

**DECEMBER 19, 1974**

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The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, December 19<sup>th</sup>, 1974, at 7:30 p.m. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman, and Mel Erickson. Absent: Councilman Ralph Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Chad Stanger, General Services Director; Ernie Craner, Parks and Recreation Director; Lee Mundell, Personnel Director; Steve Harrison, Electrical Engineer.

Minutes from the last Regular Meeting, held December 5<sup>th</sup>, 1974 were read and approved.

The Mayor noted the fact that the absence of Councilman Wood was occasioned because of a wedding in the family.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider a recommendation by the Planning Commission to re-zone a portion of the William Hatch property, as more fully described and explained by this memo from the City Planner:

Bonn. Council of Governments  
December 19, 1974

**WRG - 125 - 74**

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: HATCH PROPERTY RE-ZONING - SKYLINE & GRANDVIEW

Attached is a copy of the plot plan of the proposed Holiday Inn situated on a portion of the Hatch property at Skyline Drive and Grandview Avenue. This property was zoned in the recent past from M-1 (Industrial Park zone) to HC-1 (Highway Commercial) to facilitate the construction of the Holiday Inn.

The attached plot plan indicates that only a portion of the Hatch property is to be utilized for the stated intent; the remainder of the property was to be left vacant with its present MC-1 zoning. The Planning Commission reviewed this matter at their November meeting and unanimously recommended portions of the Hatch property which are not to be occupied by the proposed Holiday Inn, be rezoned from the present HC-1 designation to M-1 (Industrial Park zoning). This property is described by a metes and bounds legal description, but referred to on the attached plot plan as Exceptions 1, 2, and 3.

The matter is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Councilman Karst explained that this property was rezoned HC-1 to accommodate the Holiday Inn but that their construction plans had been revised and that they would not be utilizing all of said rezoned property for that purpose. Karst said this rezoning this night, if approved, would merely be placing the balance of the property, zoning-wise, back to its original state before it was rezoned HC-1.

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Because this was a rezoning proposal initiated by the Planning Commission, the Mayor asked if any type of notice, written or otherwise, had been sent to nearby property owners relative to this hearing this night. City Planner Gilchrist answered in the negative. The Mayor then asked if the property owner or his authorized legal representative had been notified. Gilchrist said only by the legal notice. The City Attorney noted this was all that was required to satisfy the requirements of the law. Councilman Hovey noted on the plot plan an area described as Exception #3 and the fact that this was not subject to development by the Holiday Inn. Hovey registered concern on the grounds that this was not large enough for development by any other tenant and that it would be conducive to becoming a weed patch. However, it was the general consensus that this was immaterial from the standpoint of this zoning hearing. There were no protests to this rezoning recommendation. It was moved by Councilman Karst, seconded by Gesas, that these areas be rezoned as recommended and the Building Official be directed to incorporate said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

Mrs. Judy Lussie, President of the League of Women Voters, appeared before the Council and presented copies of this Litany to the Mayor and all Councilmen:

**A LITANY FOR THE CITY**

LEADER: This saith the Lord  
to the people of Metropolis, U.S.A.

You shall design for your City  
governing bodies that will involve  
citizens as genuine participants.

PEOPLE: FOR GOD PREFERS THE CLASHING OF  
FREE PERSONS TO THE ORDERLINESS  
OF ROBOTS.

LEADER: You shall not pass any more laws which  
favor the few, nor leave unenforced any  
laws which support the rights of needs  
of the many.

PEOPLE: FOR GOD JUDGES LAW MAKERS AND  
LAW ENFORCERS AS WELL AS LAW  
BREAKERS.

LEADER: You shall make do with fewer vehicles and  
use cleaner fuels.

PEOPLE: FOR GOD, WHO ONCE WALKED IN THE  
GARDEN WOULD HAVE YOU WALK MORE  
AND BREATHE AIR FIT FOR HUMAN LUNGS.

LEADER: You shall not befoul, nor further constrict  
the bodies of clear water available to your  
City for the delight of all.

PEOPLE: FOR GOD, WHO SENT A GREAT FLOOD  
ONCE MIGHT JUST DO IT AGAIN.

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- LEADER: You shall create a system of welfare based on self-respect and aimed at self-support.
- PEOPLE: FOR GOD WANTS MEN TO STAND TALL, WITHOUT CRINGING OR FAWNING.
- LEADER: You shall not mock the concept of renewal by using it as a device to get rid of your poor.
- PEOPLE: FOR GOD HAS A CONCERN FOR THE POOR, BUT ABHORS ANTISEPTIC AFFLUENCE.
- LEADER: You shall glory in the diversity of your City's population.
- PEOPLE: FOR, IN THE SIGHT OF GOD, BLACK IS BEAUTIFUL AND WHITE IS BEAUTIFUL, YOUNG IS BEAUTIFUL AND OLD IS BEAUTIFUL, BECAUSE IN HIS SIGHT EVERY HUMAN BEING IS BEAUTIFUL.
- LEADER: You shall not define a man's worth by what he does for a living, nor by his income or assets.
- PEOPLE: FOR GOD LOOKS AT WHAT A MAN IS AS A MAN, AND AT WHAT HE IS DOING TO HELP OTHERS FIND MEANING AND JOY IN LIFE.
- LEADER: You shall not tolerate any careless disregard for the sick, the lonely, the handicapped, the odd, or the old.
- PEOPLE: FOR GOD IS A CARING GOD WHO EXPECTS YOUR CITY TO BE A CARING COMMUNITY OF CARING PERSONS.
- ALL: YOU SHALL LOVE YOUR CITY INTELLIGENTLY, IMAGINATIVELY, THANKFULLY, FOR GOD LOVES NOT ONLY YOU BUT YOUR CHILDREN AND GRANDCHILDREN -- AND HE COMMANDS YOU TO LEAVE THEM A CITY WORTH LOVING. AMEN.

It was moved by Councilman Freeman, seconded by Erickson, that this be made a matter of official record in this book of minutes. Roll call as follows: Ayes, 5; No, none; carried. The Mayor expressed appreciation for this presentation.

License applications for GROCERY STORE, Grant Earl for Earl's Foodliner, Vern Kelsch for Saving Center #2, Andy H. Stavros for Midget Market, Milton Romrell for Northgate Saving Center, Inc.; RESTAURANT, Ted LeBaron for LeBaron's Restaurant, Micheal Ostling for Sandpiper Restaurant, Stanley Linkowski for Page One Restaurant, Jack Magnusson for Scotty's Drive In, Inc., Del Pack for Westbank Coffee Shop & Lounge, Gordon

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F. Jenkins for River City Saloon, Rod Fisher for Burnt Offering; FOUNTAIN, Larry Long for Skaggs; ELECTRICAL CONTRACTOR, Heber Hadlock for Riv-Eon Electric Sign Co., Inc., Harold Christensen with LOC Electric, Walter Whipple with Whipple Electric, Stephen Brunson with Northwest Electric; JOURNEYMAN ELECTRICIAN, Heber Hadlock, Kay Thurman, Harold Christensen, Truman Wilson, William Whipple, Weldon Whipple, Wilford Whipple, Walter Whipple, Stephen Brunson, Max Storer, Ariel Hill, Grant Carlson; APPRENTICE ELECTRICIAN, Richard Likes, Alden Staker, Joel Brown, Rudy Boelter, Jr., Mike Kenny, Roger Dye, Rudy Boelter, Wesley Whipple, Stephen Ralls, Walter Whipple; MASTER PLUMBER, F.L. Pendleton, Lewis Thompson; JOURNEYMAN PLUMBER, F.L. Pendleton, D.L. Lewis, Lewis Thompson, Leslie Spear; CLASS C Contractor, Adrian DeKramer, F.L. Pendleton; CLASS C JOURNEYMAN, GAS & REFRIGERATION, Leslie Spears; CLASS C JOURNEYMAN, GAS & WET HEAT, Adrian DeKramer, F. L. Pendleton; CLASS D JOURNEYMAN, D.L. Lewis; AUCTIONEER, Didi A. Cabierjas; NON-COMMERCIAL KENNEL, Justine Smith; PHOTOGRAPHER, Robert Fray; HOTEL, Janet McCormick; POOL ROOM, Varcel Winder with The Billiard Shop; DANCE HALL, C.B. McNeill for Bon Villa Club, Inc., Del Park for Westbank Coffee Shop and Lounge; TAXI CAB OPERATOR, Calvin Kent Johnson, Michael Bradley with Yellow Cab Company; BARTENDER, Stanley Linkowski, Caroline Heiselt, Elva Cherry, Pam Jones, Kristin Fletcher, Leonard Mitchell, Michael Cody; BEER (Canned, bottled and draught, to be consumed on the premises), Ray Hardin for The Blue Room, Ray Hardin for 191 Club, Ted M. Kubena for Shakey's Pizza Parlor, C. B. McNeill for Bon Villa Club, Inc., Richard J. Miskin and Bess Huff for Hitching Post, Phil Eldredge for Plaza Lanes, Janet McCormick for Grand Hotel & Bar, Sheila Bowman for Hal's Half Acre, Stanley Linkowski for Page One, Rod Fisher for Burnt Offering, Ellen Campbell for Dog House Bar & Café, Ray Robinson for Ray's Western Bar, Gordon Jenkins for River City Saloon; BEER (Canned & bottled, to be consumed on the premises), Leola Boylan dba Sagebrush Lounge; BEER (Canned & bottled, not to be consumed on the premises), Kay Moore for 7-11 Store, Wesley Dustin for 7-11 Store, Barbara Cowell for 7-11 Store, Vern Kelsch for Saving Center #1, Vern Kelsch for Saving Center #2, Andy Stavros for Midget Market, Grant Earl for Earl's Foodliner, Joseph Kinney for Haven Motel, Milton Romrell for Northgate Saving Center; LIQUOR, C.B. McNeill for Bon Villa Club, Ted LeBaron for LeBaron's, Robert Masoni for Elks, E.M. Price for Eagles, Ralph Ingram for Fords Cigar Store, Everett Jordan for Stardust Lounge, Floyd Higgins for Ponderosa Inn, Charles R. Jachetta for Golden Crown Lounge, Eriel Monson for Samoa Club, Janet McCormick for Grant Hotel, Inc., Del Pack for Westbank Coffee Shop & Lounge, Charles Cherry for Mint Bar, Millard Devine for Broadway Lounge, George J. Curtis for Chariott II, were presented. It was moved by Councilman Erickson, seconded by Freeman, 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.

This damage claim was presented:

TO: MAYOR S. EDDIE PEDERSEN AND THE CITY COUNCIL FOR AND ON  
BEHALF OF THE CITY OF IDAHO FALLS, IDAHO AND OFFICER  
TANGREN

COME NOW Sophie E. McDonough and L.J. McDonough and present to you and each of you the following claim under provisions of the Idaho Tort Claims Act, to-wit:

1. Claimants are residents of Idaho Falls, Idaho and have resided at 990 9<sup>th</sup> Street during the period of three months preceding the incident giving raise to this claim and resided at 1020 Cassia for the three months preceding that time and before.

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2. That the claimant Sophie E. McDonough was injured on August 13, 1974, between the hours of 7:30 and 9:30 P.M. while in the custody of Officers of the Police Force of the City of Idaho Falls and the Sheriff's Office of Bonneville County, Idaho. That Officer Tangren of the City Police Force used unnecessary force when arresting her for the offense of driving while intoxicated. That said Officer Tangren physically removed the claimant from her vehicle and placed her in hand cuffs causing severe bruises and lacerations to her arms. That said Officer Tangren placed Mrs. McDonough in hand cuffs when that conduct was not necessary and that thereby Officer Tangren failed to exercise the reasonable degree of care required by a police officer in conducting an investigation and making an arrest and that though advised of her having a medical condition, he failed to ascertain whether the condition was related to illness or intoxication and that even if she had been intoxicated, which she was not, the force used by Officer Tangren was excessive under the circumstances. That further, the claimant was escorted to the police car and the Idaho Falls Police station with excessive force and that claimant was also subjected to excessive force at the Bonneville County jail.
3. That thereby the claimant suffered the excessive bruises referred to in the above paragraph and also suffered a cracked sternum. Further, Mrs. McDonough was subjected to extreme emotional trauma and public ridicule at the time of the arrest. She also suffered property damage, contents of her purse being scattered on the shopping center parking lot when Officer Tangren physically removed Mrs. McDonough from her vehicle.

Further, that by reason of this conduct, claimant L.J. McDonough was caused emotional concern and physical discomfort over his wife's condition as well as loss of consortium and companionship due to his wife's injury.

4. That this incident occurred in the Skyline Shopping Center parking lot in close proximity to Skyline IGA and Ben Franklins as well as at the Idaho Falls City jail and the Bonneville County Sheriff's office.
5. That the persons involved in that transaction include the claimants, a Mrs. Becky Barnes of Rigby, Idaho, a witness, Officer Tangren and an unknown female officer of the Bonneville County Sheriff's office.
6. That a like claim is on this date filed with the Bonneville County, Idaho and copy of that claim is attached hereto.

WHEREFORE, claimants present this claim against the City of Idaho Fall in the amount of \$20,00.00 and further pray the dismissal of Officer Tangren from the Idaho Falls, Police Department.

Dated this 22<sup>nd</sup> day of November, 1974.

s/ Sophie E. McDonough  
s/ L.J. McDonough

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The City Clerk explained that, in the interests of time, this had been forwarded to the City insurance carrier on December 9<sup>th</sup>, 1974, without formal Council approval. It was moved by Councilman Karst, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was a City Redemption Tax Deed in favor of John D. Harker, accompanied by this resolution:

**RESOLUTION (Resolution No. 1974-29)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 21<sup>st</sup> day of January, 1974, recorded on Microfilm No. 457676, records of Bonneville County, Idaho acquire title to and possession of the following described real property, within Local Improvement District No. 35, to-wit:

In the Bel Aire South Addition #2 to the City of Idaho Falls, County of Bonneville, Lot 3 of Block 8 per the recorded plat thereof.

WHEREAS, JOHN D. HARKER has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said John D. Harker a deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 19<sup>th</sup> day of December, 1974.

APPROVED BY THE MAYOR this 19<sup>th</sup> day of December, 1974.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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

From the General Services Director, came this memo:

City of Idaho Falls  
December 18, 1974

One 750 KVA 3 Phase Padmount Transformer

Honorable Mayor and Councilmembers:

Tabulation of bids for one 750 KVA Phase Padmount Transformer is attached.

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Evaluation of bids received show Spokane Transformer Company of Spokane, Washington submitting the low bid and with a firm price of \$5953.00 the bidder meets specifications and the delivery time.

It is the recommendation of the Electric Light Division and General Services that the low bid be accepted.

This recommendation subject to your approval.

s/ Chad Stanger  
General Services

It was moved by Councilman Hovey, seconded by Erickson, that the low bid of Spokane Transformer Company in the amount of \$5,953.00 be accepted for the transformer as described. Roll call as follows: Ayes, 5; No, none; carried.

The Public Works Director presented this memo:

City of Idaho Falls  
December 19, 1974

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: WELL NO. 13

We are attaching hereto an engineering contract with Forsgren-Perkins & Associates for the design of Well No. 13. We have reviewed this contract in detail with the Council's Public Works Committee and would recommend that the Mayor be authorized to sign the City's approval.

s/ Donald F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that this engineering contract for the design of Well No. 13 be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls  
December 19, 1974

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: FEE APPRAISAL AGREEMENT CITY OF I.F. & CHAS. K. THOMPSON

Attached hereto is a Fee Appraisal Agreement between the City of Idaho Falls and Charles K. Thompson for appraisals in connection with the Anderson-Lewisville project for your approval. This is an agreement setting forth the fees for the appraisals of properties on Anderson and Lewisville.

s/ Don  
Donald F. Lloyd

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

An option agreement between the Community Redevelopment Commission and the City of Idaho Falls was presented, providing for the purchase, by option, of certain lands within the Urban Renewal area to be used for construction of a library. It was moved by Councilman Karst, seconded by Freeman, that this option agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This resolution was introduced by Councilman Karst:

**R E S O L U T I O N (Resolution No. 1974-30)**

**CREATING COMMUNITY DEVELOPMENT FUND**

BE IT RESOLVED BY the Mayor and City Council of the City of Idaho Falls:

- A. That in the conduct of the financial affairs of the City of Idaho Falls there be created a special fund to be known as COMMUNITY DEVELOPMENT FUND into which shall be deposited all moneys received by the City pursuant to the provisions of the Housing and Community Development Act of 1974;
- B. That said moneys shall be kept and disbursed only in compliance with the provisions of said act;
- C. That it is the desire of the City of Idaho Falls to qualify for and to receive all of such moneys for which it is eligible; and to that end the appropriate fiscal officials of the City are hereby authorized and directed to prepare and submit all applications or other documents to qualify the City to receive such moneys;
- D. That the budgeting of said moneys, and the expenditures thereof, shall be in compliance with the laws of the State of Idaho as well as the regulations of said Act;
- E. That the Idaho First National Bank is hereby designated the official depository for said moneys.

Passed by the Council and approved by the Mayor this 19<sup>th</sup> day of December, 1974.

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.

The Mayor appointed these parties as new members of the Parks and Recreation Commission, pursuant to Ordinance No. 1398, passed November 21<sup>st</sup>, 1974:

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Mr. Mel Richardson  
Mr. Karl Page  
Mr. Charles Thompson

It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Relaying a recent recommendation from Mr. Rich Michels, Vice President, Idaho First National Bank, Boise, Idaho, acting in the capacity of Fiscal Agent and Financial Consultant for the sale of the General Obligation Library Bonds, Councilman Karst reported that, within the past week, the Municipal Bond Market experienced one of its worst collapses in history, resulting in extremely high average interest rates. He said it was expected that this was a temporary situation and that some semblance of order would again prevail after the first of the year. Karst continued by saying that, in view of this situation, it was Mr. Michels' recommendation that the sale of the Library Bonds, previously scheduled for January 23<sup>rd</sup>, 1975 be temporarily postponed. It was moved by Councilman Karst, seconded by Freeman, that the Notice of Sale of the Library General Obligation bonds be not published at this time and the sale date, as indicated, be postponed until further notice. Roll call as follows: Ayes, 5; No, none; carried.

It was moved by Councilman Karst, seconded by Freeman, that the City enter into an agreement with Mr. Leland Dille to conduct a housing study within the City of Idaho Falls in connection with the community development program now being initiated. Roll call as follows: Ayes, 5; No, none; carried.

At the invitation of Councilman Freeman, Police Chief Pollock reported on a recent recommendation by the Traffic Safety Committee having to do with lighting the intersection at Yellowstone and Sunnyside Road. He said this was a very dark corner with much traffic and a light was being recommended. It was learned that even though this intersection was inside the City limits, it could not be conveniently served by City electric service at this time. Pollock continued by saying that a Utah Power & Light line is available and that Utah Power & Light had agreed to install and maintain two 400 watt mercury vapor street lights at a cost of \$12.20 a month. It was moved by Councilman Hovey, seconded by Freeman, that the City accept this offer by that utility company and agree to remit as indicated until such time as the City has its own service facilities within that area. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman drew attention to certain action taken at the last regular Council meeting; namely, denial of a request by Homer Biggers for a time extension to complete the Tautphaus Park sprinkling system project. In the interim period, continued Freeman, more had been learned of the circumstances. Mr. Biggers had informed Freeman that he had not been notified that he had been awarded the contract until November 10<sup>th</sup> and, shortly after that, inclement weather had set in, giving him only about four days of satisfactory weather to commence construction. Therefore, it was moved by Councilman Freeman, seconded by Erickson, that the previous denial actions be rescinded and that an extension of time on this Biggers contract be permitted until weather again permits construction in the Spring. Roll call as follows: Ayes, 5; No, none; carried.

Police Chief Pollock appeared briefly before the Council to report that the 911 Emergency system has now been installed and was in operation.

There being no further business, it was moved by Councilman Hovey, seconded by Erickson, that the meeting adjourn at 8:15 P.M., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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