

NOVEMBER 21, 1974

The City Council of the City of Idaho Falls met in regular meeting, Thursday, November 21, 1974 at 7:30 P.M. on the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, Norris Gesas, and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lee Mundell, Personnel Director; Ernie Craner, Parks & Recreation Director; Don Lloyd, Public Works Director; Steve Harrison, Electrical Engineer; Les Corcoran, Fire Chief; Robert Pollock, Police Chief; and Paul Lundblade, Building Official.

Minutes of the last Regular Meeting, held November 7th, 1974, were read and approved.

The Mayor called upon Councilman Wood to escort Mr. William Strom to the Council Table. Mr. Strom, as a recent City employee retiree, having been employed at the Airport since 1960 as a supervising custodian, was commended by the Mayor for the immaculate appearance of the Airport terminal building. The Mayor also noted that Mr. Strom had acquired an enviable reputation as a linguist, being capable of speaking several languages and that this frequently served to good advantage in assisting travelers with difficulty in mastering the English language. The Mayor presented Mr. Strom with an inscribed billfold as a token of esteem from the City after which he received a congratulatory handshake from all City Officials around the Council Table.

The Mayor then called upon Public Works Director Lloyd to escort Mr. Bill Lawson to the Council Table. Having retired in June of this year and having been employed by the Street Department as a driver of a flusher truck and also lead man on the patch truck crew since 1958, the Mayor expressed appreciation to Mr. Lawson for these many dedicated years of service. The Mayor presented Mr. Lawson with an inscribed billfold as a token of appreciation from the City and wished him well during his retiring years. Mr. Lawson then received a congratulatory handshake from all City Officials around the Council Table.

Mr. Norris Hendrickson, owner and operator of the local cab company, appeared before Council. Referring to the fact that the Eastern Idaho Special Services Agency, represented by Mr. Jack Viggers, had recently been responsible for acquiring and unveiling a mini-bus to be used to transport Senior Citizens within and around the City, Mr. Hendrickson registered concern on several grounds and said he had several questions to ask, to-wit: Is it legal to have in operation, within this City, a government subsidized service in competition with a non-subsidized privately owned and operated service? What are the standards under which this service will operate? Will the City demand the same requirements from this operation as it does from the local cab company such as cab licensing, licensed cab drivers, vehicle inspection and qualified drivers? Mr. Hendrickson passed out copies of this letter to the Mayor and all Councilmen and asked that it be made a matter of record:

Falls Cab Company, Inc.
dba Yellow Cab
Idaho Falls, Idaho
October 1, 1974

Mr. Darrell Manning
State Director of Transportation
Boise, Idaho

Dear Mr. Manning:

We have been informed that a bus system to be financed at least in part by tax money has been proposed for the City and surrounding area of Idaho Falls, Idaho.

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We wish to call your attention to an experiment that our company participated in last December with the Idaho Department of Environmental and Community Services, the City of Idaho Falls and the County of Bonneville. The purpose of the operation was to provide needed transportation for low income or elderly people at a minimum of cost to the sponsors and a maximum of service for the users.

Many of the customers cannot walk from their homes to or from a bus stop on an icy or unplowed sidewalk. Many of the customers cannot withstand a long wait outdoors in inclement weather. Many of the customers cannot carry heavy sacks of groceries or other parcels without assistance. Many of the customers have need for medical, religious or other vital service at hours of the day and night and on Sunday beyond the preview of a minimal bus service.

Therefore, DECS issued a validated script at their discretion to potential users who in turn used the script at any time of the day or night to pay for their rides in our taxis. Our firm accumulated this script (also validated by the user) and billed the DECS once a month. For the month of December, this amounted to \$622.70.

Although this program was well accepted and most successful, it was reluctantly discontinued. Not all senior citizens could be included in the program – only those who could be classed as welfare recipients.

We feel that if a portion of such program could be financed from another source providing for senior citizens along with the DECS sources of financing, it would be a viable and reasonable solution to the transportation problem of elderly and welfare recipients in our community.

s/ N. W. Hendrickson
President
Falls Cab Company, Inc.

Mr. Hendrickson emphasized the fact that reportedly, the service would charge 25¢ a customer and would be on call on a door-to-door service basis and said that this could constitute unfair competition. Mr. Hendrickson continued by saying that some Senior Citizens felt they would be no better off after this service was established on the grounds that this might result in further pushing that element back into a corner. Hendrickson illustrated this point by mentioning the fact that the limited hours of operation might prove to be only a nominal value. Along this same line, he also stressed the various points as mentioned in the foregoing letter. Hendrickson concluded his remarks by asking how a Senior Citizen was supposed to be defined. He asked if there were any other qualifications, other than the fact that the person had reached the age of 65. Councilman Erickson proposed that this be made a subject of special study by the City Attorney and the Police Chief so that these questions might be rightfully answered. Councilman Hovey posed a question as to whether or not this operation was in violation of City Ordinance and, if so, he registered an opinion to the effect that it should not be permitted. Erickson said the study, as proposed, would also answer this question. Hovey agreed but said that time should be of the essence in conducting and concluding said study. City Attorney Smith said that such a study should be made as many details were not known and that a study of this kind could be accomplished in a half a day. It was moved by Councilman Erickson, seconded by Wood, that this matter be referred to the

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City Attorney, the Police Committee and the Police Chief for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, Gerold D. Epperly for Elm Street Jiffy Mart; RESTAURANT, Ralph Ingram for Ford's Café, Millard M. Divine for Broadway Café; APPRENTICE ELECTRICIAN, Ronald Gibson with Thomas Snouffer Electric, Paul Eateringer with Nelson Electric, Michael Johnson with J. H. Electric, Ralph Mortensen with Davis Electric; JOURNEYMAN ELECTRICIAN, Floyd Gifford; ELECTRICAL CONTRACTOR, Floyd Gifford with F. and L. Electric; JOURNEYMAN PLUMBER, J. Dale Browning; DAIRY, Robert N. Rowland; TAXI CAB DRIVER, Edward Black; BARTENDER, Elayne Jacobson, Charles S. Cherry, Bonita Glen, Eugenia Doyle, Ray Metcalf, Debra Schroeder, Linda Hawker, Sandy Norman, Donna Johnson; BEER (Canned, bottled and draught, to be consumed on the premises), Charles Cherry for Mint Bar, Raymond Klawitter for Dixie's Bar, Ralph Ingram for Ford's Bar, R.D. Cleveland for Buckhorn Gardens, Millard M. Divine for Doc's Broadway Café; BEER, (Canned and bottled, to be consumed on the premises), Charles Jachetta for Golden Crown Lounge; BEER, (Canned and bottled, not to be consumed on the premises), Harvey Oswald, Harvey's Store, Larry Long for Skaggs Drug, 1515 Northgate Mile, Wardell Frandsen for Van's Conoco, Jerold Epperly for Elm Street Jiffy Mart, were presented. It was moved by Councilman Wood, seconded by Freeman, that these licenses be granted, subject to final approval by the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that there is need to schedule a public hearing to consider a rezoning request on a portion of certain lands commonly referred to as the William Hatch property on the corner of Skyline and Grandview. It was moved by Councilman Wood, seconded by Karst, that said public hearing be scheduled for December 19th, 1974, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This petition with 44 signers, dated September 24th, 1974 was presented and read aloud:

September 24, 1974

To Honorable Mayor Pedersen and City Councilmen of Idaho Falls:

For years we have been plagued with dust from the Lower Power Plant Road (West of South Yellowstone Highway).

Is it too much to ask for the sprinkler to daily spray this road at least past our closely populated area? Or could it be paved to the lower power plant? No oil please! It is even more unhealthy and troublesome than plain dust. The dust is very unhealthy besides the inconvenience in house keeping and laundry.

Very, very sincerely,
Residents of Valley
Trailer Court

Councilman Gesas noted that within the last sixty days the road in question had been paved. It was moved by Councilman Erickson, seconded by Freeman, that this matter be referred to the Public Works Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

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City of Idaho Falls
November 21, 1974

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-74-20, (750 KVA TRANSFORMER)

It is the recommendation of the Electric Division and General Services Division that all proposals submitted for Bid #IF-74-20, be rejected on the basis that none of the bidders met the bid specifications and/or the City's legal requirements. We also request permission to re-advertise for bids for the 750 KVA Transformer as previously advertised with an added stipulation that only firm priced bids will be accepted.

Respectfully,
Chad Stanger

Councilman Erickson said this recommendation was being made with the knowledge and concurrence of the City Attorney. It was moved by Councilman Erickson, seconded by Hovey, that all bids for the transformer, as described be rejected for the reasons as indicated. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Erickson, seconded by Hovey, that the General Services Director be authorized to re-advertise for the same transformer with the provision that only firm price bids be accepted. Roll call as follows: Ayes, 6; No, none; carried.

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

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TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-74-19

It is the recommendation of Finance Division and General Services Division that an award be made to International Business Machines Corp. as the only bidder, furnishing Attachment Circuitry for IBM No. 5410 Processing Unit for an amount of \$23,688.00. General Services also requests permission to issue an order for this amount now so delivery can be made in January, 1975, and the amount can be included as a 1975 revenue sharing budgeted item.

Respectfully submitted,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Karst, that the IBM bid in the amount of \$23,688 be accepted for the equipment as described. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, this memo was forthcoming:

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City of Idaho Falls
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ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PROJECT NO. T-4060(1)

On February 21, 1974 the Council authorized the Mayor and City Clerk to execute a cooperative agreement with the State Highway Department relative to appraising Anderson-Lewisville. This authorization was subject to approval from the City Attorney. The City Attorney requested modifications of the agreement and these modifications have finally been accepted by the Highway Department. We are presenting herewith three (3) copies of a new cooperative agreement covering this subject which have been approved by the City Attorney. We would request authorization for the Mayor and City Clerk to sign the City's approval.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the Mayor and City Clerk be authorized to sign this cooperative agreement as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Police Chief was presented and read:

City of Idaho Falls
November 18, 1974

TO: Honorable Mayor and City Councilmen
FROM: Pollock
SUBJECT: AUTHORITY TO ISSUE PARKING VIOLATION TICKETS

It is recommended the Chief of Police be authorized to so designate responsible persons other than regular Police Officers with the authority to issue tickets pertaining to parking violations within the City of Idaho Falls, Idaho.

City Ordinance 10-19-9 specifies "Police Officer".

(This would be for the like of meter maids or men at the airport along with the two hour and alleys in the downtown area. "We have the Animal Shelter men covered under ordinance now").

s/ Robert D. Pollock

It was moved by Councilman Wood, seconded by Freeman, that the Police Chief be authorized, at his discretion, to designate certain responsible persons other than regular police officers to issue tickets for certain violations in certain areas as illustrated in the foregoing memo. Roll call as follows: Ayes, 6; No, none; carried.

A request for a variance by the Off-Street Parking Association was introduced by this memo from the Building Official:

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City of Idaho Falls
November 21, 1974

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Building and Zoning
SUBJECT: VARIANCE FOR A TRAILER HOUSE

The Idaho Falls Off Street Parking Association requests permission to place an 8 ft. X 16 ft. trailer house on the northwest corner of the White Star Laundry parking lot for the attendant. This will be for a maximum period of four (4) months until a structure is built.

This office would recommend approval of this appeal.

Respectfully submitted for your consideration.

s/ Paul Lundblade

It was moved by Councilman Wood, seconded by Freeman, that this variance be allowed for a four month period. Roll call as follows: Ayes, 6; No, none; carried.

In the same connection this memo was also presented by the Building Official:

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and Council
FROM: Building and Zoning
SUBJECT: VARIANCE FOR A LIGHT FRAME BUILDING IN FIRE ZONE I

The Idaho Falls Off Street Parking Association requests a variance to erect a small light frame building on the White Star parking lot for an attendant. This is classified as a Type V building and is not permitted by the Uniform Building Code in Fire Zone I.

This office would recommend denial of this appeal due to the violation of our building code and to avoid similar requests in the future.

Respectfully submitted,
s/ Paul Lundblade

Asked for some details on the description of this proposed structure, Building Official Lundblade appeared briefly to say that it would be a wood structure of light framing with toilet facilities. Councilman Karst and Erickson, by separate comments, objected to allowing this variance in a Fire Zone I on the grounds that it would be precedent setting and that no such latitude should be permitted when dealing with a zone so important as a fire zone. It was noted that similar requests have previously been denied on the same grounds. However, it was suggested that, inasmuch as the use of the land has now changed, there might be merit in considering a change of zone for this block only. In view of this suggestion, it was

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moved by Councilman Wood, seconded by Karst, that this matter be tabled and referred to the Building and Zoning Committee, the Fire Committee and the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that one purpose of the meeting was to authorize the advertisement for sale of \$2,677,000 General Obligation Library Bonds of the City of Idaho Falls, authorized at the election held in said City on October 8, 1974.

Thereupon the following resolution was introduced in written form by Councilman Karst, was read and duly discussed, and pursuant to motion made by Councilman Karst and seconded by Councilman Freeman, was adopted by the following vote: Aye: Councilmen Erickson, Freeman, Gesas, Hovey, Karst, and Wood; Nay; none.

The resolution was thereupon signed by the Mayor in evidence of his approval, was attested by the City Clerk, was ordered recorded and is as follows:

RESOLUTION (Resolution No. 1974-28)

A RESOLUTION PROVIDING FOR THE SALE OF
\$2,677,000 GENERAL OBLIGATION LIBRARY
BONDS OF THE CITY OF IDAHO FALLS, IDAHO

BE IT RESOLVED by the Mayor and Council of the City of Idaho Falls, Bonneville County, Idaho, as follows:

Section 1. That sealed bids for the purchase of the bonds of the City of Idaho Falls described in the following notice of sale, shall be received up to 7:30 o'clock P.M.. M.S.T., on January 23rd, 1975, and shall be considered at a meeting of the City Council to be held in the City Hall in the City of Idaho Falls at said time.

Section 2. That the City Clerk is hereby instructed to have published in the Post Register, the official newspaper of the City, for three consecutive publications at weekly intervals, with the first of such publications being not less than twenty-one (21) days prior to the date of sale, a notice in substantially the following form:

NOTICE OF SALE OF
\$2,677,000 GENERAL OBLIGATION
LIBRARY BONDS OF THE CITY OF
IDAHO FALLS, IDAHO

NOTICE IS HEREBY GIVEN by the City Council of the City of Idaho Falls, Bonneville County, Idaho, that said City intends to sell and issue its \$2,677,000 General Obligation Library Bonds and will receive sealed bids therefor up to 7:30 o'clock P.M., M.S.T., on January 23rd, 1975, at which hour said bids will be opened and considered at a regular public meeting of the Council to be held in the City Hall in the City of Idaho Falls, Idaho.

Said bonds are dated February 1, 1975, denominations of \$1,000 and \$5,000, and mature serially in numerical order on February 1 of each of the years as follows:

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<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
1975	\$7,000	1986	\$125,000
1977	15,000	1987	150,000
1978	25,000	1988	175,000
1979	40,000	1989	200,000
1980	50,000	1990	230,000
1981	60,000	1991	250,000
1982	70,000	1992	275,000
1983	80,000	1993	300,000
1984	90,000	1994	225,000
1985	110,000	1995	200,000

PRIOR REDEMPTION: The bonds maturing in the years 1986 to 1995, inclusive, will be callable for redemption in inverse numerical order at the option of the City on February 1, 1985, and on any interest payment date thereafter at the price of par and accrued interest to the date fixed for redemption, plus a premium (expressed as a percentage of the principal amount of each bond so called for redemption) of two per cent (2%) for each bond so called for redemption on or prior to August 1, 1987, a premium of one and one-half per cent (1 ½%) for each bond so called for redemption thereafter and on or prior to August 1, 1991, and a premium of one per cent (1%) for each bond so called for redemption thereafter and prior to maturity.

INTEREST RATES: The bonds may bear interest at not more than five different rates expressed in multiples of one eighth or one twentieth of 1% and all bonds of the same maturity shall bear a single rate of interest. There must not be more than a two percent (2%) difference between the highest and lowest rates specified in any bid. Only one coupon will be attached to each bond for each installment of interest thereon. A zero rate cannot be named for all or any part of the time from the date of any bond to its stated maturity and the premium, if any, must be paid in the funds specified for the payment of the bonds as part of the purchase price. Interest will be payable February 1, 1976, and semiannually thereafter at a rate or rates not exceeding seven and one-half per cent (7½%) per annum, to be fixed at the time the bonds are sold.

SECURITY: The bonds will be full general obligations of the City, payable from taxes to be levied without limitation as to rate or amount.

PLACE OF PAYMENT: The bonds are payable in lawful money of the United States of America at the Idaho First National Bank, in the City of Idaho Falls, Idaho.

FORM OF BID: Bids shall specify (a) the lowest rate of interest and premium, if any, above par at which the bidder will purchase such bonds or (b) the lowest rate of interest at which said bidder will purchase such bonds at par. The bonds will not be sold for less than par and accrued interest to the date of delivery. Each bid must be in writing for all the bonds herein offered for sale and, together with the bidder's check or cash deposit, must be

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enclosed in a sealed envelope marked on the outside. "Proposal for Bonds" and addressed to the City Council of Idaho Falls, Idaho. For information purposes only, the bidders are requested to state in their bids the net effective interest rate represented by the rates of interest specified in each bid, interest to be figured from the date of the bonds to their maturity.

BID CHECK: Each bidder, except the State of Idaho or its Department of Finance, must accompany his bid with a cashier's or a certified check the amount of five per cent (5%) of the amount of such bid, made payable to the City of Idaho Falls, or by a cash deposit in like amount, which check or deposit will be returned to the bidder if his bid is not accepted. The check or deposit of the successful bidder will be forfeited to the City if the bidder shall fail, neglect or refuse to accept the bonds and to complete and pay therefor in accordance with the terms of his bid within thirty (30) days following its acceptance.

SALE RESERVATIONS: The City Council reserves the right to (1) waive any irregularity or informality in any bid; (2) reject any and all bids for the bonds; and (3) re-advertise said bonds for sale until said bonds have been sold as provided by law.

LEGAL OPINION: The unqualified approving opinion of Chapman and Cutler covering the legality of the bonds will be furnished without cost to the purchasers. There will also be furnished the usual closing certificates, dated as of the date of delivery of and payment for the bonds, including a statement that there is no litigation pending or, to the knowledge of the signer thereof, threatened, affecting the validity of the bonds.

MANNER AND TIME OF DELIVERY: The purchasers will be given at least seven business days advance notice of the proposed date of the delivery of the bonds when that date has been tentatively determined. It is now estimated that the bonds will be delivered on or about March 3rd, 1975. The City will supply the printed bonds. Delivery of the bonds will be made in Idaho Falls, Idaho, except that the successful bidder may at his option and expense designate some other place of delivery. The successful bidder must also agree to pay for the bonds in federal funds which will be immediately available to the City in Idaho Falls, Idaho, on the day of delivery.

AWARD: Award or rejection of bids will be made on the date above stated for receipt of bids and the checks of the unsuccessful bidders will be returned immediately. The City Council will sell such bonds to the highest bidder making the best bid therefore, which bid will be considered to be that of a responsible bidder submitting the bid which results in the lowest net interest cost to the City.

ADDITIONAL INFORMATION: Complete financial information and other information pertinent to said bonds may be obtained from the undersigned City Clerk at the City Hall in Idaho Falls, Idaho, or from the Idaho First National Bank, Municipal Financing Department, P.O. Box 7009, Boise, Idaho 83707.

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By order of the City Council of the City of Idaho Falls, Idaho.

Dated this 21st day of November, 1974.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

Section 3. That the City Clerk is hereby instructed to mail a copy of the foregoing notice to the State Auditor, at Boise, Idaho, at least fifteen (15) days prior to the time fixed for the sale of the bonds.

Adopted and approved November 21st, 1974.

s/ S. Eddie Pedersen
Mayor

ATTEST:
s/ Roy C. Barnes
City Clerk

The City Clerk presented a contract between the City and Williams, Ferguson & Company, providing for that C.P.A. firm to audit the 1974 records of the City. It was moved by Councilman Karst, seconded by Freeman, that this contract be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1398

AN ORDINANCE ESTABLISHING A PARKS AND RECREATION COMMISSION FOR THE CITY OF IDAHO FALLS, SETTING FORTH THE MEMBERSHIP, TERMS OF OFFICE, DUTIES, COMPENSATION AND ORGANIZATION OF SAID COMMISSION; REPEALING TITLE 3, CHAPTER 1, CITY CODE OF IDAHO FALLS; PROVIDING WHEN THE ORDINANCE SHALL BE COME EFFECTIVE.

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

City Attorney Smith reported that much exhaustive work had been accomplished on the proposed sign ordinance by the Building and Zoning Committee, the Building Official and the legal department but that he was now at a point where he needed guidance from the full Council. He said that, among other sources, he had spent some time in the preparation of this ordinance, with certain Salt Lake Attorneys, thus benefiting from their knowledgeable expertise. He said the principal problem centered around the question

as to how to cope with non-conforming use. He noted that this is important and that several cases involving the subject had reached the U.S. Supreme Court. He said that Salt Lake had followed the practice of not attempting to correct instances of non-conforming use on private property, but that it automatically died when there was a change of use. Smith continued by saying that, within the central business area, however, all non-conforming signs had to be removed within five years on the theory that this could be done without damage to the property owner if properly amortized. He said the City may do this through its police powers, if the administration so dictates. He said non-conforming use of signs are generally in two categories; namely, those on public and those on private property. He said the signs on public property pose a particular problem when they are of the marquee type, extending out over a sidewalk. Pinpointing his questions, then as it would pertain to public property, Smith said the Council could, at their discretion, under the new ordinance, give property owners, as an example, one month, one year, five years or more to have such overhanging signs removed but he needed to know so that it could be properly incorporated in said ordinance. Councilman Wood noted that the Building and Zoning Committee had recommended that signs of this nature be allowed to remain indefinitely as long as there was no change in use or in the event the premises became vacant. Councilman Hovey said that he could not conceive of a provision in the new ordinance demanding removal of all such signs in 5 years. This met with general Council concurrence. Councilman Gesas proposed, also with Council concurrence that, when the ordinance was completely drafted, all sign company operators and all other interested citizens be invited to a public hearing. He said the ordinance, to be effective, must be enforceable.

City Attorney Smith then presented an amendment to the agreement between the City of Idaho Falls and the City of Ammon providing for City of Idaho Falls inspection within the City of Ammon. Smith said this amended agreement was identical to the original except that the portion requiring inspection of side sewers had been deleted. He said this met with agreement by the Mayor of Ammon and the inspectors. It was moved by Councilman Karst, seconded by Gesas, that this amended agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson noted that the City has frequent need for a tree spade and that there is a good possibility that a used one could be acquired at a satisfactory price. He said it is not uncommon for property owners to contact the City asking that a tree be removed from their property and that these can always be used in City parks. He said the City has paid as much as \$1500 to \$2000 a year for a rented tree spade. It was moved by Councilman Erickson, seconded by Freeman, that the General Services Director be authorized to advertise for bids on a used tree spade. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey drew attention to the fact that, without benefit of written agreements, the City has been providing ambulance service to Jefferson County and the northern portion of Bingham County. He said this has been working satisfactorily and these Counties have been properly paying the usual fees for services rendered. It was moved by Councilman Hovey, seconded by Freeman, that this practice be formalized and that the City Attorney be directed to prepare appropriate written agreements accordingly for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Freeman, seconded by Erickson, that authorization be granted to advertise for bids for reconstruction of the footbridge at Eagle Rock Park, formerly known as Sportsman Park, not to exceed the amount budgeted. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 18 in this book of minutes and, more specifically, a copy of a letter from the Upper Valley Telecable Company, announcing increased rates effective January 1st, 1975. Councilman Gesas reintroduced this matter and, noting that

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this company operates under a franchise agreement with the City, asked about the advisability of seeking more information as to the justification for said rate increase. City Attorney Smith replied by first reminding the Council that this operation is not governed or controlled by the P.U.C. for the reason that it is not providing an essential service such as that provided by the gas or telephone Company. The City Attorney continued by noting that, under the franchise ordinance, the City does not set itself up as a rate regulator but, by the same token, there is a provision in the ordinance whereby rates shall be fair and reasonable. Therefore, continued Smith, the City does reserve the right to ask for prima fascia evidence that rates are, in fact, fair and reasonable. Councilman Hovey questioned that anything would be accomplished by seeking statistics proving justification. He asked if there was any reason not to believe that the rates were fair and equitable. Gesas said that is precisely what the City should determine, in compliance with the ordinance. There was some general discussion about the City's right to control programming. The City Attorney said the City is not directly involved in this regard. It was moved by Councilman Gesas, seconded by Karst, that the City Attorney be authorized and directed to write a letter to the Upper Valley Telecable Company, requesting that they justify their previously announced rate increase. Roll call as follows: Ayes, 6; No, none; carried.

Noting that there had recently been another serious accident at First and Woodruff and noting, further, that this intersection had been the subject of study by the Traffic Safety Committee about a year ago, Councilman Wood asked if this intersection should again be studied. Police Chief Pollock appeared briefly to say that, a year ago, a traffic count was made of this intersection and at that time the results of said count were very close to warranting a traffic light. He said it is very likely that, by now, the traffic would warrant such a light and that there probably will soon be a recommendation for signalization forthcoming from that committee.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 9:00 P.M., carried.

s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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