

JUNE 22, 1972

The City Council of the City of Idaho Falls, Bonneville County, Idaho, met in regular public session at the regular meeting place of the Council in the City Hall in the City of Idaho Falls, at 7:30 o'clock p.m., on June 22, 1972. The roll was called and the following found to be present: Mayor S. Eddie Pedersen; Councilmen Melvin Erickson, Jim Freeman, Norris Gesas, Paul Hovey, Jack Wood, Jr. Absent: Councilman Gilbert Karst.

There were also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Steve Harrison, Electrical Engineer, Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director; Pete Hill, Airport Manager.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider a re-zoning petition from William and Beulah Hatch, and G. H. Petersen representing Peterson and Nielson.

Noting many citizens in the Council Chambers interested in this matter, the Mayor waived the reading of the minutes until this hearing was concluded so as not to unnecessarily detain those present only for the hearing. The Mayor asked the City Clerk to present and read this explanatory memo from the City Planner:

City of Idaho Falls
June 22, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – METES AND BOUNDS DESCRIPTION, GENERALLY LOCATED BETWEEN SKYLINE & FOOTE DRIVES ON THE NORTH SIDE OF GRANDVIEW

Attached is a petition to rezone, submitted by William R. Hatch and Beulah Hatch and G. H. Peterson, representing Peterson and Neilson, requesting the above described property be rezoned from R-3A and M-1 to RSC-1. The subject property is shown on the attached plot plan of the proposed development. Parcel "A", containing 9.5 acres is owned by the Hatch interests and is presently zoned R-3A and M-1.

Parcel "B", containing 2.9 acres is divided into two ownerships – Peterson and Nielson and the City of Idaho Falls, and is now zoned M-1.

Also attached is a petition, submitted by neighborhood residents, containing the signatures of 430 persons protesting the proposed rezoning.

The City Planning Commission, at their regular meeting on June 13, 1972, held a public hearing to consider this proposal. After hearing testimony from representatives of the developers, the subject property owners and persons opposing the development, the Planning Commission voted a three to three tie with two members abstaining. The hearing was recessed until such time as more members of the Planning Commission could be present.

The hearing was reopened on June 19th and at that time the Planning Commission recommended by a five to four vote to recommend denial of the request for the following reasons:

JUNE 22, 1972

1. In 1967 the City Planning Commission adopted the concept of an Airport Industrial Park and the City Council, by resolution, adopted the comprehensive development plan for the Airport Industrial Park. It was felt that the proposed development would have an undesirable impact on the Industrial Park.
2. A retail outlet of this type and size would greatly increase traffic in the entire area. Traffic generated by the proposed use would be greater and have different characteristics than that generated by an M-1 use.
3. The RSC-1 zone and particularly the use proposed, is a less desirable use than an M-1 zone in such close proximity to the Airport Clear Zone. A retail outlet of this size would result in a much higher density of land use, and a resulting higher concentration of people than would result in the M-1 zone.
4. The number of residents in the area protesting zone change and the impact the propose use (K-Mart) would have on the area.

The Planning Commission, in a separate action, indicated that the members would favorably consider rezoning the R-3A portion of the subject property to M-1 at such time as it was requested.

This Department concurs with the Planning Commission's recommendation.

s/ Rod Gilchrist

The Mayor then invited comment from the floor.

Mr. Dale Parish, local realtor, appeared before the Council representing all three land owners. Parish introduced Mr. Terry Crapo, local attorney, representing Mr. Hatch, Mr. Fred Hahn, local attorney and Mr. Francis Simonson of Tandy & Wood representing the K-Mart organization. All of these men were present in the Council Chambers.

Parish presented a proposed plot plan of the K-Mart complex including setbacks, parking and beautification. He said the plan was completely in compliance with the proposed RSC-1 zone which was being requested. He said K-Mart representatives had first indicated an interest in establishing within Idaho Falls last July after a market analysis suggesting that a location in this City would draw trade from a 250 mile radius including Salmon and Jackson. Parish continued by saying that many locations within the City were studied and that the Hatch property was favored because of its accessibility to the local townspeople as well as the present and future highway routings. Parish pointed out that the K-Mart interests had originally favored C-1 rezoning but that he had talked them into RSC-1, even though it would result in more costly development, on the grounds that said zone and development would be more palatable and compatible to the near-by residential area. He then drew attention to the fact that there would only be three entrances or exits; one each on Grandview, Skyline and Foote Drive to be placed in accordance with advice from the City Engineer. Parish then drew attention to the fact that, within the past twenty years, there had only been two parcels developed. He blamed this on the fact that improper zoning has always posed a problem. He said the K-Mart plans call for a building containing 84,000 square feet, would face East and be equipped with indirect lighting which would eliminate glare for nearby residents. He said some excavation would be necessary to satisfy FAA regulations. Parish said he was surprised that M-1 rezoning was even considered, inasmuch as this would be a lower grade zoning,

JUNE 22, 1972

would permit less setbacks and more curb cuts. He said that, under an RSC Zone, the developer would be under a surety bond to guarantee development in compliance with the Code.

Mr. Hal Monson, 1110 Norton, appeared before the Council and presented this written protest:

June 22, 1972

TO: Honorable Mayor S. Eddie Pedersen
 and Members of the City Council

FROM: Hal L. Monson
 1110 Norton Avenue
 Idaho Falls, Idaho

I am a resident within 200 feet of the land proposed for the site of the new K-Mart in the Airport Industrial Park. I speak for myself and also for many of my neighbors.

I would first like to point out that we are not opposed to a K-Mart on the west side of the City. We would welcome this sort of a facility. We do object, however, to the proposed location. There is ample land west of the City that is already zoned for this purpose.

The Industrial Park was originally proposed to include light manufacturing, office buildings and wholesale outlets. The plan provided that there would be no outside storage, no off gasses and no retail outlets. A beautiful model was built, including landscaping on Skyline Drive from the Fire Station to the Airport, to sell the people on the idea.

Many of us bought land, built expensive homes, etc., on the promise that the City would do as they advertised five years ago. The assessments on our property for tax purposes are made at the highest residential rate possible. We are entitled to some protection in return for these higher than average taxes. So far the City has failed to enforce conditions that they previously advertised as requirements of the Industrial Park tenants. The only tenant that has lived up to the standards is the AEC's Computer Science Center. Some of the present deficiencies are:

1. Outside Storage Offenders.
 - a. John Deere Industrial Equipment Dealer, 1505 Foote Drive
 - b. AAMCO Automotive, 1410 North Skyline Drive
 - c. Budget Rent-A-Car, 1470 North Skyline Drive
 - d. Elliotts, Inc., 1505 Foote Drive
 - e. Edahow Distributing Company, 1680 Foote Drive
2. All businesses above have made no attempts to landscape as was a condition of a tenant.
3. No attempt has been made to landscape and develop Skyline Drive from funds derived from rental of the Industrial Park, rather than divert them entirely to the Airport Fund.

JUNE 22, 1972

The reasons for disallowing a rezoning of this area are numerous. Among the reasons are the following:

1. There is presently ample land west of the City that is already zoned for this purpose. Let's utilize these areas before looking at other less desirable plots.
2. Traffic, in the area of Skyline Drive and Grandview is becoming a problem presently without the added burden that a retail outlet would bring. Egress of high volumes of automobiles from this area would be chaotic. Especially egress from the parking area to Grandview Drive halfway up the hill between Foote Drive to Skyline Drive as proposed on the K-Mart plot plan.
3. If the K-Mart were allowed it would require that Grandview Avenue and Skyline Drive be widened to four lanes. This may be in the future plans but probably not for 5 to 10 years. Who is going to pay for this expensive change? We presently do not need it. Will the present land owner or the K-Mart Corporation pay for this improvement that presently will benefit only them? (or) Will we as property owners and taxpayers be burdened with another tax increase for the benefit of others?
4. To keep the promises and commitments made by the City to the area residents. The integrity of the City Officials is at stake with this proposal.
5. Several studies for future planning have been ordered and consultant fees paid for by the City. The City has brought in consultant City Planners to determine the best use of the land, within the limits of the City. Let's not let this expert advise and fees go to waste. If we are asking for and paying for advice on zoning from experts, we should heed their counsel.
6. The property in question should be acquired by the City and used for its' best use, a park.

I realize the City cannot afford the price that is being asked of the K-Mart organization for this land, but the land is not worth this much unless it is rezoned. We should, as a City, acquire it now and utilize it for a winter activities center. There is no other such place within the City limits suitable for this purpose. We spend thousands of dollars for summer parks and golf course facilities, but nothing on winter facilities, with the exception of the ice skating rinks.

7. This is a residential area and the rights of the homeowners in the area should not be violated.

While writing I also would like to ask that the City be active in promoting a good, enticing, attractive Industrial Park as originally promised. Let's resurface and landscape Skyline Drive with the funds derived from the Industrial Park leases. Also, I would ask that the City become active in enforcing the rules of tenancy which were to have been imposed on the Industrial Park tenants. i.e.; 1. No outside storage; 2. No off gasses; 3. Beautify and

JUNE 22, 1972

landscape their respective areas; 4. Prevent any further proposes of retail outlets by rezoning the entire area to M-1.

An \$800,000.00 Bond was floated to improve the Airport and keep it. Now, let's impress all the people who use it with a presentable Skyline Drive and Industrial Park.

Respectfully,
s/ Hal L. Monson

Mr. Monson then reminded the Council that he and the people he represented were not opposed to the K-Mart or to progression but, rather, to its proposed location. He said there are many available sites within or near the City which would not prove objectionable to nearby residents. Monson also noted that he selected his home site, in part, because he was impressed by the Airport Industrial Park concept which, he was given to understand, would be developed as a place of beauty but this has not materialized. Monson said there was a time when Mr. Hatch was apparently satisfied with his property's present zoning and couldn't understand the justification for its requested change at this time. Monson reminded the Council that the original concept of the park, through protective covenants, prohibited outside or non-screened storage, retail outlets or the emission of any off gasses.

Councilman Wood acknowledged that protective covenants within the Airport Industrial Park were not being properly enforced and that letters were being sent to certain existing tenants directly them to make the necessary corrections.

Monson then introduced the subject of traffic. He said it was a foregone conclusion that the K-Mart store would add substantially to the traffic problem. He said the present traffic on Grandview would not warrant four way traffic for many years but the K-Mart, if permitted might warrant same within the predictable future. Monson said if all this were to come to pass, the widening of Grandview, occasioned principally by the K-Mart, should not be at the expense of the adjacent property owners. Also, with regard to traffic, Monson noted that there are many children and high school students walking to school and any additional traffic poses a problem. Monson then touched on the beautification aspect. He made reference to the Airport Project and expressed hope that beautification would be stressed as the development progressed. He complimented the City on having many parks but that parks with winter sports were at a minimum. He said the Hatch property could very beneficially serve such a purpose. Monson concluded his remarks by saying that the Airport Industrial Park concept was recommended by planning consultants many years ago and this rezoning, if permitted, would constitute spot zoning. Councilman Freeman reminded Monson that RSC zoning is not considered spot zoning but, rather, it is designed to blend in with R-1 Zoning.

Mr. Tom Piper, 1704 Rainier, appeared to counter Parish's statement with respect to the prospects that the K-Mart would attract trade from far distances. He said this would defeat the concept of an RSC-1 Zone. Parish reappeared to say that, regardless of the distance, the complex would, primarily, serve the needs of the neighborhood.

Mr. Don Suckling, 1545 Clair View Lane, appeared and presented this written statement:

Sorry I'm not receiving a large commission of an hour to represent an absentee landlord or a multi-million dollar corporation in order to woo, pressure and persuade Councilmen and Planning Commissioners 7 days a week. This hearing is not a game to be won or lost as the losers are the residents and taxpayers of I. F. and Idaho.

JUNE 22, 1972

My points are as follows:

1. Since Grandview is a belt arterial highway, its sole purpose is to handle traffic. We defeat the purpose of an arterial if we allow commercial businesses direct access to it.
2. The proposed use of this land does not conform to any master plan (the primary purpose of city planning), it is incompatible to the Airport Industrial Park, a definite threat to Airport runway usage because of the large numbers of people gathered in one area at the same time.
3. The present commercial development on Grandview is an atrocity to adjacent and nearby property owners due to the high intensity lighting which infringes on the property owners back yard privacy. There is also a 24-hour a day sound irritant due to the gas station alarm.
4. The present service station provides the obvious example of traffic confusion due to vehicles leaving the Interstate and Foote Drive onto a 2-lane street. The problem will be intensified by the proposed 4-lane road. It is superfluous to comment on what another access would do to Grandview.
5. By failing to develop land when feasible is no reason to penalize area residents for the sake of the Almighty dollar.
6. The government agencies responsible for creating this dilemma will not now accept the burden of these injustices and poor planning.

Since Americans are now interested in improving the quality of our environment we, the west side residents, wish to prevent any further deterioration of ours. We also hope the City Council will concur with our stand.

Something is wrong when one member of the Planning Commission arrives in time to listen to only the last part of the meeting and then votes no. Another member expressed the opinion that zoning has not worked for him and no one else can expect it to work for them either.

Suckling then said that a large retail outlet is not compatible to the Airport Industrial Park. He said the sole purpose of Grandview at that location is to handle through traffic; not to serve as access and egress to a shopping center. He also noted that nearby residents would be constantly disturbed by added traffic and high intensity lights as already exemplified by the existing service station. Suckling said he was not impressed by the fact that the property owners felt obliged to get maximum price for their property when its initial cost was about \$150.00 an acre.

Mr. Carl Zehner, 847 Clair View Lane, also appeared particularly to protest the high intensity lights. As a pilot, he said these would even serve as a hazard to aircraft which use the east runway. Councilman Gesas said this problem had been discussed with the FAA officials and they expressed no alarm. City Planner Gilchrist appeared to say that all lighting within an RSC zone must be included in the building plans, approved by the Planning Commission and his department before a permit is issued. Asked for comment, Airport Manager Hill concurred with Councilman Gesas. He

JUNE 22, 1972

said the lighting would be subject to inspection and approval during and after construction by the FAA officials.

Mr. Merrett Johns, 890 North Skyline Drive, appeared briefly to protest the zoning and particularly the K-Mart Store. He said the entire west side area has been kept clean with a minimum of commercialization. He said this, in his opinion, is why K-Mart decided to develop at this proposed site. He said the K-Mart Stores, generally, are not a thing of beauty and would not aesthetically add to the neighborhood.

Mr. Willis Weichel, 795 Hansen Street, appeared to protest the proposed RSC-1 zone and said he would object just as strenuously to the entire area being rezoned R-3A on the grounds that it would add to the traffic problem. He reminded the Council that the average school child crosses busy streets four times a day. He also drew attention to the Fire Station as pertains to traffic. He said the primary reasoning in placing the No. 3 Fire Station at its present location was motivated by traffic. Even now, he continued, the trucks including the County truck, can travel in any direction fast. Weichel theorized that increased traffic affecting the efficiency of the Fire Station might even jeopardize insurance rates. Weichel spoke favorably of the Airport and said he disliked the idea of any development that would add to the concentration of people, especially in the close vicinity to the end of a runway. He concurred that lighting would also prove a runway problem. Weichel said existing shopping centers within the City are readily available within 5 to 10 minutes driving time. Weichel concluded his remarks by saying he also favored the park concept.

Mr. Piper reappeared to ask what would be permitted in an M-1 zone. Councilman Wood read the section in the Zoning Ordinance describing the types of businesses permitted in this zone.

Others appearing either for purposes of asking questions or registering protests were: Marilyn Taylor, 809 Sonja; M. D. Karnes, 795 Sonja; G. E. Start, 877 Raymond Drive; Ginnie Ovenchain, 1755 Rainier; and, Marland Stanley, 1734 Rainier.

Asked for comment, Attorney Terry Crapo appeared before Council. Noting from previous comments that Mr. Hatch had acquired his property at a very nominal figure, Crapo advised that his client had paid property taxes for 34 years as well as having been obliged to expend substantial amounts for improvements. Crapo said Mr. Hatch has been interested in disposing of the property for many years but has never been able to profitably do so because of the zoning. He said even the Planning Commission agreed that it could never been properly or profitably developed under an R-3A zone. Crapo reminded those present that an M-1 zone offered little residential property protection; neither is there any landscaping or setback control in comparison to an RSC-1 zone. Crapo said that, in view of these circumstances and in the interests of good planning, the Council would be arbitrary and capricious, in his opinion, by denying this rezoning request. Councilman Erickson asked City Attorney Smith for his views, based upon the comments of Mr. Crapo. Smith said that, in his opinion, the City's position would be difficult to uphold if the present zoning were not changed. He said the courts look carefully at equities and the economics and use of the property. Smith continued by saying that, in his opinion, the M-1 zone offered very little zoning protection. Councilman Erickson registered an opinion to the effect that the nearby residents, whether it is fully realized or not, may be hurt more at a later date if this property is not now rezoned or if it is not zoned properly at this time. The City Attorney drew attention to the fact that the M-1 zone that is now applied to the Airport Industrial Park is not a true criterion because of the restrictions and regulations affecting those tenants are by virtue of the restrictive covenants rather than the zone. This prompted general comparative discussion of the RSC-1 zone vs. the M-1 zone as described in Zoning Ordinance No. 1115. Mr. Karnes reappeared briefly to register concern pertaining to this discussion. He said it would appear that the property in question is destined to be rezoned one way or another. Karnes said he saw no justification for any rezoning whatsoever.

JUNE 22, 1972

Councilman Hovey said he was concerned as to what constituted a residential shopping center. He said, from the definition in the Ordinance, he couldn't conceive of one large building qualifying as a residential shopping center. Hovey then drew attention to the fact that a portion of the property under rezoning consideration this night is City owned and would be sold or leased to K-Mart. Hovey said that, in his opinion, this would set a dangerous precedent and that, if allowed, future requests for retail outlets within the Airport Industrial Park could not be denied even though the restrictive covenants prohibited retail outlets. Smith replied by saying that each case would have to be considered on its own merit. He said an RSC shopping center in his opinion, would be less likely to set a precedent than any other zone. Hovey then referred to previous court cases involving the City. He said these were instances where there was consideration commercial development to take into consideration. Also, continued Hovey, the west side of Skyline should be considered. Normally, this being R-1, good planning would call for a buffer zone immediately east of Skyline. Hovey then observed that it is not known whether or not previous offers have been made to Mr. Hatch. He said there is a possibility that it is only a matter of Mr. Hatch not having been able to realize his price. Hovey then referred to the much discussed traffic problem on Grandview. He said that, in his opinion, there would be no acceptable access or egress to or from that street. Hovey concluded his remarks by noting that, if this rezoning is permitted, the property owners south of Grandview would have every right to ask and receive commercial zoning if requested.

Mr. Stanley reappeared briefly to say that, in his opinion, the Council should represent the people rather than one or two property owners who are interested only in making a profit. He said it should be clear, from a protest petition with 430 signers, that the people don't want this area rezoned. Mr. Parish reappeared briefly to counter this argument by saying that, on the contrary, the Council must represent the entire citizenry of the City, keeping in mind at all times staying in compliance with City Ordinances and, in this case, more specifically, the Zoning Ordinance. Mr. Crapo reappeared briefly for the same reason. He reminded the Council and those present that property ownership and the use of said property is protected by the Constitution and the basic principles of law.

In the absence of further comment, the Mayor complimented all present for a well-mannered, constructive and informative hearing. It was moved by Councilman Wood, seconded by Hovey, that the Planning Commission's recommendation be upheld and the request for rezoning be denied. Roll call as follows: No, Councilmen Freeman, Erickson and Gesas; Ayes, Councilmen Wood and Hovey. The Mayor declared this motion denied because it failed to pass by a majority vote of the Council.

It was then moved by Councilman Freeman, seconded by Gesas, that all the property legally described in the Hatch and Peterson rezoning petition be rezoned RSC-1 and the Building Official be directed to incorporate said rezoning on the official zoning map located in his office. Roll call as follows: Ayes, Councilman Erickson, Councilman Gesas, and Councilman Freeman; No, Councilman Wood and Councilman Hovey; carried.

The Mayor declared a short recess to clear the Council Chambers of all those having no interest in remaining for the regular Council session.

After reconvening, minutes of the last recessed regular meeting held June 8th and a special meeting held June 13th, 1972 were read and approved.

Mrs. Thelma Anderson and Mrs. Karen Burbank, 2025 and 2012 Kearney respectively, appeared before the Council and presented this petition with 43 signers, all residents of Kearney, Anthon, Davidson, and Melrose Streets:

JUNE 22, 1972

June 19, 1972

We, the residents and property owners, of the Falls Valley Subdivision hereby submit this petition to the City Council for consideration.

We recognize a very hazardous situation at the end of Kearney Street which involves a 66-foot unfenced opening across a City street. This opening and street are directly accessible to the Meppen Canal.

The children of this area are in constant danger of falling into this canal. For our peace of minds and the safety of our children, we hope the Council will realize the seriousness of this problem and appropriate funds for the fencing off of this 66-foot opening across a City street.

We thank you for your time and consideration.

Mrs. Burbank explained that this opening was occasioned because Kearney Street abruptly terminated at the canal. She said there was no embankment, no barricade nor other obstruction to keep a car from running into the canal. She said there were many small children in the area which virtually required someone to maintain constant supervision to keep children away from the canal. The Mayor registered his concern but also mentioned the fact that there may be a liability problem on the part of the City if this small portion of the canal were fenced. It was moved by Councilman Erickson, seconded by Wood, that this matter be referred to the Police Committee and the City Attorney for study and recommendation and that, in the interim period, all Councilmen view this site before the next Council Meeting. Roll call as follows: Ayes, 5; No, none; carried.

License applications for FIREWORKS, Wayne Sargent for Sambos, Lamont Howell for Monty's Food King, 1598 Broadway, Lamont Howell for Monty's Food King, 815 South Holmes, Roger Wright for Scotty's Drive In, Wayne Heaton for Holiday Market, Kent Hemsley for Bowl-Ero, Inc., Grant Earl for 900 John Adams, Jack W. Carey for Pay-N-Save Drug, Lymon Omanson for Katz Pharmacy, Skaggs Drug Center in Shopping Mall, Miler Hook for Skaggs Drug, 460 Park Avenue; ELECTRICAL CONTRACTOR, Dave Mikkola for Mikkola Electric; JOURNEYMAN ELECTRICIAN, Rue Stears, James Michael Bird; APPRENTICE ELECTRICIAN, Gary C. Foster; JOURNEYMAN PLUMBER, Ray Hymas; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Delayne Thompson, Larry Thompson; CLASS D JOURNEYMAN, Carl W. Thompson (Refrigeration); CLASS D APPRENTICE FOR GAS FITTING, Alan K. Bloom with Globe Mechanical; TAXI CAB DRIVER, Leslie Grant Cutler with Valley Cab Company; APPLICATION FOR BARTENDER PERMIT, Robert D. Harris, Ray Waters, Kenneth Dale, Harold Anderson, James Ingelstrom, Ralph Ingram, Larry Jannings, John Hudson, Max Goodwin, Merrill Ingelstrom; BEER (Transfer for Red Fox Lounge to Ron Green for Red Fox Lounge), were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

These damage claims were presented and read:

June 15, 1972

City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho

JUNE 22, 1972

Gentlemen:

I recently placed a family headstone on my cemetery property in Rose Hill Cemetery. Shortly before Memorial Day, a piece of this stone was crushed and broken off. It has to be assumed that this was done by City Cemetery Crews readying the area for Memorial Day. The Mayor and the Cemetery Sexton has viewed the breakage.

I hereby enter my claim in the amount of \$60.00 which is the amount of repairing and resetting the above mentioned item.

Yours very truly,
s/ Thomas Jephson
142 2nd Street

June 12, 1972

City of Idaho Falls City Council
Idaho Falls, Idaho

Dear Sirs:

We hereby submit this statement for reimbursement for damage suffered to our car, a 1970 Torino, the evening of April 22, 1972, when our daughter hit a loose manhole cover on Shoup Avenue between the two (2) bank buildings.

It wasn't until the car was estimated for repair at Stoddard-Mead Ford garage that the extent of the damage was known. That is, a busted drive shaft and a damaged gas tank, bills for both are attached.

This course of action for reimbursement was recommended by the local police department, whose personnel checked out the damage report soon after the incident occurred.

Respectfully yours,
s/ Harry V. O'Hare

It was explained by the City Clerk that, in the interests of time, these had previously been referred to the Insurance Adjustor for proper handling. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

City redemption tax deeds were presented in favor of John and Ruth Walker and Jay Hammond, accompanied by these resolutions:

RESOLUTION (Resolution No. 1972-15)

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 29th day of March, 1967, recorded as Instrument No. 371116, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

JUNE 22, 1972

Lots Five (5), Six (6), and Nine (9), Block Fifty-One (51), Highland Park Addition to the City of Idaho Falls, Idaho, as per recorded plat thereof.

WHEREAS, JOHN D. WALKER AND RUTH WALKER has 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 John D. Walker and Ruth Walker a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 22nd day of June, 1972.

APPROVED BY THE MAYOR this 26th day of June, 1972.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

RESOLUTION (Resolution No. 1972-16)

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 9th day of November, 1971, recorded as Instrument No. 424339, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

East 4½' and North 28½' of Lot 3; and Lot 4, less West 1' and South 111½', Block 68, Original Town of Eagle Rock, now the City of Idaho Falls, Idaho.

WHEREAS, JAY H. HAMMOND has offered to pay to the City of Idaho Falls the amount of 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 JAY H. HAMMOND a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

JUNE 22, 1972

PASSED BY THE COUNCIL this 22nd day of June, 1972.

APPROVED BY THE MAYOR this 26th day of June, 1972.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Freeman, seconded by Hovey, that the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
June 22, 1972

Snow Removal Equipment
Oil Exterior of Airport Log Buildings

Honorable Mayor and Councilmembers:

The Purchasing Department and the Municipal Airport request approval to advertise for bids:

- 1- 4 wheel drive truck and snow plow
- 2- rotary snow plow
- Oil exterior of the Airport Log Buildings

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Wood, seconded by Gesas, that authorization be granted to advertise for bids for the items as listed. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
June 22, 1972

Signalization Equipment

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bid for Signalization Equipment for Shoup Avenue.

s/ W. J. Skow
Purchasing Department

JUNE 22, 1972

It was moved by Councilman Hovey, seconded by Gesas, that authorization be granted to advertise for bids for the equipment as described. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Purchasing Department, this memo was presented and studied:

City of Idaho Falls
June 20, 1972

1-Automatic Ammunition Reloading Machine

Honorable Mayor and Councilmembers:

Tabulation of bids for 1-Automatic Ammunition Reloading Machine is attached. Evaluation of the only bid received show Rosan Enterprises of Newport Beach, California submitting the bid of \$4875.00 plus \$60.00 Freight.

It is the recommendation of the Police Department, this memo was presented and studied:

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Erickson, seconded by Wood, that the one bid for the equipment as described be accepted. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Purchasing Department, came this memo:

City of Idaho Falls
June 22, 1972

500 KVA 3 Phase Padmount Transformer

Honorable Mayor and Councilmembers:

Tabulation of bids for one 500 KVA 3 Phase Padmount Transformer is attached.

Evaluation of bids received show RTE Corporation of Portland, Oregon submitting the bid for \$3303.00 with delivery of 11 weeks. Transformer to be installed for the Cal Ranch Building on Anderson Street with installation by August 15, 1972.

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

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that the bid of RTE Corporation be accepted for the transformer as described. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director this memo was submitted:

JUNE 22, 1972

City of Idaho Falls
June 22, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: MATERIALS SOURCE AGREEMENT

In order for the Engineering Firm to complete their design and call for bids on the forthcoming Airport Improvement Project, a source of gravel material must be designated so it might be tested and specifications completed. The Kennaday Paving Company has offered to lease such a source on property they own immediately north of the Sanitary Landfill or the former "Hatch Gravel Pit".

We are therefore recommending that the Mayor and City Clerk be authorized to sign the agreement which has been prepared by the City Attorney.

Respectfully submitted,
s/ Donald F. Lloyd

Councilman Gesas explained that, if this contract is approved, the City would pay only for the amount of gravel used. He said it would be of great advantage on the Airport Project to have a proven material source. It was moved by Councilman Gesas, seconded by Wood, that the agreement in question be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

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

RESOLUTION (Resolution No. 1972-17)

"WHEREAS, the City Engineer and the Committee on Streets of the City Council have made out an Assessment Roll for Local Improvement District No. 42, according to the provisions of Section 50-1718, Idaho Code, and the provisions of Ordinance No. 1312 and have certified the same to the Council as provided by law:

NOW THEREFORE, BE IT RESOLVED:

That Thursday, the 20th day of July, 1972, at 7:30 P.M. of said day at the Council Chambers in the City Building in the City of Idaho Falls, Idaho, be, and the same hereby are appointed and fixed as the time and the place when and where objections to said Assessment Roll by the property owners in said District shall be heard, and that said Assessment Roll be filed in the office of the City Clerk."

Councilman Wood seconded the adoption of said resolution and the same, on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the Councilmen being as follows: Councilmen Erickson, Freeman, Gesas, Hovey, Wood. Absent: Councilman Karst.

The Mayor announced that one purpose of the meeting was to authorize the advertisement for sale of \$840,000 General Obligation Airport Bonds of the City of Idaho Falls, authorized at the election held in said City on June 6, 1972.

JUNE 22, 1972

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

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

A RESOLUTION providing for the sale of \$840,000 General Obligation Airport Bonds of the City of Idaho Falls, Idaho. (Resolution No. 1972-18)

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

Section 1. That sealed bids for the purchase of the bonds of the City of Idaho Falls described in the following notice of sale, shall be received up to 7:30 o'clock P.M., M.D.T., on July 26, 1972, and shall be considered at a meeting of the City Council to be held in the City Hall in the City of Idaho Falls at said time.

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

NOTICE OF SALE OF
\$840,000 GENERAL OBLIGATION AIRPORT
BONDS OF THE CITY OF
IDAHO FALLS, IDAHO

NOTICE IS HEREBY GIVEN by the City Council of the City of Idaho Falls, Bonneville County, Idaho, that said City intends to sell and issue its \$840,000 General Obligation Airport Bonds and will receive sealed bids therefore up to 7:30 o'clock P.M., M.D.T., on Wednesday, July 26, 1972, at which hour said bids will be opened and considered at a special public meeting of the Council to be held in the City Hall in the City of Idaho Falls, Idaho. The City Council will sell such bonds to the highest bidder making the best bid therefore, which bid will be considered to be that of a responsible bidder submitting the bid which results in the lowest net interest cost to the City.

Said bonds are dated September 1, 1972, denominations \$1,000 and \$5,000, bear interest not exceeding 7% per annum payable March 1, 1973, and semiannually thereafter until paid, and will be due serially in numerical order on September 1 of each of the years as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1973	1,000
1974	1,000
1975	10,000
1976	15,000
1977	23,000

JUNE 22, 1972

1978	25,000
1979	30,000
1980	40,000
1981	50,000
1982	60,000
1983	60,000
1984	75,000
1985	75,000
1986	75,000
1987	100,000
1988	100,000
1989	25,000
1990	25,000
1991	25,000
1992	25,000

Bonds falling due after September 1, 1986, shall be callable for redemption prior to maturity at the option of the City in inverse numerical order on that date and on any interest payment date thereafter at a principal amount thereof and accrued interest to the date fixed for redemption plus a premium of 1% of the principal amount of each bond so called for redemption thereafter prior to maturity. Notice of redemption shall be given not less than 30 days prior to the date fixed for redemption by publication one time in a financial newspaper or journal published in the City of New York, New York, and by sending of such notice by registered mail to the place of payment of the bonds.

Said bonds will be payable at the Idaho First National Bank in the City of Idaho Falls, Idaho, and are full general obligations of the City, payable from taxes to be levied without limitation as to rate or amount. None of the bonds will be sold for less than par and accrued interest to the date of delivery.

The bids submitted shall specify (a) the lowest rate of interest and premium, if any, above par, at which the bidder will purchase such bonds or (b) the lowest rate of interest at which the bidder will purchase such bonds at par, and each bidder (except the State of Idaho or its Department of Finance) must accompany his bid with a certified or cashier's check made payable to the City of Idaho Falls in the amount of five per cent of the amount of the bid, or by a cash deposit of like amount, which check or deposit will be returned to the bidder if his bid is not accepted. The check or deposit of the successful bidder will be forfeited to the City if the bidder shall fail, neglect or refuse to accept the bonds and to complete and pay therefore in accordance with the terms of his bid within thirty days following its acceptance.

The right is reserved to reject any or all bids and to waive all informalities.

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

JUNE 22, 1972

The purchasers will be given at least seven business days advance notice of the proposed date of the delivery of the bonds when that date has been tentatively determined. It is now estimated that the bonds will be delivered on or about September 12, 1972. The City will supply the printed bonds. Delivery of the bonds will be made in Idaho Falls, Idaho, except that the successful bidder may at his option and expense designate some other place of delivery. The successful bidder must also agree to pay for the bonds in Federal Funds which will be immediately available to the City of Idaho Falls, Idaho, on the day of delivery.

In the opinion of bond counsel, interest on these bonds is exempt from Federal income taxes under presently existing law, regulations, decision and interpretations. The purchaser will not be required to take up and pay for the bonds if at the time of delivery there has been any Federal legislation, decisions or regulations which would affect the tax exempt on all or any part of the interest on these bonds.

All bonds of the same maturity must bear interest at the same rate, each bond may bear interest at only one rate represented by only one coupon falling due on each interest payment date, and the highest rate bid may not exceed the lowest interest rate bid by more than five (5) interest rates, any of which may be repeated. A zero rate cannot be named for all or any part of the time from the date of the bond to its stated maturity and the premium, if any, must be paid in the funds specified for the payment of the bonds as part of the purchase price.

Award or rejection of bids will be made on the date above stated for receipt of bids and the checks of the unsuccessful bidders will be returned immediately.

For informative purposes only, the City requests each bidder to submit a tabulation of the total interest cost and the net effective rate under his bid, interest to be figured from the date of the bonds to their maturity.

By order of the City Council of the City of Idaho Falls, Idaho, this 22nd day of June, 1972.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

This memo from the Traffic Safety Committee was read and considered:

City of Idaho Falls
June 15, 1972

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: TRAFFIC REFERRALS AND RECOMMENDATIONS

1. Denial of stop light or a blinker light as per letter of Mr. Gerald R. Lawrence, dated May 11, 1972, at Boulevard and Cedar.

JUNE 22, 1972

Engineering has provided a traffic count at Boulevard and Cedar Street which indicates well below the minimum traffic to warrant a traffic signal. Police records indicate vehicle and pedestrian accidents are rare. Committee planning is to eventually install the flip type reduced speed school crossing signs at or near this area.

2. Denial of Cedar Street into a one way east bound, requested in letter previously mentioned.

Upon review of traffic and accident counts and study of the traffic pattern it is felt speed would actually increase on Cedar if made a one way street making it more hazardous than it is presently. At one hour, from 5:00 P.M. to 6:00 P.M. the traffic count will reach 121. At 11:00 A.M., 12 Noon, and 6:00 P.M. the traffic count hits fifty per hour, with a total of 654 vehicles over a twenty-four hour period.

3. Denial of request for traffic signal light at First and Woodruff.

At present time there is a lacking of sufficient traffic to warrant the signal. However, the committee recommends budgeting in the next year as this intersection is close to warrant and will approximate twenty-thousand dollars to install adequate signal.

4. It is recommended the speed posted on Rollandet between Sunnyside and 21st Street remain as posted.

Speed checks indicate the average speed is previously 31.7 mph. There has been two non-injury accidents so far this year in the 35 mph area. Observations of traffic indicate the occasional speeder ignores any posted speed; however, most drivers seem reasonable and prudent through the area.

Respectfully submitted;
s/ R. D. Pollock

The first recommendation was then reviewed. It was moved by Councilman Erickson, seconded by Freeman, that said recommendation be upheld and the request for a stop light or blinker light at Boulevard and Cedar be denied for the reasons as stated. Roll call as follows: Ayes, 5; No, none; carried.

The second recommendation was then studied. It was moved by Councilman Erickson, seconded by Wood, that this request also be denied and the Police Chief be directed to contact the petitioner to explain the reasons for said denial. Roll call as follows: Ayes, 5; No, none; carried.

The third recommendation was then reviewed. It was moved by Councilman Erickson, seconded by Wood, that this request be denied at this time but that it otherwise be referred to the City Traffic Engineer for priority consideration in the 1973 budget under the TOPICS program. Roll call as follows: Ayes, 5; No, none; carried.

Finally, recommendation No. 4 was discussed. Councilman Erickson disagreed with the findings of the Traffic Safety Committee on the grounds that the past record of few accidents is not sufficient criterion for a decision. Erickson said that, in his opinion, the entrance and exit to Tautphaus Park from Rollandet must be considered, especially in view of a well known sight problem caused by a fence. Councilman Wood concurred and added that there is some slow traffic

JUNE 22, 1972

problem on this street occasioned by sightseers viewing the animals. It was moved by Councilman Erickson, seconded by Wood, that the speed on the street in question be posted at 25 mph. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman drew attention to the sight obstruction on the southwest corner of the intersection at Park Taylor Road and Sunnyside. It was generally agreed that the Police Chief should contact the County Sheriff in an attempt to have this problem remedied.

The Mayor noted that Mr. Earl Chapple had recently resigned as Chairman of the General Safety Committee, due to the press of other duties. He commended Mr. Chapple on a dedicated job well done. He then proceeded to appoint Mr. Boyd Emery as Mr. Chapple's replacement. It was moved by Councilman Wood, seconded by Erickson, that this appointment be confirmed and the Mayor be authorized to write a letter of appreciation to Mr. Chapple, on behalf of the Council, for the fine service he rendered in this capacity. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor acknowledged several letters he had received from children attending the Migrant Summer School, expressing appreciation for the animals in the zoo. He said he felt this school was serving a beneficial need for the community.

Councilman Wood drew attention to the need for extension renewal on two airport agreements, both being travel insurance companies; namely, Mercury International and Tele-Trip Company. It was moved by Councilman Wood, seconded by Gesas, that these agreements be extended with identical terms and conditions, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood then read this letter of request for an easement at the Airport:

June 9, 1972

City Council
Idaho Falls

Dear Sirs:

We are requesting an easement from the City of Idaho Falls for the purpose of installing irrigation pipe from a canal to a pump to be located on our property, as described on the attached drawing. The water master of our canal company has given his permission. We agree to remove this at any time that the City of Idaho Falls requests us to do so.

Thank you.

Sincerely,
s/ Rolf C. Strahm
Route 5, Box 192-B
Idaho Falls, Idaho

It was moved by Councilman Wood, seconded by Gesas, that the City Attorney be directed to prepare an appropriate agreement after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood drew attention to the fact that City ordinance provides for cemetery charges as follows: Adult burial space, \$75.00; adult sexton's fee, \$50.00; infant burial space, \$25.00; infant sexton's fee, \$20.00. Wood said there is need for a third classification of charges for children. It was moved by Councilman Wood, seconded by Freeman, that a \$45.00 burial space fee and a \$40.00 sexton's fees be adopted for children and the City Attorney be directed to prepare an

JUNE 22, 1972

amendatory ordinance accordingly for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

This resolution was introduced by Councilman Hovey:

City of Idaho Falls
Office of Electric Division

RESOLUTION FOR WPPSS NO. 3 AND NSSS (Resolution No. 1972-19)

WHEREAS, Bonneville Power Administration (Bonneville) and the utilities of the Pacific Northwest have developed the Ten-Year Hydro-Thermal Power Program under which Bonneville will acquire energy from thermal generating plants developed by nonfederal entities to meet the future power requirements of its preference and other customers of the region; and

WHEREAS, in accordance with the Hydro-Thermal Power Program the Joint Power Planning Council and the Public Power Council have identified sponsors of additional thermal projects which are expected to be constructed for initial operation in the 1978-1981 period and Bonneville expects to acquire generating capability from these projects under net billing arrangements; and

WHEREAS, the Municipality proposes to participate in the WPPSS-NSSS Project and WPPSS Nuclear Project No. 3 (Projects) along with other preference agencies in the Pacific Northwest by entering into agreements with the Washington Public Power Supply System (Supply System) and Bonneville under which the Municipality will purchase project capability from the sponsoring public agency for assignment to Bonneville under net billing procedures; and

WHEREAS, entering into net billing agreements for the Projects will benefit the Municipality by making additional amounts of low cost power and energy available to it from Bonneville to serve the customers of the Municipality in the future;

NOW THEREFORE,

IT IS RESOLVED that the City of Idaho Falls, subject to arrangements acceptable to and approved by formal action of the Governing Body, will enter into contracts with Bonneville and Supply System as are necessary to implement the Hydro-Thermal Power Program by purchasing power from the Projects in amounts to be designated in such contracts, for assignment to Bonneville under net billing concepts, provided that such contracts are executed prior to January 1, 1973.

The Municipality's estimated obligations in any year under all net billing agreements with Bonneville, including any relating to the Projects, shall not exceed the estimated amounts that the Municipality will be obligated to pay Bonneville in such year divided by 1.15.

IT IS FURTHER RESOLVED that a copy of this resolution be immediately forwarded to the Bonneville Power Administrator.

JUNE 22, 1972

ADOPTED by the City Council of the City of Idaho Falls on this 22nd day of June, 1972.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

June 26, 1972
Date Signed

It was moved by Councilman Hovey, seconded by Gesas, that this resolution be adopted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Gesas presented a cooperative agreement between the City and Bonneville County stating terms and conditions for the County's operation of the sanitary landfill. It was moved by Councilman Gesas, seconded by Erickson, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

The City Attorney presented an agreement between the City and the Bureau of Land Management for the use of certain facilities at the Municipal Airport for the purpose of conducting aerial activities in connection with suppressing and extinguishing fires on public domain and lands adjacent thereto. It was moved by Councilman Wood, seconded by Gesas, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

The City Attorney presented a draft of an amendatory ordinance to the sewer code; also, a draft of an ordinance prohibiting the willful damaging and injuring of any television community antenna system property or the obstructing, impeding or impairing of the service of said system with the understanding that, in both instances, copies be made for the Mayor and all Councilmen for their perusal and consideration.

There being no further business, it was moved by Councilman Gesas, seconded by Erickson, that the meeting adjourn at 11:35 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

* * * * *