

SEPTEMBER 11, 1975

The City Council of the City of Idaho Falls, met in recessed regular meeting, Thursday, September 11, 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 Paul Hovey, Norris Gesas, Jim Freeman, Mel Erickson, Ralph Wood, and Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller, Lorna Coughlin, City Treasurer, Robert Pollock, Police Chief; Chad Stanger, General Services Director; Ernie Craner, Parks and Recreation Director; Steve Harrison, Electrical Engineer; Don Lloyd, Public Works Director; Lee Mundell, Personnel Director.

Minutes of the last regular meeting held August 21st, 1975 were read and approved.

The Mayor invited Steve Harrison, Electrical Engineer, to escort Mr. Martell Klingler, recent City Employee retiree, to the Council Table. Noting that Mr. Klingler had been employed by the City since 1940, having served on line, service, Plant Foreman, and finally, Generation Superintendent during that period, the Mayor then presented Mr. Klingler with an inscribed billfold as a token of appreciation and wished him well during his years of retirement. Mr. Klingler then received a congratulatory handshake from all City Officials around the Council Table.

Messrs. John Combo, Vice Chairman of the Library Board of Trustees and Keith Sundberg, Architect for the new Library, appeared before the Council. Mr. Combo, acting as spokesman, first recognized Katherine Nelson and Jeanne Goodrich, Board Member and City Librarian respectively, also in the Council Chambers. Mr. Combo then drew attention to the fact that, on September 9th, there was a bid opening in the Council Chambers revealing an apparent low base bid of Mitchell Construction Company, Pocatello, Idaho, in the amount of \$1,822,990.00. Combo continued by saying that the Mitchell bid had been thoroughly reviewed by the architect and the Library Board and appeared to be in order and that he, speaking for the Board, was now in a position to recommend that Mitchell Construction be awarded the bid accordingly. It was moved by Councilman Gesas, seconded by Erickson, that this recommendation be upheld and Mitchell Construction be awarded the construction contract for the new library in the base bid amount as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Ed Patience, 3268 LeRoy Drive, appeared before the Council, representing the petition signers favoring constructive Council action toward the fencing of canals within the City. Mr. Patience said his plea had narrowed to two primary objectives; first, that only the large canals through the heavily populated areas within the City be considered for fencing at this time; second, that the Council consider an Ordinance making it mandatory, where necessary due to the existence of canals, for developers to be responsible for fencing canals within any given new development where applicable and/or required. Mr. Patience continued by saying his study had revealed the fact that Salt Lake County, working through the Salt Lake Flood Control Department do fence canals with a 6-foot chain link fence. He said Salt Lake County also has an Ordinance, administered through the County Planning Agency, whereby developers are required to provide fencing in new developments where deemed necessary. He said a hazard analysis review is conducted to determine where and if fences are needed in the interests of safety. In answer to a question by Councilman Erickson, Patience explained that, in new developments where fencing is required, the Developer purchased the land up to the canal right-of-way.

Mr. Don Hutchison, Bonneville County Water Safety Chairman appeared before the Council. He said that, in his opinion, the best approach to canal safety would be an educational program, both for children and adults. He said that such a program could be started immediately, whereas fencing, even if eventually accomplished to be completely effective, would require many years and a very substantial expenditure. He said that, even though frowned upon from the standpoint of safety, canal swimming is a novelty and that young people would find ways and means of continuing this practice even if the canals were

fenced. He said that any fence, to be completely effective, would have to make the canal totally inaccessible and that, to his knowledge, no fence would meet that qualification in its entirety. He cited examples of fences, both private and public, which were supposedly inaccessible, but proved otherwise to the point where lives were lost in spite of the fence, making the party or agency that installed the fence liable. Hutchison continued by saying that a fenced canal would not only be excessively expensive from the standpoint of installation but also from the standpoint of maintenance. He said swimming lessons are now available for all ages including children six months of age and older and that, included in said lessons are warning instructions relative to canal swimming. Hutchison concluded his remarks by saying that the funds required to fence the canals could well be put to better use by construction of a covered swimming pool and an educational program that would induce more swimming lessons for all ages. Councilman Hovey registered an opinion to the effect that fencing canals is simply not practical. He said it would result in an unfortunate mistake if substantial funds were expended for such a facility, only to find that it did not offer total protection. It was moved by Councilman Hovey, seconded by Freeman, that the City Council go on record as rejecting the concept of fencing canals within the City. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Freeman, seconded by Hovey, that the City Council continue to work with the canal companies in an effort to eliminate the dangerous condition created by the cat-walks crossing the canals. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the second request by Mr. Patience, relative to an ordinance making it the responsibility of the developer to fence canals, where needed, within any given new development, it was moved by Councilman Erickson, seconded by Karst, that this be referred to the City Attorney for study and recommendation, particularly from the standpoint of liability. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Administrator was presented and read aloud:

Bonn Council of Govn.
September 11, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENT TO ZONING ORDINANCE NO. 1115

Recent examination of the Zoning Ordinance has revealed an incorrect definition of the term "Rest Home". This present definition of the term Rest Home reads "A building for the care and keeping of old persons". This does not conform to current legal or medical terminology, or to present practice. This office and the City Attorney's office has spent much time reviewing this subject and the Planning Commission has recommended this definition be changed.

This office and the City Attorney's office jointly recommend Article II, Definitions of Ordinance No. 1115, Comprehensive Zoning Ordinance for the City of Idaho Falls, be amended as follows:

Rest Home - A building for the care and lodging of elderly and/or incapacitated persons. A rest home is not a boarding, lodging, or rooming house. "Incapacitated person" shall have the meaning in this ordinance as is set forth in Section 15-5-101(a), Idaho Code.

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It was further recommended that Article 7-5-2, Use Requirements in R-2A zone, be amended as follows:

7-5-2-2. Rest homes for not more than ten (10) guests.

This is recommended in that the present wording, permitting up to twenty (20) guests, creates too high a density in the R-2A zone.

s/ Rod Gilchrist

The City Attorney explained that the existing definition of rest home as found in the Zoning Ordinance, is completely inadequate and that, if it was the desire of the Council to include care of incapacitated persons within said revised definition, it should be in compliance with the State Code. Councilman Hovey asked about bed-fast persons. The City Attorney said it would be in order to include this element providing the bed-fast condition was only of a temporary nature. He said the services of a rest home should not be confused with the services rendered by a hospital.

Reference is made to page 183 in this book of minutes. It will be noted that, during that meeting, Attorney Harlow McNamara appeared before the Council representing Mr. and Mrs. Roy Quinton, owners and operators of a local boarding house, sometimes referred to as a rest home. Mr. McNamara now reappeared and proposed that, if the R-2A zone is amended as to permitted uses, a group home be included. He then introduced Mr. Phil Henrie, Vice President of the Bonneville Association for retarded children who passed copies of the following paper to all City Officials around the Council table, describing a group home setting:

GROUP HOME SETTING

Definition of: Any living arrangement offering basic social and emotional fulfillment within the framework of a family setting. Family settings should include:

1. A single family unit dwelling in which the resident and family interact closely in daily life activities;
2. The home should also offer warmth, comfort, security and the right to basic privacy;
3. The structure in which the resident will reside should meet the residential fire and safety standards of the community in which the placement occurs.

SOCIAL ASPECTS:

Placement within the single family unit will offer the following:

1. Satisfying interpersonal relationships within the home environment such as dining together, movies and other leisure activities;
2. Placement within the family unit will also offer the individual the opportunity to participate independently in traditional community activities such as work, shopping trips, church activities and any other choices made by the individual.

EMOTIONAL ASPECTS:

The individual will be afforded the opportunity to fulfill his basic human needs such as the right to express and receive affection; to be treated with respect and dignity as well as being considered as an equal member of the family and community.

Traditional institutional care has proved relatively unsuccessful in fulfilling basic human needs. A de-emphasis on institutional living and a re-emphasis of the basic family unit will provide a meaningful positive environment in which the individual will be afforded the opportunity to realize his full potential.

Mr. Henrie said there are long range plans for establishing group homes throughout the area and invited the Mayor and City Council, at their convenience to see films on this subject. In the absence of further comment, it was moved by Councilman Wood, seconded by Erickson, that a public hearing be scheduled for October 9th to consider certain amendments to the zoning ordinance relative to rest homes and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Mr. McNamara then reappeared to ask, in the interim period, if the Quintons would be allowed to continue to operate their boarding home. It was moved by Councilman Wood, seconded by Erickson, that the Quintons be allowed to continue their operation, at least until that date. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then declared a brief recess so that all those present in the Council Chambers not wishing to remain for the rest of the meeting be excused.

After the meeting was reconvened, it was moved by Councilman Erickson, seconded by Freeman, that the City Council go on record as supporting the County in the selection of Sundberg and Associates as architect for the combined City-County jail facility. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of August, 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	\$203,125.79	\$392,410.24	\$595,536.03
Street Fund	108,408.03	21,625.83	130,033.86
Airport Fund	83,877.35	8,246.75	92,124.10
Water and Sewer Fund	89,298.37	43,241.01	132,539.38
Electric Fund	137,887.71	70,819.28	208,706.99
Recreation Fund	3,278.10	12,674.80	15,952.90
General Fund	2,687.65	14,566.04	17,253.69
General Fund	233.07	1,238.85	1,471.92
Revenue Sharing	78,907.41	.00	78,907.41
Community Development	309.40	830.40	1,139.80
<u>TOTALS</u>	<u>\$708,012.88</u>	<u>\$565,653.20</u>	<u>\$1,273,666.08</u>

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

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Reports from Division and Department Heads were presented for the month of August, 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 CIRCUS, Sherri King for TORCH for one day only at Country Club Mall; ELECTRICAL CONTRACTOR, W. David Eagar for Eagar Electric; JOURNEYMAN ELECTRICIAN, Roger H. Sandburg, W. David Eagar; APPRENTICE ELECTRICIAN, Lynn W. Holdeman with Arthur L. Pugh Electric, Joseph Nickiola with H & K Electric, Jack Tschkikof with Oakey Electric; CLASS D JOURNEYMAN, GAS FITTING, Jay Rowley; CLASS D CONTRACTOR, Jay Rowley for Amcor, Inc.; CLASS D JOURNEYMAN, WARM AIR HEATING, Lowell E. Barnes; CLASS D APPRENTICE, REFRIGERATION, John Heston, Samuel Kumz III; BARTENDER, Joseph B. Krysty, Carol A. Payne, Freddie DeCoria, Margaret Thayer, Mike Ingram, Susan Lemons, William Luckey, John W. Heward, Jr., Harry R. Christensen; TAXI CAB DRIVERS, James Griffith, John A. Brizzee, Daryl Kele, Merlin Nelson, Bryan Hinckley, H. Gene Gordon, all with Morningstar Cab Company and Tom Dale Gibbons with Yellow Cab Company, 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, 6; No, none; carried.

The City Clerk reported that the Building and Zoning Department had advised the need to schedule a public hearing to consider a rezoning petition, that said hearing had been set for September 25th, 1975 and that legal notice was being published accordingly without formal Council approval. It was moved by Councilman Erickson, seconded by Wood, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks and Recreation Director was presented:

City of Idaho Falls
September 4, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Ernest Craner
SUBJECT: TENNIS COURTS – TAUTPHAUS PARK

Kennaday Paving Company was the only bidder for resurfacing the tennis courts at Tautphaus Park.

We request the bid of \$6,300.00 be granted to Kennaday Paving Company.

Earlier estimate was for \$6,400.00. \$6,000.00 is budgeted.

s/ Ernest Craner

Notation was made that, in the interests of time, the Council had informally accepted the Kennaday Paving bid on September 8th. It was moved by Councilman Freeman, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 6; No, None; carried.

These damage claims were then presented by the City Clerk:

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Fred and Wayne's Car
Care
Teresa E. Ellingford

My 1966 Dodge Coronet 500 was towed away and impounded on July 24th off of Boulevard. We picked it up on August 20th. These items listed were stolen from it while in the impound lot.

1 Battery	valued at \$30.00
1 Spare Tire	valued at \$25.00
1 Torque Wrench	valued at \$35.00
1 Dwell Tack	valued at \$25.00
Ratchets and Wrenches	valued at \$30.00

The keys to my car were in it at the time of impoundment and the trunk was opened and all these items were stolen. Total loss to us is valued at \$145.00 It would be appreciated if we could be reimbursed for our loss as soon as possible as my husband needs these tools on his job. The title to the car is in my name at General Finance.

Teresa E. Ellingford
Voshell & Wright,
Chartered

August 14, 1975

Mr. John Evans
Controller
City of Idaho Falls
Idaho Falls, Idaho

Dear Mr. Evans:

At the telephone request of the Mayor, I am advising you of Mr. Platt Young's claim against the City for damages to his residence property in the amount of \$236.41, resulting from an incident on April 7, 1975, when a commercial truck caught some electrical wires connected to his home and pulled the wires loose and did other damage. Mr. Young notified the City and filed his claim for damages the day after the accident, but as of this date, the claim remains unpaid.

For your information, we did make demand against the trucker and his employer, but through their insurance adjuster, they have denied the claim asserting that the sole responsibility lies with the City inasmuch as the City did not comply, in that area, with the National Fire Code of Standards, in that the wires were strung too low for that commercial area. Mr. Young's address is 675 North Water within the City limits. At his own expense, Mr. Young had the damage repaired and incurred his loss at \$236.41.

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TO: City of Idaho Falls
ATTENTION: Roy C. Barnes, City Clerk

Pursuant to the Idaho Tort Claims Act, notice is hereby given that GOLDEN VALLEY PACKERS, INC., an Idaho corporation, having its principal place of business at Roberts, Idaho, and having its mailing address as P.O. Box 208, Roberts, Idaho 83444 does, pursuant to Section 6-907 of such Act present its claim for damages arising out of a certain flooding occurrence which took place at the IDAHO COLD STORAGE FACILITY in Idaho Falls, Idaho, on or about the 10th day of July, 1975.

Claimant Golden Valley Packers, Inc. had stored with Idaho Cold Storage frozen meat products; that through no fault of Golden Valley Packers, Inc., such meat products became contaminated and either damaged and/or destroyed by reason of flooding in the Idaho Cold Storage facility; that protracted correspondence has issued from the law offices of St. Clair, St. Clair, Hiller, Benjamin & Wood, attorneys for Idaho Cold Storage, Arthur L. Smith, Esq. City Attorney for the City of Idaho Falls, and James L. Craig, as adjuster for the City of Idaho Falls liability carrier, Gulf Insurance Group. Additionally, correspondence has been directed to the City of Idaho Falls, contractor, Hartwell Construction Co., the contractor presumably in charge of a certain construction project in which work was performed near the Idaho Cold Storage facility wherein the flooding in question took place.

The City of Idaho Falls and the other named entities noted above have received a full and complete breakdown of the damage sustained by claimant Golden Valley Packers, Inc., which damage is in the sum of \$48,120.18.

The foregoing amount will be diminished by any salvage which may be received for the meat products, which salvage is presently identified and anticipated to be in the sum of \$6,373.00. Accordingly, and pursuant to the Idaho Tort Claims Act, demand in payment for damages sustained by Golden Valley Packers, Inc., is hereby made upon the City of Idaho Falls, Bonneville County, Idaho.

Attached hereto and made a part hereof are Xerox copies of the August 26, 1975 letter of C. Timothy Hopkins, Esq., the letter of Arthur L. Smith, Esq. of August 28, 1975 and the letter of August 26, 1975 of James L. Craig. Specific reference is made to Mr. Craig's letter of August 26, 1975, wherein a denial of liability is made on the part of the City of Idaho Falls. It would therefore appear that the time allowance as allowed by Section 6-909 of the Idaho Code has been waived, and further, that pursuant to Section 6-910 of the Idaho Code, the claim of Golden Valley Packers, Inc. has in fact been denied. Accordingly, it would appear that claimant Golden Valley Packers, Inc., must therefore institute an action in the District Court against the governmental entity in question, in this instance the City of Idaho Falls, Idaho.

Copies of this notice or claim and demand for payment are being sent to the following: C. Timothy Hopkins, Esq., as attorney for Idaho Cold Storage; Arthur L. Smith, Esq., as City Attorney for the City of Idaho Falls; George Hartwell, as owner of Hartwell Construction Co.; and James L. Craig, as representative of Gulf Insurance Group.

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Dated this 2nd day of September, 1975.

Golden Valley Packers,
Inc.
BY: s/ M.B. Hiller,
Attorney

Farmers Insurance Group
Pocatello, Idaho
September 3, 1975

RE: Insured: Ted Ballard

Dear Sirs:

This is to advise you that we are seeking reimbursement from the City of Idaho Falls for damages sustained to our insured's vehicle on the date shown above for an open manhole on 17th Street.

The total amount of our subrogation demand is \$188.96, including our insured's deductible amount. Please let us hear from you on this matter at your earliest convenience.

Yours very truly,
s/ Ralph J. Sargent
Sr. Claims Representative

**NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT
AND IDAHO CODE 50-219**

TO: THE CITY OF IDAHO FALLS, IDAHO, in care of Roy C. Barnes, City Clerk, P.O. Box 220, Idaho Falls, Idaho

Pursuant to the provisions of the Idaho Tort Claims Act, being Chapter 9, Title 6 of the Idaho Code, and pursuant to the provisions of Idaho Code 50-219, James O. Waits, by and through his agent and attorney, Charles A. Homer, of the firm of Holden, Holden, Kidwell, Hahn & Crapo in Idaho Falls, Idaho, hereby presents a claim for personal injury and damages arising from a motorcycle accident on July 26, 1975, in the City of Idaho Falls, Idaho, on the South Yellowstone Highway approximately seventy two (72) feet south of the intersection of said Highway with Maple Street. The said motorcycle accident involved a 1975 BMW motorcycle owned and driven by James O. Waits. As a result of the defective condition of the South Yellowstone Highway and the railroad crossing at the place of the accident, the motorcycle owned by James O. Waits was caused to flip and slide several feet down the roadway, causing serious personal injury and property damage. The above said accident was brought about in part or in total by the failure of the City of Idaho Falls, Idaho, and its agents to adequately maintain, repair, care for, replace, supervise and control the South Yellowstone Highway at the place of the accident, and the traffic along said highway, and by its conduct in allowing said highway to become seriously deteriorated and placed in such a condition as to cause accidents of the type mentioned.

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As a result of said accident, the 1975 BMW motorcycle owned by James O. Waits was partially destroyed, and the said James O. Waits suffered severe personal injury, including but not limited to, a shoulder separation and fracture of the clavicle.

The accident occurred at approximately 2:00 o'clock p.m. on July 26, 1975, in the town of Idaho Falls, Idaho, on the South Yellowstone Highway, approximately seventy two (72) feet south of the intersection of said highway with Maple Street.

The damages suffered by James O. Waits are continuing in nature and their full amount cannot be accurately estimated at this time. However, it is estimated that said damages shall amount to the sum of \$50,000.00 and claim is therefore made against the City of Idaho Falls in that amount, pursuant to the provisions of the Idaho Tort Claims Act.

The address of James O. Wait at the time of filing this claim, and for a period of six months immediately prior thereto, is 3836 Southeast 10th Avenue, Portland, Oregon 97266. The claimant is a non-resident for the State of Idaho, and is absent from the State of Idaho at this time, and his claim is being filed in his behalf by his agents and attorneys.

Dated this 9th day of September, 1975.

s/ Charles A. Homer
Agent/Attorney for James
Waits

The City Clerk reported that, in every instance, these had, prior to this meeting, been referred to the City Attorney or the City's liability insurance carrier for early investigation and proper handling. It was moved by Councilman Karst, seconded by Freeman, that these actions be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This notice of public hearing, as prepared by the City Controller, was presented by the City Clerk:

**NOTICE OF PUBLIC HEARING
ON
BUDGET FOR FISCAL YEAR 1975
CITY OF IDAHO FALLS, IDAHO**

Notice is hereby given that the City Council of the City of Idaho Falls, Idaho, will hold a public hearing for consideration of amendments to the annual budget and to the annual appropriation ordinance for the fiscal year 1975, pursuant to the provisions of Section 50-1003 I.C., as amended, said hearing to be held at the Council Chambers in the City Hall of Idaho Falls, Idaho, at 7:30 P.M. on Thursday, October 9, 1975. At said hearing all interested persons may appear and show cause, if any they have, why said proposed amendments to the budget should not be adopted or why the amended annual appropriation ordinance should not be passed and enacted in accordance therewith.

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PROPOSED EXPENDITURES

The following is an estimate, set forth in said proposed budget, of the total proposed expenditures and accruing indebtedness of the City of Idaho Falls for the fiscal year, 1975. Said amounts are set forth by fund and/or department as follows:

	<u>Proposed</u>	<u>Revenue Sharing</u>	<u>Proposed</u>
	<u>Gross</u>	<u>Federal/State</u>	<u>Net</u>
	<u>Expenditures</u>	<u>Grants</u>	<u>Expenditures</u>
GENERAL FUND			
General and Administrative	\$509,888	\$ -0-	\$509,888
City Clerk	77,775	-0-	77,775
Finance	128,900	-0-	128,900
General Services	365,296	(100,000)*	265,196
Police	1,186,481	-0-	38,773
Animal Regulations	38,773	-0-	38,773
Inspections	115,594	-0-	115,594
Planning/Zoning			
Parks	969,825	(296,000)	673,825
Public Works	730,610	(3,000)	727,610
<u>Total General Fund</u>	<u>\$5,169,817</u>	<u>(\$419,000)</u>	<u>\$4,750,817</u>
STREET FUND	1,084,704	(396,000)	688,704
AIRPORT FUND	232,941	(61,500)	171,441
RECREATION FUND	117,174	-0-	117,174
REVENUE SHARING FD	500,000	(490,000)*	10,000
COMMUNITY DEV. FUND	678,000	(678,000)	-0-
<u>Total Special Revenue Funds</u>	<u>2,612,819</u>	<u>(1,625,500)</u>	<u>987,319</u>
<u>Subtotal - Operating Funds</u>	<u>7,782,636</u>	<u>2,044,500</u>	<u>5,738,136</u>
WATER AND SEWER FUND	1,841,262	-0-	1,841,262
ELECTRIC LIGHT FUND	3,561,837	-0-	3,561,837
<u>Total Enterprise Funds</u>	<u>5,403,099</u>	<u>-0-</u>	<u>5,403,099</u>
OTHER FUNDS			
Library Fund	377,050	(15,000)	362,050

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Eastern Idaho Regular Library	40,000	(40,000)	-0-
Municipal Fire Improvement Bond - Redemption and Interest Fund	41,000	-0-	41,000
Municipal Capital Improvement Fund	119,300	-0-	119,300
Municipal Airport Fund	50,200	-0-	50,200
<u>Total Other Funds</u>	<u>482,560</u>	<u>(49,200)</u>	<u>433,360</u>
<u>TOTAL PROPOSED EXPENDITURES</u>	<u>\$13,668,295</u>	<u>\$(2,093,700)</u>	<u>\$11,571,595</u>

ESTIMATED REVENUE

The estimated revenue of the City of Idaho Falls, Idaho for said fiscal year 1975, based upon the receipts of the previous twelve (12) months including receipts for the Water and Sewer System and Hydroelectric Plants, is as follows: to-wit:

REVENUE FROM TAX LEVY

General Fund Levy	\$ 1,836,267
Street Fund, Special Levy	52,054
Airport Fund, Special Levy	16,301
Recreation Fund, Special Levy	62,124
Library Fund, Special Levy	194,120
Capital Improvement Fund	105,998
Municipal Fire Improvement Bond Redemption and Interest Fund, Special Levy	38,000
Municipal Library Bond Fund, Special Levy	226,000

TOTAL TAX LEVY \$ 2,530.864

Franchises	\$ 113,400
License and Permits	101,100
Interest and Rentals	145,400
Charges for Current Services	751,200
Sale of Electrical Energy	4,528,000
Revenue from Other Agencies	1,305,100
* Grants	1,921,700
Other Miscellaneous Revenue	267,400
Water and Sewer System	1,840,000
Library Collections	9,600
Contributions	71,932

TOTAL REVENUES \$ 13,585,696

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Un-appropriated Surplus - * Grants	\$ 172,000
Un-appropriated Surplus	210,199
Less Revenue Reserved	(299,600)
<u>TOTAL REVENUE AND SURPLUS FOR APPROPRIATION</u>	<u>\$ 13,668,295</u>
Less: Grants Listed Above*	(2,093,700)
<u>NET REVENUE AND SURPLUS</u>	<u>\$ 11,574,595</u>

I, Roy C. Barnes, City Clerk of the City of Idaho Falls, Idaho, do hereby certify that the above is a true and correct statement of the proposed expenditures by fund and/or department for 1975 and of the entire estimated revenue of the City of Idaho Falls for 1975, based upon the previous fiscal year; all of which have been tentatively approved by the City Council and entered at length in the Journal of Proceedings.

Dated this 11th day of "September, 1975.

s/ Roy C. Barnes
CITY CLERK

Councilman Karst explained that this procedure was necessary in order that the City be allowed to spend certain monies received from Federal Grants and other sources, not anticipated at the time the regular budget was approved on March 27th. It was moved by Councilman Karst, seconded by Gesas, that a public hearing to consider certain amendments to the 1975 budget be scheduled for October 9th, 1975 and the City Clerk be authorized to publish this notice, as required by law. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an addendum to Union Pacific Agreement L.D. #22384 pertaining to a power line crossing railroad right-of-way immediately north of the Eagle Rock Power Plant. The addendum would provide for the power line to be placed under ground. It was moved by Councilman Gesas, seconded by Freeman, that this addendum be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

TO: Honorable Mayor and City Council
FROM: Mr. Chad Stanger
SUBJECT: BID #IF-75-22

It is the recommendation of the General Services Division that the City Council accept the low bid of Ellsworth Brothers, Inc. for a new cab and chassis for electrical. The cost is \$7,410.97 less trade-in of \$524.97 resulting in a net bid of \$6,886.00.

Thank you,
s/ Chad Stanger

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It was moved by Councilman Erickson, seconded by Hovey, that the low bid of Ellsworth Brothers be accepted for this cab and chassis as recommended. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
September 3, 1975

TO: Honorable Mayor and City Council
FROM: Mr. Chad Stanger
SUBJECT: COAL BID

It is the recommendation of the General Services Division that the City Council accept the low bid of Hampton Coal Company at \$32.10 per ton (firm) to supply coal for the City the winter of 1975-76. This is a joint bid with School District #91 and has already been accepted by the Board of Trustees of the School District.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that the low bid of Hampton Coal Company be accepted, jointly with School District #91 for coal for the 1975-76 winter season. Roll call as follows: Ayes, 6, No, none; carried.

Also, by memo, the General Services Director asked for authorization to advertise for bids on road salt for the 1975 winter season. It was moved by Councilman Erickson, seconded by Hovey, that authorization be granted to advertise for bids on road salt. Roll call as follows: Ayes, 6; No, none; carried.

Still another memo from the General Services Director was submitted, asking for authorization to advertise for bids on two portable mobile radio units for the Police Department. It was moved by Councilman Erickson, seconded by Hovey, that authorization be granted to advertise for bids on this equipment as described. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, this memo was submitted:

September 3, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: CONVEYANCE OF PROPERTY AT CANAL AND ELVA

The General Services Division respectfully requests that the City Attorney be authorized to prepare the necessary ordinance to sell and convey good title on the City owned property located at Block 99, Lot 11, Riverside Addition.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that the City Attorney be directed to prepare the necessary documents for the sale and conveyance of the property as described. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read aloud this memo:

SEPTEMBER 11, 1975

September 11, 1975

Honorable Mayor and City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

It is the responsibility of the City Council at their first regular meeting in September preceding a General Municipal Election, pursuant to Section 50-409, I.C. to proclaim the General Municipal Election to be held November 4th, 1975, and appoint deputy registrars not to exceed one per precinct, said appointments to be effective September 20th, 1975.

It is also the responsibility of the City Council, pursuant to Section 50-418 I.C., to designate suitable polling places in each voting precinct.

We hereby recommend the selection of deputy registrars and polling places as follows:

Precinct No. One	Beulah Nichols	1290 Bannock	A.H. Bush School
Precinct No. Two	Joy Hobbs	966 Cassia	Log Hut
Precinct No. Three	Ethel Rasmussen	320 I. Street	4 th /10 th Ward Church
Precinct No. Four	Dora Thomas	302 Hill Street	Veterans Mem. Bldg
Precinct No. Five	Lois Molen	1533 Westland	Templeview School
Precinct No. Six	Glenny Robson	330 12 th Street	O.E. Bell Jr. High
Precinct No. Seven	Clara Jenkins	152 E. 18 th Street	Hawthorne School
Precinct No. Eight	Jane Storer	213 E. 21 st Street	Longfellow School
Precinct No. Nine	Monte Pardonnet	653 10 th Street	Linden Park School
Precinct No. Ten	Nellie Staker	740 E. 13 th Street	Theresa Bunker
Precinct No. Eleven	Edna Denning	927 E. Elva	Golf Course
Precinct No. Twelve	Jan Jenson	2183 Logan Dr.	Dora Erickson
Precinct No. Thirteen	Helen Benzon	127 2 nd Street	Emerson School
Precinct No. Fourteen	Thelma Fullmer	220 7 th Street	I.F. High School
Precinct No. Fifteen	Helen Myhr	2240 Baltic	Edgemont Gardens
Precinct No. Sixteen	LaDean Worton	814 Sonja	1875 Brentwood

Section 50-409 of the State Code also provided compensation to deputy registrars not to exceed .50 for each name registered. Following past precedent, we recommend that the City pay registrars .50 per name for each name registered or re-registered.

Finally, we ask Council authorization, pursuant to Section 50-407, I.C., to publish notice of the election on September 14th and October 26th, 1975.

Respectfully submitted,
s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Karst, seconded by Freeman, that the City Council go on record as having proclaimed the General Municipal Election on November 4th, 1975, that all appointments be made and approved as recommended and that all other recommendations contained in the foregoing memo be approved. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

SEPTEMBER 11, 1975

City of Idaho Falls
September 10, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AWARD OF CONTRACT FO WATER MAIN

On September 9, 1975, two bids were received for the construction of the Idaho Avenue water main as follows:

H-K Construction Co.	\$36,618.00
Robert V. Burggraf Co.	40,650.80

The engineer's estimate was \$37,152.50. We would recommend that the Council award a contract to the low bidder, H-K Construction Co. in the amount of \$36,618.00.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that H-K Construction be awarded the contract in the amount as indicated for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was submitted, to-wit:

City or Idaho Falls
September 11, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WELL #13

On September 2, 1975, four bids were offered for the construction of Well #13 as follows:

H-K Construction, Inc.	\$308,100.00
Clark Bros. Construction	320,725.00
Ormond Construction	329,126.00
Agricultural Services, Inc.	356,489.85

These bids have been reviewed and tabulated and we are recommending that the Council award a contract to the low bidder H-K Construction, Inc.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the low bid of H-K Construction be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

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

SEPTEMBER 11, 1975

City of Idaho Falls
September 10, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AUTHORIZATION FOR BIDS

Portions of Fairview and Presto streets are scheduled for reconstruction and paving under L.I.D. #49 in the spring. We have nearly completed the design of sewer lines serving this area which should be placed under these new streets. We would request authorization that sewer lines for Fairview and Preston be advertised for competitive bids.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried. Still another memo from the Public Works Director was reviewed, as follows:

City of Idaho Falls
September 10, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FIRE SERVICE CONNECTION

Water Department Ordinance requires Council permission to install fire services larger than 6 inches in size. Bingham Mechanical has made application on behalf of ERDA for the installation of an 8 inch fire service connection to a new building on Foote Drive. We offer no objection to this request and would recommend that the Mayor and City Council authorize the installation of this 8 inch fire service.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that authorization be granted for installation of this 8 inch fire service as described. Roll call as follows: Ayes, 6; No, none; carried.

Also by memo, the Public Works Director presented an outside the City sewer service contract in favor of Mr. and Mrs. Glenn George, 2101 East 17th Street. It was moved by Councilman Gesas, seconded by Karst, that this contract be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The Council then reviewed another memo from the Public Works Director, to-wit:

City of Idaho Falls
September 11

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 17TH STREET – YELLOWSTONE TO BOULEVARD

SEPTEMBER 11, 1975

The Union Pacific Railroad has refused to design the temporary structure necessary for the construction of the railroad overpass on 17th Street. To prepare this design, we recommend a Supplemental Engineering Agreement with J-U-B at a total cost of about \$18,000.

The Council's Public Works Committee has reviewed this proposal and we are requesting the Mayor and City Clerk be authorize to sign this Supplemental Agreement after it has been formally approved by the Idaho Department of Highways and the Federal Highway Administration.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that this supplemental agreement between the City and J-U-B Engineering for the project, as described, be granted and the Mayor and City Clerk be authorized to sign, subject to final approval by the Idaho Department of Highways and the Federal Highway Administration. Roll call as follows: Ayes, 6; No, none; carried.

City of Idaho Falls
September 11, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 17TH STREET – CHURCH FARM ROAD TO EAST CITY LIMITS

We are attaching hereto an original and three copies of a Resolution and Amendment No. 1 to the Project Agreement covering the County's 17th Street project. The City Council entered into the Cooperative Agreement in July of this year and this Amendment No. 1 allows Bonneville County to provide certain construction engineering.

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. 1975-42)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, and the City of Idaho Falls entered into a Cooperative Agreement on July 14, 1975, for the construction of 17th Street between Church Farm Road and Ammon Road under Project No. M-7406(002); and

WHEREAS, it is in the public interest to change the aforesaid agreement by adopting Amendment No. 1 which provides for Bonneville County to provide certain construction engineering.

NOW THEREFORE, BE IT RESOLVED:

1. That Amendment No. 1 to the Cooperative Agreement is hereby accepted and approved.
2. That the Mayor and City Clerk are hereby authorized to execute Amendment No. 1 on behalf of the City of Idaho Falls.
3. That duly certified copies of this Resolution shall be furnished the Department of Highways.

It was moved by Councilman Gesas, seconded by Karst, that this resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk were authorized to sign this Amendment No. 1 to the Idaho Transportation Department Project No. M-7406(002).

Also, by memo, the Public Works Director proposed that the City Attorney be directed to prepare an ordinance which would change the name of Fairview Street to Science Center Drive, starting at North Boulevard and extending west to the Science Center Building. It was moved by Councilman Gesas, seconded by Karst, that the City Attorney be so directed, after which said ordinance be presented for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, this memo was submitted:

City of Idaho Falls
September 2, 1975

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: HEMMERT DRIVE PROPERTY EXCHANGE

As part of the original agreement with Lyman Hemmert in connection with the securing the right-of-way for Hemmert Drive, the City agreed to deed Mr. Hemmert a parcel of property on the southeast corner of the City owned property in exchange for a like amount of square footage lying adjacent and on the east side of Hemmert Drive as shown in green on the "Exhibit A". No exchange of money is involved.

The deeds have been prepared and we would recommend that the right-of-way agent be instructed to proceed with the transfer.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that this property exchange be approved as recommended and the City Attorney be directed to prepare the necessary documents accordingly. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1427

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. (Un-platted area on Pancheri Drive, east of Skyline)

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, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

With reference to the foregoing annexation, it was moved by Councilman Wood, seconded by Erickson, that this area be initially zoned R-2A and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; 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. 1975-43)

"WHEREAS, the City Engineer and the Committee on Streets of the City Council have made out and Assessment Roll for Local Improvement District No. 49., according to the provisions of Section 50-1718, Idaho Code, and the provisions of Ordinance No. 1419, and have certified the same to the Council as provided by law:

NOW THEREFORE, BE IT RESOLVED:

That Thursday, the 9th day of October, 1975, at 7:30 P.M. of said day at the Council Chambers in the City Building in the City of Idaho Falls, Idaho, be, and the same hereby are appointed and fixed as the time and place when and where objections to said Assessment Roll by the property owners in said District shall be heard, that said Assessment Roll be filed in the Office of the City Clerk, and that the City Clerk shall give due and timely notice thereof pursuant to the provisions of Section 50-1723, Idaho Code, as amended".

Councilman Karst seconded the adoption of said resolution and the same, on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present. The Councilmen being as follows: Councilmen Erickson, Freeman, Gesas, Hovey, Karst and Wood.

Introduced by the City Attorney was a written request from B.P.A. for the City Attorney, as counsel for the City as a participant in the WPPSS Nuclear Project No. 1 Net Billing Agreement, to approve certain changes in the Project and, reflecting these changes which the City Attorney said he had studied and construed as relatively routine would be adopted by the supply system on September 18, 1975. It was moved by Councilman Wood, seconded by Gesas, that the City Attorney be authorized to sign, thus indicating his

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approval, as Counsel for the City, to these changes. Roll call as follows: Ayes, 6; No, none; carried.

Also presented by the City Attorney was a contract of sale between the City and the Idaho Falls Community Redevelopment Commission stating terms and conditions, including the purchase price of \$131,116.67 for land to be used for a public parking lot, as well as special warranty deed covering said lands. It was moved by Councilman Karst, seconded by Freeman, that these instruments be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor asked that this letter be read aloud and made a matter of record:

Union Pacific Railroad Co.
September 5, 1975

The Honorable S. Eddie Pedersen
Mayor of the City of Idaho Falls
Idaho Falls, Idaho

Dear Mayor Pedersen:

I consider it a privilege to have been again permitted to meet with you and the City Officials of Idaho Falls. The meeting we had August 27th was most pleasant and I certainly appreciate your having arranged it for us. We are endeavoring to solve railroad – city related problems that may be of an extended nature and to hear that these matters are being taken care of promptly in Idaho Falls is most gratifying.

The items that were brought to our attention, while meeting with you, will be given the following attention:

1. The increase in your annual easement from \$5.00 to \$50.00 for the traffic detector we are running through the street subway will be rescinded and we will arrange to revert back to the previous \$5.00 figure.
2. Our Engineering forces have been alerted to your request to expedite the negotiations for power line easements.

As indicated during our discussion, it is the Unions Pacific's sincere desire to work closely with you and the City officials of Idaho Falls so that mutually related problems can be resolved in an orderly expeditious manner. To accomplish this, should you have need of assistance in the future, we will welcome a call from you.

s/ C.H. Burnett
Vice President
Executive Dept.

No Council action was considered necessary.

Reference is made to page 175 in this book of minutes and, more specifically, a presentation by certain Y.M.C.A. officials at which time the Council endorsed and "L" shaped expansion complex at the present Y.M.C.A. site under certain conditions as then indicated. Councilman Freeman re-introduced this subject and inquired as to whether or not the

SEPTEMBER 11, 1975

Council was prepared to consider an amended lease in this regard, recognizing the fact that said lease would carry adequate provisions for parking, yet to be finalized. It was moved by Councilman Freeman, seconded by Erickson, that the City Attorney be directed to prepare an appropriate amendment to the existing lease agreement for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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