

SEPTEMBER 26, 1974

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, September 26, 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 Ralph Wood, Paul Hovey, Norris Gesas, Jim Freeman, Mel Erickson. Absent: Councilman Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lorna Coughlin, City Treasurer; John Evans, City Controller; Steve Harrison, Electrical Engineer; Lee Mundell, Personnel Director; Robert Pollock, Police Chief; Chad Stanger, General Services Director; Ernie Craner, Parks & Recreation Director, Paul Lundblade, Building Official.

Minutes of the last recessed regular meeting, held September 12th, 1974, were read and approved.

The Mayor acknowledged a contingent from the League of Women Voters in the Council Chambers. He thanked them for their presence and their continuing civic interest in City Government and civic projects.

The Mayor announced that this was the time and the place for reconvening a public hearing, recessed from the last regular Council Meeting held September 12th, 1974, to consider a petition to rezone a vacant lot on the northwest corner of 17th Street and Boulevard. The Mayor noted that at said hearing the petitioner, Mr. David Price, has asked that the petition be withdrawn but that the owner, Mr. H.F. Martindale had asked that the rezoning request be considered. Asked for comment, City Attorney Smith reported that, in the interim period he had an opportunity to study the contract of sale between Mr. Martindale and Mr. Price and could determine no implied ownership by Mr. Price. Smith said that Mr. Martindale, as the rightful landowner, was in a position of being a competitor. Asked by a Councilman what development plans he had for this property, Mr. Martindale said he had no immediate plans. There were no protests. It was moved by Councilman Wood, seconded by Erickson, that this area be rezoned from R-2 to R-3A and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Official came this memo:

City of Idaho Falls
September 26, 1974

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Building & Zoning Division
SUBJECT: VARIANCE FOR FLYING "J" OIL COMPANY

The Flying "J" Oil Company from Bingham City, Utah requests a variance to construct a Self-Service Station with nine (9) gasoline-dispensing pumps. Ordinance #1115 classifies any station with more than five (5) such pumps to be a Super Service Station.

This property is located at 920 E. 17th Street on Lot 2 and the west 20 feet of Lot 3, Block 1, West Jennie Lee Subdivision. This type station is not permitted in this zone.

It would be the recommendation of this office that the appeal be denied to avoid similar requests in the future.

SEPTEMBER 26, 1974

Respectfully submitted for your consideration.

s/ Paul Lundblade
Building Official

Mr. John Telford, representing the Flying J Oil Company appeared before the Council. He presented a miniature model of the station that would be constructed at 920 E. 17th depicting a modern attractive design with canopies over each island of pumps. Mr. Telford explained that his company provided a unique service inasmuch as they sold nothing but gasoline. He said the time was soon coming, under Federal Law, when gas stations would be selling no lead gas and so more pumps were needed because of the additional gas qualities to avoid customer lineups. Mr. Telford continued by saying that this company, being an independent, served as a price equalizer in any given community. He said the stations were so designed that, in his company's history, there had been no robberies or holdups. Asked by Councilman Hovey why the C-1 zone permitted no more than 5 pumps, Building Official Lundblade said he knew of no reason except that this is what was prescribed in the zoning ordinance. Councilman Freeman said there may or may not be justification for the 5 pump limitation in the zoning ordinance and it was even conceivable that the Planning Commission might want to consider amending the ordinance to permit more than 5. But, continued Freeman, as long as that limitation remained in the ordinance the only way that Mr. Telford could be permitted more than five was by the granting of a variance. Directing his remarks to Mr. Telford, Freeman said that, knowingly or otherwise, he was, in effect, a victim of circumstances by asking for a variance in this particular location. Freeman then gave a brief history, for Mr. Telford's benefit, of the entire area along the south side of 17th Street between Holmes and Sequoia Drive and the fact that, in the past, the Council oftentimes had occasion to pledge themselves to hold the line on zoning in deference to the residential area north of 17th. This being the case, concluded Freeman, he said he could not vote in favor of a variance in this instance. It was moved by Councilman Wood, seconded by Freeman, that this request for a variance be denied. Roll call as follows: Ayes, 4; No, one; carried. Councilman Hovey voting no.

Mr. Telford thanked the Mayor and Council for their time and consideration of a five pump station. The Mayor told Mr. Telford this was his prerogative as no variance would be required.

This petition with 45 signers was presented and read aloud:

PETITION

TO THE MAYOR AND CITY COUNCIL OF IDAHO FALLS:

WHEREAS, in the interests of the safety of the children of this City and the general public, we, the undersigned, citizens and residents of Idaho Falls hereby give notice by this petition that a dangerous condition exists at the intersection of 8th Street, North Placer, Cedar and South Boulevard, which we shall hereinafter refer to as the subject intersection; and

WHEREAS, this condition warrants attention and corrective action by the City, we respectfully call your attention to the following facts:

SEPTEMBER 26, 1974

1. The subject intersection is subject to heavy vehicular traffic during the morning, noon and evening hours frequently reaching a level of 25 cars per minute, and these periods of heavy vehicular traffic coincide with foot traffic across South Boulevard in connection with the schools and other institutions which we describe herein.
2. South Boulevard is a main vehicle thoroughfare and no effective traffic control whatsoever exists on South Boulevard from Elm to the end of South Boulevard at the North Gate Mile.
3. The single painted cross walk across South Boulevard at 7th Street does not control traffic and is wholly ineffective to protect pedestrians; this problem will be aggravated during the approaching winter months when visibility will be sharply reduced and stopping distances increased.
4. The subject intersection is a primary cross point for school children, disabled persons, and other pedestrian traffic and the resulting foot traffic tends to coincide on weekdays with the heaviest vehicle traffic due to school recess times. This foot traffic includes:
 - (a) Elementary school children crossing each day, at approximately 8:15 A.M., Noon, 12:30 P.M., 2:40 P.M., 2:50 P.M., 3:40 P.M. to attend Holy Rosary and Emerson Schools.
 - (b) Young people crossing each day to attend O. E. Bell Junior High School.
 - (c) Junior High Students from O. E. Bell crossing each day at approximately 8:30 A.M., 9:30 A.M., 10:30 A.M., Noon, 1:00 P.M. to attend seminary classes on 7th Street and to lunch at Holy Rosary School.
 - (d) Disabled, ill and other persons crossing South Boulevard to go to the Idaho Falls Clinic.
 - (e) Other normal foot traffic.
5. South of the subject intersection on South Boulevard, a rise or hill reduces visibility to and from northbound vehicles, particularly with respect to small children because of their heights, and conditions constitute a particular hazard for these children because they are not generally competent to judge the distance and speed of moving vehicles even in conditions allowing good visibility.

NOW THEREFORE, WE, the undersigned, do petition the City of Idaho Falls to install a three-color traffic light at the subject intersection as soon as this practicability can be accomplished.

Mrs. Gail Taylor, a President of the Emerson PTA appeared before the Council to say that Boulevard between 7th and 8th Streets had posed a problem particularly since Central Junior High

has burned down after which the flashing crossing light had been removed. She said that there was still a substantial amount of child pedestrian traffic crossing Boulevard, occasioned because of

SEPTEMBER 26, 1974

various remaining facilities including the O. E. Bell Junior High School on the one side of Boulevard and the Central Junior High athletic field, the Seminary, the 2nd Ward Church and Emerson Elementary School on the other side. She said that, in the absence of a crossing guard, it was necessary, to be safe, that parents assist their small children across Boulevard at all times.

Councilman Hovey said that, normally, school crossing guards are designated by the school board. He asked if this agency had been approached on this problem. Mrs. Taylor answered in the negative.

Mrs. Margaret Gaskill, 311 N. Placer, appeared briefly to say that, in the opinion of the nearby residents, this was more of a problem for the City rather than the School District, inasmuch as there were so many and varied points of student interest involved on both sides of Boulevard. She said that, as indicated in the petition, 8th Street was the most desirable location for a traffic light but that 7th Street would be acceptable.

In the absence of further comment, it was moved by Councilman Wood, seconded by Freeman, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

This petition with 46 signers was then presented and read aloud:

September 24, 1974

Mr. Turner
Traffic Safety Committee
308 C. Street
Idaho Falls, Idaho

Dear Mr. Turner:

We, the undersigned, feel there is a need for a stop light at the corner of 17th Street and St. Clair.

With the added addition of the Hall Park Shopping Center; the crossing at 17th and St. Clair has become a hazardous situation. We feel it poses a threat to pedestrians and people riding bicycles.

With the school year just beginning, let's keep the enrollment figure up.

We trust you will take immediate action upon receipt of this letter before someone's life is lost.

Respectfully submitted,
46 Signatures

It was moved by Councilman Wood, seconded by Freeman, that this also be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Presented and read aloud by the City Clerk was this letter:

800 Stimson

Dear Mayor Pedersen:

SEPTEMBER 26, 1974

I was present at the last City Council Meeting and was very upset that the Council intends to eliminate the “bike lane” classification from the proposed bicycle ordinance. I feel bike lanes are a necessary part of a bikeways system, comprised of 1. bike paths, 2. bike routes, and 3. bike lanes.

A “bike path” is a completely separate road for bicycles, sometimes adjacent to, but completely separate from the existing roadway. This is great for parks, along canal banks, and parallel to highways, but not too practical in town, due to the high cost of land for the additional right-of-way for the path and for the land separating the path from the roadway.

A “bike route” merely signifies labeling of an existing street that a relatively safe route for bikes exists, such as along mostly residential streets such as 6th, Northeast Bonneville, or Higbee. Signs warn motorists of concentrated bike traffic, but nothing is done to physically protect the bicyclist from the motorist, or in fact, the motorist from the careless cyclist.

This is why we need the third category, “bike lanes”. As a cyclist, I’d prefer lanes to either of the other two categories, if I could only have one. A “bike lane” is exactly that, a lane exclusively for bicycles, most suitably along streets such as the Broadway, Skyline, John Adams – fairly wide streets (or streets due to be widened) that get people from one end of town to the other.

I understand that the debating point is over a “bike lane” as it is written in the Ordinance – with bicycles traveling both directions along one side of the street:

Instead of completely tossing out bike lanes, it would be better to consider the possibility of a narrower lane on each side of the street, like one finds sidewalks on both sides of the street, but restrict bicycles to the lane flowing the same direction as car traffic.

Please do include bike lanes in the Ordinance and pass it. We can always fight later about which type of bikeway will be placed where.

Sincerely,
s/ Marianne Narum

Mr. Leo Romer, 205 Lloyd Circle, appeared briefly, reminding the Council that he had, from the beginning, been an instigator of a Bike Ordinance and was the one who had proposed that bike routes be included. He said that sales of bikes are at an all time high. He also noted that the Federal and State Governments are becoming cognizant of bicycle traffic. The State of Idaho has petitioned the Federal Government for funds to be applied toward bicycle routing, regulations, and other facilities pertinent to the bicycle issue. Mr. Romer again offered his services, in the event the Bicycle Ordinance was passed, in administering said Ordinance.

ORDINANCE NO. 1395

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF BICYCLE PATHS AND BICYCLE ROUTES WITHIN THE CITY OF IDAHO FALLS, IDAHO, AND FOR THE ALTERATION AND EXTENSION OF THE ROUTING THEREOF; REQUIRING THAT THE ENGINEERING DEPARTMENT OF SAID CITY SHALL MARK AND SIGN ALL BICYCLE

SEPTEMBER 26, 1974

PATHS AND ROUTES IN SUCH MANNER AND WITH SUCH SIGNS AND MARKINGS AS IT SHALL DEEM NECESSARY TO REGULATE, WARN AND GUIDE TRAFFIC IN AND NEAR SUCH PATHS AND ROUTES; FURTHER REQUIRING THAT SAID ENGINEERING DEPARTMENT PREPARE AND FILE WITH THE CITY CLERK WHENEVER BICYCLE PATHS OR ROUTES ARE ESTABLISHED OR ALTERED OR EXTENDED A MAP SETTING FORTH IN CURRENT STATUS THE LOCATIONS OF SUCH PATHS AND ROUTES; ESTABLISHING RULES FOR CYCLISTS USING SUCH PATHS AND ROUTES; REQUIRING THE OPERATORS OF ALL VEHICLES TO YIELD THE RIGHT-OF-WAY TO ALL CYCLISTS WITHIN SUCH PATHS; PROHIBITING THE PARKING, STOPPING OR STANDING OF VEHICLES WITHIN SUCH PATHS WITH CERTAIN EXCEPTIONS AND SPECIFYING THE SAME; PROHIBITING THE OPERATION OF ANY VEHICLE ACROSS OR WITHIN ANY BICYCLE PATH WITH CERTAIN EXCEPTIONS AND SPECIFYING THE SAME; DEFINING THE TERMS USED IN THE ORDINANCE; MAKING IT UNLAWFUL TO VIOLATE ANY PROVISIONS OF THE ORDINANCE, AND FIXING PENALTIES FOR SUCH VIOLATIONS; PROVIDING PROCEDURES FOR ENFORCEMENT OF THE ORDINANCE, AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Gesas, seconded by Freeman, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to Pages 598 and 599 in this Book of Minutes and, more specifically, certain favorable Council action accepting a pilot program for bike paths and lanes throughout the City as proposed and recommended by the Traffic Safety Committee. In view of the action just taken, passing an Ordinance that deleted bike lanes, it was moved by Gesas, seconded by Freeman, that the Council action taken August 8th, 1974 with reference to bike routing be duly rescinded. Roll call as follows: Ayes, 5; No, none; carried.

From the Personnel Director, this memo was submitted:

City of Idaho Falls
September 26, 1974

TO: Honorable Mayor and City Council
FROM: A. Lee Mundell, Personnel Director

SUBJECT: CITY PARTICIPATION IN C.E.T.A. (COMPREHENSIVE EMPLOYMENT AND TRAINING ACT, 1973) TITLE II

Council consideration is requested for the City to participate in the federally funded Comprehensive Employment and Training Act of 1973 (C.E.T.A.) Title II.

SEPTEMBER 26, 1974

The C.E.T.A. Title II Program is designed to help local public employers with on-the-job training of entry-level personnel wherein all salary and employer costs for fringe benefits are reimbursable, to the City, from C.E.T.A. II funds.

s/ A. Lee Mundell

At the invitation of the Mayor, Mr. Phil Choate, Regional Manpower Coordinator for C.E.T.A. II appeared before the Council. Mr. Choate first explained that he was responsible for introducing this program throughout 9 counties in this area. He said it was a program designed to provide funds for on-the-job training for public employees by underwriting the trainees' total salary, together with all fringe benefits. He said this included funds for vo-tech training, including policemen, especially the first year of employment when the trainee might not otherwise pay his own way, so to speak. He said this program should be of particular interest to fill gaps occasioned by employee loss due to such events as promotions, retirement or attrition or to add to the staff where improper or inadequate services are being performed due to insufficient personnel. Choate concluded his remarks by saying that Council approval of this program would constitute a memorandum agreement which, in itself, would not obligate the City but would indicate the City's desire and willingness to participate in said program. It was moved by Councilman Freeman, seconded by Erickson, that the City of Idaho Falls agree to participate in the federally funded Comprehensive Employment and Training Act of 1973, Title II and the Mayor and City Clerk be authorized to sign the proper agreement, certifying the City's approval. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Jerry Duggar representing D & B Associates, Salt Lake City, Utah appeared before the Council to advise that his firm was desirous of establishing a mini-bus service within the City of Idaho Falls. He said there would be no subsidizing requested or required and that the profits to the Company would accrue from the sale of tickets at 50¢ per passenger, plus ticket validation by local merchants. He said that, tentatively, the routing of the buses would concentrate on shopping centers, both east and west of the river. He said that, on a trial basis, to begin with at least, there would be two Mercedes Benz 16 passenger buses in operation and the round trip would involve about one hour. Buses would be in operation from 8:00 a.m. until 6:00 p.m. and later on Friday. Eventually, continued Mr. Duggar, it would be hoped that Senior Citizens could be given special consideration such as providing them with a special rate, honoring their requests to be picked up at their place of residence and inviting them to become members of a travel club with certain additional benefits. Duggar concluded his remarks by saying that limited contact had been made with local merchants and the response had been encouraging.

Councilman Hovey questioned the possibility of this Company operating at a profit with such limited facilities including only two buses in operation. Mr. Duggar said if the potential and the demand warranted, additional buses could be added. Asked by a Councilman if limousine services could be provided, Mr. Duggar answered in the affirmative.

Mrs. Lorita Love, representing the Teton Stages, Rexburg, Idaho, appeared briefly and reminded the Council that, because this involved public transportation, it would necessitate P.U.C.

approval. She said that if the Council felt otherwise inclined to endorse this endeavor, others might be interested and should have the opportunity to indicate said interest.

Mr. Norris Hendrickson, owner and operator of the local cab company, appeared briefly to say that he had been in the taxi cab business for 30 years and had seen several attempts by private operators to establish bus service within this City without success. By way of illustration, he said the last attempt indicated no more than 19 to 39 passengers a day and this provided door-to-door service. Hendrickson urged the Council not to be swayed by the possibility that this service, as proposed, would be of substantial service to the Senior Citizens. He said they would still have a

SEPTEMBER 26, 1974

problem getting from their home to a bus route; also, there would be no service for them early in the morning or late in the evening.

In answer to a question by Councilman Freeman, City Attorney Smith said this operation would be entitled to operate within the City under the auspices of the P.U.C. He said the City Council might deem it advisable to pass some sort of regulatory Ordinance or perhaps even consider a franchise arrangement. Freeman said he would have to know much more about the proposed operation even to have an opinion. Councilman Hovey concurred and added that he would want to see a written proposal; he would want to know more of the company's professional qualifications. Hovey suggested that a regulatory Ordinance be prepared and considered before such an operation be established by this or any other similar company.

It was learned that Mr. Darrell Manning, State Director of Transportation, would soon be in the City. Mr. Duggar agreed to confer with Mr. Manning and report back to the City Council with a more detailed proposal.

License applications for RESTAURANT, M. Clyde Walker for Town House; JOURNEYMAN ELECTRICIAN, Kenneth Carlson, Torry F. Peterson; APPRENTICE ELECTRICIAN, Wayne A. Gray with Jewel Electric, Larry V. Jensen with Ray Griffith Electric; CLASS C JOURNEYMAN, GAS FITTING, WARM AIR, Clair Layton; CLASS D JOURNEYMAN, GAS FITTING, Larry E. Elg; AUCTIONEER, Gary R. Sarrian; TAXI CAB DRIVERS, Emerson E. Hurt, Jr., Harley Briggs; BARTENDER, Barnard L. Yoorhees, Robert A. Reid, Dean Harold Martin, Willa Jeane McCall, Clara Ray, Claudia Tyson, Julie Pieper, Kirk C. MacAllister, David M. Young, Peggie J. Ostlin, John G. Mallowney, Ronald Obendorf, Michael Blackburn, Jynne G. Lemarr, 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, 5; No, none; carried.

This damage claim was presented:

P. O. Box 428
Idaho Falls, Idaho
September 23, 1974

Mr. Roy C. Barnes
City Clerk
Box 220
Idaho Falls, Idaho

RE: DAMAGE CLAIM TO AUTOMOBILE

Dear Mr. Barnes:

Claim is hereby made against the City for damages resulting from an occurrence on September 21 at approximately 5:00 p.m. when I was driving my 1971 Tornado automobile north on Foote Drive immediately south of the State Highway Building. At that time and place, while driving in the lane of traffic for northbound vehicles, over the area of Foote Drive that has been torn up and has not yet been resurfaced, my automobile struck a water pipe that was protruding above the dirt surface of the road located between the two wheel ruts constituting the northbound lane, which punctured the gasoline tank and tore off the trailer hitch on my vehicle.

SEPTEMBER 26, 1974

The water pipe was obstructed by dust and dirt and could not be discerned.

Estimated damages to my vehicle are \$300.00, and it is presently being repaired by Chaffin Oldsmobile in Idaho Falls and is available for inspection.

In addition to the damage to my automobile, claim is made for a rental vehicle beginning on September 21 of comparable size until the repairs are concluded.

There was no personal injury because of the slow speed involved. My gasoline tank did not explode so there is no fire loss. There is only the damage to my gasoline tank (with the loss of approximately 15 gallons of regular gasoline), trailer hitch, and rear bumper, of which I am aware. The garage is checking to see if the frame alignment of the vehicle was effected.

If there is any question concerning the matter, I may be contacted at 522-6291, or Box 428, Idaho Falls, Idaho.

Your usual thorough and diligent attention to matters of this kind is appreciated.

Sincerely,
s/ T. Pike
E. W. Pike

The City Clerk explained that, in the interests of time, this had been forwarded to the City's insurance liability carrier without formal Council approval. It was moved by Councilman Freeman, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Clerk was presented and read:

City of Idaho Falls
September 17, 1974

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

Gentlemen:

The Police Department reports that they again have sufficient accumulation of impounded or unclaimed vehicles and merchandise to warrant an auction sale. We hereby request authorization to conduct same at the usual time and place on Saturday, October 12th, 1974. With the approval of the Mayor, Mr. Kent Just, licensed auctioneer, has been retained to serve in that capacity.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

SEPTEMBER 26, 1974

It was moved by Councilman Freeman, seconded by Wood, that authorization be granted to conduct a City sponsored auction sale on the date and at the location as recommended and that the services of a licensed auctioneer be retained as indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Purchasing Department, this memo was forthcoming:

City of Idaho Falls
September 26, 1974

Cab and Chassis

Honorable Mayor and Councilmembers:

Tabulation of bids for IF-74-17 for Two 1975 Cab and Chassis, and one 1975 Cab and Chassis with Dump Box, and IF-74-18 for one 1975 Street Flusher Truck is attached.

As per Bid IF-74-17, the Purchasing Department and Equipment Management recommend that the City accept the following:

- A. One 1975 Cab and Chassis (Electric) Ellsworth Brothers, Inc.
\$6,198.00 with trade-in No. 311 1960 1-1/2 Ton Ford Cab and Chassis
Serial No. F35J0P19021
- B. One 1975 Cab and Chassis (Electric) Stoddard-Mead Ford, Inc.
\$9,300.00 with trade-in No. 300 1961 1-1/2 Ton Studebaker Cab and Chassis
Model 6E 40-5502 Serial No. E40-4365
- C. One 1975 Cab and Chassis with Dump Box (Water) Stoddard-Mead Ford, Inc.
\$11,989.79 with trade-in No. 412 1962 Dodge Pickup Serial No. 1161214591 and
retain No. 121 3-Ton International Dump Truck on the City Inventory

As per Bid IF-74-18, the Purchasing Department and Equipment Management recommend that the City accept the following:

One 1975 Street Flusher Truck – Stoddard-Mead Ford, Inc. \$21,472.00 with
trade-in No. 16 1953 2-1/2 Ton GMC Flusher Truck Model HCU-450 Serial No.
A270763244

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Erickson, seconded by Gesas, that in each instance, the bid for the equipment as described be accepted from the vendor as indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director, this memo was submitted:

SEPTEMBER 26, 1974

City of Idaho Falls
September 26, 1974

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: TIME EXTENSION – TRUCK GARAGE

The execution of the contract with Sherry Builders, Inc. on the above project was delayed by the Federal Government and the City of Idaho Falls from July 4th to July 25th, 1974. This was due to no fault of the contractor.

We would recommend that an extension of 21 days be awarded the contractor making the completion date January 12, 1975. There is no change in the cost of the project.

s/ Don
Public Works Director

It was moved by Councilman Gesas, seconded by Hovey, that the time extension be granted Sherry Builders on the sewage treatment truck garage construction contract for the reason stated. Roll call as follows: Ayes 5; No, none; carried.

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

City of Idaho Falls
September 25, 1974

ATTENTION: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: UTILITY SERVICES COMMITTEE

The American Public Works Association maintains a “Utility Location and Coordination Council” to develop guidelines for organizing utility location committees, developing and disseminating information, etc., to advance the purposes and enhance the quality of services provided to the membership regarding utility locations.

The City of Idaho Falls is entitled to one member of this Council by virtue of the payment of the regular annual membership fee which we pay each year.

Mr. A. H. Evans has been Chairman of the Utility Services Committee for the City of Idaho Falls for the past 3 years. This Committee is charged with the issuance of excavation permits and other things pertinent to underground installations.

I would recommend that Mr. Evans be designated as the official representative to the Council by the City of Idaho Falls.

s/ Don
Donald F. Lloyd

SEPTEMBER 26, 1974

It was moved by Councilman Gesas, seconded by Freeman, that Mr. A. H. (Bud) Evans be designated as this City's official representative to the American Public Works Utility Location and Coordination Council as recommended. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
September 26, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PRIVATE SEWER LINE

In the block between Elva and Poulson, Yellowstone to Holmes, the sewer connection for Arthur Treacher's has been made on Yellowstone. A property owner, Bill Call, proposes another building west of Arthur Treacher's and requests a private sewer; that is, two buildings on the same sewer connection.

Because of unusual circumstances, we offer no objections.

s/ Don
Donald F. Lloyd

Councilman Gesas explained that this recommendation was prompted because of the fact that there is much lava rock in this area and the anticipated amount of affluent from the Bill Call Development would be nominal. It was moved by Councilman Gesas, seconded by Freeman, that this variance be granted. Roll call as follows: Ayes, 5; No, none; carried.

This memo, signed jointly by the Fire Marshall, the Chief of Police, and the Building Official, was submitted:

September 26, 1974

MEMORANDUM

TO: Mayor Pedersen and Members of the City Council

The property adjoining 296 Hill Street on the east side and belonging to Mr. O. J. Cropus, Box 352, Idaho Falls, Idaho has been vacant and open to the public for some time.

It is our opinion that this property should be declared a public nuisance and removed.

s/ Wayne Broadbent
Fire Marshall
s/ Robert D. Pollock
Police Chief
s/ Paul Lundblade
Building Official

The foregoing memo was accompanied by this appraisal by Mr. Charles Thompson, Certified Appraiser:

SEPTEMBER 26, 1974

Charles K. Thompson
M. A. I.

Mr. Wayne Broadbent
Fire Department
City of Idaho Falls
Box 220
Idaho Falls, Idaho

Dear Mr. Broadbent:

In accordance with your request I have examined the property described and completed this appraisal which is in conformity with the Professional Standards of the American Institute of Real Estate Appraisers.

MARKET VALUE

Opinion of Value
Date of Value

\$ Nil - Building Only
September 19, 1974

Definition of Value: Market Value is the resultant price of fair negotiations between the typical willing seller and buyer.

I certify that to the best of my knowledge the data used to support this estimate of value is correct, that I have no interest in the property and that the fee is not contingent upon the value reported.

CONDITIONS
Remarks

Abandoned residence, open to vandals and weather. 70 Years of Age. Deteriorated.

s/ Charles K. Thompson

Supporting papers provided evidence that Mr. O. J. Cropus, property owner, had been duly notified on the foregoing recommendation. It was moved by Councilman Freeman, seconded by Erickson, that the structure as described be declared a public nuisance and that appropriate and legal measures be taken for its removal. Roll call as follows: Ayes, 5; No, none; carried.

By memo, General Services Director Stanger submitted a revised policy and procedure manual relative to the Civic Auditorium. It was noted by Councilman Erickson that these had been thoroughly studied by the Auditorium Committee and the Council. It was moved by Councilman Erickson, seconded by Hovey, that this revised policy and procedure manual be approved and accepted. Roll call as follows: Ayes, 5; No, none; carried. It was noted that a copy of said amended manual would be placed on file in the office of the General Services Director and the City Clerk.

City Attorney Smith presented a contract between the City of Idaho Falls as the contracting employer for the Idaho Falls Policemen's Retirement Fund and the Retirement Board of the Public Employee Retirement System of Idaho, whereby, if approved by the City Council, said Police Retirement Fund would be converted and merged with the State Retirement Fund together with

provision for all rights, benefits, memberships, payments, duties and obligations as indicated in said contract, as follows:

SEPTEMBER 26, 1974

CONTRACT
Exhibit "A"

THIS AGREEMENT, on behalf of active and retired members and their beneficiaries of the Idaho Falls Policeman's Retirement Fund, hereinafter called the "Fund" is made and entered into this 29th day of September, 1974, by and between the City of Idaho Falls, a municipal corporation of Idaho, hereinafter called, the "Contracting Employer", and the RETIREMENT BOARD OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO created by Title 59, Chapter 13, Idaho Code, as amended, hereinafter called the "BOARD";

W I T N E S S E T H:

That the parties hereto mutually covenant and agree:

1. The rights, benefits, memberships, payments, duties, and obligations with respect to membership and participation in the Public Employment Retirement System of Idaho, hereinafter called the "System", shall apply, as set forth in Title 59, Chapter 13, Idaho Code, as amended or hereafter amended, and the Idaho Session Laws 1971, Chapter 26, and except as otherwise provided herein, to the Contracting Employer and to the active and retired members and their beneficiaries of the Fund effective as of the 29th day of September, 1974; such date being stipulated as the date of establishment for said Contracting Employer.

2. The Contracting Employer shall deduct and withhold from the salary payments earned and paid to each of the employees of the Contracting Employer who are eligible for membership in the System, and all eligible employees employed after the contract date, the monthly contributions provided by Section 59-1305, Idaho Code; deductions to be made on each and every salary payment made for services rendered by the employee member from and after the date of this agreement as set forth above.

3. By the twentieth of each month after the date of this agreement the Contracting Employer shall prepare and mail to the Board a full, true and complete statement, on forms provided by the Board, of all individual employees of the Contracting Employer who are members of the System showing the total amount of salaries earned and paid during the previous calendar month and shall indicate and show thereon the amount of contributions deducted and withheld from salaries earned and paid to the employees who are members of the System.

4. The Contracting Employer herein agrees, by the twentieth of each calendar month, to pay to the Board such contributions as shall be deducted and withheld from employee members of the System as shall appear in the monthly report described in Section Three of this agreement and as provided by Section 59-1332, Idaho Code.

5. The Contracting Employer herein agrees, by the twentieth day of each calendar month, to pay to the Board the sums as required to be paid by the Board at present and in the future, as provided by Section 59-1330, Idaho Code, and in accordance with the provisions of Section 59-1332, Idaho Code.

SEPTEMBER 26, 1974

6. In addition to the sums provided in Section Five of this agreement and the transfer of money and property as provided in Section 59-1349, Idaho Code, the Contracting Employer agrees to pay to the Board the sum of \$1,495,000.00 with interest at the rate of 5.5% per annum, payable in one hundred seventeen monthly payments of \$16,600.00 commencing January 31, 1975, as additional contributions for excess benefits as determined by the actuarial study prepared by Milliman and Robertson, Inc., dated June 30, 1974, said excess benefits being those estimated to be paid under Section 59-1350, Idaho Code, in excess of those otherwise provided by Chapter 13, Title 59, Idaho Code, as amended. Provided, however, any portion of the principal amount set forth above may be paid in advance by the Contracting Employer without penalty.

7. From time to time the Board, on its own initiative or on request of the Contracting Employer, shall conduct studies of the benefits payable under Section 59-1350, Idaho Code, which are in excess of those otherwise earned in accordance with Chapter 13, Title 59, Idaho Code, as amended. If such study indicates the value of such benefits exceeds the amounts set forth in Section Six of this Agreement, said amount being adjusted for interest and any previous payments, such excess value shall be computed and added to the additional contribution specified in Section Six of this agreement. In the event the additional contribution so adjusted shall exceed the value of such benefits, the excess shall be refundable to the Contracting Employer by the Board. The cost of any such study shall be borne by the party litigating or requesting such action.

8. Any amendments made by the Idaho Legislature to Title 59, Chapter 13, Idaho Code, as amended, shall immediately apply to and become a part of this contract and shall amend the same accordingly.

9. Rights of and benefits paid to active and retired members and their beneficiaries of the Fund on the date of this agreement shall never be less than the rights and benefits they would have received from the Fund if such Fund had not been integrated with the System as provided by this contract.

10. This contract shall not be canceled, amended, or abrogated by any act of the parties hereto except as may be provided for in Title 59, Chapter 13, Idaho Code, as amended or hereafter amended.

IN WITNESS WHEREOF, the parties to this agreement have hereunto caused their names to be affixed by duly authorized officers this 26th day of September, 1974.

CITY OF IDAHO FALLS
Contracting Employer

RETIREMENT BOARD OF PUBLIC
EMPLOYEE RETIREMENT SYSTEM OF
IDAHO

BY: s/ S. Eddie Pedersen
Mayor

BY: s/ Marshall Edson

ATTEST: s/ Roy C. Barnes
City Clerk

ATTEST: s/ F. F. Terrell
Executive Director

SEPTEMBER 26, 1974

Smith noted that said contract had previously been signed by the Chairman and the Executive Director of the State Retirement Board, indicating approval by that agency.

Smith noted that this action had been prompted several years ago after an actuarial study revealed the fact that the local Police Retirement Fund was actuarially unsound and would eventually find itself in financial jeopardy. He said that a previous Supreme Court Ruling had determined that rights were vested under the local retirement plan and, therefore, the City had an obligation to see that they were protected. Smith continued by saying that no benefits would be lost by existing participants under this merger. Using the term "the best of two worlds", Smith said that said participants would be guaranteed the most advantageous benefits of both programs. He said, because of this guaranty, the union was not involved. He said that, even though this was a costly move for the City, an arrangement was made that the City could meet this obligation over a 117-month period at 5-1/2% interest. With reference to this paying arrangement, Smith said that, in his opinion, this could be legally justified, inasmuch as public safety was involved. Smith noted that the Police Retirement Committee had worked closely with his Department at all times on this merger and, as a means of verifying the fact that they were in complete agreement, presented and read this letter from their Attorney:

September 26, 1974

Arthur L. Smith, ESQ.
Albaugh, Smith and Pike
P. O. Box 428
Idaho Falls, Idaho

Gentlemen:

Re: PROPOSED MERGER OF IDAHO FALLS POLICE RETIREMENT SYSTEM AND IDAHO
PUBLIC EMPLOYEES RETIREMENT SYSTEM

This will confirm out telephone conversation of yesterday regarding my letter to the two of you of September 23, 1974. You will recall that we discussed, point by point, the several matters related in that letter.

1. Post-Retirement Benefit Adjustments. It is my understanding that PERS will make post-retirement benefit adjustments to the retirement pay of IFPRS members, following merger, in accordance with the provisions of Idaho Code Section 50-1514(a). That is, the retirement pay of IFPRS members will be adjusted "...in proportion to any cost of living adjustments made to the salaries of active employees." Art Smith, Kay Simmons and I discussed the matter of the future difficulty that there may be in identifying what portion of salary increases to active officers constitute cost of living adjustments. We felt that in wage and contract negotiations with the City that salary increases for cost of living adjustments be clearly identified as such by contract so that the administrators of PERS would have no difficulty identifying the percentage of cost of living adjustment to be applied to the retired pay of IFPRS members. I understand that the interpretation we have agreed upon will be reviewed with a Milliman and Robertson representative by Blaine Evans.

2. Mandatory Retirement. It is my understanding that PERS will consider the mandatory retirement provisions of Idaho Code Section 50-1514 as entitling a member of IFPRS to the right to continue working, if he so desires, until he reaches age 65. Thus, IFPRS members
SEPTEMBER 26, 1974

will not be required to retire at age 60 as are other PERS Police and Fire members. We understand that the City's Civil Service Commission could possibly require earlier mandatory retirement of Police Officers, however.

3. Applicability of Amendments to the Law Governing Policeman's Retirement Funds. It is my understanding that PERS will pay IFPRS members improved benefits that may result from amendments to the law governing policeman's retirement funds following the merger of retirement systems. I understand that Blaine Evans will review this understanding with a Milliman and Robertson representative since the Milliman and Robertson June 30, 1974 actuarial study assumes that improved benefits resulting from such amendments will not be paid to IFPRS members.

4. Applicability of 1974 Amendments to Idaho Code, Section 50-1514. We understand that since the Ordinance creating IFPRS was not enacted prior to April 1, 1974, that the 1974 amendments to Idaho Code Section 50-1514 do not apply to IFPRS members.

5. Definition of Disability and Non-Occupational Disabilities. It is my understanding, following the merger of retirement systems, that job connected disability will be defined by PERS and that disability retirement pay for such disability will be paid by PERS according to the provisions of Idaho Code Section 50-1516(a), when an IFPRS member suffers a job connected disability. It is my understanding that if an IFPRS member suffers a disability that is not job connected, that the disability will be defined by the provisions of Idaho Code Section 59-1302(12) and that disability retirement pay will be computed and paid accordingly to the provisions of Idaho Code Section 59-1319 and Section 59-1320.

6. Retirement Benefits to Retired Members of IFPRS. It is my understanding that the presently retired members of IFPRS may be entitled, following the merger of retirement systems, to those benefits to which they are entitled as IFPRS members and those additional benefits to which they would be entitled as PERS members. Blaine Evans was uncertain as to the PERS policy with respect to this matter and wished to confirm this understanding and advise us. As I mentioned in my letter of September 23, 1974, it appears that the Milliman and Robertson actuarial study does not take this possibility into account.

I would appreciate your both confirming these understandings for me by return letter.

We discussed the possibility of having Mr. Terrell meet with the Idaho Falls Police Association to answer any other questions that may arise concerning the merger of the two retirement systems. Likely, there may be areas that we have not recognized at this point as needing further clarification or explanation. I would appreciate Blaine Evans advising me of the best way to arrange for Mr. Terrell to come to Idaho Falls to meet with the Police Association.

It is my understanding that today the City Council of the City of Idaho Falls plans to execute the merger contract and repeal its Ordinance creating IFPRS. Based upon the discussions that we have had and the understandings we have reached, as I have outlined above, this course of action is certainly agreeable with our office.

SEPTEMBER 26, 1974

Thank you both for your courtesies.

Sincerely,
s/ Seward H. French

Smith concluded his remarks by saying that all the funds in the name of the local Police Retirement Fund would be turned to the State Retirement System. In the absence of further comment, it was moved by Councilman Freeman, seconded by Erickson, that the foregoing contract be approved and accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Having approved the foregoing contract, Smith then explained that an Ordinance had been prepared for Council consideration, that said Ordinance would implement and authorize the merger of the Police Retirement Fund with the State Retirement Fund and that the foregoing contract was, in fact, made a part of said Ordinance, marked Exhibit "A":

ORDINANCE NO. 1396

AN ORDINANCE DIRECTING THE MERGER OF THE IDAHO FALLS POLICEMEN'S RETIREMENT FUND WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF IDAHO IN CONFORMITY WITH THE PROVISIONS OF TITLE 59, CHAPTER 13, IDAHO CODE, AS AMENDED; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT ACCOMPLISHING SUCH MERGER; REPEALING ORDINANCE NO. 595, BEING THE ORDINANCE WHICH ESTABLISHED A POLICEMAN'S RETIREMENT FUND FOR IDAHO FALLS PURSUANT TO THE PROVISIONS OF TITLE 50, CHAPTER 15, IDAHO CODE, AS AMENDED; REPEALING ORDINANCE NO. 1310, BEING AN ORDINANCE ELECTING TO RETAIN SAID RETIREMENT FUND FOR IDAHO FALLS; INCORPORATING A TRUE COPY OF SAID CONTRACT OF MERGER IN THE ORDINANCE; PROVIDING WITH THE ORDINANCE BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Freeman, seconded by Wood, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

Recognizing the fact that the foregoing merger represented a giant step involving many, many man-hours, Councilman Freeman, on behalf of the Mayor and City Council, commended the City Attorney, the Personnel Director, the City Controller and Kay Simmons, Secretary of the Police Retirement Board for their untiring efforts in this regard. At the suggestion of the City Controller, commendation was also offered the City Treasurer for her highly professional and successful handling and investment of Police Retirement dedicated funds.

SEPTEMBER 26, 1974

Mrs. Judy Lussie, on behalf of the League of Women Voters, expressed appreciation for the time given them by the Mayor and City Council throughout this meeting and one half an hour before, during which time an explanation was given by the Mayor and each Councilman relative to the workings of City Government and the duties and responsibilities of each of these public officials.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:50 p.m.; carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor
