

**AUGUST 12, 1971**

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The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a regular meeting on Thursday, the 12<sup>th</sup> 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; Councilmen Jim Freeman, Dale Parish, Gordon Nelson, Melvin Erickson, and Jack Wood, Jr. Absent: Councilman Paul Hovey. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Lorna Coughlin, City Treasurer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief.

Minutes of the last recessed, regular meeting, held July 27<sup>th</sup>, 1971, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to hear and consider all protests and other comments, written or oral, pertaining to the creation and establishment of Local Improvement District #41. The Mayor asked the City Clerk to present and read aloud these written protests:

Browning Freight Lines, Inc.  
244 South Fourth West St.  
Salt Lake City, Utah 84101  
August 11, 1971

Mr. Roy C. Barnes, City Clerk  
Idaho Falls City Council  
Idaho Falls, Idaho

RE: ESTABLISHMENT OF "ENLARGED LOCAL IMPROVEMENT DISTRICT NO. 41 OF THE CITY OF IDAHO FALLS, IDAHO" FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS

Gentlemen:

We desire to protest the establishment of the above referenced sanitary sewer improvement district.

Our property is described as: Lot 1, Block 2, Homer Commercial Addition to the City of Idaho Falls, Bonneville County, Idaho.

Our property has been provided with very adequate sewer facilities, which passed all City inspections as the property was built. On a fairly large lot we have only one building and as far as we can project plans now that is all that will be built on this property, so it appears that additional sewer facilities at this time will only be a very unnecessary expense and burden to us.

We respectfully ask that you do not include our property in the proposed improvement district. This will not impair the establishment of the district to those who need it,

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but we think it does not need to include our property as we are out near the end of the district, and have built in adequate facilities for our property.

We therefore very strenuously protest the establishment of this district as far as our property is concerned, and the added burden of expense it would be to us.

Yours very truly,  
s/ Geo. A. Browning

The Mayor and City Councilmen  
City of Idaho Falls, Idaho

The undersigned, John J. Ritchie, the owner of Lots 4 and 5 in Block 1 of Homer Commercial Addition to the City of Idaho Falls, Idaho, files his objections against the creation and enlargement of Local Improvement District No. 41 to the City of Idaho Falls, Idaho.

My objection to the creation of such home and commercial addition Local Improvement District assessment as enlarging LID No. 41 is based upon the fact that my property would not benefit from the enlargement of said Local Improvement District No. 41 and that the sole and only purpose for the extension of such sewer line would appear to be to take care of car washing installations discharging large quantities of water in the area southerly of my property.

The undersigned further protests the method of proposed assessments on the grounds and for the reasons that the City Officials of the City of Idaho Falls have failed to follow the statutory provisions for assessments and that they have attempted to assess my property for its entire distance and depth from the street. My property, and specifically referring to Lot 5 has a frontage on the street of 155 feet. Under the provisions of 50-1717 Idaho Code assessments if plated in lots may be levied to the center of the lot. The objecting property owner is advised, and therefore alleges the fact to be, by the City Engineering Department of the City of Idaho Falls, Idaho, that assessments levied have included the entire amount of the rear portion of Lot 5 where a period in excess of some 400 feet will receive no benefit from the proposed extension of Local Improvement District No. 41. The rear portion of Lot 5 is a lava formation and it is geologically not feasible to install either water or sewer lines to the rear of the premises.

The rear portion of Lot 5 is not suitable for construction and would result in excessive cost to Lot 5 but based upon preliminary figures furnished by the City Engineering Department the cost of the claimed improvements to Lot 5 would more than exceed the value of the Lot.

Your petitioner is informed that there will be \$5,600.00 assessed on a lot with 155 foot frontage; further to the south and east 900 foot frontage served by the same

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sewer would be assessed \$4,800.00. There is a car wash in existence to the south with approximately 150 foot frontage that would be assessed \$690.00.

The levies and proposed adjustments made by the City of Idaho Falls in extending Local Improvement District No. 41 to serve Lots 4 and/or 5 in Block 1 of Homer Commercial Addition will not, pursuant to the provisions of the Idaho Code, benefit any of the property of the petitioner.

Wherefore, the undersigned prays that the extension of Local Improvement District No. 41 be denied on the grounds and for the reasons that including the property of the petitioner in such proposed extension will not benefit any property of the undersigned.

s/ John J. Ritchie  
Ritchie Tires  
945 Turnbull Drive  
Idaho Falls, Idaho

The Mayor then invited Mr. Ed Turner from the Engineering Department to present certain statistical background on the proposed district.

Mr. Turner, by use of slides, first described the boundaries, the anticipated flow and future extensions. It was noted that 8" pipe would be used and directed to a lift station outlet north of the Stanger Farms property. It was learned that the project anticipated cost would be \$112,000. From that amount the City would participate in the amount of \$27,100, leaving \$84,890 subject to property assessment. Turner further explained that there would be three classes of assessment; namely, 5.21 per square foot for the first 125 feet in depth from any given sewer line, affecting 919,880 square feet for a total assessment of \$47,926; 3.47 per square foot for the next 275 feet, affecting 1,006,540 square feet for a total assessment of \$34,951; and, finally, 1.73 per square foot affecting 116,360 square feet for a total assessment of \$2,013.

The Mayor then invited verbal comment from the floor. Mr. Jack Ritchie, 925 9<sup>th</sup> Street, author of one of the written protests, appeared before the Council, protesting inclusion of his property in the district on the grounds that his property could not and would not benefit from the proposed improvement. Mr. Ritchie elaborated on this objection but his points were basically all covered in his written protest. Councilman Nelson replied by saying it is commonly known and recognized that proposed costs are high due to the abundance of lava rock within the area. However, Nelson questioned Mr. Ritchie's statement that no benefit would be received on the grounds that sanitary sewer installed in any given area is bound to add, at least to some extent, to property values. Nelson said no final decision would be made this night and invited Mr. Ritchie to meet with the Public Works Committee to discuss his protest at length as a means of determining its degree of validity. To this, Mr. Ritchie agreed.

Mr. George Browning of the Browning Freight Lines, author of one of the written protests, appeared before the Council. He concurred with all of the remarks made by Mr. Ritchie and said they would also apply to his property. Mr. Browning said he could see where some of the affected areas would benefit but his property would not. He said the existing sanitary facility would completely suffice and no additional building development was anticipated. Councilman Nelson extended the same invitation to Mr. Browning as he did to Mr. Ritchie and this was accepted by Mr. Browning.

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Two protests having been made against the creation of Local Improvement District No. 41, and the City Council having heard and having considered said protests against the creation of Local Improvement District No. 41, the adoption of the following resolution was then moved, seconded and unanimously passed, to-wit:

**(Resolution No. 1971-26)**

“RESOLVED: THAT THE CITY COUNCIL TAKE UNDER ADVISEMENT ALL OF THE PROTESTS AGAINST THE CREATION OF LOCAL IMPROVEMENT DISTRICT NO. 41, AND RENDER A DECISION ON SAID PROTESTS AND THE CREATION OF SAID LOCAL IMPROVEMENT DISTRICT NO. 41 AT A FUTURE MEETING.”

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

The Mayor asked Councilman Nelson, as Chairman of the Public Works Committee, to escort Mr. Robert Stitt from the Sewer Department and Messrs. Dennis Roberts, Raymond Judy and Reed Holverson from the Water Department to come forward to the Council table. The Mayor proceeded to present Mr. Stitt with a certificate qualifying him for a grade III sewage operator. It was explained by Public Works Director Lloyd that this was Mr. Stitt's second special study course taken in Pocatello, administered by the A.I.C., the State Department of Health, the University of Idaho and the Pacific N.W. Pollution Control Association. Mr. Roberts received a certificate qualifying him as a grade III S water works operator; Messrs. Judy and Holverson received certificates qualifying them as grade IV S water works operators. This water works course was administered by the A.I.C., the State Dept. of Health, the University of Idaho and the American Water Works Association. The Mayor thanked all these men for their voluntary effort in taking these courses and stressed the fact that the water and sewer departments were in need of men with such training to further upgrade the departments in line with Federal and State regulations. All the men then received congratulations from the Mayor and all other City officials around the Council table.

Mr. Cliff Brady, 1668 Garfield, appeared before the Council to report on one or more incidents he and his family recently experienced or observed while in Tautphaus Park for the purpose of having a picnic. He said that, in his opinion, the department of those loitering in the park create a condition too dangerous for his family. He said he recognized the fact that the park is a public place and all have a right to it but that it is invaded with disrespect. He said the roadway he wished to travel was blocked by two cars who wouldn't move to permit his to proceed. While waiting, he and his family observed free love and other obscenities. He registered an opinion to the effect that there should be more police patrol, both vehicular and foot. Brady said he realized this condition prevails in other parks but hoped the condition at the local park could be corrected before it got completely out of hand. Councilman Freeman complimented Mr. Brady for taking the attitude that the park is a facility that should be shared by all. Freeman, as Chairman of the Parks and Recreation Committee, thanked Mr. Brady for his presentation and assured him the matter would receive appropriate attention.

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

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<b><u>FUND</u></b>	<b><u>SERVICE AND MATERIALS</u></b>	<b><u>GROSS PAYROLL</u></b>	<b><u>TOTAL EXPENDITURES</u></b>
General Fund	\$155,485.31	\$99,501.43	\$254,986.74
Fire Bonds	50,608.57	7,825.13	58,433.70
Water & Sewer Fund	15,504.08	50,967.51	66,471.59
Electric Light Fund	40,560.09	112,599.49	153,159.58
Recreation Fund	12,934.29	3,939.09	16,873.38
Police Retirement	2,547.25	.00	2,547.25
<b><u>TOTAL FUNDS</u></b>	<b><u>\$277,639.59</u></b>	<b><u>\$274,832.65</u></b>	<b><u>\$552,472.24</u></b>

It was moved by Councilman Parish, seconded by Wood, 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, 5; No, none; carried.

Reports from Division and Department Heads were submitted for the month of July, 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 GROCERY, Stephen Johnson for Johnson Fruit and Gas at 995 Shoup; JOURNEYMAN ELECTRICIAN, Dustin O. Waymire, Kevin Clegg; MOTEL, Ron Green for Ramada Inn; BARTENDER, Gary K. Jensen, Shirley J. Smith, Ruth Champion, Woodena M. Colson; BEER (Canned and bottled, not to be consumed on the premises), Stephen M. Johnson for Johnson Fruit and Gas, 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, 5; No, none; carried.

By memo from the City Planner, the City Clerk drew attention to the need for scheduling a public hearing to consider two proposed amendments to the zoning ordinance and a re-zoning petition. It was moved by Councilman Wood, seconded by Parish, that a hearing, as described, be scheduled for September 9<sup>th</sup>, 1971 and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Traffic Safety Committee was submitted:

City of Idaho Falls  
July 28, 1971

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

1. Reversal of stop signs at Rollandet and 19<sup>th</sup> Street. Traffic presently stops on Rollandet approaching 19<sup>th</sup> Street. The traffic count shows 3,600 cars per day on north-south Rollandet with 2,000 cars per day east-west 19<sup>th</sup> Street with the major move being west on 19<sup>th</sup> Street turning on to Rollandet. (Upon being approved we would have a four-way stop temporarily with traffic officer working intersection part-time.)

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2. On the north side of Lomax, east of Yellowstone in front of Northgate Cycle, establish one No Parking Zone at the pole of the radar loop with the two loading zones immediately to the west would give sufficient room for parking and unloading of large semi-trucks which have been backing into unload, blocking half of Lomax and voiding the detector preventing activation of the light at Lomax and Yellowstone.

Respectfully submitted,  
s/ R.D. Pollock  
Chairman

With reference to the first recommendation, it was moved by Councilman Erickson, seconded by Wood, that the stop signs at the intersection in question be reversed for the reason as stated with the understanding and condition as indicated. Roll call as follows: Ayes, 5; No, none; carried.

The second recommendation was then reviewed. It was moved by Councilman Erickson, seconded by Wood, that a no parking zone be approved at the location and for the reason as stated. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor relayed a request by a citizen that four way stop signs be installed at North Boulevard and Elva. It was moved by Councilman Erickson, seconded by Wood, that this be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was addendum No. 2 to a lease agreement between the City and Skyhaven Hangars, correcting the legal description of the affected property in an original lease agreement dated January 1<sup>st</sup>, 1968. It was moved by Councilman Wood, seconded by Nelson, that this addendum 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 was presented and read:

City Attorney  
August 2, 1971

**RECOMMENDATION TO MAYOR AND CITY COUNCIL**

The City Attorney recommends that Chapter 15, Title 1 of City Code of Idaho Falls, being the portion of the Code providing for the procedures to be used in exercising the Initiative, the Referendum, and/or the Recall, be amended to conform to statutes of the State of Idaho in the following particulars:

- (1) In order to exercise the Initiative, the present City ordinance requires that a petition be signed by a number of qualified, registered electors of the City equal to thirty-five percent (35%) of the total number of qualified, registered electors of the City. The statute requires that such petition be

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- signed by a number of qualified electors of the City equal to twenty-five percent (25%) of the total number of ballots cast in the latest general City election.
- (2) In order to exercise the Referendum, the present City ordinance requires that a petition be signed by a number of qualified, registered electors of the City in excess of half of the total number of all qualified, registered electors of the City. The Statute requires that such petition be signed by a number of qualified electors equal to twenty-five percent (25%) of the total number of ballots cast at the latest general City election.

In order to exercise the Recall, the present City ordinance requires that a petition be signed by a number of qualified, registered electors of the City equal to thirty percent (30%) of the total number of qualified, registered electors in the City. (Thirty-five percent for special election). The statute requires that such petition be signed by a number of registered, qualified electors equal in number to twenty-five percent (25%) of the total number of ballots cast at the last preceding general City election.

There are a few details in which the ordinance is at variance with the statute. This department urges that the ordinance is at variance with the statute. This department urges that the ordinance be brought into conformity with the statute as soon as possible as the statute must take precedence in such cases, and the ordinance can now cause confusion.

s/ A. L. Smith  
City Attorney

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

This letter was presented and read:

The American Red Cross  
August 6, 1971

Mayor S. Eddie Pedersen  
Idaho Falls, Idaho

Dear Eddie:

Due to the fact you grew up across the street from me, I feel entitled to the privilege of calling you "Eddie" – Is this correct?

I want to express my sincere appreciation of being furnished with an office, the most comfortable in both summer and winter, in the Recreation Building, rent free, for the many, many years I have been Executive Secretary for the local Chapter of the Red Cross. In addition to this the partial maintenance of the office has been a tremendous financial help to us as we are forced to operate on a very small budget. The Recreation Director, Mr. Ernest Craner, and his office staff have extended every courtesy and consideration to us and we are grateful.

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Our Chairman, Robert D. Pollock, and the members of our Board of Directors, concur in this expression of appreciation.

During my days of retirement, I shall live over and over and over again, the years spent here. Thank again.

Sincerely,  
s/ Marie S. Kellar

It was moved by Councilman Freeman, seconded by Erickson, that the Mayor be authorized to write Mrs. Kellar a letter, in behalf of the administration, thanking and expressing appreciation for her many, many years of devoted and dedicated service in this regard. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson introduced the following ordinance:

**ORDINANCE NO.**

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 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 ON CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Erickson explained that it was never the intention of the Police Committee not to follow through on the noise problem, thoroughly discussed at previous Council sessions. He said, through the cooperative efforts of the Police Chief and the City Attorney, this ordinance had been prepared for Council consideration and that, in the opinion of these men, it is an ordinance that can be lived with and is enforceable. Erickson continued by saying that it is a product of the existing ordinance, the State Statute and the Pocatello ordinance. He said it is so worded that the decibel provision will automatically change, as if and when the State lowers its permissible decibel level. The City Attorney commented to the effect that his department did not want to see a noise ordinance in conflict with State Statute. He said this might create a motorist trap, or be so construed by those motorists traveling from one City to another throughout the State. Police Chief Pollock asked about emergency vehicles. Mr. Smith explained that these would be considered necessary noises, not unnecessary noises, in the eyes of the law. Councilman Erickson noted that this ordinance should receive ample publicity before being passed into law. Therefore, it was moved by Councilman Erickson, seconded by Wood, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 5; No, none; carried.

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City Attorney Smith acknowledged that he had been directed to prepare a lease renewal between the City and the Skyline Gun Club. However, he drew attention to a paragraph in the old lease which provided for automatic renewal until December 20<sup>th</sup>, 1972, that annual rental had been paid in advance till that date and had been received and accepted by the City. Therefore, the City Attorney advised that it would not now be in order to demand a new lease with more stringent rules and regulations. However, Mr. Smith continued, after having recently conferred with the gun club officials he said he felt they would be reasonable if the City were to invoke certain changes in said rules and regulations, such as hours of shooting. Therefore, it was moved by Councilman Freeman, seconded by Erickson, that a meeting be scheduled between the City Council and the Gun Club officials to discuss and consider certain revised rules and regulations as a means of satisfying the near-by neighbors and otherwise resolving recent problems which have arisen. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson reported on certain meetings held on the parking meter issue. He said one meeting had been held with representatives from the merchants' group which prompted another meeting with the various downtown organized groups such as Off Street Parking, Downtown Improvement, etc. Erickson said there must be common communication with broad exchange of ideas before a decision is reached. Erickson said several basic questions were submitted to the various groups at the last meeting and another meeting will soon be called with specific recommendations for Council consideration.

It was moved by Councilman Nelson, seconded by Parish, that the City Attorney be directed to prepare a resolution authorizing the City Clerk to advertise for construction bids on L.I.D. # 44. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Nelson, that the meeting adjourn at 9:30 P.M., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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