

FEBRUARY 10, 1972

The City Council of the City of Idaho Falls met in a recessed regular meeting, Thursday, February 10, 1972, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Norris Gesas, Jim Freeman, Mel Erickson, Jack Wood, Gil Karst, and Paul Hovey. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; John Evans, City Controller.

Minutes of the last regular meeting, held January 20, 1972, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning petition from Mr. Rees Nave as explained and described in this memo from the City Planner:

City of Idaho Falls
February 10, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: LOT 14, BLOCK 25, SCOTT'S ADDITION

Attached is a copy of a rezoning petition submitted to this office by Mr. Rees Nave. The petitioner has requested a one-lot rezoning from R-1 to C-1 for the purpose of adding onto an existing commercial building on the property immediately adjacent to this parcel. This property is located directly east of the vacant filling station building at the northeast corner of 14th Street and Holmes Avenue.

This office has received no protests regarding this proposed rezoning. The Planning Commission, at their regular meeting in January, recommended approval of the request. This office concurs with that recommendation.

s/ Rod
City Planner

Mr. Nave appeared to point out that he had recently acquired the property on the corner, formerly a Texaco service station, and that there was not sufficient area for his proposed development without using the lot in question. Councilman Wood advised that the Building and Planning Committee had no objection to the rezoning request. He said the lot in question is in a deteriorated condition. Wood also pointed out that, with the exception of the lot immediately to the east which, in the interests of good planning should eventually be rezoned, all the other lots to the east are now zoned R-3A. There were no protests. It was moved by Councilman Wood, seconded by Karst, that this rezoning request be approved and the Building Official be directed to incorporate same on the official zoning map located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then asked the City Clerk to present and read aloud this notice:

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NOTICE

NOTICE IS HEREBY GIVEN that a written agreement for the transfer of the hereinafter described real property from Flood Control District No. 1 of Idaho, a body corporate and politic, of Madison, Jefferson, Bonneville, and Bingham Counties, Idaho, to the City of Idaho Falls, a municipal corporation of Bonneville County, Idaho, has been entered into between the respective governing bodies to the written agreement, wherein, and whereby it is proposed that for and in consideration of the sum of \$1.00, Flood Control District No. 1 of Idaho, Madison, Jefferson, Bonneville and Bingham Counties, Idaho, will transfer by deed, without any further consideration, the hereinafter described real property to the City of Idaho Falls, a municipal corporation, of Bonneville County, Idaho.

NOTICE IS FURTHER GIVEN that the City of Idaho Falls, a municipal corporation of Bonneville County, Idaho, proposes to ratify said agreement at a regular meeting to be held for that purpose on the 10th day of February, 1972, at the hour of 7:30 P.M. of said day, at the Council Chambers, in the Municipal Building, 308 C. Street, Idaho Falls, Bonneville County, Idaho.

NOTICE IS STILL FURTHER GIVEN that Flood Control District No. 1 of Idaho, Madison, Jefferson, Bonneville, and Bingham Counties, Idaho, proposes to ratify said agreement at its next regular meeting to be held on the 22nd day of February, 1972, at the hour of 8:00 P.M. of said day, at the District Office, 102 North Clark, Rigby, Jefferson County, Idaho.

NOTICE IS STILL FURTHER GIVEN that any and all persons interested may appear at these meetings for the purpose of voicing their opinions with respect to such transfer, and that no conveyance or transfer shall be valid after the written agreement has been ratified at the meetings aforesaid.

Reference is made to an executed copy of the written Agreement on file with the Secretary and Clerk of the respective parties for the examination of any and all interested persons.

The property hereinafter referred to is described as follows, to-wit:

TRACT NO. 1

Beginning at a point that is North 0°28'45" East along the Section Line 160.00 feet from the West Quarter Corner of Section 16, Township 2 North, Range 38, East Boise Meridian, Bonneville County, Idaho, and running thence South 88°26'25" East 687.11 feet; thence North 0°49'27" East 356.00 feet; thence North 88°26'35" West 689.25 feet; thence South 0°28'45" West 356.00 feet to the point of beginning, containing 5.264 acres, more or less.

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TRACT NO. 2

Beginning at a point that is North 0°45" East along the Section Line 80.00 feet from the East Quarter Corner of Section 17, Township 2 North, Range 38, East of the Boise Meridian; running thence North 0°28'45" East 436.00 feet; thence North 88°26'35" West 316.40 feet; thence South 1°32'50" East 443.94 feet; thence South 89°51'10" East 300.64 feet to the point of beginning, containing 3.11 acres, more or less, Bonneville County, Idaho.

BY ORDER OF THE RESPECTIVE BOARD OF COMMISSIONERS AND CITY COUNCIL.

FLOOD CONTROL DISTRICT NO. 1
OF IDAHO

By: _____
Chairman

ATTEST: _____
Secretary

CITY OF IDAHO FALLS, STATE OF ID.

By: s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

The Mayor announced that this was the time and the place, as advertised and in full compliance with the law pertaining to transfer of properties from one governmental subdivision to another, for a public hearing where all interested persons might appear for the purpose of voicing their opinions with respect to the proposed transfer of properties as described in the foregoing notice. There were none who appeared. Therefore, it was moved by Councilman Gesas, seconded by Hovey, that the written agreement, referred to in the foregoing notice be officially ratified and conveyance of the properties proceed, subject to a meeting of the Flood Control District on February 2nd, also for the purpose of ratifying said agreement. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of January, 1972, having been properly audited by Fiscal Committee, were presented and the following totals were read aloud by the City Clerk:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$138,815.27	\$107,687.86	\$247,503.10
Fire Bonds	50,288.44	9,419.92	59,927.91
Water & Sewer Fund	12,801.65	34,143.40	46,945.05
Electric Light Fund	41,023.83	91,419.92	132,443.75
Recreation Fund	1,231.00	1,667.67	2,898.67
Police Retirement	2,547.25	.00	2,547.25
<u>TOTAL FUNDS</u>	<u>\$247,707.44</u>	<u>\$244,558.29</u>	<u>\$492,265.73</u>

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

Reports from Division and Department Heads were submitted for the month of January, 1972, and there being no questions or objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY, Reed Huntsman for Reed's Mini-Mart; RESTAURANT, Bill Kishiyama for Ada's Café; ELECTRICAL CONTRACTOR, Electrical Equipment Co., Snouffer Electric, Skyline Electric, Electrical Enterprise, Shore Electric, Babbitt Electric, Northwest Electric, Inc., Davis Electric; JOURNEYMAN ELECTRICIAN, Dale Dockstader, Francis Shearer, Thomas Snouffer, Jack Dalton, Boyd Emery, Enoch Weber, Clarence Shore, Martell Klinger, Glen S. Landon, Stephen Brunson, Charles Bateman, Loyale Babbitt, Ronald Nugent, E.M. Barker, Robert Oyler, Claude L. Lewis, J.F. Unsworth, James B. Emery, Lynden B. Trupp, Richard Davis, Scott J. Davis, Irvin L. Bray; APPRENTICE ELECTRICIAN, George Veach, Warren Olson, Harold Serman, Bud Janes, Rocky Shore, Rod Dockstader; MASTER PLUMBER, Eldon M. Young, Glen B. Reed, Kenneth Dean, Robert Hill; JOURNEYMAN PLUMBER, Robert Hill, Jack Hill, Glen B. Reed, Dallas D. Pope; CLASS B CONTRACTOR, W. Lowell Harrop; CLASS C CONTRACTOR, Robert Schriener, J. Clifford Cook; Loyale Harrop; CLASS C CONTRACTOR, Adrian N. DeKramer; CLASS D CONTRACTOR, Paul Hammond, Arthur Foss, Paul Ostler; CLASS B JOURNEYMAN, W. Lowell Harrop; CLASS C JOURNEYMAN, Dallas Pope, Robert Schriener, Rickey C. Butler, Clifford Cook, Kenneth Dean; CLASS D JOURNEYMAN, Arthur Foss, Phillip C. Ellis, Paul M. Ostler, Paul Hammond, Carl Thompson; APPRENTICE CLASS D, Brent Tay Hill, Gary Ostler, George Johnson; TAXI CAB, Larry Burtenshaw for Valley Cab Co.; PHOTOGRAPHY, Kenneth M. Bryan for Sunshine Custom Photo; ROOMING HOUSE, Dorothy Drake for Gem Rooms; NON-COMMERCIAL KENNEL, Janice Cave for Bo-Lay Kennel; PRIVATE PATROL SERVICEMAN, Louis R. Gustin with Williams Detective Agency; TAXI CAB OPERATORS, Charles Joles, Ronald Bagshaw, Montford L. Adams, Jack A. Haslam, James I. Roland, Clifford Pratt, Gordon E. Harris, all with Yellow Cab Company and Orin L. Cox and Lorin Johnson with Valley Cab Co.; BARTENDER, Doddie Kerbs, Beverly Leavitt, Margaret Linkowski, Linda Elg; BEER (CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES), Reed Huntsman for Reed's Minit-Mart; LIQUOR, Ray V. Robinson, Ray's Western Bar, Linus Bowman for Skyway Lounge, Roger B. Hougan for Mint Bar, Patrick J. Boylan for Shamrock, 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, 6; No, none; carried.

City redemption tax deeds in favor of C. H. Bennett, Daniel C. Nelson, and the Holly-Wood Bowl, Inc. were presented, accompanied by appropriate resolutions, as follows:

RESOLUTION (Resolution No. 1972-04)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 6th day of October, 1965, recorded as Instrument No. 355287, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

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Beginning at a point S.625.2' and S.50°45'W. 178.4' from the NE corner of the SE ¼ SW ¼ , Section 8, T2N, R.38, EBM, thence S. 50°45' W. 195'; thence S. 39°15' E. 164'; thence N. 50°45'E. along N. right-of-way line of State Highway 191 for 195'; thence N. 39°15'W. 164' to the point of beginning.

WHEREAS, HOLLYWOOD BOWL, INC. 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 HOLLYWOOD BOWL, INC. a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 10th day of February, 1972.

APPROVED BY THE MAYOR this 14th day of February, 1972.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

R E S O L U T I O N (Resolution No. 1972-05)

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 20th day of January, 1969, recorded as Instrument No. 393304, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 11 and 12, Block 32, Highland Park Addition, to the City of Idaho Falls, Idaho, as per recorded plat thereof.

WHEREAS, DANIEL C. NELSON 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 there hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to

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the said Daniel C. Nelson a deed to said property, pursuant to the provisions of Section 40-2951, Idaho Code.

PASSED BY THE COUNCIL this 10th day of February, 1972.

APPROVED BY THE MAYOR this 14th day of February, 1972.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

R E S O L U T I O N (Resolution No. 1972-06)

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 15th day of November, 1961, recorded in Book 138 of Deeds at Page 199, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 11-12, Block 32, Highland Park Addition to the City of Idaho Falls, Idaho, as per recorded plat thereof.

WHEREAS, DANIEL C. NELSON 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 DANIEL C. NELSON a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 10th day of February, 1972.

APPROVED BY THE MAYOR this 10th day of February, 1972.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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

From the Public Works Director , this memo was submitted:

FEBRUARY 10, 1972

City of Idaho Falls
February 9, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: SEWAGE TREATMENT PLANT

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

From the Public Works Director, this memo was submitted:

City of Idaho Falls
February 9, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: SEWAGE TREATMENT PLANT

On January 25, 1972, ten bids were received and opened for the construction of our secondary sewage treatment plant. These bids have been tabulated and are attached hereto. The Water and Sewer Superintendent, Mr. Wayne Wolfe, and myself met with the Engineers to review each of the items of equipment and have subsequently discussed our recommendations with the Public Works Committee. We are, therefore, recommending that the Mayor and City Clerk be authorized to sign contracts for the construction of the secondary sewage treatment plant to the low bidder, Brennan Construction Company in the amount of \$3,925,772, it being understood that this award is subject to the final approval of the EPA.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the contract, as described, be awarded to Brennan Construction Company for the amount as indicated, subject to final approval by E.P.A. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was forthcoming, to-wit:

City of Idaho Falls
February 10, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: RENOVATION OF WELL NO. 3 FILE F 14-B & 11A-41

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Plans and specifications for Well No. 3 are now ready for submittal to HUD for their concurrence in advertising for bids. This project involves upgrading the structure itself, providing a new motor and motor controls and drain from the elevated storage tank and is part of the water improvement program approved by HUD. We are requesting authorization for the City Clerk to advertise for bids as soon as HUD's approval is received.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that authorization be granted to advertise for bids for the project as described as soon as approval is received from HUD. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director, this memo was submitted:

City of Idaho Falls
February 10, 1972

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: BROADWAY STREET

On February 8, 1972, the Public Works Committee discussed the development of Broadway with representatives on the following organizations:

1. The Mayor's Parking Advisory Committee
2. Off-Street Parking Corporation
3. Downtown Improvement Association
4. Downtown Merchants Association
5. Council's Police Committee

After a lengthy discussion with particular reference to curb parking it was finally unanimously concluded to be in the best interest of the City to remove all curb parking on Broadway when reconstruction starts. We are, therefore, requesting Council's concurrence with the concept of curb parking removal when Broadway between Yellowstone and Memorial is finally reconstructed. If approved the Highway Department will submit for consideration a cooperative agreement for the reconstruction of Broadway.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the City Council go on record as favoring and concurring with the concept of removing all curb parking on Broadway, east of the river at such time as the State reconstruction program is initiated. Roll call as follows: Ayes, 6; No, none; carried.

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

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City of Idaho Falls
February 9, 1972

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: EXPERIMENTAL PROJECT "EVERGREEN"

We are attaching hereto a cooperative agreement between the City of Idaho Falls and Idaho Department of Highways, called "Project Evergreen". This experiment will be for the placement of Astro Turf on the median strip of Yellowstone Highway between "A" Street and "B" Street. This experiment has been discussed in detail with the Public Works Committee. We are recommending that the Mayor and City Clerk be authorized to sign.

Respectfully submitted,
s/ Don

Councilman Karst registered an opinion to the effect that this Astro Turf, if proven successful, would have many constructive uses such as covering steep slopes in parks, riverbanks, and Interstate exchanges. Councilman Gesas drew attention to the fact that the placing of Astro Turf on the median, as indicated, is strictly experimental and that if it proves successful at that location it will have passed a supreme test, inasmuch as it would be subjected to more severe treatment than any where else it might be used. Councilman Freeman registered an opinion to the effect that this is a luxury the City can ill afford at this time in view of the fact that the City's cost would be about \$1,300. Councilman Erickson concurred. In view of the latter opinions, it was moved by Councilman Gesas, seconded by Karst, that this matter be tabled for the time being. Roll call as follows: Ayes, 6; No, none; carried.

From the Police Chief, this memo was submitted and studied:

City of Idaho Falls
February 7, 1972

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: PENALTY FOR DELAY IN PAYING PARKING TICKETS

Your consideration of an ordinance to assess a penalty cost to individuals not presenting their parking tickets within a reasonable time is suggested.

REASON: Violations have been operating under a City Policy set years ago. The charge has been dollar for dollar up to fifteen days. Notices are sent out and the charge is two dollars on the dollar up to thirty days and then raises to five dollars on the dollar. If then unpaid within a reasonable time a complaint and warrant is initiated on failure to appear and the Court handles the case.

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So we have the case where a person keeps receiving tickets, and some may be two months delinquent, so he sends in all tickets with the amount designated, for prompt payments, and violations has to accept without recourse for additional charge.

Respectfully submitted,
s/ Robert Pollock

Asked for comment, the City Attorney said the existing ordinance is satisfactory to administer the initial offense but that there is much to be desired for enforcement of penalties for non-payment of parking tickets. He concurred that an ordinance on this problem is necessary. It was moved by Councilman Erickson, seconded by Wood, that the City Attorney be directed to prepare an appropriate ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This written proposal from the local office of Piper, Jaffray & Hopwood was presented and considered:

Piper, Jaffray & Hopwood
February 9, 1972

Mayor S. Eddie Pedersen and
City Council Members
City Building
Idaho Falls, Idaho

Dear Mayor Pedersen and Council:

The intent of this letter is to express the desire of Piper, Jaffray & Hopwood, Incorporated to act as sales agent for the approximately \$200,000.00 City of Idaho Falls Local Improvement District #44.

After discussing the proposed offering with our Municipal Bond people, they are of the opinion we should wait until after the maturity schedule is completed before arriving at a proposed interest cost basis.

Once again, gentlemen, we want you to know of our sincere desire to assist the City with their financing needs.

Very truly yours,
Piper, Jaffray & Hopwood
s/ Nat E. Anderson
Resident Manager

It was moved by Councilman Karst, seconded by Hovey, that the above mentioned brokerage firm be named as selling agent on a best efforts basis for bonds issued under L.I.D. #44, subject to agreement on a reasonable, prudent selling fee, yet to be determined. Roll call as follows: Ayes, 6; No, none, carried.

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The Mayor reappointed Messrs. Richard Boyle and John Orr as members of the Parks & Recreation Commission for three year terms. It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson relayed a recommendation from the Police Committee, to-wit: that all of the parking area of the railroad parking lot between Yellowstone Highway and the railroad tracks be converted to 10 hour parking for an experimental period of 90 days. It was so moved by Councilman Erickson. This motion was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson then reported that Mr. Rodney Fisher, Board Member, Holy Rosary School, has asked that the alley between 8th & 9th Streets that passes behind the school be closed to vehicular traffic between the hours of 8:30 A.M. and 9:15 A.M. and again from 11:30 A.M. to 1:00 P.M. It was explained that these are crucial hours from the standpoint of children using the alley. It was explained further, that the alley is particularly dangerous at this location due to a sharp incline which creates a sight problem to the motorist. It was moved by Councilman Erickson, seconded by Wood, that this request be granted and the Police Department be directed to assist in establishing the program. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney gave a progress report on pending legislation in Boise, particularly on bills of interest to municipalities. He said the capital improvement amending bill providing for a revolving fund, repeal of the law prohibiting annexation 91 days before an election and the condemnation bill as it pertains to streets, water and sewer lines are all receiving favorable consideration. Receiving unfavorable consideration, at least at this time, are the bills that would simplify the procedure for disposing of land acquired by L.I.D. assessment default.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 8:40 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor
