

JULY 27, 1971

The City Council of the City of Idaho Falls met in a recessed regular meeting, Tuesday, July 27, 1971, at 7:30 p.m. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting, Mayor S. Eddie Pedersen, Councilmen Gordon Nelson, Paul Hovey, Dale Parish, Jim Freeman, and Melvin Erickson. Absent: Councilman Jack Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Robert Pollock, Police Chief; Steve Harrison, Electrical Engineer; Ernie Craner, Parks and Recreation Director.

Minutes of the last recessed regular meeting held July 8th, 1971, and a special meeting held July 13th, 1971 were read and approved.

Mr. Carl Hocevar, 2340 Richards Avenue, appeared before the Council to discuss, further, the local noise problem and to urge Council action by passage of an anti-noise ordinance. Several other citizens were present in the Council Chambers in support of Mr. Hocevar:

Mr. Hocevar presented this proposed ordinance, taken from the one presently in effect in Boulder, Colorado:

Sec. _____ Noise Ordinance

(a) The making and creating of an excessive or unusually loud noise within the City of Idaho Falls as heard without measurement or heard and measured in the manner prescribed in subsection (c) (3) and (4), is hereby declared to be unlawful; except when made under and in compliance with a permit issued pursuant to subsection (e).

(b) No person shall operate any type of vehicle, machine, device or carry on any other activity in such a manner as would be a violation of subsection (a).

(c) For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this article, the following test measurement and requirements may be applied; provided, however, a violation of this ordinance may occur without the following measurements being made;

(1) The noise shall be measured within the City of Idaho Falls, a distance of at least 25 feet from a noise source located within the public right-of-way and if the noise source is located on private property or public property other than the public right-of-way, at least 25 feet from the property line of the property on which the noise source is located.

(2) The noise shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighting scale.

(3) A noise measured or registered as provided above from any source other than as provided in subsection (c) (4), more than 80 decibels on the "A" weighting scale in intensity shall be and is hereby declared to be excessive and unusually loud and is unlawful.

(4) A noise measured or registered as provided above from a vehicle operated within the City with a manufacturer's gross weight rating of 10,000 pounds and above, more than 88 decibels on the "A" weighting scale in intensity shall be and is hereby declared to be excessive and unusually loud and is unlawful.

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(d) Any person, partnership, association, or corporation violating the provisions of this section shall be fined not more than \$300.00 and court costs; provided however, that each offense or violation of this section shall be deemed a separate and distinct offense.

(e) Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the City Council or its duly authorized representative. Any permit granted by the City Council hereunder shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Council, or its duly authorized representative, may grant the relief as applied for if it finds:

(1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or,

(2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with subsection (a); and,

(3) That no other reasonable alternative is available to the applicant; and,

(4) The City Council may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(f) The requirements, prohibitions, and terms of this ordinance shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, nor shall they apply to trains operating within the City, nor shall they apply to airplanes operating from the City airport.

(g) The agency charged with enforcing this ordinance shall be the City Police Department unless another agency is specified by the City Council within 30 days of enactment of this ordinance.

(h) Any person may file an informal complaint, either written or oral, providing that the plaintiff shall give his name and address, the nature of the complaint, and any pertinent information such as but not restricted to the name and address of the offender, the type of vehicle involved, and the vehicle license number.

(i) The City Police Department or other enforcement agency as specified in subsection (g) shall have the authority to require that, upon receipt of a complaint as provided for in subsection (h) or upon initiation by the enforcement agency, the operators of the loud equipment identified in subsection (h) or by the enforcement agency, shall operate the equipment according to a standard test procedure to determine whether the noise level of said equipment is in violation of this ordinance.

Hocevar registered concern about the excessive noise being emitted from many different types of vehicles on the grounds that it constitutes a health hazard, especially to cardiac victims. He said a local attorney has expressed an opinion that the existing ordinance is not enforceable. He said that

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the City of Boulder could not have progressed as satisfactorily as they have without their ordinance as above indicated. Hocevar explained that, in Boulder, complaints can be oral and these are investigated by the Noise Control Officer. He said that such appliances as lawn mowers are not given primary attention except the most glaring instances.

Councilman Erickson reported that the Police Committee and the Police Chief had spent a great deal of time giving this problem thorough study. He said the department had experimented with various noise metering devices, working with a member of the State Police Department and Mr. Hocevar. Erickson continued to saying that, several violators had recently been issued citations under the present ordinance. Erickson registered concern about the effectiveness of an ordinance comparable to the one above, as suggested for this City, intimating that it might be too sophisticated at this time. He said the State has passed anti-noise legislation with inadequate tools for enforcement.

At the invitation of Councilman Erickson, Police Chief Pollock reported on his telephone conversation with Mr. Thomas A. Martin, Noise Control Officer of Boulder. It was learned that, even though some citations have been issued in that City, the primary objective is one of education, working with civic groups, owners, dealers and operators of garages, service stations, repair shops, sales outlets, etc. Warning tickets are also issued and those so warned are told and given time to get mechanical deficiencies corrected. Pollock continued by saying that it cost the City of Boulder \$6,000.00 for equipment and \$14,600.00 was budgeted this year for administering the program.

Erickson noted that if the above ordinance were enacted, it would be necessary to allow for certain variances such as railroad trains, emergency vehicles, airplanes and possibly other isolated instances. Hocevar said he believed the City could get cooperation from the railroad if such an ordinance was passed. Councilman Hovey registered an opinion to the effect that, if all needed variances were honored, it would defeat the purpose of the ordinance. He said noise and reaction to noise varies with people. For illustration, he said that personally, a hi-fi unit is more aggravating than a motor bike.

Asked for an opinion, City Attorney Smith commented to the effect that the proposed ordinance, as presented, seemed to be in order. He said the State Code is not nearly so comprehensive. Hocevar reappeared to say that the State limits are too high to be of any value. He said that motor bikes can be muffled down to meet the test as prescribed in the proposed ordinance. The Mayor noted that passage of any ordinance, whether it be pertaining to noise, speed, drugs or other regulatory matter, is in itself, worthless without proper policing enforcement.

Mrs. Ann Voilleque, representing the American Association of University Women, appeared and presented this written statement:

American Association
of University Women
Idaho Division
July 27, 1971

The Idaho Division of American Association of University Women has, for quite some time, been deeply concerned over the future quality of life that Idaho will offer its citizens. Idaho Falls has been a forerunner in attacking vigorously the problems of water and air pollution, in both the public and private sectors of the City.

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The AAUW respectfully recommends that the Idaho Falls City Council seriously consider the adoption of strong local noise abatement ordinances that specifically designate local enforcement. In so doing, the City of Idaho Falls would be actively demonstrating its concern for the betterment of the physical and social environment of all its citizens.

Mrs. Paul G. Voilleque
Idaho Division Chairman
for Environmental Action,
AAUW

She said her group was volunteering their services to assist in any possible way.

Mr. Lester Beck, 420 East 16th, appeared and suggested that the dealer who sells the noise vehicle may be guilty, in part, and perhaps should be cited. He also suggested that the parents of the person operating the noisy vehicle are guilty in part.

Mr. Ross Marsden, 1727 Grandview, appeared before the Council. He recognized that a program of this nature is difficult to initiate and to administer but registered hope that this would not thwart continuing effort for its eventual success.

Mr. H. F. Rhodes, 705 First Street, appeared to ask if the proposed ordinance was directed only at moving vehicles or would it also be applicable to sustained noises which are more annoying to many people. It was learned that the proposed ordinance applied to both. The Mayor noted that this posed a problem, especially pertaining to collector streets where sustained noise resulted from many vehicles in motion at one time.

Other citizens appearing briefly to site illustrations of noise that should be corrected or to otherwise support Mr. Hocevar were: Messrs. Everett Gruen, 800 Jefferson Avenue, Joe Feeley, 1510 Bower, Don Slaughterbeck, 831 Maplewood Drive, Dick Farman, 2475 South Higbee, Jim McFadden, 2255 Baltic, Kent Richert, 715 Terrace.

Councilman Parish commented to the effect that, in his opinion, the City has had for many years and will continue to have a noise problem and that the existing ordinance is not completely effective. He said he felt an educational program would be of value.

Councilman Nelson inquired as to cost of equipment acquisition. Police Chief Pollock said that complete equipment would cost \$2,205.00 but that Coeur D'Alene had acquired less elaborate equipment for a little over \$500.00 with marginal success. Pollock explained that noise annoying to the ear cannot be properly detected in a closed car. The only effective way is to have check points with the equipment set up similar to radar and that this would take a minimum of two men for proper operation. Hocevar countered this argument by referring to Section H of the proposed ordinance providing for informal complaints, written or oral. He said this would be easier to enforce as citizens hesitate to resort to anything as laborious as a formal complaint. Erickson noted that under this arrangement it would be necessary, in many instances, to bring the vehicle in for testing and asked if this would be legally permissible. City Attorney Smith said that would be subject to a test decision by the Supreme Court. Councilman Freeman noted the problem would be accentuated by the marginal vehicle that might conform under a test but could be operated in such a manner as to be in violation. Councilman Hovey registered an opinion that ownership of a defective vehicle, in itself, is not a crime. It must be in operation to be in violation. He said he could not conceive of an officer making an arrest of an owner of a stationary vehicle. He said that in his opinion, the proposed ordinance is not an instrument of conviction. Hovey then asked, for purposes of illustration, about a man who revs up his diesel truck every winter morning. Hocevar said that, under the proposed ordinance, he would be cited on the grounds that he does not need to do this

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within the City. Hovey then registered an opinion to the effect that the existing ordinance, if enforced, should suffice. He said it would never be possible to arrest all violators without placing an officer on every block which is, obviously impossible.

Mr. Gruen reappeared to ask, if the ordinance was passed, could it be repealed and was answered in the affirmative. Mr. Gruen said he thought this was worthy of consideration, if only on an experimental basis. Erickson said the Police Committee feels that great improvement can be made under the existing ordinance by an educational program. He asked for time to accomplish this. Hocevar asked Erickson if he felt the proposed ordinance would be less effective than the existing one. Erickson said it was only a matter of opinion that the proposed ordinance would be a better one, taking all circumstances into consideration including cost, man power and over all effectiveness. Erickson continued by saying that the Police Committee and the Police Chief do recognize the problem and it is fully intended that an educational program of correction be launched, but that, in the interim period, especially until it is determined how the State intends to administer and enforce its own law, he asked for more time to find ways and means of coping with the problem.

Erickson therefore moved that, in view of all circumstances, Mr. Hocevar's proposal for passage of his anti-noise ordinance, originally requested on February 25th, 1971, be denied. This motion was seconded by Councilman Freeman.

Directing his question to the City Attorney, Councilman Parish asked if all excessive or annoying noise within the City could be controlled under the existing ordinance. Mr. Smith said not entirely, in his opinion. He said that, similar to the State Law, the local ordinance is not completely spelled out and the charge or complaint would have to be one of disturbing the peace which would require total support from citizens to be effective. Councilman Nelson then asked the City Attorney if, under the existing ordinance, one of the lesser expensive noise metering devices could be utilized on an experimental basis and was answered in the affirmative. Nelson said that, in his opinion, this would tend to discourage excessive or annoying noise and, to that extent, might prove effective. Nelson continued by saying he disliked seeing the door completely closed on the Hocevar proposal without some real attempt being made along this line, even if citations were limited to warning tickets. Councilman Freeman suggested that, temporarily, until the first of the year, this matter be tabled and that, meanwhile, the Police Department be directed to continue with enforcement under the existing ordinance and the educational program be initiated.

Councilman Hovey asked how out-of-town residents could be handled. Mr. Gruen reappeared briefly to suggest that all entrances to the City be posted. Councilman Erickson advised that even if his motion were past, his committee would pledge themselves to continue their study toward a satisfactory solution. However, in light of the views as registered by other Councilmen, Erickson rescinded his original motion. Councilman Freeman proceeded to rescind his second to said motion. It was then moved by Councilman Erickson, seconded by Freeman, that the ordinance as proposed and introduced by Mr. Hocevar not be adopted at this time but, meanwhile, the State Law be studied as to its effectiveness with the understanding that the Hocevar ordinance be again subject to review at a later date. Roll call as follows: Ayes, 4; No, one; carried. Councilman Parish voting no.

Asked by Councilman Erickson if he felt he has received good cooperation from the Police Committee and Police Chief to date, Mr. Hocevar said there appeared little enthusiasm, particularly from the standpoint of the health aspect.

Mr. Rettig, 1574 Lola, appeared briefly, asking if the City intended to enforce the State Law and, if so, how would noise be measured without a metering device and was answered to the effect that the problem would be handled in the most practical manner.

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License applications for VENDOR, Dora Johnson for home grown corn, door to door; GROCERY STORE, LaRue Johnson for Johnson's Fruit Market; CONCESSION, Dean J. Pettingill for Dean's Prairie Dogs, Buttrey's parking lot on 1st Street and Kings parking lot on 17th Street; RESTAURANT, Clifford Kirkendall for Bowel-ero; DAIRY, Edith Mae Pugmire for Eastern Idaho Dairy; ELECTRICAL CONTRACTOR, L.M. Houston for H&K Electric; JOURNEYMAN ELECTRICIAN, Ray Kawitz, L.M. Houston, Arverd J. Hall, S. Clint Sheppard; APPRENTICE ELECTRICIAN, Richard Gary Graham with Al Brown Electric, Willis H. Yost with Priest Electric; PHOTOGRAPHER, S. Darrell Reeder for D & M Photo Service; NON-COMMERCIAL KENNEL, Honora Bitzer, at 312 E. 18th Street; ROOMING HOUSE, Dorothy Drake for Gem Rooms; DANCE HALL, J.W. Bank for Hub Bar; PRIVATE PATROL SERVICE, A.L. Undel Ames with Williams Agency; TAXI CAB OPERATOR, DeWayne Burke with Yellow Cab; BARTENDER, Steven L. Hathaway, also John Biebl, Alice Brammer, Charles Seeley, were presented. It was moved by Councilman Erickson, seconded by Nelson, 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.

This damage claim was presented:

CLAIM FOR DAMAGES

TO: City Clerk
City of Idaho Falls
308 C Street
Idaho Falls, Idaho

MILDRED FRECKELTON hereby makes claim for damages against the CITY OF IDAHO FALLS, pursuant to the Idaho Tort Claims Act, and in support thereof respectfully alleges:

1. Claimant is now, and for more than six months prior to May 13, 1971, was, a resident of Ririe, Jefferson County, Idaho.
2. On May 13, 1971, claimant, Mildred Freckelton, a widow, was lawfully upon certain premises on the City of Idaho Falls, mainly the log concession building at Tautphaus Park.
3. At said time and place claimant was a school teacher, and with seven other teachers, two parents, and two bus drivers, was accompanying a group of school children on a field trip to Tautphaus Park.
4. On said date, commencing at about 10:15 A.M., and at said place, claimant was a business invitee upon the premises of the City of Idaho Falls, and at the request of Mrs. Leo Larsen, then lawfully in possession of the premises, and with Mrs. D.C. Tyler, was assisting and selling tickets, for rides for the children.
5. At said time and place, through the negligence of the City of Idaho Falls, and others, a certain hallway in said building was unlighted, and with an open unlighted stairway to the basement.
6. Claimant is informed and believes that Western Amusement Co. and Leo Larsen had a contractual relationship with the City of Idaho Falls as to operating the amusement park and concession stands at Tautphaus Park.
7. At said time and place, and due to the said negligence of the City of Idaho Falls, and others, claimant Mildred Freckelton, while walking from the back door to

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- reach a ringing telephone, and without fault upon her part, mistook the dark open stairway for the dark hallway which she desired to enter, fell down the unlighted stairway on said premises, and suffered severe personal injuries as a result.
8. Claimant Mildred Freckelton, as a result, sustained a severely open-fractured right ankle; bruised and injured left leg, ankle and foot; head injury; and other personal injuries.
 9. Claimant was taken to the Idaho Falls, L.D.S. Hospital by Mrs. June Adams. Claimant was examined and given emergency treatment by Kim O. Johnson, M.D. and was treated by T.W. McCowin, M.D. As a result, she has incurred, and will continue to incur, medical therapy, hospital, drug and related expenses.
 10. As a result she has lost time from work, and will continue to lose time from work; she has sustained and will sustain interference with her enjoyment of life and normal living; she has suffered severe pain and suffering, and will continue to sustain pain and suffering in the future; she is now disabled, and will continue to be disabled as a result of the injuries, and may sustain permanent disability; the full extent and duration of the adverse results of the injuries are not known at the time of filing this claim, because the healing process is not complete.
 11. Claimant has stated herein the names of all persons, now known, involved in the incident.

WHEREFORE claimant, Mildred Freckelton, respectfully requests that the City of Idaho Falls, allow this claim; that pursuant hereto claimant submit her medical, hospital, drug, therapy, and related bills incurred during the healing process; that she submit, when and if she becomes surgically healed, details as to her lost time from work; and that she further submit details as to the pain and suffering she has suffered and will continue to suffer, the loss of enjoyment of life, interference with normal living, and the disability she suffers and will continue to suffer as a result of the injuries; claimant is unable at this time to specify the exact amount of damages claimed, but makes claim for her probable damages in the sum of \$250,000.00.

Dated this 14th day of July, 1971.

s/ Mildred Freckleton
s/ Gordan S. Thatcher
Attorney

It was moved by Councilman Freeman, seconded by Parish, that this be referred to the City Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 5; No, none; carried.

City redemption tax deeds in favor of Ronald G. Rose and Garfield Apartments, Inc. were presented, accompanied by these resolutions:

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RESOLUTION (Resolution No. 1971-23)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 21st day of May, 1970, recorded as Instrument No. 408008, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 37 and 38, Block 57, Highland Park Addition, to the City of Idaho Falls, Idaho, as per recorded plat thereof.

WHEREAS, RONALD G. ROSE 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 herevy are, authorized and directed upon the payment of said sum of money by said purchaser to make, execute and deliver to the said RONALD G. ROSE a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 28th day of July, 1971.

APPROVED BY THE MAYOR this 28th day of July, 1971.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

RESOLUTION (Resolution No. 1971-24)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and be deed of the City Treasurer dated the 17th day of April, 1969, recorded as Instrument No. 395725, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Beginning at a point that is East 720 feet and North 381 feet for, the Southeast Corner of Block 16, Capitol Hill Addition to the City of Idaho Falls, running thence North 591 feet; thence East 132 feet; thence South 591 feet; thence West 132 feet to the point of beginning.

WHEREAS, GARFIELD APARTMENTS, INC, A CORPORATION, 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;

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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 GARFIELD APARTMENTS, INC. A CORPORATION, a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 27th day of July, 1971.

APPROVED BY THE MAYOR this 27th day of July, 1971.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

It was moved by Councilman Nelson, seconded by Hovey, that these resolutions be passed and the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 5; No, none; carried.

From the Purchasing Department, came this memo:

City of Idaho Falls
July 20, 1971

SUPERVISORY EQUIPMENT

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bid the following:

1. Approximately \$15,000 substation steel bus work, etc. for Sugar Mill 12.5 KV sub.
2. Approximately \$15,000 of system supervisory for Anderson Street Sub.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Nelson, that authorization be granted to advertise for bids for the electrical material as indicated. Roll call as follows: Ayes, 5, No, none; carried.

This memo from the City Planner was presented, introducing an ordinance annexing property owned by Bonneville Fire Protection District #1:

City of Idaho Falls
July 26, 1971

MEMORANDUM

JULY 27, 1971

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: FINAL PLAT, ANNEXATION AND INITIAL ZONING – BONNEVILLE COUNTY
FIRE PROTECTION DISTRICT NO. 1

At their regular meeting of July 20, 1971, the Planning Commission recommended approval of the final plat, annexation and initial zoning of R-1 of the above described property. Attached are copies of the annexation and initial zoning of R-1 of the above described property. Attached are copies of the annexation ordinance, the annexation agreement and the final plat.

The Planning Commission recommended initial zoning of R-1 due to the fact that if a fire station or related facility is to be built on this property a Conditional Use Permit, granted by the City Council, is necessary prior to the issuance of a building permit. For this reason they felt that the initial zoning is not particularly important as long as it remains a residential classification.

s/ Rod Gilchrist

ORDINANCE NO. 1303

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (Carmel Drive to Skyline Drive)

The foregoing Ordinance was presented in title. It was moved by Councilman Parish, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS SUBJECT TO RECEIPT OF A PROPERLY SIGNED ANNEXATION AGREEMENT?" Roll call as follows: Ayes, 5; No, none carried.

It was moved by Councilman Parish, seconded by Erickson, that the above annexed property be initially zoned R-1 and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

A second memo was forthcoming from City Planner Gilchrist, introducing an ordinance that would annex the Eastern Idaho Vocational School site and adjacent property, as follows:

City of Idaho Falls
July 26, 1971

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION OF EASTERN IDAHO VOCATIONAL SCHOOL SITE AND
ADJACENT PROPERTY

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Attached are copies of the annexation ordinance relative to the Eastern Idaho Vocational School site and three adjacent ownerships to the north. This property totals approximately 85 acres.

The City Planning Commission has held a hearing relative to annexation and initial zoning of this property and there were no protests voiced. The Planning Commission has held a hearing relative to annexation and initial zoning of this property and there were no protests voiced. The Planning Commission has recommended to the Mayor and City Council annexation of the subject property and zoning of R-1.

s/ Rod

ORDINANCE NO. 1302

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (Annexation of Eastern Idaho Vocational School Site and Adjacent Property)

The foregoing Ordinance was presented in title. It was moved by Councilman Parish, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

It was moved by Councilman Parish, seconded by Erickson, that the above newly annexed property be initially zoned R-1 and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

This petition with 64 signers, all downtown businessmen and/or property owners, was presented and read by the City Clerk:

WE, THE UNDERSIGNED, REQUEST THE IMMEDIATE REMOVAL OF ALL PARKING METERS FROM THE IDAHO FALLS DOWNTOWN AREA:

It was moved by Councilman Erickson, seconded by Nelson, that this matter be referred to the Police Committee and that a meeting with this group's authorized representative be scheduled at an early date to further discuss this proposal. Roll call as follows: Ayes, 5; No, none; carried.

This resolution was presented and read aloud:

R E S O L U T I O N (Resolution No. 1971-25)

WHEREAS: The City of Idaho Falls is applying to HUD for a Water Facilities grant, and

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WHEREAS: As part of the application, HUD requires the submission of a City-wide Capital Improvement Program, and

WHEREAS: The City is in the process of developing a City-wide Capital Improvement Program, but does not now have such a program ready for presentation, and

WHEREAS: HUD is willing to accept for this application the Water Systems Improvement Project (attached hereto) as the minimum requirement for a Capital Improvement Program.

NOW THEREFORE: Be it resolved that the City will:

1. Continue on an active basis to develop, adopt and operate a City-wide Capital Improvement Program.

2. Adopt the Water System Improvement Project as the Water Department's portion of a City-wide Capital Improvement Program.

PASSED BY THE COUNCIL this 27th day of July, 1971.

APPROVED BY THE MAYOR this 27th day of July, 1971.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

WATER SYSTEM IMPROVEMENTS

<u>1971</u>	<u>COST</u>	<u>LOCAL SHARE</u>	<u>FEDERAL PARTICIPATION</u>
1. Drill Well No. 12	24,000		
2. 17 th St. to Vo-Tech School	16,000		
3. Improvement Well No. 3	60,000		
4. Main from Well No. 9 & 10, North	42,000		
5. Connections to Rollandet Main	10,000		
6. Yellowstone Main Connection	7,000		
7. Higham St., Fremont to Canyon	7,000		
Total	\$166,000	\$93,850	\$72,150
 <u>1972</u>			
1. Construct Pumphouse & Pump	297,000		
2. Lewisville Main 2600 LF 16"	44,200		
3. Lewisville Main 900 LF 20"	18,000		
Total	\$359,200	\$203,000	\$156,200

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1973

1. 10 th St. Main, Holmes to Division	54,000
2. Well No. 8 Improvements	85,800
3. Well No. 9 & 10 Improvements	5,000
4. 1 st St., Holmes to Wabash	20,800
5. 10 th St., Division to Well No. 8	52,000
6. Lovejoy Main, Elva to Irving	38,400

Total	\$256,000	\$144,600	\$111,400
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1974

1. All Priority No. 3 Supply Mains	135,900
2. Telemetering System	85,000
3. Priority No. 4 Supply Mains, Less Nos. 1 & 3	112,250

Total	\$333,150	\$188,400	\$144,750
Grand Total	\$1,114,350	\$629,850	\$484,500

It was moved by Councilman Nelson, seconded by Parish, that this resolution be adopted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the Police Chief, acting in the capacity of chairman of the Traffic Safety Committee, this memo was submitted:

City of Idaho Falls
July 15, 1971

TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: City Traffic Safety Committee
SUBJECT: SCHOOL CROSSING – 12TH AND WOODRUFF

In response to your referral to this Committee at the Council meeting of 8 July 1971, the following is submitted:

1. Statement of Presentation by Mrs. Harris, 1363 Nixon, President of Theresa Bunker PTA.
2. Nine pages of Petition containing approximately 171 names.

In support of the presentation by Mrs. Harris and the petition delivered by Mr. Pete Russell, Health and Safety Representative for Theresa Bunker PTA, there was ten other citizens in attendance requesting a traffic light be installed at Woodruff and 12th Street. After discussion a raise of hands was asked of the twelve – if they would be satisfied with an adult crossing guard? – eleven (11) so indicated.

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It is the recommendation of this committee that a crossing guard be scheduled to work Woodruff at 12th Street during school days to assist the children in crossing Woodruff going to and returning from school. Further, that efforts be made to reduce the sight obstructions to the southwest of the intersection.

Respectfully submitted,
s/ Robert D. Pollock
Chairman, Traffic Safety
Committee

It was moved by Councilman Erickson, seconded by Freeman, that this recommendation be approved and a crossing guard be employed at the location and during the time as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson drew attention to the need for a no parking zone on the south side of Birch Street west of South Boulevard. Police Chief Pollock appeared to explain that any car parked in this area prevents two lanes of traffic approaching Boulevard, this backing traffic, at certain times, back to the D Street underpass. Erickson, reported, further, that Mr. Reno Marcon, owner of the professional building on the corner, has no objection. It was moved by Councilman Erickson, seconded by Freeman, that a no parking zone for a distance of 73 feet along the south side of Birch Street from Boulevard be approved. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Jerry Cotterell, East River Road, appeared late in the Council session, coming direct from his home which is located within the near vicinity of the gun club. Mr. Cotterell registered a complaint about the shooting taking place at the gun club when he otherwise would like to sleep. Councilman Freeman drew attention to certain provisions in the renewed lease agreement which can be found on page 629, Book 14, of the official City minutes. Freeman drew specific attention to the provisions relating to hours of shooting. He explained that said renewed lease agreement will be ready for presentation to the Council as soon as it can be prepared by the City Attorney after which this problem will be corrected.

It was moved by Councilman Nelson, seconded by Parish, that the City Attorney be authorized and directed to finalize the acquisition of land from the J.& W. Development Co., at the previously agreed price, said land to be used for Utah Avenue extended. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman drew attention to an existing joint agreement between the City and Bonneville Fire District #1 which provides for only thirty day notice in the event the City should need space at Fire Station #3 now used by men and equipment of that district. Freeman noted that certain informal action on this matter had been recently taken by the Council. Therefore, it was moved by Councilman Freeman, seconded by Hovey, that said informal Council action be officially ratified; namely that the City Attorney be directed to prepare an amendment to said agreement to provide for one year instead of 30 days in the event the City deemed vacating necessary. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Hovey, that the meeting adjourn at 10:15 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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