

SEPTEMBER 28, 1971

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a regular meeting on Tuesday the 28th day of September, 1971, at the hour of 7:30 P.M. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen, Councilmen 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; Lorna Coughlin, City Treasurer; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Ernie Craner, Public Works Director.

Minutes of the last recessed regular meeting, held September 9th, 1971, were read and approved.

License applications for CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Ronald Williams, Ron's Heating Co.; JOURNEYMAN CLASS C GAS FITTING, WARM AIR HEATING, Lyle M. Charlesworth, Jr. with First St. Plumbing & Heating; APPRENTICE GAS FITTING, Gilson Porter with Ron's Heating Co., Lonny Johnson with Sage Heating; JOURNEYMAN ELECTRICIAN, F. Robert Wetherbee with Wheeler Electric; APPRENTICE ELECTRICIAN, Josiah B. Jewell with Wheeler Electric, Stephen Browning with Bonneville Construction, W. Lee Passey with Loc Electric; JOURNEYMAN PLUMBER, Robert D. Carruthers with First Street Plumbing; RESTAURANT, (transfer only), from Roderick M. Fisher for Ramada Inn Restaurant to Edward Hampton for Red Fox Inc. - Ramada Inn Restaurant; DANCE HALL (transfer only), from Roderick M. Fisher for Ramada Inn Restaurant to Edward Hampton for Red Fox Inc.-Ramada Inn Restaurant; JUNK DEALER, McCarty's Inc.; TAXI CAB DRIVER, H. W. Richardson, and Harry E. O'Neil with Yellow Cab Company; BARTENDER PERMIT, Barbara McMillan, Ray Jones, Darlene Karlson, Margaret Ann Culver, Doris Weidauer; PRIVATE PATROLMAN, Peter Versey; LIQUOR (transfer only), from Roderick Fisher dba Red Fox Lounge to Ed Hampton for Red Fox, Inc., were presented. It was moved by Councilman Erickson, seconded by Councilman 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.

The City Clerk drew attention to the fact that, in the interests of time, a legal notice was published calling for a public hearing on October 7th, 1971, to consider a rezoning petition and a proposed zoning amendment. It was moved by Councilman Freeman, seconded by Parish, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was a five year extension rider to a railroad contract L.D. #18485, covering a sewer pipe line encroachment on South Utah Avenue, about one block south of West Broadway, serving the warehouse area south of Broadway. It was moved by Councilman Parish, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An original contract between the City and the railroad was presented, L.D. #21987, covering a power transmission line crossing north of Mercury Avenue, serving the Chevron Chemical Plant. It was moved by Councilman Hovey, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Agent was presented and read:

City of Idaho Falls
September 21, 1971

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167 KVA Submersible Transformers

Honorable Mayor and Councilmembers:

Tabulation of bids for six – 167 KVA Submersible Transformers is attached.

Evaluation of bids received show Spokane Transformer Company of Spokane, Washington, submitting the low bid of \$6,102.00. Transformers to be installed for the new First National Bank. Delivery on or before January 1, 1972.

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

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Nelson, that the low bid of the Spokane Transformer Company be accepted for the transformers as described. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller, acting in the capacity as an Equipment Review Board Committeeman, this memo was forthcoming:

City of Idaho Falls
September 22, 1971

TO: Mayor S. Eddie Pedersen and City Council
FROM: Equipment Review Board
SUBJECT: DISPOSAL OF 1937 SEGRAVE FIRE TRUCK

It is our recommendation that the Purchasing Agent be authorized to advertise for sale the 1937 Segrave Fire Truck. Plans are to place an ad locally stating that this truck will be sold in approximately two months. Also, to place notice in professional fire magazines stating sale of truck and that information may be obtained from the Purchasing Department. A legal ad will be placed locally in two months stating that sealed bids will be received by the City.

Hopefully by doing this most parties that may be interested will be alerted.

s/ John D. Evans
Committeeman

It was moved by Councilman Nelson, seconded by Hovey, that authorization be granted to advertise for sealed bids in appropriate magazines and/or newspapers for the 1937 Segrave Fire Truck. Roll call as follows: Ayes, 6; No, none; carried.

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The following bids for sewer construction in Local Improvement District No. 41 were submitted:

BIDS

Atlas, Inc. Idaho Falls, Idaho	\$69,826.00
Hartwell Excavating Idaho Falls, Idaho	\$73,718.00

The City Engineer recommended to the City Council that the bid of Atlas, Incorporated, Idaho Falls, Idaho, of \$69,826.90 for construction work to be done in Local Improvement District No. 41 be accepted and approved.

It was moved by Councilman Parish, seconded by Councilman Nelson, that the bid of Atlas, Incorporated, Idaho Falls, Idaho, in the amount of \$69,826.90 for construction work to be done in Local Improvement District No. 41 be accepted and approved and the Mayor and City Clerk be authorized to execute the contract with Atlas, Incorporated, Idaho Falls, Idaho. Roll call as follows: Ayes, 6; No, none; carried.

The following bid for paving, gutter, curb and sidewalk construction for Local Improvement District No. 44 was submitted:

Kennaday Paving Company Idaho Falls, Idaho	\$229,958.00
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The City Engineer recommended to the City Council that the said bid of Kennaday Paving Company, Idaho Falls, Idaho, of \$229,958.00 for construction work to be done in Local Improvement District No. 44 be accepted and approved.

It was moved by Councilman Nelson, seconded by Parish, that the bid of Kennaday Paving Company, Idaho Falls, Idaho, in the amount of \$229,958.00 for construction work to be done in Local Improvement District No. 44 be accepted and approved and the Mayor and City Clerk be authorized to execute the contract with Kennaday Paving Company, Idaho Falls, Idaho. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
September 22, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: 21ST STREET WATER LINE

On September 21, 1971, 4 bids were received for the construction of the 21st Street water line. These bids have been tabulated and are as follows:

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Bonneville Paving Co.	\$6,006.30
Grover Construction	\$7,599.00
Hartwell Excavating	\$8,979.00
Atlas Incorporated	\$9,075.36

The Engineer's estimate was \$6,319.30 and we would recommend that the Council award the contract to the low bidder, Bonneville Paving Co., in the amount of \$6,006.30.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Parish, seconded by Nelson, that the low bid of Bonneville Paving Company for the 21st Street water line be accepted. Roll call as follows: Ayes, 6; No, none; carried. Another memo from the Public Works Director was forthcoming, to-wit:

City of Idaho Falls
September 23, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: L.I.D. # 42 DOWNTOWN STREETS

The plans for Shoup Avenue and one block of "A" Street and "B" Street have been developed to the point that a cost estimate can be prepared and a hearing conducted. We are therefore requesting authorization for the City Attorney to prepare a Resolution of Intent to be presented at the Council meeting on October 7, 1971.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Nelson, seconded by Parish, that the City Attorney be directed to prepare a Resolution of Intent to create L.I.D. #42 as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, came this memo:

City of Idaho Falls
September 28, 1971

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

There is now some development on both sides of First Street in the area of Falls Valley and it is not to the City's advantage to require paving at this time. Developers on either side of First Street have agreed to meet their obligation for 21½ feet of paving by placing the cost in an escrow agreement. We are requesting ratification for an escrow agreement which in the

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interest of time has been executed for Idaho Lumber Company. Further we are requesting authorization for the Mayor and Clerk to sign the City's approval for two similar escrow agreements with other developers.

Respectfully submitted,
s/ Don F. Lloyd

In answer to a question as to why the City was not now in a position to improve the street in question at this time, Councilman Parish explained that there was no budgeted funds; also that, there should be time for settling after recent installation of a sewer line. It was moved by Councilman Parish, seconded by Wood, that the action of the Mayor and City Clerk in signing the Idaho Lumber Company escrow agreement be duly ratified; also that all other necessary and similar escrow agreements in this connection be approved at the discretion of the Public Works Director. Roll call as follows: Ayes, 6; No, none; carried.

The Public Works Director presented still another memo, as follows:

City of Idaho Falls
September 28, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: WOODRUFF AVENUE INTERCEPTOR

We have received a number of requests for the development of an interceptor sewer on Woodruff Avenue. At the request of the Public Works Committee, we have prepared an application to the EPA for Federal Aid for this proposed interceptor, beginning at 9th and St. Clair and remaining at the Meppen Canal. We are requesting authorization to submit this application to EPA for a State and Federal Grant.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that authorization be granted to submit an application to the EPA for a State and Federal Grant for the project as described and that Donald F. Lloyd be named in said application to act as the City's official representative for filing, processing and administering said application. Roll call as follows: Ayes, 6; No, none; carried.

By memo from the Public Works Director, this resolution was introduced:

RESOLUTION (Resolution No. 1971-29)

WHEREAS, the Department of Highways of the State of Idaho has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of 17th Street between Yellowstone Avenue and the Snake River within the corporate limits of the City of Idaho Falls, Bonneville County, Idaho, as described in the Cooperative Agreement, which improvement is to consist of excavation, base, surfacing,

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curb-gutter, sidewalk, drainage, lighting and traffic controls on 0.17 miles of F.A.S. Route 6709 to be constructed under Federal Aid Project SU-6709(8); and

WHEREAS, the State, by agreement with the Federal Highway Administration, is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal Aid Secondary Highway System when there is Federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Cooperative Agreement; and

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and

WHEREAS, the City is fully responsible for all costs related to the project; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal Participation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal Aid Secondary Highway Project S-6709-(8) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of the resolution shall be furnished the Department of Highways.

It was moved by Councilman Nelson, seconded by Parish, that this resolution be accepted and passed and that the Mayor and City Clerk be authorized to sign the cooperative agreement referred to in said resolution (S-6709(8),) subject to final approval of the City Attorney as to good legal form and subject. also, to final approval by the Fiscal Committee as to the availability of funds. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer, this memo was submitted:

City of Idaho Falls
September 23, 1971

TO: Mayor and City Council
FROM: G. S. Harrison
SUBJECT: BPA RECIPROCAL OPERATING & EMERGENCY REPAIR AGREEMENT

The City of Idaho Falls, BPA, and about twenty other Eastern Idaho and Wyoming electric utilities have a Reciprocal Operating and Emergency Repair Agreement.

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Another utility at Declo, (South Side Electric Lines, Inc.) has indicated a desire to be included in the agreement.

The City Attorney has asked that this item appear on the September 23, 1971 Council Agenda for approval of this addition. The Electric Division recommends approval.

Enclosed are two copies of the Amendatory Agreement for signature.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Nelson, that this amendatory agreement be accepted and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Traffic Safety Committee was presented and studied:

City of Idaho Falls
September 27, 1971

TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: Traffic Safety Committee
SUBJECT: RECOMMENDATIONS FOR CONSIDERATION

1. Suggest North Lee Avenue from College Street be a through street to confluence with Dunbar and on to Anderson Street with control signs on the side streets.
2.
 - A. Suggest replacement of the present YIELD sign with a STOP sign at Fanning and Garfield.
 - B. Restrict parking by painting 140 feet east on the north side of Garfield from Fanning and 40 feet east and west on the south side of Garfield at Fanning.
3. This committee is opposed to closing Walnut Street between Water and Ridge Avenue during school hours. There is not sufficient warrant or justification at this time for the City to close a public way.

Respectfully submitted;
s/ Robert D. Pollock
Traffic Safety Committee

The first recommendation was then considered. It was moved by Councilman Erickson, seconded by Wood, that said recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

Paragraph A of the second recommendation was reviewed. Police Chief Pollock explained that there is a grade at the junction that impairs sight. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

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There were no objections to paragraph B of the second recommendation. It was moved by Councilman Erickson, seconded by Wood, that this recommendation also be approved. Roll call as follows: Ayes, 6; No, none; carried.

Finally, the third recommendation was studied. It was explained that this request had been made by the President of the O.E. Bell P.T.A.; that school superintendent, Jay Casper, had been asked for an opinion and that, to date, he had not responded. It was moved by Councilman Erickson, seconded by Wood, that until said response is received, this recommendation be tabled. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented a lease renewal between the City and the F.A.A., retroactive to July 1, 1971, covering the 3rd, 4th and 5th floors of the Airport Terminal Building. It was noted that there is one principal revision; namely, the rate for janitorial and utilities service has been increased from \$1.90 per square foot to \$3.185 per square foot. It was moved by Councilman Wood, seconded by Nelson, that this lease renewal be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson reintroduced the subject of parking meters within the downtown area. He reminded the Council that one downtown group of businessmen had requested their removal and another had requested their retention which prompted an opinion poll from any and all businessmen. Erickson reported the results of said poll as follows: 280 deliveries; 165 returned favoring removal, 49 returned favoring retention and two returned with no vote but an opinion. Therefore, as Chairman of the Police Committee, Erickson recommended that the parking meters be removed and that two-hour free parking be permitted. Loading zones and Memorial Drive would remain as is. Councilman Parish took exception to the retention of the parking meters on Memorial Drive; even though they presently provide all day parking for .25. Parish said that, in his opinion, to provide incentive for down town employees to park elsewhere other than the immediate downtown area, Memorial Drive should provide all day free parking. Erickson concurred that this proposal had merit. Parks and Recreation Director Craner reminded the Council that there are those using the Recreation Center, coming and going all day long, and that this would likely deprive them of a place to park. It was then realized that there would be other businesses affected, such as a grocery store, a bank and the County Court House. Councilman Wood then proposed that the east side of Memorial Drive be limited to two hour free parking and that the center and the west side be permitted all day free parking. This met with general Council concurrence.

Asked about enforcement, Erickson said his committee was recommending that this be administered by the meter maids, that there be established a \$1.00 fine for the first ticket and a \$2.00 fine for all subsequent offenses at any given location. Asked about signing, Erickson said the City would be responsible for official signing, but that the Retail Merchants Council had tentatively agreed to place signs on top of the meter posts after the heads are removed, indicating two hour parking. In the absence of further comment, it was moved by Councilman Erickson, seconded by Wood, that based upon the findings of the opinion poll and with the endorsement of the Police Committee and the Parking Commission, all parking meters be removed, that other regulations be established in line with the foregoing Council discussion and that the City Attorney be directed to prepare an ordinance accordingly for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman asked for favorable Council consideration in authorizing the advertising of bids on a concrete base at Tautphaus Park, 85' X 180' to be used as an ice skating rink, a hockey rink, and/or a picnic shelter. Freeman explained that the cost was estimated at \$7,500, \$1,700 of which had been or would be raised by the Hockey Association. It was explained,

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further, that there was every reason to believe that there would be participation by the Bureau of Outdoor Recreation to defray, in part, the City cost. It was moved by Councilman Freeman, seconded by Erickson, that the City Clerk be authorized to advertise for bids for the project in question. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney introduced this Ordinance:

ORDINANCE NO.

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.

Councilman Wood objected to this proposed ordinance on the grounds that the self service customer would then be obliged to tend the hose all the time the gas tank was being filled. He said, speaking from personal experience, he could not conceive that this would be a tenable arrangement especially in inclement weather. Councilman Parish objected to said ordinance on the grounds that, if passed, it would be as unenforceable as the existing one. The City Attorney observed that these criticisms were directed at this section: "5-18-4 DELIVERY NOZZLES: If the dispensing of Class I liquids is to be done by a person other than the attendant, the nozzle should be an automatic closing type without a hold open latch and approved by the Underwriters Laboratory, Inc." The City Attorney asked if these objections would be withdrawn if the words "without a hold open latch" were deleted. This met with general Council concurrence. With this amendment, then, it was moved by Councilman Freeman, seconded by Hovey, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney then presented an agreement between the City, Mr. and Mrs. Rex Meikle (referred to as "Landowners"), and Peter Schwarz (referred to as "Operator"), stating terms and conditions for the construction, installation and the furnishing of certain materials for a non-profit ski racing facility conducted as a public enterprise on the Taylor Mountain area. There was general discussion regarding the extent to which the City might be held liable during and after construction of said facility. The City Attorney agreed that the City is just as subject to liability on this as any other recreational venture. He said that, because it is a non-profit venture, it would be most unusual for the City to demand a provision in the agreement saving the City harmless. The City has its usual obligation to protect itself by making sure the facility is safe. It was moved by Councilman Hovey, seconded by Freeman, that the agreement be accepted and the Mayor and City Clerk be authorized to sign with the understanding that the City's Insurance carrier be advised of this most recent participation. Roll call as follows: Ayes, 6; No, none; carried.

It was moved by Councilman Erickson, seconded by Wood, that the Purchasing Agent be authorized to advertise for bids on a high frequency radio communication system for the Police Department. 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 9:15 P.M., carried.

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ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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