

OCTOBER 7, 1971

The City Council of the City of Idaho Falls, Bonneville County, State of Idaho, met in a regular meeting on Thursday, the 7th day of October, 1971, at the hour of 7:30 P.M. at the regular meeting place of the City Councilman, in the Council Chambers in the City Hall, in Idaho Falls, Idaho, due legal and timely notice of said meeting having been served upon the members as required by law and the rules and ordinances of said City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Petersen, Councilmen Jim Freeman, Dale Parish, Gordon Nelson, Paul Hovey, Melvin Erickson, Jack Wood, Jr. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney, Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Les Corcoran, Fire Chief; Val Johnson, Captain, Police Department.

Minutes of the last recessed regular meeting, held September 28th, 1971, were read and approved as amended.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider a proposed zoning amendment and, also, a rezoning petition. First to be considered was the proposed amendment to Ordinance #1115, explained by the memo:

City of Idaho Falls
October 7, 1971

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED AMENDMENT TO ZONING ORDINANCE NO. 1115

Attached is a copy of a proposed amendment to the zoning ordinance pertaining to Section 3-2 Amendments. This amendment was originally proposed by the City Attorney to bring our local zoning ordinance into conformity with the State law.

The present ordinance now reads that in the case of a proposed amendment protested by the owners of 20 percent, or more, of the property in the immediate area, such amendment shall not become effective except by a favorable vote of at least three-fourths of the City Council. This has been changed to read except by a favorable vote of at least one-half plus one of the City Council to conform with State law.

This recommendation has been approved by the City Planning Commission and this department concurs with their recommendation.

s/ Rod

There were no protests. It was moved by Councilman Wood, seconded by Parish, that this amendment be approved by Council action and be included in the next over-all revision of the zoning ordinance. Roll call as follows: Ayes, 6; No, none; carried.

The Reese T. Casperson rezoning petition was then considered, explained by this memo:

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Idaho Falls, Idaho
October 7, 1971

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING – LOT 2, BLOCK F, ELG ADDITION & LOT 7, BLOCK 85,
RIVERSIDE ADDITION

Attached is a copy of a rezoning petition submitted to this office by Reese T. Casperson. The subject property is located at the corner of Mound Avenue and “K” Street, directly across the street on the south from the Highland Nursery property. The property is presently occupied by 10 dilapidated rental units and Mr. Casperson proposed to build a new 121 unit apartment building on this property. He is requesting rezoning from R-2A to R-3A to permit the necessary density to construct the 12 apartments.

There have been no protests from adjacent property owners and at the regular meeting of the City Planning Commission September 14th, they unanimously recommended approval of this rezoning.

This department concurs with the Planning Commission’s recommendation.

s/ Rod

Mr. Casperson was present in the Council Chambers. Councilman Wood explained that this proposed construction would up-grade and be beneficial to the neighborhood in question. There were no protests. It was moved by Councilman Wood, seconded by Parish, that this requested rezoning 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 acknowledged several firemen in the Council Chambers, in most instances accompanied by their wives, in anticipation of service crosses being presented, denoting five years of service in the Fire Department. The Mayor called on Fire Chief Corcoran to come forward to the Council table who in turn, introduced Miss Flame to present the awards as follows: 25 years, Battalion Chief Morgan Parks; 20 years, Fire Marshall Wayne Broadbent; Master Mechanic Byron Taylor, Captain Chris Jockumsen, Driver Val Morgan (these men also received tie clasps presented by the Ladies Auxiliary); 15 years, Drill Master Jerry Hammer, Captain Jess Criddle, Captain Lorin Parsons; 10 years, Captain Larry Jenne, Captain Mac Grover, Driver Dave Murdock, Driver Claude Rydalch, Driver Steve Samargis, Fire Fighter Dale Cartier; 5 years, Fire Fighters Harold Foster, Roy Kay, and Leonard Likes.

The Mayor commended these men and the entire Department for their proficient operation in the fields of fire fighting and ambulance service. They then received a standing ovation from City officials around the Council table.

Bills for the month of September, 1971, having been properly audited by the Fiscal Committee were presented in caption form as follows:

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<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$148,907.51	\$79,021.60	\$227,929.11
Fire Bonds	50,833.54	9,188.04	60,021.58
Water & Sewer Fund	14,206.90	58,223.15	72,430.05
Electric Light Fund	40,291.30	50,587.94	90,879.24
Recreation Fund	2,149.27	1,888.59	4,037.86
Police Retirement	2,547.25	.00	2,547.25
<u>TOTAL FUNDS</u>	<u>\$258,935.77</u>	<u>\$263,068.32</u>	<u>\$522,004.09</u>

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

Reports from Division and Department Heads were presented for the month of September, 1971, and there being no objection, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for JOURNEYMAN ELECTRICIAN, Dustin O. Waymire; HOTEL, Mrs. Clara Straley for Hansen Hotel; BARTENDER, Arthur Herrera, 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.

This memo from the Purchasing Department was presented:

City of Idaho Falls
October 7, 1971

Structural Steel Bid
(Sugar Mill Substation)

Honorable Mayor and Councilmembers:

Tabulation of bids for steel structural material is attached.

There were five bidders and their bids were:

1. \$4539.00 (one half of required structure) Bingham Mechanical
2. \$5250.00 Western Power Products
3. \$6300.00 R. B. Corrigan & Associates
4. \$6312.92 Structural Substations, Inc.
5. \$7807.00 Gate City Steel

It is the recommendation of the Electric Light Division and the Purchasing Department that the bid of Western Power Products of Portland, Oregon, \$5250.00 be accepted.

This recommendation subject to your approval.

s/ W. J. Skow

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It was moved by Councilman Hovey, seconded by Nelson, that the bid of Western Power Products be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was submitted:

City of Idaho Falls
Office of the City Clerk
October 7, 1971

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Under Section 50-414 of the Idaho Code, it is required that the City Council, at their first regular meeting the month preceding the General Municipal Election, appoint an election judge and such other workers as may be necessary for each voting precinct within the City. Following then, is our recommended names for these positions:

PRECINCT NO. 1. JUDGE, Elizabeth Dockstader; CLERKS, Thora Smith, Beth Chandler, Beulah Nichols, Loneta Hymas, Melba White, Hazel Kyle, Myrtle Ludlow, Veda Crofts, Pearl Lowman, Mary Jeannotte; CONSTABLE, Cecil Wright.

PRECINCT NO. 2. JUDGE, Mrs. W.L. Adams; CLERKS, Grace Gardner, Edna Flitton, Jay Hobbs, Esther Mathews, LaRue Bell, Blanche Nixon, Peggy Empey, Lois Park, Shirley Fortner, Pearl Smith; CONSTABLE, George Forsythe.

PRECINCT NO. 3. JUDGE, LaFon Haack; CLERKS, Barbara Dahlstrom, Leona Merrill, Frances Schwendiman, Inez Molen, LaVinia Van Orden, Elaine Lingren, Beth Jensen, Harriet Richards, Mary Cotterell; CONSTABLE, Bill Dahlstrom.

PRECINCT NO. 4. JUDGE, Dora Thomas; CLERKS, Lucille Collet, Lucille Wilcock, Hattie Cox, Leah Merrell, Mable Hansen, Mayme L. Woolley, Sarah Kinghorn, Alta Ellison, Victoria Olson, Lyle Backstrom; CONSTABLE, Alois Caiep.

PRECINCT NO. 5. JUDGE, Lois Molen; CLERKS, Ann McAtee, Renee Olson, Bonnie Monsen, Melba Parkinson, Wilma Olsen, Maxine Zaladonis, Rhea Green, Afton Wilson, Eileen Anderson, Norma Trost; CONSTABLE, Wesley Melen.

PRECINCT NO. 6. JUDGE, Venna Strong; CLERKS, Laura Melquist, Faye Petersen, Pearl Misseldine, Mae Walker, Lela Smith, Emily Davis, Marguerite Blasius, Helen Stewart, Ruth Scott, Leona Tolley; CONSTABLE, Vernon L. Strong.

PRECINCT NO. 7. JUDGE, Norma Lewis; CLERKS, Zelma Storer, LaVeta Bacon, Minnie Dallimore, Adah Lempke, Beatrice Brown, Patsy Cherry, Thelma Aschliman, Eva Dck, Fern McClellan, Elinor Moss; CONSTABLE, Clyde Wilson.

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PRECINCT NO. 8. JUDGE, Jane Storer; CLERKS, Ardith Lee, Viola Ondrak, Ruby Storer, Laura Hooker, Eliza Keffer, Donalee Whittaker, Dorothy Gihring, Evelyn Moeller, Marie Nielsen, Lottie Hemsley; CONSTABLE, Dana M. Stone.

PRECINCT NO. 9. JUDGE, Mrs. Keith Park; CLERKS, Lexie Gill, Jewell Bidstrup, Mildred Stommel, Hilda Wallace, Josephine Sorensen, Ardath Henderson, Kathleen Lindberg, Eileen Bowcutt, Ruth Peterson, Marjorie Bandel; CONSTABLE, Dan Johnson.

PRECINCT NO. 10. JUDGE, Jane Heffner; CLERKS, Bertha Williams, Ruth Siqueiros, Nellie Staker, Sarah McCreary, Iola Barnard, Ruby Berry, Mrs. Fred Ochi, Betty Samsel, Marjorie Homer, Audrey Nugent; CONSTABLE, Verl Staker.

PRECINCT NO. 11. JUDGE, Edna Denning; CLERKS, May Jones, Romona Denning, Merri Denning, Joyce Waggoner, Billie Hagen, Arzella Leavitt, Fern Lloyd, Pearl Neddo, Brenda Wadley, Lenaia Lords; CONSTABLE, Claude Webster.

PRECINCT NO. 12. JUDGE, Jan Jensen; CLERKS, Gwen Evans, Lavinia Jones, Dorothy Utter, Pauline Nielson, Marla Larsen, Margene Erikson, Mae Hoffman, Ruth Harrop, Mae Jensen, Verna Lewis; CONSTABLE, Stillman Whittle.

PRECINCT NO. 13. JUDGE, Inis Blakely; CLERKS, Eila Nielson, Clarice Larson, Zetha Armstrong, Ila Bills, Verla Collins, Pearl Squire, Zelda Berggren, Anna May Gray, Ila Demitropoulas, Afton Holyoak; CONSTABLE, George Blakely.

PRECINCT NO. 14. JUDGE, Virgie Prestgard; CLERKS, Jean Hanson, Frances Miller, Thelma Fullmer, Yvonne Smith, Marvella Wilson, Grace Arave, Zilpah Howard, Janey Harris, Fontella Spelts, Ella Berrett; CONSTABLE, Arnold Prestgard.

PRECINCT NO. 15. JUDGE, Helen Myhr; CLERKS, Bernadine Fauth, June Bills, Winifred Flaughter, Evelyn Davidson, Betty Chamberlain, Florence Wagoner, Norma Tuttle, Eleanor Wilmot, Beryl Waters, Wilma Mc Corkey; CONSTABLE, A.R. Tuttle.

PRECINCT NO. 16. JUDGE, LaDean Worton; CLERKS, Dee Neiwert, Elise Williams, Elaine Nickell, Sharon Eld, Elveda Smith, Linda Fox, Ann Carroll, Ellen Bingham, Martha Murphy, Artie Lee Gardner; CONSTABLE, C. Wallace Smith.

Under Section 50-415, Idaho Code, compensation for poll workers shall be established by the City Council at the time of making appointments. We recommend that the appointed judge be compensated at the rate of \$20.00; the clerks and the constables at the rate of \$15.00 for their days' work at the polls.

Your appointment of the foregoing election workers to the positions as indicated and your approval of the suggested compensation is requested.

Respectfully submitted,
s/ Roy C. Barnes

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It was moved by Councilman Parish, seconded by Hovey, that the foregoing appointments be made and compensation at the polls be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
October 6, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER SERVICE CONTRACT – OUTSIDE CITY LIMITS (STANGER FARM)

We are attaching hereto two copies of a water service contract for outside the City limits in favor of Stanger Farms, Inc. The property is located on the west side of Hemmert Drive opposite the Browning Street intersection and is intended for a warehouse type development. The Public Works Committee has reviewed this situation and recommends that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that this outside the City water contract be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
October 7, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd

We are attaching hereto three (3) copies of a right of way contract with the Idaho Department of Highways. In this contract the City intends to deed to the State 11.89 acres suitable for a gravel source and will receive in exchange 51.08 acres of land partially depleted of gravel.

The Public Works Committee and the City Attorney have reviewed this contract and we therefore recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don F. Lloyd

Councilman Parish explained that the property acquired from the State would be used in part to satisfy requirements of the secondary sewage treatment plant. It was explained, further, that the land conveyed to the State will be re-conveyed back to the City when the gravel supply is exhausted. It was moved by Councilman Parish, seconded by Hovey, that the right of way contract in question

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be accepted, the Mayor and City Clerk be authorized to sign the contract and the deed of conveyance to the State. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer, this memo was presented and read:

MEMORANDUM

TO: Mayor and Council
FROM: G. S. Harrison
SUBJECT: UTAH POWER & LIGHT CO. POLE CONTACTS

The Electric Division requests authorization for an annual expenditure of \$30.00 for approximately twenty Utah Power and Light Company pole contacts. The contacts are for supplying power from Sugar Mill Substation to 17th Street near the vocational school site.

The joint use agreement with the power company stipulates a charge of \$1.50 per contact per pole per year.

See the attached letter giving the City permission to under-build their present circuit.

s/ G. S. Harrison

The City Attorney drew attention to the fact that the Utah Power line in question passes over two parcels of real estate from which that utility company has never secured easements. He urged that the City not proceed to use said line until appropriate easements are received. It was moved by Councilman Hovey, seconded by Nelson, that the arrangement as outlined in the Electrical Engineer's memo be approved, subject to receipt of the easements as mentioned. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that a resolution was about to be introduced indicating the City's intention to create L.I.D. #42, City Attorney Smith briefly explained its contents including the proposed boundaries. Smith noted that this is probably one of several L.I.D.'s necessary to completely reconstruct streets within the downtown area. Smith continued by saying that this L.I.D., if created, would provide for reconstructed streets, sidewalks, curb and gutter; it would also provide for decorative lighting and some beautification. He said the estimated cost was in the amount of \$294,000. Of that amount, \$76,700 would be forthcoming from City funds and \$217,700 from property owner assessments. Councilman Nelson explained, further, that the City's share would be financed partially from the General Fund, partially from the Water and Sewer Fund and partially from the Electric Fund.

With those explanatory comments, then, Councilman Nelson introduced the following Resolution in writing and moved its adoption:

RESOLUTION NO. 1 (Resolution No. 1971-30)

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, TO GRADE, GRAVEL, PRIME COAT, CURB, GUTTER, SURFACE DRAIN AND CONSTRUCT SIDEWALKS ON CERTAIN STREETS IN SAID CITY, AND TO INSTALL

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STORM DRAINAGE; FACILITIES, STREET LIGHTING AND PLANT TREES THEREIN AND THEREON; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 42 FOR IDAHO FALLS, IDAHO, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COSTS AND EXPENSES OF SAID DISTRICT AND A PORTION OF THE COST AND EXPENSE OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS LEVIED UPON AND AGAINST THE LOTS AND LANDS ABUTTING, ADJOINING AND ADJACENT TO THE STREET OR STREETS TO BE SO IMPROVED, AND ON AND AGAINST ALL LOTS AND LANDS BENEFITED BY SUCH IMPROVEMENTS INCLUDED IN SAID DISTRICT, AND TO PAY THE WHOLE COST AND EXPENSES OF SAID IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS FROM THE FUNDS OF THE CITY, AND DECLARING SAID IMPROVEMENTS TO BE A RE-IMPROVEMENT; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; FIXING THE TIME WHEN PROTESTS AGAINST SAID IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL; AND PROVIDING FOR GIVING NOTICE THEREOF.

WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of the City to grade, gravel, prime coat, pave, curb, gutter, surface drain and construct sidewalks on certain streets and parts of streets hereinafter particularly described in said City, and to install storm drainage facilities, street lighting and plant trees therein and thereon; and to create Local Improvement District No. 42 for the City of Idaho Falls, Idaho, for the purpose of making said improvements; and

WHEREAS, the estimated total cost of said district and of said improvements is \$294,400.00; and

WHEREAS, the City will contribute from City funds and sum of \$76,700.00, which is more than the total estimated cost of said improvements within street and alley intersections; and

WHEREAS, the City Council is authorized to expend from the funds of the City the whole of the cost and expenses of said improvements within the street and alley intersections and such other portion of the cost and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvements; and

WHEREAS, the City Council proposes to defray the costs and expenses of said district and of said improvements to the extent of \$217,700.00 by special assessments levied upon and against the lots and land abutting, adjoining and adjacent to the streets to be so improved, and on and against all lots and lands benefited by such improvements included in

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said district, and to defray the whole cost and expenses of said improvements within street and alley intersections, from the funds of the City; and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

Section 1: The City of Idaho Falls, Idaho, does hereby declare its intention to grade, gravel, prime coat, pave, gutter, curb, surface drain and construct sidewalks on certain streets and parts of streets, and to install storm drainage facilities, street lighting and plant trees therein and thereon within the corporate limits of said City, and for that purpose to create and establish a Local Improvement District therein to be known as Local Improvement District No. 42, for the City of Idaho Falls, Idaho, comprising said streets and parts of streets and the lots and land abutting, adjoining and adjacent thereto and the lots and lands benefited by such improvements and situated in said district, which said streets and parts of streets and lots and lands are described as follows: to-wit:

DESCRIPTION OF WORK

The work contemplated under this project consists of removing the existing obsolete street lighting system, and all existing deteriorated sidewalks, curbs, and gutters and street paving; and installing new street paving (including excavation and grading, crushed gravel, prime coat, plant mix, pavement, and seal coat), concrete curbs and gutter, sidewalk, storm drainage facilities, street lighting and planting trees. This work to be done on and along the following described streets all being located within the Railroad Addition and Holmes Subdivision of the Railroad Addition to the Original Town of Eagle Rock, now the City of Idaho Falls, Idaho.

SHOUP AVENUE: From the north right-of-way line of Broadway Street (also being the south property line of Lot 12, Block 26, and Lot 7, Block 25) northerly to the north right-of-way line of the alley between "B: Street and "C" Street with said north alley line also being the southerly property line of Lot 18, Block 18, and Lot 7, Block 17.

"A" STREET: From the west right-of-way line of Yellowstone Avenue (also being the east property line of Lot 1, Block 25, and Lot 1, Block 24) westerly to the west lot line of Lot 3, Block 26, and the west lot line of Lot 10, Block 23, with said location being midway between Shoup Avenue and Park Avenue.

"B" STREET: From the west right-of-way line of Yellowstone Avenue (also being the east property line of Lot 6, Block 24, and Lot 1, Block 17) westerly to the west lot line of Lot 3, Block 23 and the west lot line of Lot 3, Block 18 with said location being midway between Shoup Avenue and Park Avenue.

LOTS AND DESCRIPTION OF BOUNDARY

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Beginning at the southwesterly corner of Lot 13, Block 18, of the Holmes Subdivision of the Railroad Addition to the Original Town of Eagle Rock, now the City of Idaho Falls, Idaho; this being the True Point of Beginning, and proceeding southeasterly along northerly right-of-way line of the alley in Blocks 18 and 17 extended, of the aforementioned subdivision a distance of 523 feet to a point a distance of 40 feet easterly of the westerly right-of-way line of Yellowstone Avenue; thence southwesterly a distance of 730 feet along a line parallel to and a distance of 40 feet from the westerly right-of-way line of the Yellowstone Avenue; thence northwesterly a distance of 181 feet along the center line of the Yellowstone Avenue; thence northwesterly a distance of 181 feet along the center line of the alley in Block 25 of the Railroad Addition to the City of Idaho Falls,; thence southwesterly a distance of 190 feet along the lot line and lot line extension of the lot line common to Lots 9 and 10, Block 25 of the aforementioned addition; thence northwesterly a distance of 920 feet along the westerly lot line of Lots 3 and 10, Block 26, Lots 3 and 10, Block 23, and Lot 3, Block 18, extended to the original True Point of Beginning, and containing approximately 10.26 acres.

The above described boundary of Local Improvement District No. 42 contains the following lots and blocks in said Railroad Addition:

- Lots 1 thru 6, inclusive, Block 17
- Lots 1 thru 3, inclusive, Block 18
- Lots 1 thru 3, inclusive, Block 23
- Lots 10 thru 12, inclusive, Block 23
- Lots 1 thru 12, inclusive, Block 24
- Lots 1 thru 9, inclusive, Block 25
- Lots 1 thru 3, inclusive, Block 26
- Lots 10 thru 12, inclusive, Block 26

Section 2: The kind and character of said improvements are grading, graveling, prime coating, guttering, curbing, paving, surface drainage, and constructing sidewalks on said streets and parts of streets, and to install storm drainage facilities, street lighting, and plant trees in said City, all according to plans and specifications to be filed in the office of the City Engineer and City Clerk on or before the day fixed for hearing protests against the creation of said district and the making of said improvements.

Section 3: The said improvements are re-improvements.

Section 4: The estimated total cost and expenses of said district and of said improvements are \$294,400.00, which sum is to be allocated and paid as follows:

From special assessments	\$217,700.00
From funds of the City	76,700.00

Section 5: The cost and expenses of said district and of said improvements which is to be paid by special assessment is to be assessed against the abutting, adjoining and adjacent lots and lands benefited by such improvements and included within said district, each lot and parcel of land being assessed separately for the debt thereof, in proportion as to

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the number of square feet of land being assessed separately for the debt thereof, in proportion as to the number of square feet of said lots and lands abutting, adjoining or adjacent thereto or included in said district to the distance back from said streets and parts of streets, if platted in blocks to the center of the block and if not platted, to the distance of 125 feet, and in proportion to the benefits derived to such lots and lands by such improvements, sufficient to cover the total cost and expenses of said improvements to the center of the street.

That the sum of \$76,700.00 to be contributed by the City will more than cover the cost of said improvements within streets and alley intersections, and is, in the judgment of the Council, a fair and equitable portion of the total cost and expenses of said district and of said improvements to be expended from the funds of the City in consideration of the benefits accruing to the general public by reason of such improvements.

That Thursday, the 11th day of November, 1971, at 7:30 P.M. of said day, and the Council Chambers of the City Council in the City Hall in the City of Idaho Falls, Idaho, be, and the same are hereby designated as the time and place when protests against the creation of said district, or the making of said improvements will be heard and considered by the City Council and that protests against said improvements or the creation of such district may be filed in the office of the City Clerk on or before the day of such meeting to, but not later than, the hour of 7:30 P.M. of said day. The City Clerk is hereby ordered and directed to give notice of the passage of this Resolution, the time within which protests against said proposed improvements or the creation of said district may be filed, and the date when said protests will be heard and considered by the Council in the matter provided by law.

APPROVED BY THE MAYOR of the City of Idaho Falls, Idaho, this 7th day of October, 1971.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

Councilman Parish seconded by adoption of Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Local Improvement District No. 42, and the same, on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilmen Freeman, Parish, Nelson, Hovey, Erickson, and Wood, voting Ayes; No, none; carried.

This legal opinion from the City Attorney was presented and read by the City Clerk:

City Attorney
October 6, 1971

Honorable S. Eddie Pedersen
Mayor of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

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RE: SALE OF TOBACCO TO MINORS

Dear Mayor Pedersen:

Section 6-1-8 of the City Code of Idaho Falls provides that it shall be a misdemeanor to sell or furnish tobacco to persons under 21 years of age. Since that ordinance was passed the State of Idaho has concluded through Section 18-1502, Idaho Code, to make it a misdemeanor to "give, sell, or furnish any cigarettes, cigars, or tobacco to any person under 18 years of age".

It is my recommendation that the City Code should be brought up to date and in conformity with the State Statute as soon as possible.

Sincerely yours,
s/ A.L. Smith
City Attorney

It was moved by Councilman Erickson, seconded by Wood, that the City Attorney be directed to prepare an appropriate amendatory ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This ordinance, having been passed on its first reading, was again introduced for Council consideration:

ORDINANCE NO. 1308

AN ORDINANCE AMENDING CHAPTER 18, TITLE 5 OF THE CITY CODE OF IDAHO FALLS, IDAHO, PROHIBITING THE INSTALLATION AND USE OF UNATTENDED DISPENSING DEVICES FOR CLASS I FLAMMABLE LIQUIDS WITHIN THE CITY; DEFINING TERMS; SETTING FORTH REQUIREMENTS FOR OPERATION OF SUCH DISPENSING DEVICES; PROVIDING PENALTIES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The Councilmen were in general agreement that this amended ordinance, as proposed, posed no problem nor question to the trade except those that had been satisfactorily answered prior to this Council meeting and was more enforceable than the one presently in existence. Therefore, it was moved by Councilman Freeman, seconded by Erickson, that this ordinance be passed on its second and third readings. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor proposed that the second Council meeting in November be held Tuesday, November 23, 1971. It was moved by Councilman Freeman, seconded by Erickson, that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson again introduced the parking meter issue. He explained that an ordinance would have been presented this night, but that the City Attorney's work load was such that it had not yet been drafted. Meanwhile, Erickson noted that, because of recent publicity, citizens were expecting some sort of positive action. Councilman Parish suggested that out of state

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cars and possibly out of county cars, with proper surveillance, should be given courtesy tickets for over time parking. Councilman Hovey questioned this procedure on the grounds that local residents might object.

Mr. Mike Metcalf, local radio announcer, appeared briefly to say that this practice is followed in Twin Falls with appreciative results. Councilman Erickson said this suggestion may have merit and the Police Committee would consider it as soon as possible. The City Attorney advised that such a policy should probably be adopted by executive order rather than to be included as a provision in the ordinance. It was moved by Councilman Erickson, seconded by Wood, that, effective Friday morning, all parking meter heads be removed by a crew from the offices of the City Clerk and Public Works Division and that, until such time as the ordinance is passed and published, there be declared a moratorium on the issuance of parking tickets. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson then reported that, in the opinion of the Police Committee, the parking meters be stored in a safe place and, at least for the predictable future, not be sold.

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

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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