

**NOVEMBER 6, 1975**

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The City Council of the City of Idaho Falls met in regular meeting, Thursday, November 6<sup>th</sup>, 1975, at 7:30 P.M. in the Council Chambers at 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; John Evans, City Controller; Lorna Coughlin, City Treasurer; Rod Gilchrist, Building Administrator; Robert Pollock, Police Chief; Chad Stanger, General Services Director; Don Lloyd, Public Works Director; Steve Harrison, Electrical Engineer; Lee Mundell, Personnel Director.

Minutes of the last recessed, regular meeting held October 23<sup>rd</sup>, 1975, were read and approved.

The Mayor noted that the absence of Councilman Gesas was occasioned because of personal business.

The Mayor acknowledged Councilman-Elect Tom Campbell in the Council Chambers. The Mayor, on behalf of the City Council, commended Mr. Campbell on his victory at the polls on November 4<sup>th</sup> and welcomed him as a member of the City Administration, effective January 1<sup>st</sup>, 1976.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the re-zoning petition of the Idaho Falls Housing Authority, as more fully explained in this memo from Building Administrator Gilchrist, read aloud by the City Clerk:

City of Idaho Falls  
November 6, 1975

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: REZONING – HIGHLAND PARK ADDITION, LOTS 19, 20, 21, 22, & 6,627 SQ. FT. ADJACENT TO LOT 19 BLOCK 32

Attached is a copy of the rezoning petition for the above described property requesting rezoning from R-1 to R-3. This request was earlier considered at the City Planning Commission on two different occasions.

At the first meeting there were several protests and inquiries from nearby property owners and the matter was tabled for further study by the Planning Commission. At the second hearing, the majority of these questions and protests were answered and at that meeting, the Planning Commission recommended approval of the request.

This department concurs with the recommendation of the Planning Commission and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

At the invitation of the Mayor, Mr. Pat Brown, Chairman of the Local Housing Authority, appeared before the Council and pin-pointed on the map, the exact location of the lots in question. Brown then explained that, if these lots were rezoned to permit multiple dwellings for the elderly, said structures would be constructed and financed by a HUD grant through

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the Eastern Idaho Special Services. He said this project had been approved by the State Planning Agency, subject to this requested re-zoning.

Mr. Rue Stears, 1235 Bannock, appeared before the Council. He said there were many, besides himself, who lived in this general vicinity and who objected to this re-zoning request on the grounds that it would result in deteriorated property values. He said there were other locations that could be selected for this purpose that would not have such a detrimental effect. Mr. Stears noted that, within the past few years, certain efforts had been made to upgrade the Highland Park Addition, including construction of 28 new quality homes and that multiple housing was not congruous with this trend. Referring to the earlier hearing with the Planning Commission, Brown noted that there was only one protestor by name of Mr. Taylor living within 200 feet of the lands in question. Gilchrist appeared briefly to explain that Mr. Taylor's concern centered around the question as to whether or not the proposed structures would be two stories in height and, when he learned they would be only one story, he had withdrawn his objection. Gilchrist said that most of the other objectors had a misconception as to the location of the proposed re-zoning. Asked if he lived within 200 feet, Mr. Stears answered in the negative. Councilman Freeman explained to Mr. Stears that the Council is normally very prone to honor and respect all objections to rezoning if said objections are from property owners or tenants within 200 feet but that the Council is not obliged to recognize protests beyond that distance. Mr. Stears said he was concerned that the commercial development on Anderson Street might be permitted to expand. Freeman answered by saying that, in the interests of good planning, this rezoning is justified as it would serve as a buffer between the commercial and the residential areas. Councilman Karst commented to the effect that, in his opinion, the proposed construction would not deteriorate near-by property values, inasmuch as they would be designed for the elderly; not low cost housing,. In the absence of further comment, it was moved by Councilman Wood, seconded by Erickson, that this re-zoning request be granted, that the lots in question be re-zoned from, R-1 to R-3 and that the Building Official be directed to incorporate said re-zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of October, 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:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$703,847.88	\$250,752.06	\$954,599.94
Street Fund	237,620.40	14,179.68	251,800.08
Airport Fund	49,706.74	6,157.01	55,863.75
Water & Sewer Fund	252,543.40	28,433.80	280,977.20
Electric Light Fund	681,732.88	44,573.55	726,306.43
Recreation	2,109.53	2,451.00	4,560.53
Municipal Cap	18,097.77	.00	18,097.77
General Library	2,088.95	9,338.29	11,427.24
Regular Library	145.71	673.20	818.91
Revenue Sharing	72,132.86	.00	72,132.86
Community Development	<u>157,066.39</u>	<u>553.76</u>	<u>157,620.15</u>
<b>TOTAL FUNDS</b>	<b>\$2,177,092.51</b>	<b>\$357,112.35</b>	<b>\$2,534,204.86</b>

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**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. Development Commission - Land	500.00	
3/14/75	Post Register-Bond Advertisement	147.00	
4/14/75	Post Register-Library Gen. Obligation Bond	152.46	
4/16/75	I.F. Redevelopment Commission-Land	256,976.30	
4/16/75	Hoyt Galvin & Associates-Consulting Fee	1,598.12	
<b>Year To Date - April 30, 1975</b>			<b>259,374.28</b>
May		-0-	
June		-0-	
July		-0-	
August		-0-	259,374.28
September	City of Idaho Falls, General Fund	799.86	
	Hoyt Galvin & Associates, Consulting Fee	1,001.34	261,175.48
October		-0-	261,175.48

Councilman Karst, as Chairman of the Fiscal Committee, 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, 5; No, none; carried.

Reports from Division and Department Heads were presented for the month of October, 1975, and there being no questions or objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Albertsons, 17<sup>th</sup>, KOA Kampground; RESTAURANT, Broadway Café; RESTAURANT, (transfer) Arctic Circle, E. Street; JOURNEYMAN ELECTRICIAN, Bob Jones, Larry E. Jensen; APPRENTICE ELECTRICIAN, Jack Haslam; MASTER PLUMBING, Melvin Jay Grayson; JOURNEYMAN PLUMBER, Melvin Jay Grayson; CLASS D APPRENTICE REFRIGERATION, Dennis Jrick; LIQUOR CATERING, Leon Lowe for Matadore Lounge; TAXI CAB PERMIT, L.F. Wallace for Morning Star Cab Company; TAXI CAB DRIVERS, Edward Baum, Mark DeRoche, Stephen Pefley, William Caisse, all with Morningstar Cab Company; BARTENDER, Robin Rae VanNatta, Brett Ogata, Billie O'Neil, Bea Moyer, Linda Henrie, Mark Warner; BEER, CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES, Safeway Store #232, 1530 E. 17<sup>th</sup> Street, Bob Martin, Safeway Store, 1405 Yellowstone, Vergie L. David for KOA Kampground, Larry Jan Comstock for Albertsons; BEER, CANNED, BOTTLED, AND DRAUGHT, TO BE CONSUMED ON THE PREMISES, Charles Cherry for Mint Bar, Millard Divine for Broadway Café & Lounge, were presented. It was moved by Councilman Freeman, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk were these damage claims:

October 24, 1975

Mayor Eddie Pedersen  
308 C. Street  
Idaho Falls, Idaho

RE: W.D. COOK REPRESENTING HIS GRANDSON, KELLY CLAY

NOVEMBER 6, 1975

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Dear Mayor Pedersen:

On August 8, 1975, my grandson, Kelly Clay, was driving my 1967 pickup when it was struck by another car at the intersection of Higbee and First Street in Idaho Falls. The direct cause of the accident was due to there being no stop sign at this intersection. The sign had been removed in a previous accident and not replaced.

In my opinion there was extreme carelessness on the part of the City of Idaho Falls and I think I should be reimbursed by the City for the damage done to my vehicle. I am, therefore, submitting 2 estimates for the repair to my pickup. I would appreciate an early reply.

Yours very truly,  
s/ W. D. Cook

Idaho Falls, Idaho  
November 5, 1975

To the Mayor and City Council:

Dear Sirs:

I am writing you in regard to my 1966 Dodge that was impounded July 24<sup>th</sup>, 1975, from Holmes Ave., near Dr. Nissen's Dental Office. In recovering the car these items were found to be missing:

Bumper Jack	\$ 12.00
Spare Tire	10.00
Spare Tire and Rim	17.00
Plug Wires	14.00
Battery	<u>34.94</u>
	\$ 87.94

I would appreciate your consideration of this matter, as we are in need of the above parts mentioned.

Yours truly,  
s/ Mrs. Lorin Emery  
879 Clair View Lane

On September 5, 1975, I had my 63 Econ Ford Van towed away from 700 block on 9<sup>th</sup> Street. I have a U Joint out in it and couldn't find anywhere in town that I could get two more U bolts from. When I finally got them out of town, I went to get my van and found the following things missing:

Super stock formula 1 L 60's	150.00
White Stag down sleeping bag	100.00
ET Mags	100.00
Old Timer hunting knife	25.00
Lantern flashlight	10.00

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Five arrows 2.50  
Two Michell reels 22.95 a piece

s/ David Lewis

1967 Datson was impounded about 10-7-75 when I went out to get the car the battery had been stolen from the car. I hereby put in a claim for reimbursement for the battery (new Sears Die Hard battery - \$49.95).

s/ Arlen Park

**CLAIM AGAINST CITY OF IDAHO FALLS  
IDAHO TORT CLAIMS ACT**

TO: CITY OF IDAHO FALLS  
AN IDAHO MUNICIPAL CORPORATION  
308 C. STREET  
IDAHO FALLS, IDAHO

MARVIN TRIEBER, a minor, hereby submits this claim, by and through his guardians ad litem, REED S. WARDLE and LUCILLE WARDLE, to the CITY OF IDAHO FALLS, an Idaho Municipal Corporation, pursuant to the Idaho Tort Claims Act, and in support thereof, respectfully represents:

1. Marvin Trieber is a minor, seventeen years of age, having been born on June 2, 1958. Reed S. Wardle and Lucille Wardle were duly appointed Guardians Ad Litem for Marvin Trieber for the subject matter of this claim, by order of Boyd R. Thomas, District Judge, dated September 25, 1975, in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, "In the matter of the Petition for the Appointment of Guardians Ad Litem of MARVIN TRIEBER, an infant".
2. Because of a severely disadvantaged background, limited mental capacity, and limited education, Marvin Trieber, at all times material to this claim, was substantially retarded mentally, with mental ability substantially less than his attained years.
3. On July 2, 1975, Marvin Trieber was employed as a summer youth laborer under the direction and control of the City of Idaho Falls. He was employed under a program which was under the direction and control of the Department of Employment, State of Idaho.
4. The State Insurance Fund, State of Idaho, is the workmen's compensation surety for both the City of Idaho Falls, and the State of Idaho, Department of Employment. Marvin Trieber is pursuing, and will continue to pursue, a workmen's compensation claim, for the injuries sustained by him in the accident of July 2, 1975, described in this claim. The State Insurance Fund is formally resisting the workmen's compensation claim on the assertion that the injuries sustained on July 2, 1975, "did not arise out of and in the course of his employment". The workmen's compensation claim is now pending and no final decision on coverage has been made.

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5. On July 2, 1975, Marvin Trieber was performing labor, pursuant to his employment above described, at the "Sandy Downs Rodeo Grounds", south of Idaho Falls in Bonneville County, Idaho, and located east of St. Clair Road. At approximately 3:30 p.m. on July 2, 1975, Marvin Trieber, with other workers, boarded a City of Idaho Falls van, under the direction of their work foreman, Richard Jacobsen, an employee of the City of Idaho Falls for return to the Parks and Recreation Division of the City of Idaho Falls at 520 Memorial Drive, Idaho Falls, Idaho.
6. During the course of the day, and prior to departure in the van, the foreman for the City of Idaho Falls, Richard Jacobsen, acting within the scope of his employment, undertook supervision and discipline of Marvin Trieber, as well as other workers. This related to the work performance of Marvin Trieber during the day. During the lunch break some of the workers, but not Marvin Trieber, were permitted to swim in a canal close to the rodeo grounds where work was being performed.
7. Richard Jacobsen, within the scope of his employment for the City of Idaho Falls, and as part of the work discipline, had threatened to have Marvin Trieber thrown into the canal. As the van was departing the rodeo grounds, this was again discussed.
8. At said time and place Richard Jacobsen, acting within the scope of his employment for the City of Idaho Falls, Idaho, caused the van to be backed up on a canal bridge, between the rodeo grounds and St. Clair Road, and caused the back doors of the van to be opened with the van backed nearly to the edge of the bridge.
9. As a direct result of the backing of the van, and the prior threats by Richard Jacobsen to Marvin Trieber, and with the possible contributing effect of the movement of the van itself and some contact in the crowded van with other workers, Marvin Trieber left the back of the van head first, and plunged over the edge of the bridge into the canal. The water in the canal was very shallow with large rocks on the bottom, and Marvin Trieber struck his head with great force against the bottom of the canal, causing the severe personal injuries hereinafter described.
10. The negligence of Richard Jacobsen and of the other employees of the City of Idaho Falls all imputed to the City of Idaho Falls, consisted in, and among other things, of the following:
  - A. In exerting the psychological pressure upon Marvin Trieber, as a mentally retarded young man, under the circumstances above described.
  - B. In backing the van to the edge of the bridge and causing the doors to be opened under the circumstances above described.
  - C. In causing Marvin Trieber to leave the van and enter the shallow canal, with rocky bottom, head first, under circumstances likely to cause severe bodily injury.

- D. The City of Idaho Falls was further actionably negligent in entrusting a large group of workers, including Marvin Trieber, to the control of Richard Jacobsen, as a foreman, when he had demonstrated an inability to properly supervise and care for the workers, including Marvin Trieber, known to be mentally retarded.
- 11. The City of Idaho Falls, through its servants, acting within the scope of their employment, committed further acts of negligence, causing further injury to Marvin Trieber, as follows:
    - A. In negligently failing to promptly come to his assistance, after he was obviously injured, and through delay, and the manner of pulling him from the stream, in further aggravating the injuries.
    - B. In negligently hauling an obviously seriously injured young man in the back of the van, without proper care, and in stopping at a building, before proceeding to take Marvin Trieber to the hospital.
  - 12. The City of Idaho Falls, through its servants, acting within the scope of their employment, was guilty of further actionable torts, against Marvin Trieber in the following:
    - A. By conspiring to and making an inaccurate claim to the Industrial Commission of the State of Idaho, reciting that Marvin Trieber had fallen in the canal while pulling weeds.
    - B. Thereafter in wrongfully asserting that Marvin Trieber had been implicated in making a false claim which could result in the loss of his Workmen's Compensation remedy.
  - 13. That as a result of the accident Marvin Trieber sustained a broken neck and damaged spinal cord, resulting in permanent paralysis from the waist down, with permanently paralyzed legs, loss of bowel and bladder function, and severe impairment of his upper extremities, as well as other injuries.
  - 14. The damages sustained by Marvin Trieber, as a result of the personal injuries, are as follows:
    - A. Medical and hospital bills, according to information received to date, of \$18,971.50. There may be additional bills incurred, for which information has not been received, and there will be substantial additional medical and hospital bills extending through the lifetime of Marvin Trieber. It cannot be determined at this time the total extent of the present and future medical, hospital and related bills.
    - B. Nursing care. Marvin Trieber will be released from the University Hospital, Salt Lake City, Utah, on or about November 9, 1975. However, he will immediately be placed in a nursing home and it is probable that he will require constant nursing care and attendants for the balance of his lifetime. The total monetary damage from this cannot be determined at this time.

- C. Rehabilitation. Marvin Trieber will require extensive and expensive therapy and rehabilitation.
  - D. Impaired earning capacity. At the present Marvin Trieber is permanently and totally disabled so far as earning capacity is concerned, and it is unlikely that he will ever be able to be gainfully employed.
  - E. Loss of enjoyment of life. Marvin Trieber has suffered substantial, and almost complete, loss of enjoyment of life, with inability to function and live normally.
  - F. Pain and suffering. Marvin Trieber has suffered and sustained intense, severe, and continuing pain and suffering, and this will continue and persist for the balance of his lifetime.
  - G. Marvin Trieber cannot now submit a detailed and accurate estimate of each element of damage, but states that all of the damage sustained, from the terrible injury, is in the monetary value of \$3,500,000.00.
15. That the monetary damage for the loss of the workman's compensation claim would be in the sum of all lost benefits, which would include all past and future medical and hospital expenses, nursing care for a lifetime, rehabilitation expense, and the loss of sixty per cent of the average state wage, adjusted from time to time, for the balance of his lifetime. This damage claim is in the alternative to the recovery of damages as pleaded in the preceding paragraph, and would be within the overall limit therein claimed.
16. Marvin Trieber is now confined to the University Hospital, Salt Lake City, Utah. Following the accident he was for a time in the Idaho Falls, L.D.S. Hospital in Idaho Falls, Idaho. For more than six months prior to July 2, 1975, he resided with Reed Wardle and Lucille Wardle at their rural home in Bonneville County, Idaho, with mailing address Route 6, Box 36, Idaho Falls, Idaho 83401.
17. The names of all persons involved in the accident, and other incidents above described, so far as known, are as follows:
- |                       |   |
|-----------------------|---|
| Richard L. Jacobsen   | Foreman for the City of Idaho Falls             |
| Ernest Craner         | Director of City Parks and Recreation           |
| John Johnson          | Assistant Director of City Parks and Recreation |
| Lynn Holderman (Buck) | City Employee                                   |
| Rudy Gomez            | City Employee                                   |
| Wayne Longmore        | City Employee                                   |
| Edward John Jones     | City Employee                                   |
| Ernie Taylor          | City Employee                                   |
| George Lopez          | City Employee                                   |
| Mike Nelson           | City Employee                                   |
| Don Jones             | City Employee                                   |

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Jay Henderson                      City Employee  
Gary Porter                         City Employee  
Brad DaBell                         City Employee

WHEREFORE, MARVIN TRIEBER respectfully requests that this claim be allowed and that he be awarded damages in the sum of \$3,500,000.00.

DATED this 29<sup>th</sup> day of October, 1975.

s/ Reed S. Wardle  
s/ Lucille Wardle  
Guardians AdLitem for Marvin  
Trieber, minor

s/ Gordon S. Thatcher  
Rigby, Thatcher & Andrus P.A.

It was explained that, in the interests of time, these had been turned to the City Attorney or the City's liability insurance carrier without formal Council approval. It was moved by Councilman Freeman, seconded by Karst, that these actions be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

From the City Librarian came this memo:

Idaho Falls Public Library  
Idaho Falls, Idaho  
November 6, 1975

TO:                      Honorable Mayor and City Council  
FROM:                  Jeanne Goodrich, City Librarian  
SUBJECT:              CHANGE ORDER ON NEW LIBRARY BUILDING

During the excavation at the new library building solid rock was encountered throughout the court area, Room No. 105. It was determined that it would cost approximately \$6,000 to remove the solid rock in order to provide the arrangement shown on the drawings for this area. Sundberg and Associates have advised that this would be a wasted expenditure and have suggested, in order to meet the exit requirements of the code, that the stairway be relocated to a position along Grid Line 5 between Grid Lines A and B.

This change is recommended by the Library Board and the City Librarian and was informally approved by City Councilmembers on October 31, 1975. I'm now requesting that the City Council formally ratify the granting of this change order. It is deemed that the cost difference will be negligible.

s/ Jeanne Goodrich  
City Librarian

It was moved by Councilman Karst, seconded by Freeman, that this action, as described, be ratified and the Mayor be authorized to sign this change order when prepared and presented. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the General Services Director was submitted:

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City of Idaho Falls  
November 5, 1975

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID # IF-75-26

It is the recommendation of the Electrical and General Services Divisions that the City Council accept the low bid of Williamson Truck Equipment Company for a new cab, chassis and hydraulically powered, insulated articulating, aerial device at \$13,838.65.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that the low bid of Williamson Truck Equipment Company be accepted for the new cab and chassis as described. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the General Services Director was presented and studied, to-wit:

City of Idaho Falls  
November 6, 1975

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: HIGHLAND BALL PARK

Respectfully request permission to advertise for bids for cleaning and removing rubbish left by fire at Highland Ball Park. This work is in preparation for construction of new stadium.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that permission be granted to advertise for bids on the project as described, with the understanding that said project not be started until the Insurance Carrier and/or the Fire Authorities have had an opportunity to thoroughly sift through the debris so that an actual determination of loss can be installed. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls  
November 6, 1975

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: HIGHLAND BALL PARK – ARCHITECT

It is the recommendation of the Public Works and General Services Divisions that the City Council engage the professional services of Harold E. Collard and

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Associates for Architectural design of the replacement stadium at Highland Park.

Thank you,  
s/ Chad Stanger

In answer to a question by Councilman Freeman, Councilman Erickson said Mr. Collard understands that there will be those individuals and groups that will be desirous and anxious to provide input as a means of, finally, arriving at a design that will provide maximum adaptability. It was moved by Councilman Erickson, seconded by Hovey, that Mr. collard be retained in the capacity as indicates. Roll call as follows: Ayes, 5; No, none; carried.

It was moved by Councilman Hovey, seconded by Wood, that the Council ratify their earlier informal action in approving a joint agreement between the City and Bonneville County Fire District #1 in the selection of Earl H. Booth as architect for the design and plans for a fire facility on the Lincoln Road, subject to final approval by the City Attorney as to a determination of a reasonable and prudent architect's fee. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

MEMORANDUM

TO: City Council  
FROM: Don Lloyd  
SUBJECT: BRIDGE OVER THE EAST LATERAL CANAL

On October 28, five bids were received for the construction of a bridge over the east lateral canal on Pancheri Drive as follows:

Heyrend Construction	\$32,242.04
Clark Brothers	28,237.95
Blessinger Construction	32,877.30
Dexon, Inc.	40,084.54
United Construction	34,478.40

These bids have been reviewed and we are recommending that the low bidder, Clark Brothers, be awarded the contract in the amount of \$28,237.95.

s/ Don

It was moved by Councilman Karst, seconded by Freeman, that the low bid of Clark Brothers be accepted for the project as indicated. Roll call as follows: Ayes, 5; No, none; carried.

**ORDINANCE NO. 1436**

AN ORDINANCE AMENDING ARTICLE II OF ORDINANCE NO. 1115, SAID ORDINANCE BEING THE ZONING CODE OF IDAHO FALLS, IDAHO, BY CHANGING THE DEFINITION OF "REST HOME" TO CONCLUDE THE CARE AND LODGING OF INCAPACITATED PERSONS AS WELL AS ELDERLY

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PERSONS; AMENDING SECTION 7-5-2 OF SAID ZONING ORDINANCE BY PROVIDING THAT REST HOMES IN R-2A ZONE MAY NOT ACCOMMODATE MORE THAN TEN (10) GUESTS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman 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, 5; 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, 5; No, none; carried.

Councilman Karst introduced the matter of detailed allocation, in part, of Community Development Funds as explained in this memo from the Building Administrator:

City of Idaho Falls  
October 30, 1975

MEMORANDUM

TO: Gil Karst  
FROM: Rod Gilchrist  
SUBJECT: COMMUNITY DEVELOPMENT FUNDS - HEALTH & SOCIAL SERVICES

The 1975 application for C-D funds included a \$50,000 allocation of Health & Social Services. This amount was recommended by the Citizen's Advisory Committee, and approved by the City Council, subject to the following conditions:

The Citizen's Advisory Committee would screen potential recipients and make final recommendations for allocation of funds based on (1) recipient organizations were legitimate and worth-while (2) monies were to be used for capitol outlay, i.e. equipment, furnishings, renovation, and not operating expenses, and (3) monies could be used as "seed money" in matching other Federal Grants.

Based on the preceding criteria, the Citizen's Advisory Committee is submitting its first recommendation for allocation of funds from this portion of the Community Development Grant. The recommendations are as follows:

- |    |  |          |
|----|--|----------|
| 1. | Bonneville County Sheriff's Jeep Patrol<br>(replacement of radio equipment)            | \$ 2,000 |
| 2. | Group Homes, Inc. (Ridgemont House)<br>(rehabilitation & renovation of existing house) | 2,500    |

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3.	Alcoholic Rehabilitation Association (renovation of existing building, capitol improvements)	5,000
4.	Senior Citizen's Community Center, Inc. (purchase of furniture & equipment for present building)	10,000
	<b>TOTAL</b>	<b>\$19,500</b>

I concur with the Committee's recommendation and request that this matter be placed on the Council agenda November 6<sup>th</sup>, so that the funds can be dispersed at the earliest possible date.

s/ Rod Gilchrist

Karst explained, further, that, when the budget was approved, there was a revenue item in the amount of \$50,000 representing funds from this source and there was no attempt made toward detailed allocation at that time. He said the Council wished to avoid spending community development funds for such expenditures as maintenance or operation. Karst continued by explaining that this allocation, if approved, would not be given to these agencies as a grant but, instead, the expenditures would be billed to the City for purposes of control. It was moved by Councilman Karst, seconded by Freeman, that the allotment recommendations as submitted by the Citizen's Advisory Committee and as indicated in the foregoing memo be approved. Roll call as follows: Ayes, 5; No, none; carried.

This resolution was introduced by Councilman Karst:

City of Idaho Falls  
Idaho Falls, Idaho

**RESOLUTION (Resolution No. 1975-55)**

Be it resolved by the Mayor and City Council of the City of Idaho Falls that the City only enter into agreements to accept Comprehensive Employment and Training Act (CETA) enrollees into work situations where there shall be adequate and positive supervision of the person selected for the work experience.

It is further resolved that CETA referrals and subsequent Memorandum of Agreement for work experience be handled through the Personnel Office of the City of Idaho Falls.

Passed by the City Council and approved by the Mayor this 6<sup>th</sup> day of November, 1975.

s/ S. Eddie Pedersen  
Mayor

ATTEST: s/ Roy C. Barnes  
City Clerk

**NOVEMBER 6, 1975**

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It was moved by Councilman Karst, seconded by Freeman, that this resolution be adopted and passed and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Another resolution was then introduced by Councilman Karst, as follows:

**R E S O L U T I O N (Resolution No. 1975-56)**

Be it resolved by the Mayor and City Council of the City of Idaho Falls that a longevity schedule be established for employees of the City of Idaho Falls in the Streets, Sanitation, Equipment Management, Airport, Parks, Recreation, Cemetery, Zoo, Auditorium and non-uniformed personnel of the Police Department, effective the first pay period in December 1975, for those employees having an anniversary date any time in the year 1975 which would qualify them for longevity per the following schedule.

1. Completion of 7 years service - \$150.00
2. Completion of 10 years service - \$200.00
3. Completion of 15 years service - \$250.00

Passed by the City Council and approved by the Mayor this 6<sup>th</sup> day of November, 1975.

s/ S. Eddie Pedersen  
Mayor

ATTEST: s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Karst, seconded by Freeman, that this resolution be adopted and passed and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the Police Chief, this memo was introduced and read aloud by Councilman Freeman:

City of Idaho Falls  
October 31, 1975

TO: Honorable Mayor and City Council  
FROM: Pollock  
SUBJECT: SUGGESTED AMENDING, CHANGING, OR ETC. ORDINANCE

It is suggested that the ordinance dealing with towing away parked vehicles be revised to better cover circumstances wherein it is necessary for police to remove a vehicle because of safety hazard, or blocking a citizens private access to his own property, at such places as duly posted NO PARKING and in so parking causes inconvenience to others.

EXAMPLE: The Helipad just placed on Riverside Drive has yellow paint and signs designating NO PARKING but at such time a vehicle does park all we can do is give them a ticket when for safety and use of the pad we should tow the vehicle away.

s/ Robert Pollock

**NOVEMBER 6, 1975**

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It was moved by Councilman Freeman, seconded by Karst, that the City Attorney be authorized and directed to prepare an amendatory ordinance for Council consideration, incorporating the suggestions as indicated. Roll call as follows: Ayes, 5; No, none; carried.

With reference to the foregoing Council directive, the City Attorney commented to the effect that this amendatory ordinance, when prepared and presented to the City Council, would probably contain certain remedial provisions pertaining to the City owned impounding lot.

Councilman Erickson recommended that, due to many vehicular accidents at the intersection of Lomax and Lee, flashing lights be installed indicating a flashing caution light for Lomax traffic and a flashing stop light for Lee Avenue traffic. It was moved by Councilman Erickson, seconded by Freeman, that this be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson reported that revenues from Pinecrest Golf Course for the 1975 golfing season had recently been calculated and that, in spite of the relatively short playing season due to a late spring, the course continued to remain on a self sustaining basis from the standpoint of expenditures and revenues and that, in fact, revenues slightly exceeded expenditures. Erickson commended Chuck Deming, greenskeeper and Mike Renshaw, Golf Pro, for a fine management performance.

The Mayor announced that this was the time and place, as required by law within five days after the election, for an official Council canvass, by precinct, of all votes cast for Councilmen at the General Municipal Election held November 4<sup>th</sup>, 1975. The City Clerk reported that 17,216, either by registration or re-registration, were qualified to vote and that, out of that number, 7,726 had appeared at the poles and cast their ballot on election day. The Mayor and City Council then proceeded with the official canvass, revealing the following returns, by precinct:

**GENERAL MUNICIPAL ELECTION  
NOVEMBER 4, 1975**

	<u>Voting Place</u>	<u>Anderson</u>	<u>Campbell</u>	<u>Crumbaugh</u>	<u>Gesas</u>
PRECINCT NO. 1	BUSH SCHOOL	110	145	24	64
PRECINCT NO. 2	LOG HUT	170	292	47	116
PRECINCT NO. 3	4 <sup>TH</sup> /10 <sup>TH</sup> WARDS	105	204	25	124
PRECINCT NO. 4	VET'S BUILDING	53	88	20	50
PRECINCT NO. 5	TEMPLEVIEW	126	219	87	227
PRECINCT NO. 6	O.E. BELL	108	188	63	235
PRECINCT NO. 7	HAWTHORNE	155	239	49	138
PRECINCT NO. 8	LONGFELLOW	174	299	101	440
PRECINCT NO. 9	LINDEN PARK	144	279	110	237
PRECINCT NO. 10	THERESA BUNKER	166	313	96	226
PRECINCT NO. 11	GOLF COURSE	128	306	97	129
PRECINCT NO. 12	DORA ERICKSON	202	477	75	237
PRECINCT NO. 13	EMERSON	130	196	52	231
PRECINCT NO. 14	I. F. HIGH	148	250	75	302
PRECINCT NO. 15	EDGEMONT	226	1489	73	358
PRECINCT NO. 16	ETHEL BOYES	178	331	100	291
<b>TOTALS</b>		<b>2,323</b>	<b>4,015</b>	<b>1,094</b>	<b>3,405</b>

**NOVEMBER 6, 1975**

	<b><u>Voting Place</u></b>	<b><u>Karst</u></b>	<b><u>Richens</u></b>	<b><u>Freeman</u></b>	<b><u>West</u></b>	<b><u>Total</u></b>
PRECINCT NO. 1	BUSH SCHOOL	66	108	89	83	689
PRECINCT NO. 2	LOG HUT	107	162	148	148	1,190
PRECINCT NO. 3	4 <sup>TH</sup> /10 <sup>TH</sup> WARDS	106	127	123	99	913
PRECINCT NO. 4	VET'S BUILDING	45	54	44	59	413
PRECINCT NO. 5	TEMPLEVIEW	217	159	209	24	1,368
PRECINCT NO. 6	O.E. BELL	247	115	238	96	1,290
PRECINCT NO. 7	HAWTHORNE	148	168	167	140	1,204
PRECINCT NO. 8	LONGFELLOW	494	185	427	135	2,255
PRECINCT NO. 9	LINDEN PARK	255	173	293	180	1,671
PRECINCT NO. 10	THERESA BUNKER	209	183	236	216	1,645
PRECINCT NO. 11	GOLF COURSE	129	203	154	184	1,334
PRECINCT NO. 12	DORA ERICKSON	231	233	284	238	1,977
PRECINCT NO. 13	EMERSON	251	115	267	109	1,351
PRECINCT NO. 14	I. F. HIGH	303	154	311	160	1,703
PRECINCT NO. 15	EDGEMONT	336	112	358	95	1,747
PRECINCT NO. 16	ETHEL BOYES	283	183	291	175	1,826
<b>TOTALS</b>		<b>3,431</b>	<b>2,434</b>	<b>3,636</b>	<b>2,238</b>	<b>22,576</b>

It was moved by Councilman Wood, seconded by Erickson, that the foregoing be accepted and certified as the official canvass of all votes cast at the General Municipal Election on November 4<sup>th</sup>, 1975. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 9:30 P.M., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ Eddie Pedersen  
Mayor

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