

OCTOBER 23, 1975

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, October 23, 1975, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Norris Gesas, Jim Freeman, Mel Erickson, and Gil Karst. Absent: Councilmen Paul Hovey and Ralph Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Rod Gilchrist, Building Administrator; Steve Harrison, Electrical Engineer; Lee Mundell, Personnel Director; Chad Stanger, General Services Director.

Minutes of the last recessed, regular meeting, held October 9th, 1975, were read and approved.

The Mayor acknowledged a Political Science class from Ricks College in the Council Chambers. He thanked the group for their presence and their interest in local government.

The Mayor invited Mr. Wayne Wolfe, Water and Sewer Superintendent, to escort Water Department employee Gordon Steele and Sewer Department Employees John Beard, Don Holverson, and Earl Sheen to the Council table. The Mayor announced that these men had, voluntarily, completed a study course, including written exams, pertaining to the more technical operations within their respective departments. He said the demands on the Water and Sewer Departments would surely increase in direct relation to population density together with the higher operational requirements. The Mayor praised both the Water and Sewer Departments for quality and effectiveness and compliance with State and Federal regulations and that this could only be accomplished by men such as these who were willing to make an extra effort through advanced study courses and training. The Mayor then proceeded to present Gordon Steele with a Grade III Supply Water Works Operator certificate with the explanation that this was issued in conjunction with the certification program for Water Works Operators, jointly administered by the Association of Idaho Cities, the Idaho State Department of Health, the University of Idaho and the American Water Works Association; also a Grade II Sewage Works Operator certificate to Don Holverson and Earl Sheen, explaining that these were issued in conjunction with the certification program for Sewage Works Operators as jointly administered by the Association of Idaho Cities, the Idaho State Department of Health, the University of Idaho and the Pacific Northwest Pollution Control Association. These men then received a congratulatory handshake from all officials around the Council table.

The Mayor took this opportunity to announce an open house at the Secondary Sewage Treatment Plant, complete with tours, all day Wednesday, October 29th.

The Mayor asked the City Clerk to read aloud the following:

NEWS RELEASE

Parke Garrard, Assistant Administrator of the Idaho Traffic Safety Commission, has announced that the City of Idaho Falls has received that AAA Pedestrian Safety Citation for the year 1974.

Garrard said this award was earned by Idaho Falls for having a three-year fatality-free pedestrian record. He said other southern and eastern Idaho cities receiving similar AAA awards and their fatality-free records were: Buhl, six years; American Falls, six years; Filer, four years; Montpelier, three years and Soda Springs, three years.

The State of Idaho also received an award for its low pedestrian casualty record, Garrard said. Accompanying the foregoing news release was a wall plaque, compliments of the AAA. The Mayor accepted the plaque on behalf of the City Administration, with appreciation. The Mayor acknowledged Mr. Don Broodie, Business Manager for the Idaho Falls Baseball Club, in the Council Chambers. The Mayor expressed profound regret that, within the past few days, the Highland Park Grandstand had been completely destroyed by fire. He said the Council has already recognized this catastrophe and, at a recent informal meeting, had taken the first remedial action in this regard, to-wit: Authorized the City Controller to work closely with the City's fire insurance carrier to arrive at a full replacement figure so that a determination could be made, without delay, toward reconstruction and, also, that all debris be removed as soon as possible. It was moved by Councilman Erickson, seconded by Freeman, that this action be duly ratified.

Asked for a report, City Controller Evans appeared to say that a full set of plans had been located and reproduced. He said these would be studied by one or more contractors as a means of seeking a cost estimate on replacement. He said that, if there was no replacement, all the City would garner from the insurance would be the depreciated cash value. In answer to a question, Evans said the protection status of certain other equipment and supplies owned by others, including the Russetts Lions Club, had not yet been determined. Councilman Freeman explained that the replacement figures must be known prior to a final determination as to whether or not the structure would be replaced and, if so, at what location and out of what kind of material, such as concrete.

Mr. Broodie appeared briefly to express appreciation for this report, signifying prompt action on the part of the City Council. He said the receipt of this report at this time would be of value to him, inasmuch as he would be attending a meeting in Lethbridge, Canada the next night and their club as a participating team, would want to know of the Idaho Falls plans, as well as the California Angels, sponsor of Idaho Falls farm-out team. Freeman said he realized the importance of baseball as an activity at the Highland Ball Park but this was only one facet of the many recreational and social functions of the park. Freeman concluded his remarks by saying that, in his opinion, there was a strong likelihood that the structure would be rebuilt at that location, inasmuch as the City owned the land and the lights and there would be some salvage value for the turf.

License applications for GROCERY, Lou Herrback for Albertson's #133, 735 E. Anderson; RESTAURANT, Lou Herrback for Albertson's #133, 735 E. Anderson; ELECTRICAL CONTRACTOR, Jerry R. Hansen, Box 95, Iona, Idaho; JOURNEYMAN ELECTRICIAN, Jerry R. Hansen; MASTER PLUMBER, Dean C. Kirkham with H&H Plumbing; JOURNEYMAN GAS FITTER, CLASS D, Duane G. Sibbett; BEER (Canned and bottled, not to be consumed on the premises), Wardell V. Frandsen for Van's Conoco, Lou Herrback for Albertson's #133, 735 E. Anderson; TAXI CAB DRIVERS, David L. Moore, Richard D. Graham and Laurence Allen with Morning Star Cab Company and Scotty McPherson with Yellow Cab Company; BARTENDER, Dan L. Peterson, Nelson V. Allen, William H. Lloyd, Connie L. Hutchison Samuel C. Edwards, Robert R. Templeton, Jr., Beverly Renee Munkres, Reba Colene Cochran, 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, 4; No, none; carried.

The City Clerk presented these damage claims:

The City of Idaho Falls

This is concerning the 1955 pick up Chevrolet
Serial # H255J-005,052
License #4B 3117
Registered to David D. Heath
Date impounded 9/10/75

OCTOBER 23, 1975

Went to Idaho Falls to tow the pickup home on 10/18/75. Found it had been vandalized while impounded. These things were gone and broken: Left wing window broken; New tools \$40.00; Used hand-man jack; 2 new mag rims; 2 new rear tires.

We would like to make a claim on these items. There might be more as we don't know for sure what more might be missing.

Hope to hear from you soon.

s/Clarence Heath-David
Heath
Box 462
Shoshone, Idaho 83352

CLAIM

TO: City of Idaho Falls
Attention: Roy C. Barnes

Pursuant to the Idaho Tort Claims Act, notice is hereby given that Guerino Aglietti and his wife, Kathryn B. Agliette, of 1540 Beverly Road, Idaho Falls, Idaho 83401, do pursuant to Section 6-907 of such act present their claim for damages arising out of a certain accident which took place on or about September 16, 1975, at approximately 1:30-2:00 P.M. of said date, at the women's restroom facility located between the 5th and 6th golf holes of the Idaho Falls Municipal Golf Course.

Claimants had duly and properly paid the admission price to participate in golf on the aforesaid municipal course; that during the course of playing it was necessary for Kathryn B. Aglietti to avail herself of the rest facilities between the 5th and 6th holes of such golf course; that in walking into said rest facilities she slipped and fell thereby sustaining personal injuries, including but not limited to massive fracturing of the left femoral head thereby requiring extensive hospitalization and surgery; that the City of Idaho Falls was negligent in that no suitable covering was provided for said rest area; that such rest area was merely concrete and presented a slick and unstable surface for a person to walk upon with golf cleats; further, that at the time and place of the injuries, a sprinkler system had been in force and effect causing water to be sprayed in and upon said rest area thereby causing such walking surface and/or area to be slick and unstable; that the City has a duty and responsibility to provide safe facilities for the use of its patrons, and that the City breached its duties and responsibilities in all particulars, and further was negligent in its conduct in the care, maintenance and general handling of such rest facility.

That Guerino Aglietti and Kathryn B. Aglietti have sustained hospital, medical, drug and lost wages expense in the approximate sum of \$5,000.00 to date, and that Kathryn will receive permanent injury and residual disability by reason of the injuries sustained on September 16, 1975, at the Idaho Falls Pinecrest Municipal Golf Course.

OCTOBER 23, 1975

Accordingly, demand is made upon the City of Idaho Falls, Bonneville County, pursuant to the Idaho Tort Claims Act for payment to claimants of the sum of \$75,000.00 to compensate them for special and general damages sustained.

Should you require further information or further elaboration upon the circumstances pertaining to this claim, please feel free to contact M.B. Hiller, of the law firm of St. Clair, St. Clair, Hillier, Benjamin & Wood, Chartered, attorneys for Guerino Aglietti and Kathryn B. Aglietti, Box 29, Idaho Falls, 83401 Telephone 522-2350.

Dated this 17th day of October, 1975.

Guerino Aglietti and
Kathryn B. Aglietti
s/ M.B. Hiller
Attorney

It was explained that the health claim had been forwarded to the City Attorney and the Aglietti claim to the liability insurance carrier without formal Council approval, in the interests of time. It was moved by Councilman Karst, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 4; No, none; carried.

Also in need of ratification, according to the City Clerk, was his having published, without formal Council approval, a notice of zoning hearing to be conducted November 6th, 1975. It was moved by Councilman Erickson, seconded by Karst, that this action also be ratified. Roll call as follows: Ayes, 4; No, none; carried.

From the City Treasurer came this memo:

City of Idaho Falls
October 20, 1975

TO: Mayor and City Council
FROM: Lorna Coughlin
SUBJECT: PAYMENT OF PENALTY AND DELINQUENT INTEREST ON LID #45 ASSESSMENT #5, VIRLOW PETERSEN

I understand, due to an error on the name on Assessment #5, in LID #45 that the City must pay the penalty and delinquent interest at this time on this assessment. The amount needed to satisfy this obligation on or before October 31, 1975 will be \$34.95. I request approval to enter a claim with the Controller for payment of same.

s/ Lorna

In this regard, a copy of a letter from the City Attorney to Mr. Virlow Peterson was presented, as follows:

October 2, 1975

Mr. Virlow Petersen
1625 First Street
Idaho Falls, Idaho

OCTOBER 23, 1975

RE: LIE NO. 45 PARCEL NO. 5 IN HOLMES SUBDIVISION

Dear Mr. Petersen:

This City has become aware of the problem concerning Parcel No. 5 owned by you in Local Improvement District No. 45. This land abuts a street which was improved in the district recently. It is true that notice of the assessment went to your predecessor, Homer-Koster.

The City does not want you to be charged for penalties and interest because of this mix-up and delay, but the Council has instructed me to tell you that the principal amount of the assessment should be paid as usual.

Will you kindly let me or the City Treasurer know what your position will be with respect to the LID assessment. Thank you for your courtesy.

Sincerely yours,
s/ A. L. Smith

It was moved by Councilman Karst, seconded by Freeman, that the City Controller be authorized and directed to remit \$34.95 to the City Treasurer for the reason as stated. Roll call as follows: Ayes, 4; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
October 22, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: ADVERTISE FOR BIDS – 750 KVA TRANSFORMER

Respectfully request permission to advertise for bids for a 750 KVA transformer. This unit will serve the computer center on Foote Drive.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Gesas, that authorization be granted to advertise for bids on the transformer as described. Roll call as follows: Ayes, 4; No, none; carried.

Also from General Services Director, came this memo:

City of Idaho Falls
October 21, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: ADVERTISE FOR BIDS – 750 KVA TRANSFORMER

Respectfully request permission to advertise for bids for a 750 KVA transformer. This unit will serve the computer center on Foote Drive.

Thank you,
s/ Chad Stanger

OCTOBER 23, 1975

It was moved by Councilman Erickson, seconded by Gesas, that authorization be granted to advertise for bids on the transformer as described. Roll call as follows: Ayes, 4; No, none; carried.

Also from the General Services Director, came this memo:

City of Idaho Falls

October 21, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: CONTRACT EXTENSION – EMPLOYEE FACILITY

Attached you will find copies of letters from Leland Dille, Architect, Clark Brothers Construction and subcontractors of the Employee Facility at the City Garage, requesting a 30 day time extension for the completion of construction of this facility. This extension is requested because of a delay in shipment of the shower and wash fountain.

It is the recommendation of the General Services Division that the extension be granted.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Gesas, that a thirty day time extension on the Employee Facility at the City Garage be approved for the reason as stated and the Mayor be authorized to sign said extension agreement when presented. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Public Works Director was submitted:

City of Idaho Falls

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

We are submitting herewith two copies of an outside the City water service contract in favor of Teton Crane and Transport Co., Inc. This contract involves a 12 inch water main extension southeasterly along Pancheri Drive.

The Council's Public Works Committee has reviewed this contract in detail and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that this outside the City water service contract be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

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

OCTOBER 23, 1975

City of Idaho Falls
October 23, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: STREET LIGHT AT INTERSECTION OF S. YELLOWSTONE AND
SUNNYSIDE ROAD

We are submitting three copies of a cooperative lighting agreement between the Idaho Transportation Department and the City covering a street light at the intersection of S. Yellowstone Highway and Sunnyside Road. Since the light is now installed and the Council has agreed to pay the \$10.00 per month for power, we would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

The foregoing memo served to introduce this resolution pertaining to the street light in question:

R E S O L U T I O N (Resolution No. 1975-52)

WHEREAS, the Idaho Transportation Department, Division of Highways of the State of Idaho has submitted a cooperative street lighting agreement stating obligations of the State and the City of Idaho Falls in the installation of a 400 watt mercury vapor street light at the intersection of Yellowstone Avenue and Sunnyside Road in the corporate limits of the City of Idaho Falls.

WHEREAS, the allotment of State Funds for the installation is contingent upon compliance with the laws governing State Highways and State Highway traffic, availability of necessary right-of-way, adequate provisions for the maintenance of the completed installation and the establishment of traffic control measures and means of enforcing them.

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Light Agreement is hereby accepted and approved.
2. That the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Idaho Falls.
3. The duly certified copies of this resolution shall be furnished to the Division of Highways.

It was moved by Councilman Gesas, seconded by Karst, that this resolution shall be furnished to the Division of Highways. It was moved by Councilman Gesas, seconded by Karst, that this resolution be adopted and passed. Roll call as follows: Ayes, 4; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk

OCTOBER 23, 1975

were authorized to sign the agreement between the City and the Idaho Transportation Department in this regard.

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

City of Idaho Falls

October 23, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FIRST STREET BRIDGES OVER THE IDAHO & MEPPEN CANALS

We are submitting two copies of the Resolution and Preliminary Agreement covering the State's miscellaneous engineering costs for the design of two First Street bridges—one at the Meppen Canal and one at the Idaho Canal. These are standard agreements required by the Transportation Department, have been reviewed by the Public Works Committee and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

The foregoing memo served to introduce this resolution:

R E S O L U T I O N (Resolution No. 1975-53)

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 bridge improvements at First Street and St. Clair Avenue and a new bridge at First Street and Cascade Drive as TOPICS Projects on 0.03 miles of F.A. Urban System, under Federal Aid Project M-7166 (001); and M-7166 (002) and

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

WHEREAS, certain functions to be performed by the State involve the expenditures 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:

OCTOBER 23, 1975

1. That the Cooperative Agreement for Federal Aid Highway Project M-7166 (002) M-7166 (002) 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.

It was moved by Councilman Gesas, seconded by Karst, that this resolution be adopted and passed. Roll call as follows: Ayes, 4; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk were authorized to sign the preliminary engineering agreement between the City and the Idaho Transportation Department described as Projects No. M-7166001 and M-7166002.

Anticipating annexation of Melbourne Park Addition, Division No. 6 & 7, the final plat of that area was studied. It was moved by Councilman Erickson, seconded by Karst, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

The annexation agreement between the City and the developer, the Village Investment Company, was then submitted. It was moved by Councilman Erickson, seconded by Karst, 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. 1433

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. (Melbourne Park # 6 & 7)

The foregoing ordinance was presented in title. It was moved by Councilman Erickson, seconded by Karst, 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.

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

From the Director of Aviation, came this memo:

City of Idaho Falls
October 22, 1975

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ASSIGNMENT OF AIRPORT AUTO PARKING LEASE AGREEMENT

OCTOBER 23, 1975

The present valid lease for the airport auto parking concession between the City and APCOA Division, ITT Consumer Services Corporation, has requested that this lease be transferred to APCOA, Inc. occasioned by change in their organizational structure.

City approval of such assignment will not affect the present lessees operation or supervisory and administrative personnel. It is strictly a routine legal matter.

The Airport Committee recommends that the City Council authorize the Mayor and City Clerk to approve such assignment.

s/ H.P. Hill

It was moved by Councilman Gesas, seconded by Freeman, that this Airport Auto Parking Lease Agreement Assignment be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Gesas drew attention to a matter requiring Council ratification, to-wit: Recent informal action by the Council, approving the removal of six parking spaces on each side of Riverside Drive and lowering certain signs to provide an area for a Helio port to serve the Idaho Falls Hospital. Gesas noted that the hospital would be responsible for street barricades while loading and unloading patients as well as their removal. It was moved by Councilman Gesas, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1434

AN ORDINANCE NAMING CERTAIN STREET WITHIN
THE CITY OF IDAHO FALLS, IDAHO;
PARTICULARLY DESCRIBING SAID STREET;
PROVIDING WHEN THE ORDINANCE SHALL
BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Karst, seconded by Gesas, 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.

Introduced by the City Attorney was the following:

MUTUAL RELEASE

IN CONSIDERATION of the payment by the City of Idaho Falls, first Party, to Arrington Construction Company, a corporation, Second Party, of the total sum of Four Thousand Six Hundred Seventy and No/100 (\$4,670.00) dollars, being moneys retained by the First Party following completion of the construction of City Well No. 12 and LID No. 42, which sum is accepted by Second Party in full satisfaction of all its claims against First Party; the parties hereby mutually release each other of and from all claims and demands of every

OCTOBER 23, 1975

kind and description arising out of, or connected within said public works projects.

IT IS AGREED that this transaction is the compromise of disputed claims, and that neither the payment of said sum by First Party nor the acceptance of said sum by Second Party shall be construed as an admission of liability on the party of either party, both parties denying all liability but buying peace in the premises.

ATTEST: s/ Roy C. Barnes
City Clerk

CITY OF IDAHO FALLS
BY: s/ Eddie Pedersen
Mayor

Councilman Gesas noted that, after conferring with the City Attorney, a compromise of this nature, in the opinion of the Public Works Committee, would be more economically prudent than litigation. It was moved by Councilman Gesas, seconded by Karst, that this release agreement be approved, the Mayor and City Clerk be authorized to sign and the Controller be directed to disburse according to its terms. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Gesas introduced the following resolution in writing, and moved its adoption:

R E S O L U T I O N (Resolution No. 1975-54)

RESOLUTION MODIFYING, CORRECTING AND AMENDING ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 49, AND APPROVING AND CONFIRMING SAID ASSESSMENT ROLL AS MODIFIED AND AMENDED.

WHEREAS, the City Engineer and Committee on streets have heretofore made out and certified to the City Council as provided by law an assessment roll of local improvement district No. 49, and

WHEREAS, on September 11, 1975, the City Council fixed the time and place when and where objections to Assessment Roll by the property owners of said District would be heard, to-wit: Thursday, October 9, 1975, at 7:30 P.M., of said day at the Council Chambers in the City Building at Idaho Falls, Idaho, and

WHEREAS, notice was duly and regularly given, as provided by law, by the Clerk, of the time to file objections to said Assessment Roll, and

WHEREAS, several objections were filed or made to said Assessment Roll, and

WHEREAS, the City Council, on October 9, 1975, decided to further consider and take under advisement said Assessment Roll, and

OCTOBER 23, 1975

WHEREAS, the City Council has further examined said Assessment Roll and further considered the objections filed thereto, and has decided that one of said objections should be allowed and that certain assessments should be more specifically set forth and that one assessment should be set aside and eliminated from said Assessment Roll,

NOW THEREFORE, BE IT RESOLVED:

That Assessment No. 109, being an assessment against land of Union Pacific Railroad Company lying between 19th Street and 20th Street and west of, and parallel to, Leslie Avenue for a depth of 125 feet, in Idaho Falls, Bonneville County, Idaho, be, and it is hereby, set aside and eliminated from the Assessment Roll and declared null and void.

That Assessment No. 26, being an assessment against Lot 2 and the north 2 feet of Lot 3, David Smith Addition, is confirmed in all things, but said Assessment Roll is ordered to be amended to show the names and addresses of all owners of condominiums situate on said land and the amount of the assessment against each unit, or condominium owner, all as set forth in Exhibit "A" attached hereto and made a part of this Resolution.

That in all other particulars, and as to each and all of the other assessments in said Assessment Roll and as to each and every item therein, except as above set forth said Roll be, and it is hereby approved, ratified and confirmed."

**DISTRIBUTION OF L.I.D. NO. 49 ASSESSMENT NO. 26
BLOCK 1, S. 98' OF LOT 3 & LOTS 4 & 5**

<u>IMPERIAL GARDENS TOWN HOUSE: UNIT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>SHARE OF LID NO. 49 ASSESSMENT</u>
Unit 1	Robert S. Peterson	301 S. Skyline Dr.	\$ 343.83
Unit 2	G. H. Telford	Box 11248 SLC UT	278.85
Unit 3	Kay Frazee	305 S. Skyline Dr.	278.85
Unit 4	Larry G. Summers	2365 Morning Star	278.85
Unit 5	T. Douglas O'Brian	2858 Redbarn Lane	278.85
Unit 6	Janice K. Longua	2325 Koro Ave.	278.85
Unit 7	Sidney Cohen	315 S. Skyline Dr.	278.85
Unit 8	Sidney Cohen	315 S. Skyline Dr.	278.85
Unit 9	Robert Arnold	317 S. Skyline Dr.	278.85
Unit 10	Rick Salvison	319 S. Skyline Dr.	295.26
Unit 11	Dorothy L. Dabell	321 S. Skyline Dr.	278.85
Unit 12	Frank Hartwell	323 S. Skyline Dr.	278.85
Unit 13	Mr. Chapman	325 S. Skyline Dr.	278.85
Unit 14	Sig Roland	327 S. Skyline Dr.	278.85
Unit 15	Gilbert L. Karst	2858 Redbarn Dr.	278.85
Unit 16	Alice Longmore	331 S. Skyline Dr.	278.85
Unit 17	Paul H. Deniger	333 S. Skyline Dr.	278.85
Unit 18	J. Harrison Dennis	349 Capital Ave.	340.82
Unit 19	George H. Huls	337 S. Skyline Dr.	329.93
Unit 20	Phillip C. Leahy	Albuquerque NM	317.72

Unit 21	Ted Baker	341 S. Skyline Dr.	316.17
Unit 22	Howard Hensen	125 W. 14 th St.	287.08
Unit 23	James E. Howell	c/o 2325 Koro St.	287.08
Unit 24	Yvette Creek	347 S. Skyline Dr.	287.08
Unit 25	Edward W. Lyon	349 S. Skyline Dr.	287.08

25 UNITS

TOTAL

\$ 7,274.80

Councilman Karst seconded the adoption of the said Resolution, and the same, being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilman Erickson, Councilman Freeman, Councilman Gesas and Councilman Karst; Nay, none; carried.

City Attorney Smith introduced an ordinance pertaining to the handling and licensing of dogs, revising certain fees, etc. It was noted that, subsequent to the passage of this ordinance, an agreement between the City and the Bonneville County Humane Society would be considered, whereby that agency would, on a trial basis until December 31st, take possession of, operate and manage the City owned Animal Shelter.

Mrs. Gail Snider, President of the Humane Society appeared before the Council to report that she and her group had studied said ordinance and was only concerned about one problem. She said the ordinance called for all dogs over four months to be licensed but the Humane Society would prefer that all dogs that leave the Animal Shelter, regardless of age, be licensed. The City Attorney assured Mrs. Snider that there is another provision in the ordinance making this a mandatory requirement. There was some general discussion about the holding period. Mrs. Snider said it might be necessary to hold some dogs longer than others, depending upon where they were picked up.

In the absence of further comment, the ordinance was presented, as follows:

ORDINANCE NO. 1435

AN ORDINANCE REPEALING SECTIONS 6-3-3, AND 6-3-6, CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE LICENSING OF ALL DOGS KEPT OR HARBORED WITHIN THE CITY OF IDAHO FALLS; EXCEPTING CERTAIN CLASSES OF DOGS FROM THE LICENSING REQUIREMENT AND SPECIFYING SUCH CLASSES; ESTABLISHING A PROCEDURE, TIME LIMIT, AND TERMS FOR OBTAINING DOG LICENSES AND DOG TAGS; FIXING FEES FOR LICENSING UNSPAYED FEMALE DOGS AND FOR LICENSING OTHER DOGS; PROVIDING FOR THE IMPOUNDMENT OF DOGS FOUND RUNNING AT LARGE WITHIN THE CITY, AND PROVIDING FOR THE REDEMPTION AND DISPOSAL OF IMPOUNDED DOGS INCLUDING THE FIXING OF PROCEDURES, FEES, AND TERMS THEREFORE, MAKING IT UNLAWFUL TO VIOLATE THE ORDINANCE AND PROVIDING PENALTIES THEREFORE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Karst, 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

OCTOBER 23, 1975

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.

The aforementioned agreement between the City and the Humane Society was then submitted. Councilman Erickson said this was a rather a long and involved agreement and spelled out clearly all requirements expected of the City and the Society. Asked for comment, Mrs. Snider said the members of her group were in agreement that this was a good and workable instrument. Councilman Freeman commended Mrs. Snider on the many dedicated hours she had expended in this regard. It was moved by Councilman Freeman, seconded by Karst, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

The Animal Shelter having been turned to the Humane Society by passage of the foregoing Agreement, the Council recognized the need to determine status of Pound Master Melvin Brunson. This memo of recommendation was submitted from the Police Chief:

City of Idaho Falls
October 8, 1975

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: CONSIDERATION OF LEAVE OF ABSENCE – MELVIN BRUNSON

Should the Animal Shelter be turned to the Humane Society for operation and management, it is suggested that your consideration of a two (2) months leave of absence be granted to Melvin Brunson. It is further suggested that Brunson be allowed to maintain his status under the City Health and Accident Insurance Program along with the Life Insurance with the City making payments as usual for them.

It is understood that all other benefits, sick leave, vacation, retirement, and social security will remain dormant during the leave.

s/ Robert D. Pollock

It was moved by Councilman Freeman, seconded by Karst, that these recommendations relative to Melvin Brunson be approved. Roll call as follows: Ayes, 4; No, none; carried.

Reference is made to Page 211 in this Book of Minutes at which time Mr. Marley Campbell appeared before the Council to protest assessments on his various properties located within the Highland Park Addition, said assessments resulting from the creation and establishment of Local Improvement District No. 49. Also, at the time, Mr. Campbell proposed that a certain large triangle of lands within that Addition be converted to a park and recreation area. Mr. Campbell reappeared before the Council at this time and reiterated much of that which was covered in his earlier appearance. Mr. Campbell corrected the minutes of the City Clerk by advising that, in the event said area was acquired by the City and converted as indicated, he would donate 90 lots rather than 9 lots as stated, for the cause, said lots being within Blocks 19 and 20, Highland Park Addition. Campbell apologized for having earlier claimed not to have received a certified notice of the intention to create the district. He said it had been signed by someone other than himself and

OCTOBER 23, 1975

inadvertently overlooked. However, he said that, talking with others, the affected property owners did not learn the full import at that hearing. They learned only that certain streets were to be improved. They did not learn, Campbell contended, or at least it wasn't made clear, that they were to be assessed. Campbell again urged that the Council seriously consider converting the large triangle into a park and recreation area. He said the recent fire, destroying the Highland Park grandstand should add impetus to his proposal. He said the area he had in mind would be very conducive to a facility of this nature, noting that at the existing location there is limited parking and snarled traffic after every function, whereas the triangle would have easy access to the freeway. Campbell again reminded the Council that this triangle area was largely undeveloped or poorly developed. In answer to a question by Councilman Karst, Campbell said that, in his opinion, it would remain poorly developed with limited economic future. He said this situation is best proven by the fact that property owners have little success with loans through financial institutions. He said if this area were converted as proposed, it would very adequately compliment the INTERSEC development which is a step in the right direction. Campbell said this conversion would be so beneficial and have such constructive impact upon the entire area that the City could justify a \$5,000,000 bond issue and that it would pay for itself over a period of time. No Council action was taken on this proposal.

Councilman Karst noted that the urban renewal project, as administered by the Community Redevelopment Commission, is about to be finalized at which time the City will receive a deed from the agency covering an L-shaped parcel of land located along the east bank of the Snake River between Broadway and the Union Pacific Railroad Tracks with one leg of the L extending along said railroad to Capital Avenue, said leg to be used as pedestrian access. Karst continued to saying the Commission has completed the development of a greenbelt beautification facility. Eagle Rock Street will eventually be commemorated by a plaque or monument on the library property directly across the street from said pedestrian access. In view of the foregoing, it was moved by Councilman Karst, seconded by Gesas, that the above described area be named Eagle Rock Plaza, subject to receipt of the deed from the Community Redevelopment Commission. Roll call as follows: Ayes, 4; No, none; carried.

There being no further business, it was moved by Councilman Gesas, seconded by Erickson, that the meeting adjourn at 9:30 p.m., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor