

APRIL 11, 1974

The City Council of the City of Idaho Falls met in recessed regular meeting Thursday, April 11, 1974, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting, Mayor Pro Tem Jim Freeman; Councilmen Paul Hovey, Norris Gesas, Mel Erickson, Ralph Wood, and Gil Karst. Absent: Mayor S. Eddie Pedersen. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Lorna Coughlin, City Treasurer; Ernie Craner, Parks & Recreation Director; Steve Harrison, Electrical Engineer; Don Lloyd, Public Works Director; Chad Stanger, General Services Director; Lee Mundell, Personnel Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief.

Minutes of the last recessed regular meeting, held March 28th, 1974, were read and approved.

The Mayor acknowledged Boy Scout Troop #135 in the Council Chambers. There Troop Leader, Mrs. Walden Johnson, introduced each of the boys and explained that their presence was occasioned because they were working toward their merit badges. The Mayor thanked the group for their presence and their interest.

The Mayor announced that this was the time and the place as advertised, for a public hearing to consider three rezoning petitions.

The first, from the Eagle Rock Land Development Corporation, was explained by this memo from the City Planner:

Bonn. Council of Govn.
April 11, 1974

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – CAMBRIDGE TERRACE PARK, LOTS 1-3, BLOCK 3 & LOTS 1-4, BLOCK 4 (R-2A TO RMH)

A petition has been submitted by the property owners of the above described property requesting a rezoning from R-2A to RMH (mobile home zone). The subject property is bounded on three sides by RMH zoning. No objections have been voiced by adjacent property owners.

The Planning Commission considered this at their regular meeting in March and at that time recommended approval of the request. It is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

There were no protests. It was moved by Councilman Wood, seconded by Karst, that this area be rezoned from R-2A to RMH as recommended by the Planning Commission. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered was a petition from the First Christian Church as more fully explained by this memo:

Bonn. Council of Govn.
April 11, 1974

APRIL 11, 1974

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – FAIRMONT PARK ADDITION, DIVISION NO. 3, WEST 1/3 OF LOT 10, BLOCK 7, (R-1 TO R-3A)

The subject property is located at the southeast intersection of 12th Street and Woodruff Avenue. The petition has been submitted by the First Christian Church, the owners of the property, and requests a rezoning from R-1 to R-3A for approximately one-third of Lot 10, the portion of the lot which fronts on Woodruff Avenue.

The property on the west side of Woodruff Avenue is now zoned R-3A from 12th Street to 17th Street and on the east side of Woodruff on the southerly boundary of the property south to 17th Street. The rezoning of this property would complete the R-3A bordering Woodruff on both sides of the street from 12th to 17th Streets.

The Planning Commission reviewed this request at their regular meeting in March and recommended approval of the request. This Department concurs with the Planning Commission's recommendation. This is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

No protests were registered. It was moved by Councilman Wood, seconded by Karst, that this rezoning petition be granted. Roll call as follows: Ayes, 6; No, none; carried.

Finally, this memo served to introduce the third and final rezoning petition from the Skyline Investment Corporation:

Bonn. Council of Govn.
April 11, 1974

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – WESTGATE ADDITION, LOTS 4-8, BLOCK 1 (HC-1 TO R-2)

A petition has been submitted by Skyline Investment Corporation, the owners of the above described property requesting rezoning of this property to R-2. The Planning Commission has had several meetings regarding rezoning of this and adjacent property.

At their regular meeting in March, the petitioner and the adjacent property owners came to an agreement regarding the property described by this request. No objections were heard regarding this request and the Planning Commission recommended approval.

This Department concurs with the Planning Commission's recommendation. It is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

APRIL 11, 1974

There were none who appeared for purposes of registering a protest. It was moved by Councilman Wood, seconded by Karst, that this rezoning request be approved. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor directed the Building Official to incorporate the foregoing rezoning changes on the official zoning map, located in his office.

The Mayor noted that a rezoning petition from Doctors Reed Anderson and Rheim Jones was presented at the last regularly called Council Meeting, considered, tabled and referred back to the Planning Commission for a clearer policy interpretation relative to the most appropriate recommended depth for R-3A properties fronting on arterial streets. The Mayor reintroduced this matter and, at his invitation, Councilman Wood presented and read aloud this proposed policy:

Bonn. Council of Govn.
April 1, 1974

MEMORANDUM

TO: Ralph Wood
FROM: Rod Gilchrist
SUBJECT: POLICY REGARDING R-3A ZONING ADJACENT TO ARTERIALS

Based on recent rezonings and requests involving R-3A property adjacent to arterial streets, a general policy or guideline should be established relative to depth this zoning is to be established. Two major items should be considered.

1. Property should be zoned deep enough to permit proper development, i.e., insure room enough for adequate off-street parking, service vehicles, loading and unloading, etc.
2. The R-3A zoning should not extend so far into adjacent residential properties so as to cause a detrimental effect on a residential neighborhood. In most instances, the R-3A zoning adjacent to arterials is used as a buffer, and in that respect, actually provides protection to an adjacent residential neighborhood.

Recent discussion with the City Planning Commission and investigation by the Bonneville Council of Governments staff has revealed that a minimum depth for proper development of R-3A properties is 120 feet to 125 feet in most instances. This varies somewhat due to the type of development proposed, ownership patterns, and lot configurations.

As a general rule, 150 feet of depth be established as a guideline for maximum depth of R-3A properties fronting on arterial streets. It is felt that this would allow proper development, and would not as a general rule be detrimental to adjacent properties.

s/ Rod R. Gilchrist

There was general discussion as to whether or not this policy, if found acceptable to the Council, should be incorporated, by amendment, into the zoning ordinance. Asked for comment, Rolph Lines representing Bonneville Council of Governments, appeared briefly to say that this would be difficult, if not impractical, to put into ordinance form, inasmuch as types and locations of properties permitted within an R-3A zone are subject to wide variance. The Council appeared to be

APRIL 11, 1974

in general agreement that said amendment, if implemented, should be limited to the R-3A zones fronting an arterial and serving as a buffer between said arterial and R-1 residential areas.

The City Clerk then presented this further explanatory memo from the City Planner:

Bonn. Council of Govn.
April 11, 1974

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – CROW’S ADDITION, LOTS 4-6, BLOCK 17, (R-1 TO R-3A)

The City Council, at their last regular meeting, considered a petition for rezoning of the above described property and tabled it for further study by the Planning Commission. The Planning Commission at their regular meeting April 9th, discussed the request and reaffirmed their earlier recommendation to recommend approval of the proposed rezoning. No objections to the rezoning have been voiced by nearby property owners.

The Planning Commission’s recommendation is based on the following consideration. The Eye Clinic located at 5th and Holmes is now zoned C-1 and it was felt that R-3A zoning to the west was the logical and needed buffer between the residential and the commercial zoning. The purpose of the rezoning was to provide for an expansion to the existing building and to provide additional parking. The expansion within the parking lot would provide for the major access to the parking lot to be off 5th Street, rather than Holmes Avenue as it is now. A landscape screen would be required on the westerly side of the parking lot between the R-3A and the R-1 zone.

It is felt that the proposed development plan was a reasonable and logical expansion of an existing business and the distance of 150 feet was not an undesirable encroachment into the residential area in this instance.

This Department concurs with the Planning Commission’s recommendation. It is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

There were none who appeared to protest this requested rezoning. It was moved by Councilman Wood, seconded by Karst, that this rezoning petition be granted as requested and the Building Official be directed to incorporate said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Wood, seconded by Karst, that the City Attorney be authorized and directed to prepare an amendatory ordinance for Council consideration, said ordinance to provide up to 150 feet depth for R-3A properties fronting arterials where said R-3A zone served as a buffer between the arterial and an R-1 residential area. Roll call as follows: Ayes, 6; No, none; carried.

Recognizing that such an ordinance, amending the zoning code, would require a public hearing, it was moved by Councilman Wood, seconded by Karst, that a public hearing be scheduled

APRIL 11, 1974

as soon as possible and that the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of March, 1974, were presented. The City Clerk presented 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 | \$179,996.91 | \$211,258.42 | \$391,255.33 |
| Street Fund | 21,881.72 | 17,861.37 | 39,743.09 |
| Airport Fund | 2,588.45 | 6,305.29 | 8,893.74 |
| Water and Sewer Fund | 74,131.02 | 30,808.60 | 104,939.62 |
| Electric Light Fund | 139,806.85 | 61,207.54 | 201,014.39 |
| Fire Fund | 7,695.94 | 85,107.66 | 92,803.60 |
| Recreation Fund | 1,430.17 | 2,579.80 | 4,009.97 |
| Capital Improvement | 222.91 | .00 | 222.91 |
| Police Retirement | .00 | 3,196.88 | 3,196.88 |
| <u>TOTAL FUNDS</u> | <u>\$427,753.97</u> | <u>\$418,325.56</u> | <u>\$846,079.53</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 March, 1974, and there being no question or objection, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY, Wallace Dairy; RESTAURANT, Millard's Donut Shop, Jolley Rogers, 7-11 (G. Street), The Lantern Café, 7-11 (9th Street); DAIRY, Wallace Dairy; JOURNEYMAN ELECTRICIAN, Robert P. Lau, Ronald Sommerscorn, Gerry B. Nelson; APPRENTICE ELECTRICIAN, Daniel L. Park, Thomas D. Warner, George R. Danielson, C. Peder Jeppesen; MASTER PLUMBER, Howard G. Hill for G & H Plumbing; JOURNEYMAN PLUMBER, Howard G. Hill, Dale E. Terry, Ray Goyen, Lynn M. Andrew; CLASS C CONTRACTOR, WARM AIR HEATING, Ira J. Jones for K & P Plumbing & Heating; CLASS C JOURNEYMAN, WARM AIR HEATING, GAS FITTING, Jack Franhauser, Ira J. Jones; CLASS D JOURNEYMAN, GAS FITTER, Dale E. Terry, Steve Kay; CLASS D JOURNEYMAN, GAS FITTER, John D. Gordon; SECOND HAND STORE, Ellis H. Sprinkle for Sprinkle's Bargain Mart; HOTEL, Wanda Wilson for Ross Hotel; MOTEL, Lorene Bird for Motel West; PRIVATE PATROLMAN, Craig L. Wolfley with Services Inc.; CAB DRIVERS, Lonnie Burns, Larry F. Wallace with Yellow Cab Company; BARTENDER, Sally Ricards, Kenneth Sellars, Gloria Stucky, Charlene Browning, Sidney Kinney, were presented. It was moved by Councilman Wood, seconded by Erickson, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented this damage claim:

Hansen & Boyle
April 8, 1974

MAYOR AND CITY COUNCIL
City of Idaho Falls, Idaho

APRIL 11, 1974

Gentlemen:

Lorne Steele, for herself and on behalf of Dwaine W. Elg, hereby makes a claim against the City of Idaho Falls pursuant to Idaho Code Section 6-907 and represents as follows:

1. Claimants Lorene Steele and Dwaine W. Elg are the surviving children and sole heirs at law of Hugo Elg, deceased.
2. Claim is hereby made against the City of Idaho Falls for the wrongful death of Hugo Elf, which claimants allege occurred March 2, 1974, while said decedent was incarcerated in the jail facilities of the City of Idaho Falls.
3. Claimants allege that the death of Hugo Elg occurred as a direct and proximate result of the negligence of the City of Idaho Falls, by and through its agents and employees, including police officers Gary Day, Ralph Walker, Cyril Hamberlin and others, in that Hugo Elg was wrongfully placed under arrest on a charge of public intoxication, when he had not previously consumed any alcohol whatsoever, and was, in fact, seriously ill and requiring immediately medical attention, all of which was known or in the exercise of reasonable care should have been known to said agents and employees, in that Hugo Elg was negligently handled, causing him serious injury and to lapse into a state of unconsciousness, and in that Hugo Elg was thereafter placed in the jail facilities of the City of Idaho Falls while in a state of unconsciousness and without having previously been given a medical examination or medical attention by a qualified medical doctor, members of the Fire Department or anyone whatever.
4. Claimants hereby make claim by reason of the foregoing damages in the sum of \$50,000.00.
5. Claimant Lorene Steele is now and for a period of six months prior hereto has been a resident of Bingham County, Idaho, and Claimant Dwaine W. Elg is now and has been for a period of six months prior thereto, a resident of Davis County, Utah.
6. For further particulars as to the conduct of the agents and employees of the City of Idaho Falls, and the circumstances which brought about the injury and death of Hugo Elg, reference is hereby made to the reports on record for the City of Idaho Falls.

Your are requested to refer all future communications and/or inquiries relative to this matter to John D. Hansen of the firm of Hansen & Boyle, as Attorneys for Claimants.

Yours very truly,
s/ Lorene Steele
Individually and on behalf
of Dwaine W. Elg

APRIL 11, 1974

It was explained that, in the interests of time, this was forwarded to the City's Insurance Adjustor on April 9th without formal Council approval. It was moved by Councilman Karst, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented two City redemption tax deeds, both in favor of Dale D. Parish and Wayne Wilcox, accompanied by these resolutions:

RESOLUTION (Resolution No. 1974-09)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 17th day of April, 1969, recorded as Instrument No. 395726, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Beginning at a point that is 660 ft. east and north 298 ft. from the southeast corner of Block 16, Capital Hill Addition to the City of Idaho Falls, running thence north 150 ft. thence west 150 ft. thence south 150 ft. thence east 150 ft. to a point of beginning, being a Section 17, Twp. 2. north Rg. 38, EBM.

WHEREAS, DALE D. PARISH AND WAYNE WILCOX have offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said DALE D. PARISH & WAYNE WILCOX a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 11th day of April, 1974.

APPROVED BY THE MAYOR this 11th day of April, 1974.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

RESOLUTION (Resolution No. 1974-10)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 17th day of April, 1969, recorded as Instrument No. 395724, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

APRIL 11, 1974

Beginning at a point that is east 660 ft. & north 464 ft. from the southwest corner of Block 16, Capitol Hill Addition, to the City of Idaho Falls, running thence north 180 ft. thence west 150 ft. thence south 180 ft. thence east 150 ft. to point of beginning, Section 17, Twp. 2 north Rg. 38, EBM

WHEREAS, DALE D. PARISH, AND WAYNE WILCOX have offered to pay to the City of Idaho Falls, the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said DALE D. PARISH AND WAYNE WILCOX a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 11th day of April, 1974.

APPROVED BY THE MAYOR this 11th day of April, 1974.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Karst, seconded by Erickson, that these deeds be approved and the Mayor and City Clerk be authorized to sign the resolution and the deeds. Roll call as follows: Ayes, 6; No, none; carried.

From the Purchasing Department came this memo:

City of Idaho Falls
April 11, 1974

Oil Circuit Breakers

Honorable Mayor and Councilmembers:

The Electric Light Division and the Purchasing Department request approval to advertise for bids for three 15 KV, 500 MVA Oil Circuit Breakers for the Rack Substation.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

APRIL 11, 1974

It was moved by Councilman Hovey, seconded by Gesas, that authorization be granted to advertise for bids for these circuit breakers as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Purchasing Department was forthcoming, as follows:

City of Idaho Falls
April 10, 1974

Card To Card Microfilm Duplicator

Honorable Mayor and Councilmembers:

The Purchasing Department requests approval to advertise for bids for a card to card microfilm duplicator, for the Engineering Department.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Karst, seconded by Gesas, that authorization be granted to advertise for bids for this duplicator as described. Roll call as follows: Ayes, 6; No, none; carried.

Another request from the Purchasing Department to advertise for bids was explained by this memo:

City of Idaho Falls
April 9, 1974

One Kard-Veyer 300

Honorable Mayor and Councilmembers:

The Purchasing Department requests approval to advertise for bids for one Kard-Veyer 300 with mechanized card filing units for the Police Department, to be partially financed by government grant.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Wood, seconded by Erickson, that authorization be granted to advertise for bids on the Kard-Veyer as described. Roll call as follows: Ayes, 6; No, none; carried.

Still another memo from the Purchasing Department was submitted, to-wit:

City of Idaho Falls
April 8, 1974

Three Phase Padmount Transformers

APRIL 11, 1974

Honorable Mayor and Councilmembers:

Tabulation of bids received show General Electric Supply Company of Idaho Falls submitting a bid for one 1000 KVA three phase padmount transformer for \$6,119.00 and one 750 KVA three phase padmount transformer for \$5,301.50, with 32 weeks delivery.

It is the recommendation of the Electric Light Division and the Purchasing Department that the above bids be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that General Electric Supply Company be awarded the bids on the transformers as described. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Purchasing Department, this memo was presented and read:

City of Idaho Falls
April 8, 1974

Pet Crematorium

Honorable Mayor and Councilmembers:

Tabulation of bids for Pet Crematorium for City Animal Shelter is attached.

Carl Hanrath Company of Salt Lake City, Utah submitted the only bid \$5,400.00.

It is the recommendation of the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

Councilman Wood explained that Bonneville County was to participate to the amount of \$15,000 in this complex, including the building, and that there were also certain funds that would be contributed by the Humane Society. It was moved by Councilman Wood, seconded by Erickson, that Carl Homarth Company be awarded the bid for this crematorium in the amount as stated. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read aloud this memo:

City of Idaho Falls
April 10, 1974

TO: Honorable Mayor and City Council
Idaho Falls, Idaho

APRIL 11, 1974

Gentlemen:

The purpose of this memo is to discuss compensation for poll workers at the Special Bond Election on April 23, 1974.

At each precinct we will be operating with only one half the working staff as we have at a General Municipal Election, occasioned, primarily, by the fact that there will be no vote counting during the day. The workers, then, will consist of one judge, four clerks and one constable.

It has been our custom, in the past, to compensate these workers as follows: Judge, \$20.00; Clerks, \$15.00; Constable, \$15.00, which we are again recommending for this election.

Your approval is requested.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Karst, seconded by Erickson, that the poll workers for the Special Bond Election to be held April 23, be compensated as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director, this memo was submitted:

City of Idaho Falls
April 10, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: EXTERIOR PAINTING OF ELEVATED WATER TANK

On Wednesday, April 10, 1974 at 10:00 a.m. we received four bids for the exterior painting of the elevated water tank as follows:

| | | |
|----|---|-------------|
| 1. | Ed's Painting Contractor (Blackfoot) | \$18,843.00 |
| 2. | Picoult Painting Co. (Littleton, Colo.) | 22,031.50 |
| 3. | Clark Painting Co. (Salt Lake City) | 34,990.00 |
| 4. | B. H. Greenwood Co. (Ogden) | 38,587.00 |

These bids have been reviewed and we are recommending that the low bidder, Ed's Painting Contractor of Blackfoot, Idaho, be awarded the contract in the amount of \$18,843.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the low bid be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from Public Works Director Lloyd was presented and read, as follows:

APRIL 11, 1974

City of Idaho Falls
April 11, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SOLIDS DISPOSAL AND ACCESS ROAD

Two bids were received on March 26, 1974 for the access roads and solids disposal as follows:

| | |
|------------------------|--------------|
| Kennaday Paving Co. | \$414,719.60 |
| Robert V. Burggraf Co. | 456,629.95 |
| Engineer's Estimate | 542,471.40 |

These bids have been reviewed and we are recommending that the low bidder Kennaday Paving Company be awarded the contract in the amount of \$414,719.60 subject to final EPA approval.

Respectfully submitted,
s/ Don

At the invitation of Councilman Gesas, Lloyd appeared briefly to explain that the access roads would be located south of the plant direct to the highway and would be used by the sludge trucks. It was moved by Councilman Gesas, seconded by Karst, that the low bid of Kennaday Paving be accepted in the amount as stated, subject to final approval by EPA. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
April 11, 1974

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: DEED TO THE DEPARTMENT OF HIGHWAYS, STATE OF IDAHO

We are attaching hereto a quit claim deed for a small parcel of ground at the southeast corner of the Broadway Bridge. This deed encompasses 349 square feet now owned by the City and which we want to dedicate to the Department of Highways. We are recommending the this transaction be approved and that the Mayor be authorized to sign the deed.

Respectfully submitted,
s/ Don

Councilman Gesas said the land in question was involved in the pending State Highway construction and would be of value to that agency for that purpose. It was moved by Councilman Gesas, seconded by Karst, that the Mayor and City Clerk be authorized to sign the deed in question. Roll call as follows: Ayes, 6; No, none; carried.

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

APRIL 11, 1974

City of Idaho Falls

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 17TH STREET – CHURCH FARM ROAD TO CASEY'S CORNER

Bonneville County is now proposing that 17th Street be constructed to an urban section beginning at Church Farm Road and ending at the east City limits of Ammon. The City of Ammon, Idaho Falls, and Bonneville County will each establish their own methods of funding the additional cost of the urban section. This project is scheduled for construction in the first quarter of the 1975 fiscal year which begins in July, 1974. We are asking Council's approval for this project and authorization for the Mayor and City Clerk to sign the necessary agreements.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the City Council go on record as endorsing and approving the project, as described, insofar as it pertained to City participation and the Mayor and City Clerk be authorized to sign the necessary agreements when available. Roll call as follows: Ayes, 6; No, none; carried.

The foregoing memo served to introduce the following resolution:

R E S O L U T I O N (Resolution No. 1974-11)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of 17th Street between Church Farm Road and Ammon Road on 1.5 miles of F.A. Urban System, under Federal Aid Project M-7406(002); and,

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal Aid Highway System when there is Federal participation in the costs; and,

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Cooperative Agreement; and,

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and,

WHEREAS, the City is fully responsible for all costs of that part of the project within the City; and,

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal Participation;

NOW THEREFORE, BE IT RESOLVED:

APRIL 11, 1974

1. That the Cooperative Agreement for Federal Aid Highway Project M-7406(002) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City.
3. That duly certified copies of the Resolution shall be furnished the Idaho Transportation Department, Division of Highways.

It was moved by Councilman Gesas, seconded by Karst, that the above Resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried.

From the Director of Aviation this memo was submitted:

City of Idaho Falls
April 11, 1974

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: CONSENT TO ASSIGNMENT AND REASSIGNMENT OF AIRPORT GROUND

The 8,000 square foot plot of airport property occupied by a metal building for aircraft repair located north of the long hangar on the east side the airport was originally leased to Chas. Cope and Kenneth Cook.

Cope-Cook sold this building to Harry O. Ames and Dr. Thomas Higgs. Subsequently, Ames disclaimed in favor of Higgs. Higgs then sold the building to Idaho Falls Aviation with a clause providing for reassignment to Higgs in event of failure of the buyer to perform. Prior consent of the City as landowner was not obtained for these transfers. Such consent is now requested of the City.

Due to differing interpretations of the original lease, it has been difficult for the City to obtain commercial fees per Ordinance #1024 for commercial activities conducted on the premises.

Accordingly the Airport Committee recommends approval of this chain of lease assignments with the provision that approval is premised on the current and any future building owner's compliance with City Ordinance #1024.

The City Attorney's office has reviewed and approved the subject assignments and re-assignments.

s/ W. P. Hill

It was moved by Councilman Wood, seconded by Gesas, that the Mayor and City Clerk be authorized to sign these multitudinous lease assignments and reassignments under the conditions and with the understanding as stated. Roll call as follows: Ayes, 6; No, none; carried.

Recognizing the fact that no official record had, to date, been made of the Idaho Falls policemen strike, starting at 8:00 P.M. on March 28th and terminating at 6:00 A.M., April 2, 1974, it was moved by Councilman Karst, seconded by Wood, that this book of minutes, by this notation and action, duly record the fact that this strike did occur during the time as indicated and that the Mayor be authorized to write and forward a letter of appreciation accordingly to the Bonneville

APRIL 11, 1974

County Sheriff and all others who assisted in police duties within the City of Idaho Falls during that time period. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, City Attorney Smith registered an expression relative to the efforts expended by the City and others, attempting to get passed and placed into law at the last session of the State Legislature a collective bargaining bill which would have equitably affected any and all City Employees. He said that labor problems which have recently arisen left the City virtually helpless, at least from the standpoint of legislative guidelines. He said that, even though this was a very important, relevant and timely bill, there was obvious apathy on the part of the news media throughout the State, including Idaho Falls, to attack or otherwise accurately discuss the issue editorially. He said this City made every constructive effort to engender legislative interest including a contingency of City representatives traveling to Boise for purposes of testifying and, also, efforts that were made to instill interest through the Boise office of the Association of Idaho Cities. He said that, with one to two exceptions, there is no law governing the relationship between labor and management as pertained to the public sector. He said that the government Labor Relations Act was established for private enterprise and was not applicable for governmental agencies such as cities. Smith said this is understandable, as it would not be acceptable policy for the Federal Government to dictate to cities on an issue of this nature on the grounds that it would be a violation of States' rights. Smith continued by saying that the statute singularly affecting firemen was not a model of propriety but it at least placed a responsibility on both side of the negotiating table. Smith reminded the Council that the AIC State Convention was to be held in June and it wasn't too early to reinitiate action for serious delegate consideration at that time. He said there was no sensible justification for statutes covering only teachers and firemen. He said the collective bargaining bill, as presented, was not perfect but it would have been considerably better than none. It was moved by Councilman Karst, seconded by Wood, that the City Council go on record as advocating and endorsing a well thought out collective bargaining bill and that the City Attorney be authorized and directed to prepare and present a resolution accordingly at the next AIC convention. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Karst, seconded by Wood, that the meeting adjourn at 8:45 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ James R. Freeman
Mayor ProTem

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