MAY 24, 1973

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a recessed regular meeting on Thursday, May 24, 1973, at the hour of 7:30 o'clock p.m., at the City Council Chambers, in the City of Idaho Falls, Idaho, due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen, Councilmen Melvin Erickson, Jim Freeman, Norris Gesas, Paul Hovey, Jack Wood, Jr. Absent: Councilman Gilbert Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lorna Coughlin, City Treasurer; Pete Ahlstrom, City Librarian; Don Lloyd, Public Works Director; Rod Gilchrist, BCOG Director; Ernie Craner, Parks and Recreation Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief.

Minutes of the last recessed regular meeting, held May 10th and a special meeting held May 15, 1973 were read and approved.

The Mayor announced that this was the time and place, as advertised, for a public hearing to hear and consider objections to the Assessment Roll, Local Improvement District No. 45, of any party aggrieved by said assessment.

The Mayor asked the City Clerk to present and read aloud these written protests:

Ecology Research and
Development Corporation
May 9, 1973

Mr. Roy C. Barnes
City Clerk
City of Idaho Falls, Idaho

RE: REED J. BOWEN, BOWEN PROFESSIONAL BUILDING ASSESSMENT NO. 14, ASSESSMENT AMOUNT $20,640

The undersigned hereby enters objection to the above-referenced assessment as reflected in that certain assessment roll filed in your office on the 26th day of April, 1973, published May 1, 2, and 3, 1973, on the principal following grounds, among others:

(A) That the amount of the assessment assessed the undersigned is excessively disproportionate in amount relating to the subject property in contrast with other properties and owners similarly situated.

(B) That the undersigned has within the year last past at his own cost and expense installed a significant portion of said improvement adjacent and abutting the subject property and that said installation is in accordance with the design, elevation and general specifications of the proposed LID No. 45. That such installation was with the approval of the City of Idaho Falls pursuant to said LID No. 45 and that the undersigned should be given full credit thereon.

I would be happy to have Mr. Floyd Heyrend meet with the Engineering Department of the City for clarification and factual matters relating to the above-referenced installation.

Very truly yours,
s/ Reed J. Bowen

Inkley's
May 7, 1973

Roy C. Barnes
City of Idaho Falls
Municipal Building
Idaho Falls, Idaho

Dear Mr. Barnes:

We feel that your assessment of $10,082.25 for Improvement District #45 is out of line and because we are being harmed rather than helped – we feel that we should not pay you but you should pay us for our loss.

This has been the most distressing experience our company has ever had with a city government. Knowledgeable people from around the country agree with me that there is no way that we will ever recover our loss of construction time, the loss of all the parking spaces that are being removed, let alone any assessment you make.

Assessments made in shopping centers are never made on front feet but on square feet. Since your plan makes corners stand the brunt, we think you may have overlooked a very important point. We think that a court would rule in our favor also, in this day of equality and fairness.

I am sorry that you have put us in this position. We would rather have been part of a good plan for the revitalization of the downtown area. My work in the Chamber of Commerce, United Fund, Rotary Club, immediate past president of the International Photo Association, and two terms in the Utah State Legislature proves my credentials as one that is community minded. But I feel that we have been damaged and are asked to subsidize those that damaged us. This action has almost made it unprofitable to operate in Idaho Falls, by making it so expensive to do business in addition to ruining the parking.

I hope that you will do something to ease our burden without having to go to court.

Sincerely,
s/ Ron Inkley
President

S.H. Kress
May 16, 1973

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

RE: S.H. KRESS & CO. STORE
451 PARK AVENUE
IDAHO FALLS, IDAHO
PART LOTS 1, 2, & 3, BLOCK 22, RAILROAD ADDITION

Dear Sir:

Your "Notice of Time to File Objections to Assessment Roll of Local Improvement District No. 45 of the City of Idaho Falls, Idaho" was only today referred to the writer. Since we had no prior notice, we trust that you will accept this protest as timely.

The owner of the property, Tennessee Ravenwood Properties, Inc., has no interest in the assessment because S.H. Kress & Co. is responsible for all taxes and assessments under the terms of a lease extending until April 1, 1989.

S.H. Kress & Co. protests the imposition of an assessment of $16,461.85 because the store operation has shown a net loss each year since 1964 on annual retail sales of less than $200,000.

Since the assessment would be an additional burden on a business already in the red and since the type of work being done is beneficial to the entire City, a greater portion of the total cost of the work should be defrayed as a Citywide obligation.

Very truly yours,
S.H. Kress & Company
s/ Henry F. Rupp
Tax Supervisor

National General Corp.
May 10, 1973

Mr. Roy C. Barnes
City Clerk – City Hall
City of Idaho Falls

RE: CITY IMPROVEMENTS, IDAHO FALLS, IDAHO (PARAMOUNT THEATRE)

Reference is made to your Notice of Time to File Objections to Assessment Roll of Local Improvement District No. 45 of the City of Idaho Falls, Idaho, which was received at this office on the afternoon of May 7 (third mail).

Accordingly, we state our objections to the assessment in general terms, as follows:

The proposed assessment is extremely high when compared with the annual real property tax on the same property – the assessment is really tenfold the annual real estate tax. In fact, the proposed assessment exceeds our assessed valuation of our property. To quote our legal forebearers – "The power to tax is the power to destroy". It is veritably questionable as to whether our theatre can support the proposed improvement tax burden.

From a social, civic and esthetic point of view, we certainly support the type of improvements sought for the City of Idaho Falls. At issue, really, is the question of equitable apportionment of the cost of the proposed improvement. An undertaking which benefits the entire City, even though it may benefit adjacent property owners to a greater extend should be more evenly

spread across the entire tax roll, or be supported by some special taxes, temporary or otherwise, or by a small increase in other existing broad based taxes.

It is respectfully submitted that the equities of the situation command that the proposed assessment to our property be drastically curtailed.

Thank you for your courtesy.

Carthay Realty Corp.
s/ Sanford Paul Kaufman
Assistant Secretary

The Mayor then invited verbal protests or other comment from the floor.

Mrs. Hazel Wohlschlegel, 545 J. Street, appeared before the Council relative to her Assessment No. 17 in the amount of $8,054.52. Mrs. Wohlschlegel protested this amount on the grounds that it was unreasonable in comparison to other assessments, particularly on other corner lot property on Park Avenue. She said the assessment, as calculated, was over half the assessed valuation and this appeared exorbitant for a vacant building in this particular location. Continuing, Mrs. Wohlschlegel also informed the Council that she had no intention of permitting her building to be razed. Councilman Gesas advised her that that decision was between her and the Professional Building Corporation. There were no additional protests.

Councilman Gesas noted that all assessments had been checked for accuracy and that one correction had been made; namely, the Bowen Assessment in the decreased amount of $3,530.00, reflecting the sidewalk improvement previously completed as indicated in the foregoing written protest. It was moved by Councilman Gesas, seconded by Wood, that the Bowen Assessment be reduced as indicated, that all other protests be denied, that the City Attorney be directed to so notify all those who had submitted protests and that, in his letter, the City Attorney also explain the purpose of this assessment hearing. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Gesas introduced the following Resolution in writing, and moved its adoption:

RESOLUTION (Resolution No. 1973-14)

RESOLUTION REJECTING, OVERRULING AND DENYING ALL OBJECTIONS TO ASSESSMENT ROLL EXCEPT OBJECTION TO ASSESSMENT NO. 14 AND APPROVING AND CONFIRMING SAID ASSESSMENT ROLL AS MODIFIED.

"WHEREAS, the City Engineer and Committee on Streets have heretofore made out and certified to the City Council s provided by law an Assessment Roll of Local Improvement District No. 45, and

WHEREAS, on April 26, 1973, the City Council fixed the time and place when and where objections to assessment roll by the property owners of said District would be heard, to-wit: Thursday, the 24th day of May, 1973, at 7:30 o'clock P.M. of said day at the Council Chambers in the City Building at Idaho Falls, Idaho, and

WHEREAS, notice was duly and regularly given, as provided by law, by the Clerk, of the time to file objections to said Assessment Roll, and

WHEREAS, four objections to said Assessment Toll were filed, and

WHEREAS, the City Council has examined the said Assessment Roll and considered the objections filed thereto, and

WHEREAS, it appears that Assessment No. 14 is erroneous and should be modified, and

WHEREAS, the City Council has decided that all other objections to said Assessment Roll should be overruled and denied,

NOW THEREFORE, BE IT RESOLVED, that Assessment No. 14 on Lots 3 and 4 and the north 20 feet of Lot 2, Block 21, Railroad Addition to the City of Idaho Falls, Idaho, be reduced in the amount of $3,530.00 and said Assessment shall hereafter be $17,110.00 instead of $20,640.00; and except for said modifications, said Assessment Roll, and each and every item therein, and the whole thereof, be, and the same hereby is, in all respects, approved, ratified and confirmed."

s/ Roy C. Barnes
CITY CLERK

Councilman Wood seconded the adoption of said Resolution, and the same, being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Ayes, Councilmen Erickson, Freeman, Gesas, Hovey, Wood. Nay, none. Whereupon the Mayor declared the motion carried.

Mr. Aden Hyde, 125 West 14th, appeared before the Council. He said he had been authorized by the Advisory Board of the Eastern Idaho Vocational Tech School to offer to the City, on a 5 to 10 year lease, about four acres of land to be used for park purposes. He said this was a small stub portion of the entire 53 acres owned by the school. He said it extends north of 17th Street and that it would be a good many years before it would be needed by the school. Hyde explained that the school site would not require such facilities as dormitories or athletic fields and so their ground needs would not be comparable to the needs of more conventional educational centers. Hyde said the Garden Club had previously rimmed this area with trees. Hyde said he had conferred with the Parks and Recreation Director and had learned that the City is in dire need of a park in this general area. In answer to a question by Councilman Wood, Mr. Hyde said the State Vocational Department of Education probably would not look with favor on any longer lease than 10 years. Councilman Freeman agreed that a longer lease would be preferable from the City's standpoint. Using Eagle Rock Park as an example, Freeman said there is a long period of time between the date a given area is dedicated for a park and the time when said area is of any value as a park. In the absence of further comment, it was moved by Councilman Freeman, seconded by Erickson, that this matter be referred to the Parks and Recreation Council Committee and the Recreation Commission for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

Noting Mr. William Brooks of the local Chamber of Commerce in the Council Chambers, the Mayor invited City Attorney Smith to introduce a rough draft of an itinerant merchant ordinance for open discussion and Council consideration. Inasmuch as the ordinance had been read and studied by all Councilmen and Mr. Brooks plus the fact that it was rather voluminous, it was not read by the City Attorney. Smith, referring to said ordinance, said it was designed to provide some semblance of control over temporary business operations and operators. Because the ordinance had been prepared, primarily, to meet the insistent demands of Mr. Brooks, the Mayor asked him

for his reaction to the ordinance. Mr. Brooks said this ordinance would fall short of that which was needed as a protection against operators whose objections would be to come to the City, temporarily, and bilk the public in one manner or another. Brooks said the ordinance, as prepared, did not provide all-inclusive protection. For purposes of illustrations, Brooks said the ordinance would not prohibit operators coming to the City selling so called business opportunities; or those unreliable operators allegedly selling wholesale or those, whether itinerant or permanent, who would engage in close-out, distress sales. Brooks noted the ordinance in question would require finger printing. He said this was discriminatory as it would brand any one wanting to start a new business within the City as a crook. He asked, in this regard, how about the local crooks who, under this proposed ordinance, would be permitted to operate without this embarrassing requirement. Brooks continued by saying this proposed ordinance placed too much responsibility on the shoulders of the Mayor and City Clerk. He said they would be in need of guide lines to determine those who should and those who should not be licensed. Noting the proposed ordinance called for a $1000 bond from any one of an itinerant nature, Brooks said this should be at least $2000. Brooks recommended, instead of an itinerant merchant ordinance, a so-called distress sale ordinance which would be just as effective with the local as the itinerant element. But he said even that would not be sufficient. He said an ordinance that would get his endorsement would also have some provision to protect the local consumer against companies offering nefarious service and business opportunities. Brooks concluded his remarks by saying that, in his opinion, the main reason this proposed ordinance would be ineffective, in his opinion, was because it was directed only at the itinerant merchant who could easily circumvent the license requirement by proclaiming that he intended to operate permanently within the City.

Directing his remarks or questions to Mr. Brooks, City Attorney Smith said he did not have sufficient information nor guide lines to have prepared an ordinance providing all that which Mr. Brooks desired. Brooks said he had submitted a sample Salt Lake City ordinance many months ago. He said that was a good ordinance with a workable licensing formula. He said the license fee formula was not complicated as it was based upon the size of the business, number of employees, etc. Smith reminded Brooks that that was a revenue ordinance which could not be used in the State of Idaho because licensing for revenue in this State was unconstitutional. In answer to a question by Smith, Brooks said all businesses should be licensed at the State level. Brooks said an exception should be made with this type of business and that they, too, should be licensed because many of them did not offer warranties. Smith asked how the potential licensee would be designated. Brooks proposed that a committee from each classification of business be named and the committee make this decision. Smith asked Brooks if he would care to estimate how many businesses, under his licensing theory, would be licensed within the City. Brooks said probably in excess of 500. Councilman Hovey said it would appear to him the estimate should be between two and three thousand. Hovey said these questions should be given serious consideration; who would do the enforcing? Who would pay for said enforcement, recognizing that this program, as proposed by Brooks, would require additional manpower in several different departments? Would part-time operators require licensing? How about seasonal operators? How about home occupations? Hovey said that, in his opinion, even on a non-revenue basis, licensing such as proposed would require a $25.00 license just to cover the handling, administrative and enforcement costs.

In answer to a question by Councilman Gesas, Brooks said the creation of a Better Business Bureau within the City is contemplated and, if accomplished, this agency could assist in enforcement.

The City Attorney asked what would happen if the City were to inadvertently but wrongfully void a license. Brooks said this should not be necessary. Smith then said, that being the case, no license should be issued without intricate investigation.

Mr. Dave Hand, owner of the Falls View Motel and a representative of the Motel Association, appeared before the Council. He said, in view of the fact that the Council and the City Attorney had been given a sample ordinance many months ago, he couldn't understand why no progress had been made toward the preparation and passage of a similar ordinance for this City. Instead, continued Hand, an unsuitable draft of an ordinance had been handed him just this day and it appeared that the Council intended to pass it without any publicity. Hand said many groups, such as the Motel Association were waiting for a workable ordinance that would offer some protection. He said he was disappointed and flabbergasted at the Council's handling of this issue.

The Mayor replied by saying that the Council, also, would be interested in considering a constructive proposal but that the Salt Lake ordinance was not applicable to local use for the reasons as stated. The Mayor continued by saying that this administration did not believe in blanket licensing just for the sake of licensing and that this procedure, in the opinion of the Council, was not the answer to the question as to eliminating or controlling fraud.

Councilman Wood, directing his remarks to Mr. Hand, said that, in view of his attitude, he would not be interested in sitting on the same Committee with Mr. Hand in an effort to resolve this problem.

Councilman Hovey proposed that the Chamber of Commerce draft or have drafted an ordinance encompassing those provisions suitable to their purposes and that said ordinance, when prepared, be submitted to the City Attorney, the Mayor and the City Council for their perusal and consideration. This met with general Council concurrence. It was moved by Councilman Erickson, seconded by Freeman, that the Mayor be directed to write a letter to the Chamber of Commerce, authorizing that agency to proceed as stated by Councilman Hovey. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Ted Wood, 1701 Parley Drive, appeared before the Council registering concern about the possible devaluation of his residential property as a result of the Hall Park Addition RSC development. Mr. Wood said he lived in such close proximity that this posed a problem unless there was adequate provision on the south and west by planting of trees and/or shrubs or by construction of a site-proof fence.

Mr. William Faler, 1870 McKinzie Avenue, appeared for the same purpose. However, Mr. Faler informed the Council that he and Mr. Wood conferred with Mr. Hall who had offered a screening proposal that met with their agreement.

Councilman Wood said he had recently made an on-the-site inspection and he saw no need for screening on the west side due to the break in the terrain caused by a canal.

Mr. Zane Hall then appeared before the Council. He agreed with Councilman Wood and concurred in the statement made by Mr. Faler that the nearby residents had agreed to a screening arrangement mutually acceptable to all affected parties. However, Mr. Hall said the arrangement called for the planting of split leaf birch trees, in part, and said he would prefer not to go to the expense of an underground sprinkling system, just to irrigate the trees. He said for a short time these could be hand watered and later, when they became well rooted, they would not need anything more than infrequent watering. He said about 300 shrubs in other areas would be irrigated by a sprinkling system.

Councilman Gesas inquired about the fact that there was only a 20 foot setback on the Woodruff side. Councilman Wood said this was by previous Council approval. Gesas then asked about the Woodruff Street improvement adjacent to the shopping center. Mr. Hall said that, in his opinion, this should be included in a future Local Improvement District if it was the will and desire of the Council to have a fully improved street. Asked for comment, City Planner Gilchrist reported that the Hall Park Addition development plan had long since been accepted, subject to final approval by the Building and Planning Department on parking lights, landscaping detail, the width of 17th Street and a sight proof rear fence. Gilchrist continued by saying that the Building Official,

working with the Building & Planning Council Committee, had recently resolved these problems to the mutual satisfaction of all affected parties and, that being the case, in his opinion, the Building Official, by official instructions, was now in a position to issue a building permit. Councilman Wood concurred. No further Council action was considered necessary.

License applications for SAFE & SANE FIREWORKS, James B. Vanderbeck for 424-450 1st Street, and 1811 No. Yellowstone, Bill Powell for El Rancho, Country club Shopping Center, Albertson's on 17th Street, Bowl-ero, Monty's Food King on Skyline & West Broadway; FRUIT STAND, Stephen M. Johnson for Johnson Fruit & Gas; RESTAURANT, Kail Ellis for Sky Vu Theatre Restaurant, Guy E. Poole for Guy's Spudnut & Ice Cream, J.H. Galloway for Big G Drive In, Ruth Hudson for Hudson's Café; FOUNTAIN, Cecil Lofthouse for Skateland; CONFECTIONARY (Transfer Only), from Gordon E. Birch to Donald & Diana Roberts for Karmel Korn Shop; JOURNEYMAN ELECTRICIAN, George C. Bidstrup; APPRENTICE ELECTRICIAN, Ray Mortensen with Jewel Electric; JOURNEYMAN PLUMBER, Mark Goyen; PHOTOGRAPHER, Quincy M. Jensen at 1910 Bittern, G.W. Staker for Staker Photo; MOTEL, Ferris H. Clark for Westbank Motel; THEATRE, Kail Ellis for Sky Vu Theatre; TAXI CAB OPERATOR, Russell Cross with Yellow Cab; BARTENDER, Frank Parsons, Glenn E. Clements, Wallace Heisett, Margaret Thayer; BEER (Canned & bottled, to be consumed on the premises), Allan C. Stalker for Highland Ball Park, were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to final approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk noted that, in the interests of time, he had published a notice of zoning hearing on June 7th, 1973, without formal Council approval. It was moved by Councilman Wood, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was a 10 year extension rider to U.P. Railroad contract L.D. #19158 covering a sewer pipe encroachment at the intersection of the railroad tracks and Lomax Street. It was moved by Councilman Freeman, seconded by Gesas, that this rider be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Fire Chief was presented and read:

May 10, 1973

MEMORANDUM

TO: Mayor and City Council
FROM: Fire Chief Les Corcoran
SUBJECT: REQUEST FOR A LEAVE OF ABSENCE

Fire Department driver, Earl Nelson, has requested a leave of absence for a period of six weeks from June 10 through July 21. The leave is for personal family reasons.

Section XXIII of the Personal Policy requires the approval of the Mayor and Council for a leave of this length.

Because of the importance of this leave of absence to Earl, I feel we could arrange our manpower to make it possible for him to be off for this period of time.

We ask your approval of this request.

s/ Les Corcoran

It was moved by Councilman Freeman, seconded by Hovey, that this request for a leave of absence be granted. Roll call as follows: Ayes, 5; No, none; carried.

From the City Librarian, came this memo:

Idaho Falls Public Library
May 23, 1973

TO: Idaho Falls City Council
Mayor S. Eddie Pedersen
FROM: Peter Ahlstrom, Librarian
RE: SALE OF CERTAIN SURPLUS SHELVES

Due to space shortages in the library building, a number of items of library furniture are now in storage in the basement of the City Hall Annex. Among these items are a quantity of individual old metal book shelves, without supports, which formerly were part of the lower storage deck in the library. They have been placed in storage because parts of the former book stacks have had to be converted into work areas. While some of them may be needed again, most will not, and few, if any of them, could be used in any new library building because of their age and style.

The Library has received an offer from School District No. 92, Irwin, Idaho, to purchase 50 of these surplus shelves at $1.50 each (copy of letter attached). Since this would leave an ample supply to cover any of our own needs for this type of shelf, we ask authorization to make the sale.

This request has the approval of both the librarian and the President of the Library Board, Mr. Vernon Johnson.

Respectfully submitted,
s/ Peter Ahlstrom
Librarian

It was moved by Councilman Hovey, seconded by Freeman, that permission be granted to dispose of the surplus bookshelves as described and indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director, this memo was submitted:

City of Idaho Falls
May 24, 1973

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: CHANGE ORDER NO. 5, L.I.D. NO. 42

The Public Works Committee has reviewed in some detail Change Order No. 5 of the L.I.D. No. 42. We are recommending that the Mayor be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Freeman, that the Mayor be authorized to sign Change Order No. 5, L.I.D. No. 42. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
May 24, 1973

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: CHAMBERLAIN AVENUE WATER MAIN, F-4-a, 12A-89

On May 23, 1973, one bid was received for the Chamberlain Avenue water main from Hartwell Excavating Company. The only bid was for $7,795.00. Engineer's estimate was $7,737.30.

We are recommending that this contract be awarded to Hartwell Excavating Company in the amount of $7,950.00.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Freeman, that the one bid from Hartwell Excavating be accepted for the project as described. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
May 3, 1973

ATTENTION: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: EQUIPMENT – COMPETITIVE BIDDING

State Statutes have, for a good many years, required that any public works project or equipment procured which will exceed $2,500 requires competitive bidding.

The limit of $2,500 has become extremely restrictive because of spiraling costs for equipment and labor. Routine items for system operation and improvement often reach or exceed this limit. Bidding these routine items requires costly specifications for bidding as well as delaying the purchasing process by as much as four weeks.

May we suggest that it is time to increase this limitation from twenty-five hundred dollars to $3,500 on such items.

This has been discussed with the Council Committees of Electric Light and Public Works and we are recommending that the City Council instruct the City Attorney to prepare proposed legislation and a resolution to be presented at the AIC Meeting in Coeur d'Alene in June.

Respectfully submitted,
s/ Donald F. Lloyd

Asked for comment, Councilman Hovey said increasing the limitation as proposed would be helpful to the Electric Division. Hovey explained by saying that, in many instances, nothing is gained by advertising, inasmuch as, in the final analysis, request for bids results in only one qualified bidder or supplier. It was moved by Councilman Hovey, seconded by Gesas, that the City Attorney be directed to prepare an appropriate resolution for consideration at the next AIC Convention. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Gesas introduced Ordinance No. 1359 entitled:

> AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 45 IN THE CITY OF IDAHO FALLS, IDAHO, AND OF MAKING LOCAL IMPROVEMENTS THEREIN, (EXCLUSIVE OF THE COST AND EXPENSES OF IMPROVEMENTS WITHIN STREET INTERSECTIONS) BY INSTALLMENTS PAYABLE IN FIFTEEN EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY.

and moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Freeman and the same, being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Erickson that the rules be suspended, and that the Ordinance be placed on its second and third reading. Motion was seconded by Councilman Hovey, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Gesas, seconded by Councilman Wood, that the Ordinance pass its third reading, and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried, the vote being as follows: Councilman Erickson, Councilman Freeman, Councilman Gesas, Councilman Hovey, Councilman Wood.

This letter from Mr. Jerry Hawkins, representing Ridgemont House, was presented:

Ridgemont House
May 21, 1973

Honorable Mayor S. Eddie Pedersen
Mayor of Idaho Falls
308 C Street
Idaho Falls, Idaho 83401

Dear Mr. Pedersen:

One of the policies of Ridgemont House is to use existing community resources thereby cutting down on duplication of services.

With the summer fast approaching there is a great need to involve our youth in the summer recreation programs. Have any policies been set for special rates for programs such as ours.

If we have youth come into the house during the summer and they all choose different interests, the costs can become fairly expensive. Would the summer recreation program be willing to set a fee for the summer which would let our youth, eight, and two adults participate in the programs and including swimming?

s/ Jerry Hawkins

It was moved by Councilman Freeman, seconded by Erickson, that the Ridgemont House residents be entitled to participate in any and all recreational programs, including swimming, without fee. Roll call as follows: Ayes, 5; No, none; carried.

Also, under the hearing of communications, this letter was read and studied:

Bingham Mechanical and
Metal Products
May 21, 1973

Honorable S. Eddie Pedersen
Mayor of Idaho Falls
City Building
Idaho Falls, Idaho

Dear Mayor:

With reference to our conversation with Reed the other day –

…we would like to lease from the City of Idaho Falls the 1928 ladder fire truck for the sum of $1.00 per year, with hopefully at least a 10-year lease. It is our feeling that a unique specimen such as this truck should remain in the public eye if possible and should not be allowed to stay in useless storage and deteriorate, etc.

Our purpose for wishing to lease the truck would be to use it for civic functions, community affairs, special public relations events, etc., including parades.

We as a company would keep the engine in top shape so that it would be in peak running condition for any occasion. We would also store it in a safe place. We would naturally assume insurance costs, etc. on the engine.

If at all possible, we would appreciate being able to lease the engine in time to display it in the 4th of July, and 24th of July parades. Should it be feasible to make the necessary arrangements prior to that time, we would be very grateful.

Thanks, Mayor
Very truly yours,
s/ Wayne C. Hammond
President

It was moved by Councilman Freeman, seconded by Gesas, that the City Attorney be directed to prepare an appropriate lease for Council consideration with the understanding that said lease

would include adequate provisions to protect the City and the fire engine in question. Roll call as follows: Ayes, 5; No, none; carried.

This letter was then presented and read:

Chamber of Commerce
May 18, 1973

The Honorable S. E. "Eddie" Pedersen
Mayor of Idaho Falls
Post Office Box 220
Idaho Falls, Idaho 83401

Dear Mayor:

The State Bicentennial Commission has expressed a sincere desire to create a special park in Idaho Falls in conjunction with the 200th Anniversary of the founding of our nation.

The most desirable location under consideration today is in the area of the newly built Eagle Rock Park.

Preliminary planning among a wide range of probable participating government agencies indicate agreement on this site. The cost of the complex will be in the range of one to one and one-half million dollars.

The tentative theme will be "Energy, Environment and Education". It will be a center housing exhibits from the AEC, National Forests, National Park Service, BLM, Highway Department, Game and Fish, Department of Commerce and industrial exhibits. It should become a new landmark in eastern Idaho.

The Commission is asking the City for a commitment to furnish some of the undeveloped property adjacent to the park. A letter of intention and terms will assist materially in obtaining the financing for the project.

Early favorable action on this request is urgent.

s/ Joe W. Hunter
Chairman
Bicentennial Park
Planning Committee

It was moved by Councilman Freeman, seconded by Erickson, that this matter be referred to the Parks and Recreation Council Committee for study, consideration and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson gave a brief history on the pornography problem at the local level and the near-futile efforts to eliminate or control same, particularly at the news stand and the theatre. Erickson reminded the Council that, in the past, the City's hands were virtually tied from the standpoint of trying to legislate against obscenity, inasmuch as the State Code preempted City Ordinance. He said meetings with theatre operators have been held and it was learned that the theatre management had little choice on the matter because their film distributors told and directed

them as to what films they would show. He said cooperation in the past had been pretty much limited to checking I. D. cards to determine that customers were of age. Erickson continued by saying that now, for the first time, effective July 1st, 1973, according to the City Attorney who has reviewed the amended State Code I. C. 41726, there will be certain legal avenues open for local control. He said this amended code will permit local authorities to initiate action on restraining orders aimed at news stands, theatres or any other purveyor of obscenity, pornography, or obscene or pornographic material. Erickson said complaints would be turned to and initiated by the City Attorney. Asked for comment, City Attorney Smith concurred with all comments and observations made by Councilman Erickson. He said the Idaho legislature, when amending said code, was aided by a United States Supreme Court decision relative to a definition of obscenity. He said enforcement after the filing of a complaint and compliance with other proper procedures through the prosecutor's office would be on the basis of a misdemeanor and tried by a magistrate. It was moved by Councilman Erickson, seconded by Wood, that the Mayor be authorized and directed to notify all managers of news stands and theatres that, effective July 1st, 1973, the City would initiate such action as necessary and in order to see that the amended State Code in this regard is enforced. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1360

AN ORDINANCE AMENDING SECTION 9-9-3, CITY CODE OF IDAHO FALLS, IDAHO BY PROVIDING THAT PERMITS REQUIRED FOR EXCAVATING WITHIN STREETS, ALLEYS, OR EASEMENTS SHALL CLEARLY DEFINE THE AREAS IN WHICH EXCAVATION PRIVILEGES ARE GRANTED; FURTHER SETTING FORTH REQUIREMENTS THAT NOTICE BE GIVEN TO THE CITY ENGINEER FOR SPECIFIED TIMES BEFORE EXCAVATION IS COMMENCED OR RECOMMENDED; AND SPECIFYING SUCH TIMES; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

ORDINANCE NO. 1361

AN ORDINANCE AMENDING SECTION 6-7-1, CITY CODE OF IDAHO FALLS, IDAHO; BY CHANGING THE MAXIMUM SPEED LIMIT FOR ALL TRAINS AND LOCOMOTIVES OPERATED WITHIN SAID CITY TO TWENTY-FIVE (25) MILES PER HOUR; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

It was moved by Councilman Wood, seconded by Freeman, that the RSC section of the Comprehensive Zoning Ordinance No. 1115 be referred to the Planning Commission for review and study to determine the need for revision or possible elimination. Roll call as follows: Ayes, 5; No, none; carried.

Police Chief Pollock appeared before the Council briefly to report that, because of low water pressure, his department intended, effective immediately, to issue citations rather than warnings for those found lawn sprinkling on the wrong day. This met with general Council agreement.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:50 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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