

SEPTEMBER 12, 1974

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, September 12, 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, Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Rod Gilchrist, City Planner; Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director; Don Lloyd, Public Works Director; Chad Stanger, General Services Director.

Minutes of the last recessed regular meeting, held August 22nd, 1974, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as legally advertised, to consider various amendments to the zoning ordinance, as follows:

1. A change or amendment to Article II of said Zoning Code by adding a definition of "Pet Care Clinic", there being no definition of said term in the existing code.
2. A change or amendment to Article II of said Zoning Code by adding a definition of "Veterinary Hospital", there being no definition of said term in the existing code.
3. A change or amendment to Section 7-7-2 of said Zoning Code by adding to the uses permitted in an R-3A Residence Zone Pet Care Clinics for treatment of small animals and household pets.
4. A change or amendment to Section 7-8-3 of said Zoning Code by adding to the uses permitted in an RSC-1 Residential Shopping Zone Pet Care Clinics for treatment of small animals and household pets.

There were no protests. The City Clerk reported that copies of an Ordinance, incorporating the above listed changes, had been mailed to all veterinarians within the City, together with a cover letter advising them of this public hearing this night. Asked for comment, City Planner Gilchrist noted that he had conferred with these veterinarians and they had no objection to the amendments as proposed. Therefore, this Ordinance was introduced by Councilman Wood:

ORDINANCE NO. 1393

AN ORDINANCE AMENDING ORDINANCE NO. 1115, THE COMPREHENSIVE ZONING CODE OF IDAHO FALLS, IDAHO, BY DEFINING AN ARTICLE II THEREOF THE TERMS "PET CARE CLINIC" AND "VETERINARY HOSPITAL"; BY ADDING "PET CARE CLINICS" TO THE USES PERMITTED IN THE R-3A ZONE AND THE RSC-1 ZONE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, 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, 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

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final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider a rezoning petition by David Price, covering a parcel of land on the northwest corner of 17th and Boulevard. However, by memo from the City Planner, it was learned that the petitioner had requested that his petition be withdrawn and the request for rezoning not be considered. Therefore, it was moved by Councilman Wood, seconded by Freeman, that this request be honored and this petition be withdrawn from consideration this night. Roll call as follows: Ayes, 6; No, none; carried.

Noting several citizens in the Council Chambers interested in further consideration of the ordinance pertaining to bike paths, lanes and routes, the Mayor asked that this matter be moved up on the agenda and reviewed at this time.

Police Chief Robert Pollock, acting in the capacity of Chairman of the Traffic Safety Committee appeared to say that, at their meeting held September 4th, various recommendations were made to amend or add to certain portions of the bike ordinance as earlier prepared by the City Attorney. Among these were: Amending the definition of a bicycle to read "every device propelled by human power upon which any person may ride, having one wheel with at least 16 inches in diameter"; adding a provision to the definition of a bike lane, requiring a center strip to be painted to differentiate the direction of travel; also, raised barrier be installed to separate auto traffic from the lane; providing for a bike route, defined as a roadway established and signed for the riding of bicycles, the travel way to be the same as other vehicular traffic. There was general discussion relative to bike lanes vs. paths. It was the general consensus of opinion that the safety and enforcement problems would be most likely to arise with the bike lane. Councilman Gesas registered an opinion to the effect that there were many divergent opinions on the bike path and lane concept and that it would be most unlikely that a utopian ordinance could be passed to the satisfaction of all concerned and interested parties. Therefore, as a means of taking the necessary action to get the program operative, Gesas proposed that an amended ordinance be passed on its second and third readings, deleting, for the time being, the provisions for a bike lane but otherwise incorporating all the foregoing recommendations of the Traffic Safety Committee. Gesas said the ordinance could then be examined from time to time and further amendments could and probably would be considered to add to its over all effectiveness. Councilman Wood said he would prefer to see and study the amended ordinance before taking any action. Councilman Erickson concurred and added that the recommendations of the Traffic Safety Committee should first be studied by the Police Committee. He said he feared the passage of an ordinance that could not be enforced. He said that, in his opinion, it must be a workable ordinance.

Mr. Richard Grover, 735 East 17th Street, appeared briefly before the Council. He said that other cities of comparable size to Idaho Falls had long since established bicycle routing facilities and that this City was three years behind time in this regard. He said that, based upon his knowledge, paths and routes would be most popularly used, rather than lanes. In the absence of further comment, it was moved by Councilman Wood, seconded by Hovey, that this matter again be tabled and that, in the interim period, another ordinance be drafted, incorporating all the appropriate recommendations as heretofore proposed and that the Councilmen receive copies prior to being considered at an open Council meeting so that they would know what it contained. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, Mr. H.F. Martindale, 1662 South Boulevard, belatedly appeared before the Council relative to the zoning hearing scheduled for this night, prompted by the David Price rezoning petition. Mr. Martindale explained that he was the owner of the affected property and that Mr. Price was only a prospective purchaser and that his option to purchase the

property was subject to his successfully obtaining financing for said purchase. Mr. Martindale further explained that Mr. Price had requested that the rezoning petition be withdrawn after he

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learned that he was unable to secure said financing but that he, as the owner, still favored the proposed rezoning from R-2 to R-3A as recommended by the Planning Commission. City Attorney Smith questioned Mr. Martindale in an effort to determine whether or not, in the eyes of the law, Mr. Price might have some implied ownership rights to the property. Mr. Martindale said he knew of none, inasmuch as he was in possession of the deed. Smith said he believed it would be in order to examine the contract of sale to finally determine whether or not there might be a cloud on the ownership of this property. He said that, in the event he was unable to detect any problem, and inasmuch as this hearing had been duly advertised, he could see no reason why, subject to protests which might be submitted, the Council might reconsider and rezone in Mr. Martindale's favor. Therefore, it was moved by Councilman Erickson, seconded by Wood, that the rezoning hearing, scheduled this night to consider the David Price rezoning petition, be recessed until the next regular Council Meeting and that, in the interim period, the City Attorney, working with Mr. Martindale, examine all pertinent legal documents in this regard. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of August, 1974, having been properly audited by the Fiscal Committee, were presented. The City Clerk was asked to present and read aloud all fund totals for salaries, materials, and services, as follows:

| <u>FUND</u> | <u>SERVICES & MATERIALS</u> | <u>GROSS PAYROLL</u> | <u>TOTAL EXPENDITURES</u> |
|---------------------------|--|-----------------------------|----------------------------------|
| General Fund | \$159,020.41 | \$269,442.44 | \$428,462.85 |
| Street Fund | 86,872.86 | 21,716.12 | 108,588.98 |
| Airport Fund | 2,472.24 | 8,418.34 | 10,890.58 |
| Water and Sewer Fund | 304,022.12 | 39,296.62 | 343,318.74 |
| Electric Light Fund | 367,062.03 | 66,934.23 | 433,996.26 |
| Fire Fund | 15,863.22 | 94,829.34 | 110,692.56 |
| Recreation Fund | 4,888.86 | 16,401.08 | 21,289.94 |
| Capital Improvement | 76,663.06 | .00 | 76,663.06 |
| Police Retirement | .00 | 3,713.99 | 3,713.99 |
| <u>TOTAL FUNDS</u> | <u>\$1,016,864.80</u> | <u>\$520,752.16</u> | <u>\$1,537,616.96</u> |

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

Reports from Division and Department Heads were presented for the month of August, 1974, and there being no questions nor objections, we accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY, (Transfer only), from John R. Christensen to Darrell Alander for Murphy's Market; RESTAURANT, J.D. Phillips for K Mart, Orchard Ostling for Sandpiper; ELECTRICAL CONTRACTOR, E.M. Barker for Shore Electric & Pump; JOURNEYMAN ELECTRICIAN, E.M. Barker, Willard C. Smith, Rocky Shore; APPRENTICE ELECTRICIAN, E.T. Walker with Shore Electric, Claude Walstrok with Shore Electric, Steve Jones with T.V. James Electric; CLASS C CONTRACTOR, GAS FITTING, WARM AIR, Ernest L. Andrus for ABC Furnace Cleaners; CLASS D JOURNEYMAN, GAS FITTING, WARM AIR, Ernest L. Andrus; JOURNEYMAN

GAS FITTER, CLASS D, Duane G. Sibbett; CLASS D APPRENTICE GAS FITTER, John L. Willis with Globe Mechanical; PHOTOGRAPHY, Ned Brewington for Jay Ned Photography at #2 Airport Plaza, Rebecca C. Metcalf for Photography Shop at Idaho Department Store, Emerson Studio by Ron Boyd
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for Grand Central Store; NON-COMMERCIAL KENNEL, Coin Pinnock at 1490 Elmore Avenue; BARTENDER, Desiree LaMonte, Loretta Roberts, C. Joanne Crawford, Marilyn Griggs, Roberta Rauth, Robert E. Embleton; TAXI CAB DRIVER, William E. Eichler, Leland D. Lowe, Sonny Kay Allen; PRIVATE PATROLMAN, Larry Albert Rutt with Services Incorporated; BEER (Canned, bottled and draught, to be consumed on the premises), Richard J. Miskin for Hitching Post; BEER (Transfer Only) from John Christensen to Darrell Olander for Murphy's Market, from Ray Metcalf to Michael Ostling for Sandpiper; LIQUOR (Transfer Only), from Ray Metcalf dba Turf Bar to Rapon Inc. dba Sandpiper were presented. It was moved by Councilman Wood, seconded by Freeman, that these licenses be granted, subject to the approval of appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

These damage claims were presented and read aloud:

Cox and Fanning
September 9, 1974

Mayor S. Eddie Pedersen
P.O. Box 220
Idaho Falls, Idaho

RE: Barbara Ehardt

NOTICE IS HEREBY GIVEN, that Barbara Ehardt was injured on the 22nd day of August, 1974, at the Idaho Falls Swimming Pool at approximately 4:15 P.M. by another swimmer jumping on her causing severe damage to her mouth and teeth. It is the position of the claimant that this accident occurred because of the negligence on the part of the City of Idaho Falls in not having adequate lifeguard protection and supervision at the pool at the time.

THEREFORE, demand is hereby made on the City of Idaho Falls for the sum of \$4,000.00 special damages for repair of her teeth and the sum of \$40,000.00 for pain and suffering as a result of this negligent act on the part of the City of Idaho Falls and their agents and employees.

Very truly yours,
s/ Robert Fanning
Attorney

July 20, 1974

Dear Sirs:

As you are well aware of, the water tower is in the process of being painted and is near completion. I work at Savings Center on Memorial Drive and park my car in the S&H Green Stamp Store and Savings Center parking lot. A few days ago, the water tower legs were being painted blue when a wind came up. I went out to my car and there were little blue speckles all over my car. I talked to Jack A. Wood, Jr. and both he and I felt that the City

should be held responsible for this incident. He then recommended that I write a letter and file a claim. Therefore, I do hereby put in a claim and demand that something be done.

s/ Kim Hanson
945 Jefferson Avenue

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The City Clerk explained that, in the interests of time, these had been forwarded to the City's insurance liability carrier for preliminary investigation without formal Council approval. It was moved by Councilman Karst, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID ADVERTISEMENT – SALT STORAGE SHED

We respectfully request permission for the City Clerk to advertise for bids for the design, materials, and/or construction of a salt storage shed to be located at the City Garage as budgeted in the Street Department 1974 budget.

Thank you,
Chad Stanger

It was moved by Councilman Erickson, seconded by Freeman, that authorization be granted to advertise for bids on the salt storage shed as indicated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was reviewed:

City of Idaho Falls
September 9, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SEWER SERVICE – OUTSIDE THE CITY – CHECKER AUTO PARTS

We are submitting herewith a sewer service contract for outside the City service in favor of Checker Auto Parts at 2050 N. Yellowstone Avenue.

This application has been reviewed by the Public Works Committee and we are recommending that the Mayor and City Clerk be authorized to sign.

Respectfully submitted,
s/ Donald F. Lloyd

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

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

City of Idaho Falls
September 11, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: LIFT STATION ALARM SYSTEM
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On September 4, 1974, three bids were received for a lift station alarm system as follows:

| | | |
|----|--------------------------|-----------|
| 1. | Falls Electric, Inc. | \$30,939. |
| 2. | Wheeler Electric, Inc. | 35,540. |
| 3. | Northwest Electric, Inc. | 38,800. |
| | Engineer's Estimate | 34,825. |

These bids have been reviewed in detail and we are recommending that the City award a contract to the low bidder, Falls Electric, Inc., in the amount of \$30,939.

s/ Don F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that the contract for the lift station alarm system be awarded to Falls Electric as recommended. Roll call as follows: Ayes, 6; No, none; carried. Finally, from the Public Works Director, this memo was forthcoming:

City of Idaho Falls
September 12, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SPRINKLING SYSTEM FOR THE SEWAGE TREATMENT PLANT

On September 20, 1974, two bids were received for the sprinkling system at the Sewage Treatment Plant as follows:

| | |
|------------------------------|-------------|
| Idaho Lawn Sprinkling System | \$79,755.00 |
| Kester Company | 83,831.00 |

We are recommending that the City Council award a contract to the low bidder – Idaho Lawn Sprinkling System in the amount of \$79,755 subject to proper funding and EPA approval.

Respectfully submitted,
s/ Don F. Lloyd

It was explained by Councilman Gesas that application had been made for additional Federal funds and that this project would not materialize unless or until said funds are granted. It was moved by Councilman Gesas, seconded by Karst, that the low bid of Idaho Lawn Sprinkling System Company be accepted, subject to the funding, as mentioned and also, subject to final approval by E.P.A. Roll call as follows: Ayes, 6; No, none; carried.

Attention was drawn for the need to schedule a zoning hearing to consider a rezoning petition by Reese Casperson. It was moved by Councilman Wood, seconded by Karst, that a zoning hearing

be scheduled for October 10th, 1974, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Anticipating annexation, an annexation agreement was presented between the City and James Copley, owner of the Sundown Motel property on the West Broadway highway. It was moved by Councilman Wood, seconded by Karst, that this annexation agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1394

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (SUNDOWN MOTEL PROPERTY)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 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.

It was then moved by Councilman Wood, seconded by Karst, that this newly annexed area be initially zoned 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, 6; No, none; carried.

This letter was presented and read aloud:

September 9, 1974

Mayor S. Eddie Pedersen
P.O. Box 220
Idaho Falls, Idaho

Dear Mayor:

As you are aware there was a tragic incident wherein a child of the age of 24 months died as a result of injuries.

I would like to acknowledge to you the cooperation that I received from Dennis Shaw, Duane Sibbett, and Wayde Scott; the detectives on this case. They fully cooperated with me and handled their investigations in a professional manner. It is gratifying to me to work with men of this caliber who are willing to work long hours in order to attempt to solve a crime of this nature. All three of these men worked with me until 3:00 A.M. on a Saturday morning after putting in a full day of work. They also worked on Saturday with me on this case, part of Sunday, and Monday, Tuesday, and Wednesday to the date of the trial.

Wayde Scott who is supposed to be on vacation gave up part of his vacation in order to work on this case. None of the men looked at the clock to see what time it was as they continued working on this case and were dedicated in trying to solve this tragic incident.

However, I would like to make a suggestion that the City of Idaho Falls obtain adequate camera equipment and photographer in order to handle these types of cases. I believe that the City of Idaho Falls could well afford a small investment to obtain adequate photographic equipment. The pictures that were taken were adequate and professionally done. However, I believe that if we could obtain modern equipment it would aid us in our proof of the case.

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Again I want to acknowledge support that these men gave me during this investigation.

Yours very truly,
s/ Robert Fanning
Prosecuting Attorney

It was moved by Councilman Wood, seconded by Freeman, that the Mayor be authorized to write letters of commendation to the officers mentioned in the foregoing letter and that copies of said letter be included. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor appointed Messrs. Dale Terry and Ray Goyen as members of the Idaho Falls Plumbing Board as replacements for Messrs. Alden Kerr and Ray Austin. The Mayor was asked by the Councilmen to write them letters of appreciation for their services and civic interest as members of the above mentioned board. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then appointed Mr. Marion Orme as the County Planning Commission representatives on the City Planning Commission as a replacement for Mr. Dick Skidmore. It was moved by Councilman Wood, seconded by Karst, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood noted that a local snowmobile group known as the Snow Snoopers are again planning a snow mobile racing event on certain City owned Airport property formerly utilized as a sanitary land fill. It was moved by Councilman Wood, seconded by Freeman, that the City Attorney be directed to prepare an appropriate agreement for their approval covering such matters as liability insurance, restoration of the land to its original condition, etc., after which the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Noting that the City had recently annexed Esquire Acres, adding, to that extent to the ever-growing population within the City. Councilman Karst said that, in his opinion, it would now behoove the City to make arrangements for a special census. It was moved by Councilman Karst, seconded by Freeman, that the City Clerk be authorized to make contact with the Federal Census Bureau and arrange for an updated social census agreement for the Mayor's signature and approval. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Karst then noted that a levy certification had recently been forwarded to the Bonneville County Recorder without formal Council approval, as follows:

September 4, 1974
Office of the Mayor

Mr. Keith Long
Clerk of the Board of
Bonneville County Commissioners
P.O. Box 339

Idaho Falls, Idaho 83401

Dear Mr. Long:

This is to certify the total tax charge to be levied for the City of Idaho Falls for the year 1974 is; \$1,857,913.00, and will be distributed to the various funds as follows:

| | |
|-----------------|-----------|
| General Fund | \$887,833 |
| Street Fund | 51,840 |
| Airport Fund | 14,880 |
| Fire Department | 432,000 |

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| | |
|-----------------------------------|---------|
| Recreation Fund | 62,400 |
| Library Fund | 165,200 |
| Policemen's Retirement Fund | 115,200 |
| Fire Department Improvement | |
| Bond Redemption and Interest Fund | 34,560 |
| Capital Improvement Fund | 96,000 |

Sincerely,
City of Idaho Falls
s/ S. Eddie Pedersen
Mayor

It was moved by Councilman Karst, seconded by Freeman, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 600 in this book of minutes and, more specifically, a request from a YMCA representative that the City Council give its permission for the use of certain City owned land adjacent to the City Garage for mini-bike riders, particularly, under-privileged children. Asked for comment, the Police Chief reported that the YMCA would be willing to provide liability insurance or other documentary evidence holding the City harmless for this activity. It was moved by Councilman Freeman, seconded by Wood, that permission be granted for the use of this land as described. Roll call as follows: Ayes, 6; No, none; carried. It was understood that other unauthorized persons using this land for this or any other purpose could and should be cited for trespassing.

Councilman Hovey reported that there has been several near misses and at least one serious accident at the corner of Grandview and Skyline by those traveling on Grandview, making the stop sign on Skyline difficult to observe or at least easy to overlook, inasmuch as Grandview, west of Skyline, becomes four lanes, a suggestion by those unaccustomed to the route that Grandview is the through street. Hovey proposed a yellow flashing warning light or some other appropriate warning device or marking so that drivers would have ample warning. It was moved by Councilman Hovey, seconded by Wood, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:10 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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