

AUGUST 26, 1971

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in regular meeting on Thursday, the 26th day of August, 1971, at the hour of 7:30 o'clock 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, Councilman Jim Freeman, Councilman Dale Parish, Councilman Gordon Nelson, Councilman Paul Hovey, Councilman Melvin Erickson, Councilman Jack Wood, Jr. Also present: Roy C. Barnes, City Clerk; Lorna Coughlin, City Treasurer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Ted Pike, representing the City Attorney firm of Albaugh, Smith, and Pike.

Minutes of the last recessed regular meeting, held August 12th, 1971 were read and approved.

Mr. Carl Hocevar, 2340 Richards Avenue, appeared before the Council as spokesman for a group of citizens, also present, interested in Mr. Hocevar's anticipated demonstration of a noise metering device. Mr. Hocevar and his group, by said demonstration, hoped to convince the Council that the noise ordinance, passed on its first reading, was inadequate and would not correct the noise problem satisfactorily within the City.

Asked by Councilman Nelson what his qualifications were as a noise expert, Mr. Hocevar said he, as a mechanical engineer, did not profess to be an authority on the subject. He said, however, he made a thorough study on the subject and that, accompanying him this night and present in the Council Chambers was a gentleman who could so qualify.

After the demonstration which depicted various noises causing the noise meter to register 60, 70, 80, and 90 decibels, Mr. Hocevar turned to the ordinance in question with several questions. He first asked if the ordinance pertained to motorcycles and cars only. Councilman Erickson assured him that it was for the general noises of an unnecessary or an annoying nature. Hocevar then asked if funds had been appropriated and were available for purchase of a metering device. Erickson answered in the affirmative, explaining it was the Council's intention to acquire the lesser expensive unit costing less than \$600.00. Hocevar argued that a calibrated meter would be needed to be effectively used in court. Erickson said the Council had been advised by the City Attorney that this device would suffice. Erickson continued by saying it would be expected that the State will eventually lower its permissible decibel level and the local ordinance is so worded that it would automatically be lowered at that time without amendment. Hocevar asked how the Council intended to handle vehicles, including motorcycles, that had not been altered but, instead, came from the factory so constructed that they failed to conform to the noise ordinance. Councilman Parish said that, in his opinion, if the vehicle violates the Code, the operator should be cited, regardless of its construction. Hocevar said that in his opinion, his previous presentations and tonight's demonstration proved that the State Code is too lax. Therefore, he continued, he could not understand why the Council felt obliged to have an ordinance no more stringent than the State's requirements. The City Attorney advised that, especially in matters of traffic, it is advisable, when drafting an ordinance, to duplicate State requirements so that the violator can be prosecuted under City Code rather than State Statute. Otherwise, the violator must be prosecuted by the County Attorney and the City loses control. At the invitation of Mr. Hocevar, Mr. George Brockett, 1774 Avalon, appeared before the Council. He explained the three categories of acoustical effect and reaction. He said the risk level occurs at 85 decibels and 90 decibels is considered not only annoying but damaging. Therefore, the City ordinance, as proposed, will not serve as a corrective tool. He said the City should also feel some obligation to protect the operator against himself whether he be a motorcycle rider or a drummer in a rock band. The City Attorney observed that,

AUGUST 26, 1971

from a standpoint of enforcement, the City would face a problem if its ordinance was set at a lower decibel level than that of the State. He said there was a strong likelihood that, in case of a test, the State Statute would prevail. He said this would apply to all problems involving vehicular traffic. Mrs. Ann Voilleque, representing the American Association of University Women, appeared briefly to ask why, then, are there many instances where the State has effected more strict statute than prescribed by the Federal Government. Councilman Wood answered by saying that the City is an entity of the State where as the State is not bound in a like manner by Federal Law. The City Attorney elucidated on this point by saying that the City may pass any type of ordinance that is reasonable and prudent, if it is not in conflict with the State or otherwise covered by State Statute, using the provision in the City noise ordinance as an example that would police general noises such as lawn mowers. Hocevar registered an opinion to the effect that he could see no reason that the City should tread so carefully. He said this City should take the initiative and take the slight chance of its ordinance being proven invalid.

Mr. Russell Brown, 520 North Wabash Avenue, appeared briefly to suggest obtaining an opinion by the Attorney General. The City Attorney advised that that would prove nothing. A test case by the State Supreme Court would be required to prove the City's position. Brown said he believed it would be worth that slight risk. The City Attorney reminded Brown that the Mayor and City Council had pledged themselves, when they took their oath of office, to at all times uphold the Constitution. Councilman Erickson noted that more stringent State legislation is expected and it is projected that State requirement will provide for 75 decibels at some reasonable distance by 1980. Councilman Parish noted that the Mayor and City Council are duty bound to abide by the opinion of the City Attorney and the Police Committee. He asked Mr. Hocevar and his group for confidence in their administrators to the extent that this problem would continue to be watched and studied. He reminded Hocevar that no more than 5% of all vehicles were causing 100% of the noise problem.

Police Chief Pollock asked about noises under 90 or even 80 decibels that might prove annoying or disturbing. The City Attorney explained that, under the proposed ordinance, the creator of these noises can be cited if proven unnecessary. Hocevar asked how this might apply to motorcycles. Councilman Freeman answered by saying that it would certainly apply, in his opinion, even though the motorcycle was not unduly noisy, providing its operator persisted in driving by any one location numerous times at any annoying hour. In the absence of further comment, this ordinance, having been passed on its first reading, was again introduced:

ORDINANCE NO. 1304

AN ORDINANCE PROHIBITING LOUD, UNNECESSARY, OR EXCESSIVE NOISES WITHIN THE CITY OF IDAHO FALLS, FIXING THE MAXIMUM ACCEPTABLE DECIBEL RATING FOR CERTAIN NOISES, AND SPECIFYING SUCH NOISES; PROVIDING THAT ANY OF SUCH NOISES IN EXCESS OF NINETY-TWO (92) DECIBELS SHALL BE PRIMA FACIE EVIDENCE OF VIOLATION OF THE ORDINANCE; REQUIRING EVERY MOTOR VEHICLE OPERATED UPON THE STREETS OR ROADWAYS WITHIN THE CITY OF IDAHO FALLS TO BE EQUIPPED WITH A MUFFLER IN GOOD WORKING ORDER, AND TO BE OTHERWISE SO EQUIPPED AND ADJUSTED AS TO PREVENT ESCAPE OF EXCESSIVE FUMES, SMOKE AND/OR NOISE; FIXING PENALTIES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

AUGUST 26, 1971

It was moved by Councilman Erickson, seconded by Wood, that this ordinance be passed on its second and third readings. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. Glenda Bates, 926 Bannock Avenue, appeared before the Council seeking a Council decision to a request presented at the last regular meeting that four-way stop signs be installed at North Boulevard and Elva. She also asked for the same arrangement at North Boulevard and Sunset. She said there were 33 children in that immediate vicinity and that traffic traveled at a dangerous pace. Police Chief Pollock said these requests had not yet been to the Traffic Safety Committee for recommendation. He continued by saying the area had been checked by radar and no violators had been spotted. Mrs. Bates said she was aware of the radar check but that it had been made when many residents had been home and the streets were lined with parked cars. She said the violators appear when there are few parked cars. Other neighborhoods appeared on this same problem. Mrs. Bates was assured by the Mayor that the City Council would act just as soon as a recommendation was forthcoming from the Traffic Safety Committee which should be within one week.

Noting from the agenda that action was to be considered this night, on the creation of L.I.D. #41. Mr. Jack Ritchie reappeared to again appeal that his property not be included. Even though recognizing some benefit might accrue, Mr. Ritchie again asked the Council to consider the fact that his anticipated assessment would be 50% of the value of his property. Councilman Nelson explained that when an L.I.D. is formed, it is done with the intention of serving an entire area, not just those property owners who will most directly benefit. Therefore, the entire area must be assessed on a share and share alike basis; otherwise, if certain areas are deleted, the cost goes up for those remaining. Nelson continued by noting that an L.I.D. improvement is for permanent rather than temporary solutions to any given problem. He said it is impossible to determine, at this time, future development of the area Mr. Ritchie asked to be excluded. Nelson said when the engineering department takes such matters into consideration as underground seepage and construction of a lift station, all property must help bear this cost. He reminded Mr. Ritchie that the City had increased its participation because of the high cost of constructing sewer lines through lava, otherwise, all assessments would have been even higher. Ritchie argued that his area could so easily be excluded, that it wasn't a matter of running the line through or along his property, instead, a spur was necessary, even to serve it. Ritchie said the back part of his property was so valueless to him that he would donate and deed it to the City. Nelson said the City must take the attitude that even though it is now vacant property, it might and probably will be developed sometime in the future. He said there was other vacant property within the proposed district and if this were done for him it would be just as necessary to do it for all those who then requested it. Councilman Parish noted that Mr. Ritchie had purchased the property voluntarily and so it must have represented some value to him at that time. Parish reminded Ritchie that it is only a matter of time until the State will force this issue. If he were excluded from the district now, it would be even more costly to provide sanitary sewer facilities at a later date.

Mrs. Ritchie appeared briefly to say she could not understand why the Council would not honor their request when they have not asked for, nor do they want, the proposed improvement. Nelson reiterated the fact that the Council feels obligated to improve the entire area, not just the portion that would receive the most direct benefit. Nelson continued by saying that even though they were excluded, the development will still be made as indicated by the small number of protests and if this were the case, others would find it necessary to stand their pro rata expense. Parish added to these remarks by saying that, if the Ritchie property were excluded at this time, the entire planning, including much engineering time and expense, would have to be done over, thus adding even more to the cost of the district. Councilman Wood noted that when the project was

AUGUST 26, 1971

completed and that, at a later date, the vacant property were developed, Mr. Ritchie would have received a free ride. Ritchie then asked how the assessment would be handled if the property were eventually subdivided and sold by lot. Parish said the assessment could be passed on to the buyer, providing it was done with his knowledge and consent and made a condition of deed.

In the absence of further comment, this property appraisal of L.I.D. #41 was presented by the City Clerk:

LOCAL IMPROVEMENT DISTRICT NO. 41
APPRAISAL OF PROPERTY

We, the undersigned, WESLEY SKOW AND JOE LAIRD, acting pursuant to the provisions of ORDINANCE NO. 598, of the City of Idaho Falls, Idaho, DO HEREBY CERTIFY that we are duly appointed, qualified and acting City Purchasing Agent and the City Engineer of the City of Idaho Falls, Idaho; that we have investigated the value of all of the real property situated in Local Improvement District No. 41, and we find and determine that the actual value of the real property situated in said District is \$1,510,000.00, and that the actual value of said real property exclusive of the improvements thereon is \$845,000.00.

Dated at Idaho Falls, Idaho, this 12th day of August, 1971.

s/ W. J. Show
Purchasing Agent

s/ Joe Laird
City Engineer

The foregoing was accepted by the Council and ordered by the Mayor to be made a matter of official record.

On motion of Councilman Nelson, seconded by Councilman Parish, the following Resolution was adopted by the unanimous vote of the Council and Mayor:

(Resolution No. 1971-27)

“RESOLVED: THAT THE ACTUAL VALUE OF THE REAL PROPERTY INCLUDED IN PROPOSED ENLARGED LOCAL IMPROVEMENT DISTRICT NO. 41 IS \$1,510,000.00 AND THAT THE ACTUAL VALUE OF SAID REAL PROPERTY EXCLUSIVE OF THE IMPROVEMENTS THEREON IS \$845,000.00; THAT TWO PROTESTS IN WRITING HAVE BEEN MADE AND EACH OF THEM HAVE BEEN CAREFULLY CONSIDERED AND OVERRULED AND DENIED; THAT SUCH PROTESTS WERE MADE BY THE OWNERS OF LESS THAN TWO-THIRDS OF THE ABUTTING, ADJOINING, CONTIGUOUS, AND ADJACENT LOTS AND LANDS WITHIN SUCH PROPOSED IMPROVEMENT DISTRICT; THAT THE ORGANIZATION AND CREATION OF THE DISTRICT IS PROPER AND THE DISTRICT WILL BE FOR THE BEST INTERESTS OF THE PROPERTY AFFECTED AND THE CITY OF IDAHO FALLS, IDAHO; THAT THERE IS REASONABLE PROBABILITY THAT THE OBLIGATIONS OF SAID DISTRICT WILL BE PAID; THAT THE RESOLUTION ON INTENTION

AUGUST 26, 1971

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THE 13TH DAY OF JULY, 1971, SHALL BE, AND THE SAME HEREBY IS, RATIFIED AND APPROVED, EXCEPT THAT THE ESTIMATED COST OF SAID DISTRICT IS INCREASED FROM \$102,000.00 TO \$112,000.00, AND THE AMOUNT TO BE PAID BY THE CITY OF IDAHO FALLS TO DEFRAY THE COST OF SAID DISTRICT SHALL BE \$27,110.00 INSTEAD OF \$10,000.00.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

Councilman Nelson introduced Ordinance No. 1305 entitled:

“AN ORDINANCE CREATING AND SETTING FORTH THE BOUNDARIES OF ENLARGED LOCAL IMPROVEMENT DISTRICT NO. 41 IN AND FOR IDAHO FALLS, IDAHO FOR THE PURPOSE OF CONSTRUCTING A SANITARY SEWER IN CERTAIN STREETS, ALLEYS, EASEMENTS, AND RIGHTS OF WAY WITHIN THE CORPORATE LIMITS OF SAID CITY; PROVIDING THAT SUCH IMPROVEMENTS SHALL BE MADE AND THAT THE COST AND EXPENSE OF SUCH IMPROVEMENTS SHALL BE TAXED AND ASSESSED UPON ALL THE PROPERTY IN SAID DISTRICT IN PROPORTION TO THE NUMBER OF SQUARE FEET OF LOTS AND LANDS INCLUDED IN SAID DISTRICT AND IN PROPORTION TO THE BENEFITS DERIVED TO SAID PROPERTY BY SAID IMPROVEMENTS; AND PROVIDING THAT THE WHOLE COST AND EXPENSE OF SAID IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OF THE CITY AND FIXING THE AMOUNT THEREOF; DIVIDING THE LANDS COMPRISING SAID DISTRICT INTO THREE CLASSES AND DESIGNATING AND DESCRIBING SAID CLASSES OF LAND AND FIXING THE PERCENTAGE OF ASSESSMENTS OF EACH CLASS OF LAND; AND PROVIDING FURTHER, THAT THE MAKING OF SAID IMPROVEMENTS IS DEPENDENT UPON THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT BONDS TO DEFRAY THE COST OF SAID IMPROVEMENTS.”

and moved that the ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Parish and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Erickson, seconded by Councilman Wood, that the ordinance pass its third reading, and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried, the vote being as follows: Councilman Freeman, Councilman Parish, Councilman Nelson, Councilman Hovey, Councilman Erickson, Councilman Wood.

The City Clerk read the following proposed advertisement for bids under Enlarged Local Improvement District No. 41.

AUGUST 26, 1971

INVITATION FOR BIDS

PROJECT: 9B-102 NORTH YELLOWSTONE HIGHWAY SANITARY SEWER – L.I.D. NO. 41

Sealed unit price proposals for the construction of the above-named project, addressed to the Mayor and City Council, City of Idaho Falls, Idaho. will be received at the office of the City Clerk in the City Hall, Idaho Falls, Idaho, until 10 a.m. (M.D.S.T.) on September 21, 1971 and then will be publicly opened and read aloud.

Major items of work contemplated under this project consist of furnishing and installing approximately:

4,300 lineal feet of 8 inch concrete pipe,
14 manholes, and
2 drop manholes.

Plans and specifications are available at the office of the City Engineer, City Hall Annex, 396 "C" Street, Idaho Falls, Idaho. A copy of said documents may be obtained at the above office upon a deposit of \$10.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of the bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond, payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

Successful bidder or bidders, will be required to furnish security for faithful performance of the contract in the full amount of the contract price.

The successful bidder will be required to comply with all applicable Federal Labor Laws, including the minimum wage rate decision of the U.S. Department of Labor. The wage rate schedules are to be considered as part of the contract covering the project.

All subcontractors must be listed in the Project Proposal.

The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal which serves the best interest of the City of Idaho Falls, Idaho.

Dated this 26 day of August, 1971.

City of Idaho Falls, Idaho
By: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Nelson, seconded by Parish, that the advertisement for bid be accepted, and that the City Clerk be authorized and directed to cause the same to be published in

AUGUST 26, 1971

the Post Register, the official City newspaper in two (2) consecutive weekly issues of said paper. Roll call: Voting Aye: Councilmen Freeman, Parish, Nelson, Hovey, Erickson, Wood. Voting Nay: None, carried.

This letter was presented and read:

August 26, 1971

The Honorable Mayor S. Eddie Pedersen
Idaho Falls, Idaho

Dear Mayor Pedersen:

The parking meters were originally installed to control parking in order that parking places would be available to the shopping customers. At present no other effective way of controlling on street parking has been presented. We therefore recommend continuation of the use of meters in their present form.

After many interviews with downtown customers, we find that although it is inconvenient to carry coins and feed the meters, the real irritant in the program is the fine for a parking ticket. We would recommend that the City and the Merchant Association work out a cooperative program whereby a bona fide customer could bring his parking ticket to the merchant for validation. In this way we still control many of the parking abuses, but remove the most annoying feature of the program for the customer, the overtime parking ticket.

It is strongly urged that Urban Renewal make the Broadway property available for employee parking as soon as possible.

Respectfully yours,
s/ Ken Cunningham
Chairman, Advisory
Parking Commission

Councilman Nelson noted that the Council had first been urged by petition to remove the parking meters. In view of the latest development as indicated by the foregoing letter, it was moved by Councilman Nelson, seconded by Wood, that a poll of all downtown businesses be taken in an effort to obtain a true cross section of opinion on this issue that an explanatory cover letter accompany said poll, to be prepared by the Public Works Director, the Mayor, the City Clerk and the City Attorney and that all replies be directed to the City Clerk by self-addressed, stamped envelope. Roll call as follows: Ayes, 6; No, none; carried.

License applications for JOURNEYMAN ELECTRICIAN, Virgil Price; APPRENTICE ELECTRICIAN, David Norris, Sr. and Lyndon Trupp, both with Jewell Electric; SECOND HAND STORE, Monnette Ball for the Second Act; PHOTOGRAPHY, Jerry Smith for Kiddie Shop, Lois Killian for Pixy-Pin-Up, Theresa Miller for Joan's Presnell Studios; RESTAURANT, Jolly Rogers Restaurant; BEER (CANNED, BOTTLED AND DRAUGHT TO BE CONSUMED ON THE PREMISES), Jolly Rogers Buffet: BEER, (TRANSFER ONLY), from Bettie E. Lewis for Buckhorn Gardens to R.D. Cleveland for Buckhorn Gardens; BARTENDER, Nancy Ann Burner, Sandra Hensele, Elvira Jeffs, Betty Hicks, David Dennis, were presented. It was moved by Councilman Erickson, seconded by

AUGUST 26, 1971

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.

At this time, Councilman Nelson asked to be excused.

The City Clerk submitted an application for a private patrolman license in the name of William R. Hocter which had been presented at an earlier Council meeting and referred to the Police Chief. As a result of his findings the application carried a recommendation that the license not be granted. It was moved by Councilman Erickson, seconded by Wood, that the recommendation be upheld and the license be denied. Roll call as follows: Ayes, 5; No, none; carried.

On August 17th, 1971, the Council had informally approved issuance of a City Redemption Tax Deed in favor of Robert Snelson, Said deed was accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1971-28)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 3rd day of May, 1965, recorded in Book_____ of deeds at page 1 as Instrument No. 347426, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots Fifteen (15) and Sixteen (16) , Block Nine (9), Highland Park
Addition to the City of Idaho Falls, Idaho

WHEREAS, ROBERT SNELSON 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 ROBERT SNELSON a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 17th day of August, 1971.

APPROVED BY THE MAYOR this 17th day of August, 1971.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Erickson, that this informal action of the Council be officially ratified. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was an original contract L.D. #21944, between the City and the railroad, covering water pipe crossing right of way where Sunnyside Road crosses the railroad

AUGUST 26, 1971

tracks. Said waterline to serve the Railroad Industrial Park. It was moved by Councilman Parish, seconded by Freeman, that the contract be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This memo from Purchasing Department was presented:

City of Idaho Falls
August 19, 1971

Coal (County, City & School)

Honorable Mayor and Councilmembers:

The Purchasing Department requests approval to advertise for joint bids with Bonneville County and School District 91 for coal for the winter months of 1971 and 1972.

s/ W. J. Skow
Purchasing Dept.

It was moved by Councilman Erickson, seconded by Wood, that authorization be granted to advertise for bids, jointly with School District #91, for coal for the 1971 and 1972 winter season. Roll call as follows: Ayes, 5; No, none; carried.

A second memo was forthcoming from the Purchasing Department, as follows:

City of Idaho Falls
August 18, 1971

167 KVA Submersible Transformers

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bid Six 167 KVA Submersible Transformers. Transformers to be installed for the Idaho First National Bank (new). Delivery on or before January 1, 1972.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Dept.

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

From the Public Works Director, this memo was submitted:

City of Idaho Falls
August 26, 1971

AUGUST 26, 1971

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: 21ST STREET WATER MAIN FILE F 4-m

Prior to the construction of 21st Street under L.I.D. No, 44 it is necessary to install an 8 inch water main. The plans and specification are almost completed for this construction and we are requesting authorization for the City Clerk to advertize for bids.

Respectfully submitted,
s/ Don
Donald F. Lloyd

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

The City Clerk read the following proposed advertisement for bids under Local Improvement District No. 44:

INVITATION FOR BIDS
PROJECT: L.I.D. NO. 44 – STREET AND ALLEY IMPROVEMENTS, 1971

Sealed unit price proposals for the construction of the above named project addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the City Clerk in the City Hall; Idaho Falls, Idaho, until 10:00 a.m. (M.D.S.T.) on September 14, 1971 and then publicly opened and read.

The project consists of constructing approximately 1.3 miles of City streets, 0.57 of a mile of alleys, and 1.82 miles of sidewalks. Major items of work consist of 8000 C.Y. of unclassified excavation, 11,000 tons of 3.4 inch maximum crushed aggregate base, 4500 tons of asphalt plant mix, 10,500 lineal feet of concrete curb & gutter, 6000 lineal feet of alley gutter and 6100 square yards of concrete sidewalks.

Plans and specifications are available at the office of the City Engineer, City Hall Annex, Idaho Falls, Idaho. A copy of said documents may be obtained at the above office upon a deposit of \$20.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond, payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

Successful bidder or bidders will be furnished security for faithful performance of the contract in the full amount of the contract price.

The contractor will be required to pay not less than those minimum wage rates established by the Department of Labor, State of Idaho, and entitled "Prevailing Wage Rates for Use on all

AUGUST 26, 1971

Public Works Projects in conformity with the provisions of Section 44-1002 Idaho Code.” These wage rate schedules are to be considered as part of the contract covering this project.

The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal which serves the best interest of the City of Idaho Falls, Idaho.

Dated this 27th day of August, 1971.

City of Idaho Falls
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Councilman Wood, that the advertisement for bids be accepted, and that the City Clerk be authorized and directed to cause the same to be published in the Post Register, the official City newspaper in two (2) consecutive weekly issues of said paper. Roll call: Voting Aye: Councilmen Parish, Hovey, Freeman, Erickson, and Wood; No, none; carried.

Councilman Wood presented an addendum to a lease between the City and Skynite, Inc. to correct an erroneous legal description and also a similar addendum to a similar lease between the City and Wilcox Construction for the same reason. It was moved by Councilman Wood, seconded by Parish, that these addendums be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood then presented a two year lease renewal between the City and Falls Delivery Service for picking up and delivering cargo, freight and express at the airport. It was moved by Councilman Wood, seconded by Erickson, that this lease renewal be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This legal opinion from the City Attorney’s office was presented and read:

City of Idaho Falls
August 24, 1971

Mr. H. P. Hill
Director of Aviation
Fanning Field
Idaho Falls, Idaho 83401

RE: OVERTIME PARKING IN FRONT OF TERMINAL BUILDING AND OTHER AREAS AT MUNICIPAL AIRPORT

Dear Mr. Hill:

You have requested the opinion of this office relative to a solution of the problem where drivers park their vehicles in places at the City Airport such as in front of the Terminal Building which is normally restricted to twenty minutes for loading and unloading, and then leave the vehicle there for a day or more while the owner is absent on a flight out of the City.

AUGUST 26, 1971

Under the present ordinance, 10-9-5, a vehicle must be left standing or parked for a period of more than 48 consecutive hours to be deemed to have been abandoned and to authorize the officers of the Police Department to impound and remove the same.

However, City Ordinance No. 10-9-10 sets forth certain parking restrictions on certain streets (not including the airport) and 10-9-11 authorized the Police Department to remove from the street and impound any vehicle parked in violation of 10-9-10.

Therefore, to alleviate the problem, I would suggest that the City Ordinance 10-9-10, be amended to add a paragraph that states in substance as follows:

On the premises of the Idaho Falls, Municipal Airport also known as Fanning Field, except as authorized by sign posted in the parking area.

Violation of any of the sign provisions would authorize immediate impound.

If you have any further questions, please advise.

Sincerely,
s/ E. W. Pike
Acting City Attorney

It was moved by Councilman Wood, seconded by Erickson, that the City Attorney be directed to prepare an amending ordinance for Council consideration, incorporating the parking change at the airport as recommended. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Parish introduced a one year lease renewal between the City and Phillip Hoehn. It was noted that this pertains to property on Houston Street that the City rents for a sign shop. It was moved by Councilman Parish, seconded by Erickson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

It was moved by Councilman Erickson, seconded by Wood, that the Purchasing Agent be authorized and directed to advertise for bids on an appropriate noise level meter, meeting proper specifications for use by the Police Department. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Parish, that the meeting adjourn at 9:45 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor
