Works is intended to be broad in scope and may include streets, parks, public facilities, structures in various forms. No Electric Light Division generation or distribution facilities are included in this definition. The construction of improvements of an enduring nature to benefit the City as a whole over a long period of time is the primary objective of the use of CD Funds by the City of Idaho Falls.

For guidance and direction of the Community Development Committee, the Council hereby establishes a policy of allocating CD Funds for the 1976 and subsequent year budgets in the following manner, expressed in percent of the total budget and ranges of latitudes available to the Committee:

Public Works Projects	80.00%	to	85.00%
Housing Authority Activities	11.85%	to	9.90%
Health, Social Services and Senior Citizens Activities	8.00%	to	5.00%
General Administration	.15%	to	.10%
	100.00%	to	100.00%

Adopted by the City Council this 18th day of December, 1975.

s/ Paul L. Hovey s/ Ralph M. Wood s/ Gilbert L. Karst s/ Melvin L. Erickson

s/ S. Eddie Pedersen
Mayor

It was moved by Councilman Karst, seconded by Erickson, that this statement of policy be endorsed and adopted and the Mayor and all Councilmen be authorized to sign the City's approval. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Karst introduced certain recommendations from the Housing and Community Development Citizen's Advisory Committee as detailed in this memo from the Building Administrator:

Bonneville Council of Governments
December 15, 1975

MEMORANDUM

TO: Gil Karst
FROM: Rod Gilchrist
SUBJECT: COMMUNITY DEVELOPMENT FUNDS – HEALTH AND SOCIAL SERVICES

The Housing and Community Development Citizens Advisory Committee recently reviewed the Health & Social Services Subcommittee report, and made the following recommendations to the Mayor and City Council for funding:

Neighborhood Workshop	$ 1,000.00
Alcoholic Rehabilitation Association	2,000.00
Ridgemont House	290.00
Regional Day Care Center	1,400.00
Volunteers in Correction	2,060.00
Home Health Agency	2,207.60
	$ 8,957.00

These monies are a part of the original $50,000 allocated by the Mayor and City Council for Health & Social Services in the 1975 Community Development Program. There was $19,500 authorized for funding at an earlier date, and if this recommendation is approved, it will bring the total to $28,457.60.

s/ Rod Gilchrist

It was moved by Councilman Karst, seconded by Wood, that these recommendations be adopted and approved as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Finally from the Building Administrator, came this memo:

City of Idaho Falls
December 16, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: NATIONAL FUEL GAS CODE & UNIFORM MECHANICAL CODE

Attached is a copy of a proposed ordinance adopting, by reference, the National Fuel Gas Code of 1974 and the Uniform Mechanical Code of 1973. These two codes were adopted by the State of Idaho in 1975 and replace all other state and local ordinances pertaining to fuel gas, warm air heating, and refrigeration.

The attached ordinance provides for the adoption of the codes, provides for local administration, permits and fees, and lists amendments and deletions where conflicts between the two codes occurred. These amendments are in concurrence with the State of Idaho.

This department recommends adoption of the two codes. The matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

The foregoing memo served to introduce this ordinance:

ORDINANCE NO. 1441

AN ORDINANCE ADOPTING THE HEATING AND COOLING CODE OF IDAHO FALLS IDAHO, 1975, BEING A CODE REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, IMPROVEMENT AND INSPECTION OF ALL HEATING AND COOLING SYSTEMS, EQUIPMENT AND DEVICES WITHIN THE CITY OF IDAHO FALLS; ESTABLISHING PROCEDURES AND METHODS OF ENFORCEMENT INCLUDING ISSUANCE OF PERMITS AND LICENSES FOR INSTALLATION, AND FIXING FEES THEREFORE; ADOPTING THE UNIFORM MECHANICAL CODE OF 1973 WITH AMENDMENTS; ADOPTING THE NATIONAL FUEL GAS CODE OF 1974 WITH AMENDMENTS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; ESTABLISHING PENALTIES AND VIOLATION OF THE ORDINANCE AND CODES; PROVIDING THAT THREE (3) COPIES OF SAID CODES SHALL BE FILED, AND KEPT ON FILE, IN THE OFFICE OF THE CITY CLERK; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Wood, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, none; carried.

Certain proposed and recommended changes to the City's personnel policy were presented through this memo from the Personnel Director:

City of Idaho Falls
November 28, 1975

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Personnel Director
SUBJECT: RECOMMENDED CHANGES TO CITY PERSONNEL POLICY

The attached recommended changes to the City of Idaho Falls Personnel Policy concern the rewording of Article XXV Jury Duty, to also include provisions for court appearances in response to a subpoena or other direction by proper authority.

The recommended changes reflect recognition of the circumstances that occasionally confront an employee of the City in addition to jury duty.

Respectfully submitted,
s/ A. Lee Mundell
Personnel Director

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Personnel Director
SUBJECT: PERSONNEL POLICY – ARTICLE XXV

I. ARTICLE XXV. JURY DUTY

1. Delete this article as currently written.

II. ARTICLE XXV. JURY DUTY AND OTHER REQUIRED APPEARANCES

1. **JURY DUTY**. If during regular scheduled work days, an employee must appear for jury duty, he shall receive compensation for the hours off but nor to exceed the number of hours he would normally have worked on his scheduled shift. Any time paid for under this rule, shall not be considered as time worked for the City and as such shall not be counted as time worked in computing any overtime pay.

2. **OTHER REQUIRED APPEARANCES**. If during regular scheduled work days an employee must appear before a court, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority, he shall receive his regular pay, but not to exceed the amount he would normally have received if he had worked his scheduled shift. Any time paid for under this rule, shall not be considered as time worked for the City and as such shall not be counted as time worked in computing any overtime pay.

a. All off duty appearances, occasioned by connection with official duties, and required by subpoena or other direction by proper authority, shall be paid at a rate of time and one-half (1 ½) the base hourly rate, with a minimum of two hours and a maximum of hours commensurate with employee's normal shift.

3. **FEES AND ALLOWANCES**. All court, witness fees, and other appearance allowances, except travel, meals, lodging, and other incidental expenses, received by the City employee while receiving City compensation under Sections 1 and 2 above, shall be endorsed to the City.

It was moved by Councilman Karst, seconded by Wood, that these amendments to the Personnel Policy be adopted and made a part of said policy. Roll call as follows: Ayes, 4; No, none; carried.

From the Director of Aviation came this memo:

City of Idaho Falls
December 17, 1975

TO: Mayor and City Council
FROM: Airport Committee – Paul Hovey, Chairman
SUBJECT: ADDITIONAL RENTAL CAR LESSEE AT AIRPORT

Presently, three rental car lessees (Avis – Hertz – National) operate from the airport terminal building. Inquiries and applications from other such firms are on file. These have not been considered to date because of the lack of available terminal building space. Recently, one alcove became vacant.

The Committee recommends that this alcove be leased to an additional rental car agency on a seniority of application basis (Budget 2/17/70) upon execution of the City airport standard rental car lessee agreement. Further, that the Mayor and City Clerk be authorized to execute such as agreement on behalf of the City.

s/ Pete Hill

It was moved by Councilman Hovey, seconded by Karst, that this recommendation for leasing the one available alcove within the Airport Terminal Building to Budget-Rent-A-Car be approved and the Mayor and City Clerk be authorized to sign an agreement accordingly. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk read aloud this letter from the Atomic Workers Credit Union:

Atomic Workers Credit Union
December 17, 1975

Members of City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

This is pursuant to a citizens meeting held December 11, 1975, at the Dora Erickson School regarding the completion of Fanning Avenue. Present at this meeting was Don Lloyd, Director of Public Works representing the City of Idaho Falls.

We are much in favor of completion of Fanning Avenue. Upon the completion of our building on the corner of First and Fanning traffic and congestion will increase. This will present a hazard for children going to and returning from school and other citizens if Fanning remains only partially complete.

We are therefore encouraging immediate action to complete Fanning Avenue. Please contact us in regards to this matter if we can be of assistance.

Sincerely,
s/ Daryl Tanner
Manager

It was moved by Councilman Karst, seconded by Erickson, that this be referred to the Public Works Council Committee for study and consideration. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor appointed Councilman Karst as a Board Director of the Association of Idaho Cities, representing District VI. It was moved by Councilman Wood, seconded by Erickson, that this appointment be confirmed. Roll call as follows: Ayes, 4; No, none; carried.

Presented and read aloud by the City Attorney was this concession agreement with the Russets Lion Club relative to concession privileges at the Russet Noise Park:

CONCESSION

WHEREAS, during the past several years the Russet Lions Club of Idaho Falls, Idaho, a voluntary service organization, has assisted the City of Idaho Falls in acquiring a 430-acre tract west of Idaho Falls for use as a recreation area (hereinafter referred to as Russet Noise Park or Park); and

WHEREAS, during the past several years the Russets Lions Club, as one of its community betterment projects, has continued to assist the City of Idaho Falls in the planning and development of said park, including the donation of funds to the Architectural Student Association of Idaho State University, Pocatello, Idaho, for their services in preparing and submitting to the City Three (3) Alternate Park Use Designs, including large scale drawings showing topography, draining and soil depth of the entire park area; and

WHEREAS, the Russets Lion Club considers the further development of the Park as a significant contribution to the improvement of our community and to the goals and objectives of the International Lions Organization, and accordingly, desires to continue its assistance to the City of Idaho Falls in the development of said Park; and

WHEREAS, the Russets Lions Club desires to operate or manage the operation of concession privileges at said Park; and it is deemed in the best interests of those using said park and of the general public that such privileges be granted to the Russets Club;

NOW, THEREFORE, in consideration of the performance of the obligations herein specified to be performed by Russets Lions Club, hereinafter sometimes referred to as "The Club" and subject to the conditions hereinafter set forth, the City of Idaho Falls, hereinafter sometimes referred to as "The City" hereby grants to the Club the license and privilege of operating and conducting within and upon Russet Noise Park the concession of vending and distributing to users of the Park food, confections, and beverages (including beer, if the Club is duly licensed therefore).

IT IS UNDERSTOOD AND AGREED:

(1) Russet Noise Park lies within Bonneville County approximately six miles west of Idaho Falls, Idaho, adjacent to Highway No. 20.

(2) The Club shall keep accurate records of the gross sales within said Park, and shall pay over 15% of the same to the City. Payment shall be made at the end of each month, shall include all amounts accrued during the month, and shall be accompanied by statements showing the amounts of the gross sales. The Club further agrees to compute the proceeds of the gross sales obtained at said Park by the Club since April 11, 1975, and to pay 15% of the same to the City. (The City expresses its intention to use all of such concession fees to improve said Park).

(3) The Club shall conduct all of its operations in full compliance with all laws, ordinances. and regulations governing Russet Noise Park as shall appear necessary or convenient for installation of concession stands or other concession units.

(4) The City shall exercise its best efforts to grade and surface, or cause to be graded and surfaced, such areas within said Park as shall appear necessary or convenient for installation of concession stands or other concession units.

This concession license shall remain in force for one year following its issuance unless sooner revoked for cause, or at the request of the Club.

Issued this 18th day of December, 1975.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

In answer to two questions by the Mayor, the City Attorney explained that, in accordance with the terms of the agreement, other civic clubs would be permitted to conduct activities at the Park on a fee basis payable at the Russet Lions Club; also, that the County Officials have seen this Concession Agreement and have indicated their approval. It was moved by Councilman Erickson, seconded by Karst, that this Agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes; No, none; carried.

This memo from the Police Chief was presented and studied:

City of Idaho Falls
December 18, 1975

TO: Honorable Mayor and City Council
FROM: Robert Pollock
SUBJECT: RESTRICTED PARKING ZONE

Soliciting your instruction to paint the curb yellow designating NO PARKING along where the mailboxes are installed on Moonlite Drive in the Esquire Acres and to install a sign at those in front of 190 Moonlite.

Some of these have been painted previously but need to be brightened up. The ones at 190 Moonlite are newer and are close to Broadway and more subjected to heavy parking by people leaving their vehicles all day during their commuting.

Mail delivery refuses to deliver the mail when vehicles are blocking the boxes.

s/ R. D. Pollock

It was moved by Councilman Karst and seconded by Wood, that authorization be granted to paint the curb yellow and to install the NO PARKING sign at the location as indicated for the reason as stated. Roll call as follows: Ayes, 4; No, none; carried.

Mr. Richard Clayton, representing himself and Bill Rigby as developers of the International Plaza, appeared before the Council. It was moved by Councilman Karst that Clayton anticipated annexation of the International Plaza within the predictable future and needed guidance, particularly in the preparation of the annexation agreement. Discussion primarily focused around an East-West County Road starting at Skyline immediately north of the Industrial Contractors building which, when annexed, would be known as International Way and would serve the new location of Energy, Inc. Councilman Hovey expressed concern about hurriedly considering a problem of this magnitude without an in-depth study. Karst said that, due to preliminary negotiations, most facets of said problem had been resolved. Clayton said time was of the essence because of the demands being placed upon him by his client. It was moved by Councilman Hovey, seconded by Wood, that this matter be tabled for coordination with the Airport Committee and the long range airport plan of development. Roll call as follows: Ayes, 2; No, 2; Councilmen Erickson and Karst voting no. Because of this tie vote, the Mayor cast a nay vote, thus breaking the tie and defeating the motion as stated.

Karst explained that, due to the original request from the developers for substantial financial assistance from the City, guidance from the full Council was considered necessary in the preparations of the annexation agreement. Following a lengthy discussion it was generally concluded that the developers would be fully responsible for the water and sewer facilities that would serve their development with the understanding that one half of the cost would be reimbursed from the owners of adjacent properties at such future time as service would be required; also, for a well drained, graveled roadway from Skyline along and adjacent to the Industrial Contractors property; also, curb, gutter and paving on the same roadway along the Energy Inc. property for one half the street plus ten feet with the understanding that the City would participate in said ten feet; also, that the developer would be responsible for a storm drain through the Energy Inc. frontage. It was generally agreed that, even though sidewalks are normally considered a needed requirement, because this development is in an area conducive to pedestrian traffic, a specific exclusion of sidewalks

would be in order. It was moved by Councilman Karst, seconded by Wood, that the Council authorize the Engineering Department to finalize the annexation agreement, reflecting all of that which has been discussed and agreed upon this night. Roll call as follows: Ayes, 4; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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