MARCH 30, 1972

The City Council of the City of Idaho Falls, met in a recessed regular meeting, Thursday, March 30th, 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 Paul Hovey, Norris Gesas, Jim Freeman, Mel Erickson, Jack Wood, and Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Rod Gilchrist, City Planner; Lorna Coughlin, City Treasurer; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Pete Hill, Airport Manager.

Minutes of the last recessed, regular meeting held March 9th, and a special meeting held March 10th, 1972 were read and approved.

The Mayor acknowledged a Government class from Skyline High School in the Council Chambers. He thanked them for their presence and their interest.

The Mayor announced that this was the time and the place for a public hearing, as legally advertised, for consideration of the proposed annual budget and appropriation ordinance for 1972. Copies of the proposed expenditures and estimated revenue were available and the Mayor invited all interested parties to be supplied with one, as follows:

PROPOSED EXPENDITURES

The following is an estimate, set forth, in said proposed budget, of the total proposed expenditures and accruing indebtedness of the City of Idaho Falls for the Fiscal year 1972. Said amounts are set forth by fund and/or Department as follows:

GENERAL FUND	Gross Appropriation	Federal/ State	Net Appropriations
General and Administration	246,346	-0-	246,346
City Clerk	34,422	-0-	34,422
Finance	110,864	-0-	110,864
Police	757,594	(15,300)	742,294
Animal Regulation	32,719	-0-	32,719
Inspection, Planning, Zoning	111,205	-0-	111,205
City Parks	401,233	(38,500)	362,733
Public Works	612,824	-0-	612,824
Total General	2,307,207	(53,800)	2,253,407
MUNICIPAL STREET FUND	561,397	-0-	561,397
MUNICIPAL AIRPORT FUND	129,300	-0-	129,300
MUNICIPAL FIRE FUND	831,256	-0-	831,256
MUNICIPAL RECREATION FUND	87,894	-0-	87,894
Total – Special Revenue Funds	1,609,747	-0-	1,609,747
Sub-total – Operating Funds	3,916,954	(53,800)	3,863,154
MUNICIPAL WATER /SEWER FUND	1,148,350	(228,350)	920,000
MUNICIPAL ELECTRIC LIGHT FUND	2,563,961	-0-	2,563,961

Total Enterprise Funds	3,712,311	(228,350)	3,483,961
OTHER FUNDS			
Municipal Police Retirement Fund	50,000	-0-	50,000
Municipal Library Fund	170,109	(5,500)	164,609
Snake River Regional Lib. Fund	60,000	(60,000)	-0-
Municipal Fire Improvement Bond Redemption and Interest Fund	39,000	-0-	39,000
Municipal Capital Improvement Fund	68,284	-0-	68,284
Total Other Funds	387,393	(65,500)	321,893
TOTAL APPROPRIATION	8,016,658	(347,650)	7,669,008

The estimated revenue of the City of Idaho Falls, Idaho for the fiscal year 1972 based upon the receipts of the previous (12) twelve months including receipts from water and sewer system and hydroelectric plant, is as follows:, to-wit:

Revenue from tax levy based upon certified valuation of $36,474,553.00:

General Levy	623,338
Municipal Street Fund, Special Levy	35,771
Municipal Airport Fund, Special Levy	27,280
Municipal Fire Department Fund, Special Levy	319,034
Municipal Recreation Fund, Special Levy	58,894
Municipal Police Retirement Fund, Special Levy	99,552
Municipal Library Fund, Special Levy	144,329
Municipal Fire Department Improvement Bond Redemption and Interest Fund, Special Levy	35,771
Municipal Capital Improvement Fund	63,780
TOTAL TAX LEVY	1,407,749
Franchises	68,900
Licenses and Permits	79,525
Interest and Rentals	151,550
Charges for Current Services	492,557
Sale of Electrical Energy	3,150,000
Revenue from Other Agencies	873,100
Grants	347,650
Miscellaneous Other Revenues	148,724
Water and Sewer System	905,000
Municipal Library Collections	8,950
Contributions and Interest	28,000
TOTAL REVENUES	7,661,705
Unappropriated Surplus	451,832

	8,113,537
Less Revenues Reserved	(96,879)
TOTAL REVENUES AND SURPLUS FOR APPROPRIATION	8,016,658
Less Grants listed above	(347,650)
NET REVENUE AND SURPLUS	7,669,008

At the request of the Mayor, Councilman Karst, as chairman of the Fiscal Committee, reviewed the foregoing calculations which, he explained, were only in area form without details. He said that, from gross proposed expenditures as submitted by Division Heads, it was necessary for the City Council to determine priorities which resulted in substantial trimming. Generally speaking, continued Karst, 41% of the proposed budget was earmarked for personal services, 40% for current expenses and 10% for capital outlay. He drew particular attention to the fact that less than 20% of anticipated revenue was from property tax levy and that other sources were responsible for about 80%. Karst said a mild three per cent increase in mill levy had been proposed, to be applied in the areas of the airport, streets and library.

The Mayor then invited comments or questions from the floor. Mr. Roy Hall, 1925 Tiffany Drive, appeared before the Council to ask why an electrical building, costing $400,000 was being considered. Councilman Hovey explained that this facility has been needed for many years and that there is now sufficient surplus in the Electrical Division budget for its construction. Hovey said the existing structure, known as the log building at Tautphaus Park, has long since outlived its usefulness for electrical purposes and is considered a fire hazard. Hall said the amount seemed high for its designated purpose. Hovey explained that a building with 45,000 square feet is necessary for adequate storage of mobile equipment and material. Hall said the building is just as serviceable now as it was in past years and he would rather see the funds turned back to the taxpayers. It was explained to Mr. Hall that funds for this proposed structure would be forthcoming from surplus and taxes would not be affected.

Mr. Jay Griggs, 2367 Calkins, appeared, also to protest this proposed expenditure. Asked by Griggs if the existing building was insured, Hovey answered in the affirmative, but explained that if its contents were destroyed by fire, the City would be out of the electrical business, temporarily, inasmuch as it takes months to get delivery on such items as heavy equipment and transformers. Asked by Griggs if the existing structure was equipped with a sprinkling system, Hovey answered in the negative. Griggs said he would rather see a much lesser amount spent on such an installation. Councilman Wood noted that the City has a substantial investment in its electrical system and the Council has an obligation to protect it. Griggs asked where the new building would be located and what would become of the existing log structure. The Mayor explained that present plans call for its construction on City owned land within the Airport Industrial Park and that the existing structure could be used to good advantage by the Parks & Recreation Division. Hall asked to go on record as protesting the construction of an electrical building in 1972. Others asking to go on record accordingly were Griggs, Mr. Ed Milton, 220 North Fanning, Mr. Morris Pratt, 103 East 19th, Mr. Tal Worley, 663 East 16th and Mr. Eldon Wirt, 215 Pine.

The Mayor pointed out that the accumulation of surplus funds in the Electrical Division might be too much to expect within the predictable future. He said future needs must be met with new power sources which will undoubtedly cost more. Griggs asked about the condition of the City owned dams and from whence funds would be forthcoming for their rehabilitation. The Mayor explained that the upper dam is in present need of complete reconstruction and it would be hoped

that funds could be provided for this purpose from the sale of bonds, and pledging electrical funds, but it would take proper legislation to make this possible.

Mr. Hall then asked why the City's share of the urban renewal program has increased about $200,000. It was explained that this had been caused, in part, by an amendatory resolution which broadened the scope and area of the affected land area. Hall said that, in his opinion, the cost of this program would continue to grow. He said the City, to coin a phrase, is hooked on this program and that the local taxpayers are the victims. He said that the business trend is toward the North and predicted very little if any interest in the land cleared by urban renewal. He predicted, also, that the recently created Local Housing Authority would, in the final analysis, cost the City, and thus the taxpayers, money. Mr. Milton asked why there is no progress within the urban renewal area. It was explained that the second demolition contract would soon be awarded and that, until this large area is razed, it is premature to expect redevelopment. Milton also expressed gloomy apprehension relative to future land buyers or development in this area. Councilman Erickson acknowledged that the situation does bear close watching and the Council is just as concerned as anyone relative to the area's successful redevelopment. He said the original objective was and still is that of eliminating a blight area. He said that one of the responsibilities of the Community Redevelopment Commission, especially from now on, is to keep the City Council and the public closely appraised of any and all development.

Mr. Hall then introduced the subject of the local Airport and asked why it was not self-sustaining. Airport Manager Hill answered by saying that great strides have been recently made in this regard and the Airport is virtually self-sustaining at this time. He said all Airport leases have recently been upgraded and landing and other Airport fees are now comparable to the national average. Hall said he had heard talk of a proposed airport bond issue and asked why this was necessary. The Mayor answered by saying that, in the interests of economy and efficiency, it would be more expedient to effect permanent rather than temporary maintenance, especially on the runways, and this could only be accomplished by one major contract best financed by a bond issue. He said such an issue would be of revenue nature and would not increase taxes.

Mr. Worley protested the budget and particularly the proposed increase in mill levy. He said all governmental entities are guilty, that this trend must cease and he knew of no better place to start this trend than at the local level. Councilman Karst reminded Mr. Worley that, even with the slight proposed mill levy increase would, for purposes of illustration, increase the property tax on a $20,000 home by about $10.00. This did not satisfy Mr. Worley. He recited a well known quotation: "The backbone of the country still eats in the kitchen". He said it is the small increases here and there that, on an accumulative basis, are causing the continued inflation. Milton concurred and noted that he as co-owner and manager of a large apartment complex, is faced with a ceiling on rents and when expenses continue to increase, he and many others are caught in the squeeze. Hall also concurred. He noted that the few protesters present this night represented a group of 250 people who call themselves the Constitutional Majority Committee and they all feel the same way about any increased taxation and also construction of the proposed electrical building.

In the absence of further comment the Mayor commented to the effect that he and the City Council were entirely sympathetic with the issues as presented this night and were also aware of the citizens concern over increased taxes and generally, the over-all continued increase in the cost of living. He said the truth of the matter is that the Council had cut and cut again to bring proposed expenditures in line with anticipated revenue and still provide the necessary services that are required and that the citizens have every right to expect.

It was then moved by Councilman Karst, seconded by Gesas, that the proposed budget for 1972 be adopted. Roll call as follows: Ayes, 6; No, none; carried.

The budget having been duly adopted, the City Attorney introduced this appropriation ordinance which was read in full:

MARCH 30, 1972

ORDINANCE NO. 1329

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF THE CITY OF IDAHO FALLS, IN THE STATE OF IDAHO, AND FOR THE APPROPRIATION OF THE SEVERAL FUNDS AND PURPOSES DURING THE FISCAL YEAR 1972, AND PROVIDING THE AMOUNT OF PROPERTY TAX APPROPRIATED FOR EACH OF SAID FUNDS.

The foregoing Ordinance was presented in title. It was moved by Councilman Karst, seconded by Hovey, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

Mr. Hall expressed regret and dissatisfaction that the budget had been adopted without downward revision and also the fact that those who had appeared this night for purposes of protesting the budget had accomplished nothing. The Mayor replied by saying this was not the case. He said he and the Council appreciated their views and comments and hoped that all questions had been satisfactorily answered. He thanked all those present for the budget hearing for their presence and their interest.

Mr. Shawn Ellis, 1526 Clairview Lane, appeared before the Council relative to his application for a cab driver's license. He said it was his understanding that it was to be recommended for denial because of his past record. In this connection, City Attorney Smith passed copies of the following letter to the Mayor and Councilmen:

Roger D. Cox
Attorney At Law
March 30, 1972

The Mayor and City Council of Idaho Falls
City Building
Idaho Falls, Idaho 83401

Re: Shawn Ellis, City Permit

Gentlemen:

Shawn Ellis was represented by this office in February 1971 with respect to having been charged with "unlawful sale of an enumerated drug". Apparently the substance claimed to have been sold was later shown, after chemical tests, to be a substance not of a narcotic or illegal drug nature. On February 5, 1971, the Prosecuting Attorney's office amended its Complaint to charge Mr. Ellis with a misdemeanor of unlawful sale of a drug claimed to be an enumerated drug. On that same date, Judge Martin signed an Order withdrawing the defendant's plea and remanding the case back to the Magistrates Court for further proceedings on the misdemeanor charge. Mr. Ellis later pled guilty to the misdemeanor

charge and was placed on probation with the State Board of Correction under Mr. Darrol Gardner.

According to our information, Mr. Ellis has done very well on probation and will probably be discharged at the next term of Court. He has no felony record and only one known misdemeanor charge, the same being that outlined hereinabove.

We now understand that the license application of Mr. Ellis' to drive a taxi for Valley Cab Company is before the City Council for consideration and we further understand that the Council intends to deny Mr. Ellis such permit on the basis that he is a convicted felon. We trust that the above information will be sufficient to inform the Council in this matter, and would respectfully request that because of Mr. Ellis' improvement and success in his probation program that this permit be issued to him.

In the event the same is denied, we would respectfully request that the Council state or provide Mr. Ellis with specific grounds of denial, and advise this office thereon.

Your kind and considerate cooperation in this matter is greatly appreciated.

Very truly yours,
s/ Roger D. Cox
Attorney At Law

Mr. Smith said it was his understanding that Mr. Cox would have conferred with him on this matter prior to their Council meeting but this did not materialize. Mr. Ellis assured the Council that he had lived a straight, clean life for over a year and positively intended to maintain that record in the future. He said he could furnish references if required. He said driving cab was his sole means of livelihood. Councilman Erickson acknowledged the application. He said the Police Committee had studied same and intended to make recommendation for its denial. In answer to a question by Erickson, Ellis said he had not been driving cab before the application for a license was made. Erickson then asked Ellis if he had been employed by the cab company prior to making application for the license. Ellis answered in the affirmative and explained that his employment at that time was limited to shop duties. In view of this previous association with the cab company, Erickson asked Ellis if he was familiar with proper licensing procedure at that time. Ellis answered in the negative. It was moved by Councilman Hovey, that Mr. Ellis be issued a temporary permit pending investigation. This motion died for lack of a second. It was then moved by Councilman Erickson, seconded by Wood, that this matter be tabled and referred to the Police Committee and legal counsel for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

License applications for VENDOR, Bills Jones, parked by Motorview Theatre; FOUNTAIN, Merle Lofthouse at 210 Cleveland; RESTAURANT, Hawaiian, Hollywood Bowl, Hudson's Donuts and Café, Tam's Frosttop, Ray's In "N Out; GROCERY K.O.A. Campground; ELECTRICAL CONTRACTOR, Kelsey Electric; JOURNEYMAN ELECTRICIAN, Virgil D. Price, Rex Cherry; MASTER PLUMBER, Wallace Pendleton; JOURNEYMAN PLUMBER, Wallace Pendleton; CONTRACTOR CLASS D FOR REF, Gerald Seedall; CLASS D JOURNEYMAN, REF, Robert Burbanker, Verlin Freeman; CLASS C JOURNEYMAN, REF, WA, C. M. Mays; SECOND HAND STORE, The Second Act; NON-COMMERCIAL KENNEL, George Grice; DANCE HALL, Skyway Lounge, Hawaiian; SKATING RINK, Merle Lofthouse at 210 Cleveland; PHOTOGRAPHY, Merle Lofthouse for Lisle Ramsey Portraits; BOWLING ALLEY, Hollywood Bowl; PRIVATE PATROLMAN, Richard Moyer; BEER,

CANNED AND BOTTLED, NOT TO BE CONSUMED ON THE PREMISES, K.O.A. Kampground; TAXI CAB OPERATORS, Darryl Keele and Carl Past with Valley Cab Company; BARTENDER, Serge Marshall, Roberta Routh, Paul Stimmett, Don Turney, were presented. It was moved by Councilman Erickson, seconded by Freeman, 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.

This damage claim was presented and read:

March 15, 1972
Idaho Falls, Idaho

Dear Mr. Mayor & City Council:

On Wednesday, March 15, 1972 at approximately 10:35 A.M. I fell on B. Street near Park Avenue, when I stepped on some loose gravel which apparently was thrown on the sidewalk and driveway by the street flusher.

I could not catch my balance when my ankle and leg twisted and I fell headlong twisting my left leg and ankle and landing on my left arm, hand and shoulder and twisting my back.

I am reporting this to you as per my phone call with Mr. J. Evans at 11 A.M. March 15, 1972.

Sincerely,
s/ Mrs. Robert Belson
1208 Pacific Street
Idaho Falls, Idaho

The City Clerk explained that, in the interests of time, this had been forwarded to the City's Insurance Adjustor on March 16th for investigation and proper handling. It was moved by Councilman Freeman, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also in need of ratification was certain informal action taken by the Council on March 10th; namely, authorization for the Police Department to establish two twenty minute parking zones on the east side of Shoup immediately south of Broadway with the understanding that these be of a temporary nature only until the Broadway liquor store completes its parking facilities in the back of the store. It was moved by Councilman Erickson, seconded by Wood, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters in need of ratification, the City Clerk drew attention to a contract for engineering services between the City and Edward A. Nurse, informally approved on March 14th. It was understood that said contract was approved subject to legal clearance, certain changes in the agreement as recommended by the Airport Manager and any advisory changes as recommended by F.A.A. It was moved by Councilman Wood, seconded by Gesas, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented by the City Clerk:

NOTICE OF CLAIM

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

NOTICE IS HEREBY GIVEN, that Virginia M. McCord of Idaho Falls, claims damages against the City of Idaho Falls, Idaho, for injuries sustained in a fall on the sidewalk located on the north side of "B' Street, between Capital and Shoup Avenues, in the City of Idaho Falls, which took place on December 3, 1971. Claimant submits the following information pertinent to said injury in compliance with the Idaho Tort Claims Act of 1971:

1. That claimant's injuries took place at the extreme westerly end of the Earl building property fronting "B" Street in Idaho Falls; that the sidewalk in said location was covered with a layer of ice on said date, and was further made hazardous by the fact that a thin layer of snow had accumulated on the sidewalk of said location thereby concealing the icy condition of said walkway; that negligence in claimed against the City of Idaho Falls in (1) its failure to compel the adjoining landowner or lessee of said premises to remove the hazard to pedestrians which existed by reason of the aforementioned circumstances, and (2) its failure to remove or cause the removal of said hazard after default by the landowner or lessee in the performance of that duty.
2. That as a result of such fall, claimant received a severe injury and break to her right ankle, necessitating corrective surgery and a prolonged period of hospital care. Additionally, claimant has lost earnings by reason of her inability to return to full-time work until recently, and has incurred additional transportation expenses due to her inability to use an automobile while recovering from her injury.
3. That other persons known to have witnessed or been involved in the circumstances of the aforementioned injury are Nat E. Anderson, 325 Barlow Drive, Idaho Falls, George Abernathy, 1573 Elmore Avenue, Idaho Falls, Blair P. Ellsworth, 2200 South Boulevard, Idaho Falls; that the reputed owners of the property adjoining the sidewalk at the place of claimant's fall are
4. That the amount of claimants damages are as follows:

a.	Hospital	$ 729.29
b.	Physicians services	296.00
c.	Ambulance	30.00
d.	Drugs and crutches	25.00
e.	Special transportation	35.00
f.	Lost earnings	770.00
g.	Pain & suffering permanent effects of injury, loss of services	$ 6,500.00

5. That claimant resides at 625 Holbrook Street, Idaho Falls, Idaho; that within a period of six months preceding the date of said injury, claimant resided at 265 Dale Drive, Idaho Falls, Idaho.
6. That claimant has been partially compensated for the effects of said injury by Workman's Compensation benefits.

DATED this 14th day of March, 1972.

s/ Virginia M. McCord

It was moved by Councilman Freeman, seconded by Erickson, that this be referred to the City's Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 6; No, none; carried.

MARCH 30, 1972

The City Clerk presented a City redemption tax deed in favor of Virgil W. Holverson accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1972-11)

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 this 21st day of May, 1970, recorded as Instrument No. 408009, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 18 and 19, Block 48, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho

WHEREAS, VIRGIL W. HOLVERSON 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 VIRGIL W. HOLVERSON a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 30th day of March, 1972.

APPROVED BY THE MAYOR this 30th day of March, 1972.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

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

This memo from the City Clerk was presented:

City of Idaho Falls
March 30, 1972

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

The Police Department has advised that there is now a sufficient quantity of impounded vehicles and other items to warrant an auction sale. As a matter of fact, the accumulation is

greater than we have ever had to contend with in the past; namely, 86 cars, 55 bikes, and 170 miscellaneous items.

Because of this, we are suggesting two sales; the first on Saturday, April 15th, to dispose of the bikes and miscellaneous merchandise and the second on Saturday, April 22nd, to dispose of the cars.

Your authorization is requested.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Erickson, seconded by Freeman, that authorization be granted to conduct these auction sales on the dates as suggested and. also, for the City Clerk to publish legal notices accordingly. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
March 29, 1972

TO: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: WATER MAINS – 17TH STREET & HIGHAM STREET

On March 21, 1972, only one bid was received for the construction of water mains on 17th Street and Higham Street. The bid received from Hartwell Excavating Company was $43,827,25 as compared with the Engineer's estimate of $45,754.10. Since this bid is less than the estimated cost and since we can see no advantage in re-advertising, we are recommending that the Council accept this low bid. We received this date telephoned concurrence from the HUD office in Portland. Therefore, we recommend the Mayor and City Clerk be authorized to sign a contract with Hartwell Excavating Company in the amount of $43,827.25.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the one bid as indicated be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
March 30, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: F 5-h(2) WELL NO. 3

On March 14, 1972 five (5) bids were received for the renovation of Well No. 3 and a bid tabulation is attached hereto. This information has been submitted to HUD and we received

a telephone confirmation from HUD on Match 29, 1972, that they approve this awarding of the contract to the low bidder, Heyrend Construction Company. The Public Works Committee is recommending that the City award a contract to Heyrend Construction Company in the amount of $41,722.00 and that the Mayor and City Clerk be authorized to sign the contract.

Respectfully submitted,
s/ Don
Public Works Director

It was moved by Councilman Gesas, seconded by Karst, that the low bid of Heyrend Construction Company be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
March 23, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CHANGE ORDER NO. 1 – SEWAGE TREATMENT PLANT

Change Order No. 1 requests that we install a chain link fence around the entire boundaries of City owned property. It was originally intended that the fence surround the structures only to minimize the landscaping. This request has been discussed in detail with the Council's Public Works Committee and we are recommending approval of this Change Order which increases the cost of this contract $905.46. We are requesting authorization for the Mayor to sign Change Order No. 1.

Respectfully submitted,
s/ Don
Donald Lloyd

It was moved by Councilman Gesas, seconded by Karst, that the Mayor be authorized to sign Change Order No. 1 to the Brennan Construction Company secondary sewage treatment plant construction project for the reason as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Finally, this memo was forthcoming from the Public Works Director:

City of Idaho Falls
March 27, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: DESIGN OF 17TH STREET – BOULEVARD TO YELLOWSTONE

We are attaching hereto an agreement for Engineering Services between the City and J.U.B., Inc., a consulting engineering firm for Project EHS-T-4060(6), 17th Street – Yellowstone to Boulevard Avenue and 17th Street Railroad Underpass. This agreement will require final approval by the Idaho Highway Department and the Federal Highway Administration and calls for a total expenditure of $34,345. Under the TOPICS Program the local share of this

total cost will be about $16,000 which has been budgeted for the design of the street and the railroad underpass. This agreement has been reviewed in detail and discussed with the Council's Public Works Committee. We would recommend Council approve the contract and authorize the Mayor and City Clerk to sign.

s/ Don
Donald F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that the agreement in question be accepted and the Mayor and City Clerk be authorized to sign, subject to final approval by the agencies as indicated in the memo. Roll call as follows: Ayes, 6; No, none; carried.

From the City Planner this memo was submitted:

City of Idaho Falls
March 30, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE

Attached is a copy of an application to appear before the Mayor and City Council requesting temporary use of property for a mobile home sales yard. This property is located at 2025 First Street and is now zoned C-1. Sales of mobile homes are not permitted in the C-1 zoning. This type of use is restricted to HC-1 or GC-1 zoning.

Falls Valley Supply, represented by Wayne Wilcox, has requested that this use be permitted on a temporary basis until a permanent location is found. The applicant has requested a variance for two years.

This Department concurs with the request for the temporary use; however, it is felt that the two year period is too long. We feel that the variance should be for a period of one year or less if granted.

s/ Rod
Rod Gilchrist

Councilman Wood reported that there are some trailers and an office already located on the property in question. He said there have been no objections filed. However, continued Wood, the trailers do not lend to attractiveness of the area and he felt there should be given more time for public reaction before Council action was taken. Therefore, it was moved by Councilman Wood, seconded by Karst, that this matter be tabled for the time being. Roll call as follows: Ayes, 6; No, none; carried.

In anticipation of annexation, a final plat of John Heights Subdivision, Division No. 10 was presented. It was moved by Councilman Wood, seconded by Karst, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The annexation agreement of the above described area was then submitted. It was moved by Councilman Wood, seconded by Karst, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1330

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (JOHN HEIGHTS SUBDIVISION, DIV. #10)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

With reference to the foregoing annexation it was moved by Councilman Wood, seconded by Karst, that this newly annexed subdivision be initially zoned R-1 and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

In anticipation of annexation, another final plat was presented, that being Woodruff Park Subdivision, Division #3. It was moved by Councilman Wood, seconded by Karst, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An annexation agreement pertaining to the above mentioned area was then reviewed. It was moved by Councilman Wood, seconded by Karst, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1331

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (WOODRUFF PARK SUBDIVISION, DIVISION #3)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Wood, seconded by Karst, that this newly annexed area be initially zoned R-1 and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read by the City Clerk:

D.V. Groberg Company
March 15, 1972

The Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

RE: Woodruff Park Subdivision Additions #2 and #3

This is a formal request to change the name of Blair Avenue to Oak Trail Drive.

The platted street is now only one lot deep. The street has not been put in and there is no development on the street now.

We feel the name change will better the development and fit in with our architectural plans.

Thank you.

Sincerely,
s/ Richard H. Groberg
G.H.G. Investment Co.

It was noted that the street in question is located, in part, in the area recently annexed this night. It was moved by Councilman Wood, seconded by Karst, that the City Attorney be directed to prepare an appropriate ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1328

AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS, CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 44 FOR IDAHO FALLS, IDAHO, FOR STREET AND ALLEY IMPROVEMENTS, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COST AND EXPENSE OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS, AND PARCELS OF LAND IN SAID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT.

The foregoing Ordinance was presented in title. It was moved by Councilman Gesas, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE

PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read:

Bonneville Civitan Club
Idaho Falls, Idaho

Idaho Falls City Council
Idaho Falls, Idaho
c/o Councilman Mel Erickson

Gentlemen:

This letter is a request from the Bonneville Civitan Club to acquire permission to use the parking lot adjacent to the Civic Auditorium and a portion of John Adams Parkway between Freeman and Olive Streets on Friday, April 28th thru Saturday, April 29th. This area would be used for our Spring Sporting Goods Show, proceeds from this show will go to the City Parks & Recreation Department for use in covering the Hockey Rink at Tautphaus Park. We have previously discussed this project with Mayor Pedersen, Ernie Craner, and the manager of the Civic Auditorium. We would appreciate the Council honoring our request.

Thank you,
s/ Dennis Cox
Bonneville Civitan Club

It was moved by Councilman Erickson, seconded by Wood, that this request be granted, subject to the Civic Auditorium being in use during any part of the time in question. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor made these initial appointments as members of the Local Housing Authority: Lee Dille, one year term; Pat Brown, two year term; Emil Moore, three year term; John T. Homer, four year term; Mrs. Judy Lussie, five year term. It was moved by Councilman Erickson, seconded by Wood, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood drew attention to the fact that Sun Valley Airlines had requested cancellation of their Airport Use Agreement and lease. It was moved by Councilman Wood, seconded by Gesas, that this request be honored and the agreement be cancelled. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then presented the following written request from H & O Investment Company:

H & O Investment Com.
March 28, 1972

H.P. Hill
Director of Aviation
P.O. Box 220
Idaho Falls, Idaho 83401

RE: Airport Park Lease – H & O Investment Company

Dear Mr. Hill:

It is respectfully requested that the deadline for construction contained in the above referenced lease be extended four (4) months. There is a twofold reason for this request. The first involves potential redesigning due to the relocation, at the City's request, of Sawtell Street. The other is due to negotiations with agents of K-Mart concerning their desire to use part of the property covered under the above referenced lease.

Since the original deadline is rapidly approaching, an early response would be appreciated.

Sincerely,
s/ R. M. Hartwell
H & O Investment Co.

Wood explained that, as a result of the negotiations with K-Mart, the H & O Investment Lease, when amended, will include 12.3 additional acres. It was moved by Councilman Wood, seconded by Gesas, that the City Attorney be directed to prepare an amended lease to include the necessary changes, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also from Councilman Wood, this written request was presented:

Engineering & Recreation Co.
March 23, 1972

H. P. Hill, Manager
Airport Industrial Park
Fanning Field
Idaho Falls, Idaho

Dear Mr. Hill:

Referencing our lot (la) Division #4 in the Idaho Falls Airport Industrial Park and in reference to Sawtelle Drive which borders our leased property on the south, we concur with the proposal to route Sawtelle Drive directly east from Skyline Drive with the following contingencies:

1. Sawtelle Drive will intersect Skyline Drive in the location presently established, i.e. 165.63' due south from our north property boundary and that our north property boundary will remain as outlined in our present agreement.

2. This change would reduce our lot (la) from its present 1.13 acres to approximately 0.9 acres. In view of this reduction in lot size we would opt to include in our lease lot (lb) lying directly east of (la) which would be reduced from its present approximately 1.6 acres. This would adjust the amount of property leased to approximately 1.5 acres total. In regard we make formal application to lease lot (lb) Division #4 (as above specified).

3. We further expect that full sewer, water and power service be made available to our property lines as outlined in the lease agreement by no later than May 1, 1972. A compensation as deemed reasonably by both parties would be provided by the lessor if said services are not available by the above date.

Sincerely,
s/ Arnold B. Walker

It was moved by Councilman Wood, seconded by Gesas, that the City Attorney be directed to prepare an amended lease incorporating the various changes as requested, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Councilman Wood relayed a request from Trans-Magic Airlines that their lease, presently terminated, be reinstated with identical terms and conditions. It was moved by Councilman Wood, seconded by Gesas, that this request be granted and the Mayor and City Clerk be authorized to sign said reinstated lease when prepared. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1332

AN ORDINANCE AMENDING SECTION 8-5-20, CITY CODE OF IDAHO FALLS BEING A PORTION OF THE CODE GOVERNING DISPOSAL OF SOLID WASTES WITHIN SAID CITY, BY CHANGING THE FEES CHARGED FOR SOLID WASTE DISPOSAL; SPECIFYING THE NEW FEE SCHEDULE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Gesas, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

At the request of the Mayor, City Attorney Smith reported his findings relative to the legality of floating a revenue bond issue for Airport improvements. Smith said that the State Constitution permits this procedure for improvements and/or maintenance. Further, continued Smith, the State Legislature has set up the procedure and said legislation provides for such basic factors as engineering studies, estimates of costs, a bond election, the manner in which said election shall be conducted, the calling of construction bids, etc. Smith said the first act should be the passage of an ordinance which would provide for the foregoing as well as the amount of the bond issue, the maximum interest rate, the question to be voted on, etc.

In answer to a question relative to the need for and the selection of a Fiscal Agent, it was moved by Councilman Erickson, seconded by Wood, that this be referred to the Airport and Fiscal Committees for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:55 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

* * * * * * * * * * * * * *