

FEBRUARY 11, 1971

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting on Thursday the 11th day of February, 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 Mel Erickson. Absent: Councilman Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Pete Ahlstrom, Librarian; Don Lloyd, Public Works Director; Jim Collins, Personnel Director; Steve Harrison, Electrical Engineer.

Minutes of the last Regular Meeting, held January 21st, 1971, were read and approved.

The Mayor noted a group of citizens in the Council Chambers and asked their spokesman, Mr. Carl Studer, if they had something to present to the Council. Mr. Studer said the group was known as People for Progress and had organized for the purpose of progressive action toward bettering the economic and ecological environment of the community. Mr. Studer said they were attending a Council Meeting to learn of the workings of City Government. The Mayor thanked the group for their attendance and their interest.

The Mayor announced that this was the time and the place, as advertised, for conducting a public hearing to consider a rezoning petition of Mr. Gary Sayer. His petition asked that a parcel of property located at 896 Cleveland be rezoned from R-1 to R-2 to permit construction of a duplex. The petition was accompanied by signatures of all near-by residents, registering their assent. The Planning Commission had recommended approval. Councilman Parish said he was acquainted with the area and that it was now surrounded by R-2 zoning. There were no protests. It was moved by Councilman Parish, seconded by Nelson, that the rezoning request be granted and the Building Official be directed to incorporate said rezoning on the official zoning map located in his office. Roll call as follows: Ayes, 5; No, none; carried.

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

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$129,821.71	\$46,475.98	\$176,297.69
Fire Bonds	46,678.02	5,108.31	51,786.33
Water and Sewer	10,115.30	27,555.27	37,670.57
Electric Light Fund	38,353.84	24,199.49	62,553.33
Recreation Fund	2,466.08	583.78	3,049.86
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
TOTAL	\$230,578.35	\$103,922.83	\$334,501.18

It was moved by Councilman Parish, seconded by Freeman, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 5; No, none; carried.

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

License applications for GROCERY STORE, Dee C. Benham for D. C. Natural Foods; RESTAURANT, Frank D. Warr and Harding Tuescher for 19th Hole Café, A. Ivan Burden for B & B Drug, Robert Schwarze for Valley Vending, Inc., Sam D. Wong for Wong & Yee's Fine Foods at Bonneville Hotel Restaurant; DAIRY, Ivan Miller for Upper Snake River Dairymen's Association; ELECTRICAL CONTRACTOR, Christensen Electric; JOURNEYMAN ELECTRICIAN, Gary Prestwich, W. J. McCurdy, Clinton Duncan, J. Russell Norton, Earl C. Hammond, Del E. Wilkins; APPRENTICE ELECTRICIAN, Ted Jensen, Grant McBride, Mike Stapleman, Ned Anderson, Lyle Seivers; MASTER PLUMBER, Scott Bair Plumbing & Heating, First Street Plumbing & Heating, American Plumbing & Heating; JOURNEYMAN PLUMBERS, Dallas D. Pope, Roger Sanderson; CLASS A CONTRACTOR, American Plumbing & Heating; CLASS B CONTRACTOR, First Street Plumbing & Heating; CLASS C CONTRACTOR, Nugent Metal Works; CLASS D CONTRACTOR, Baker-Fonnesbeck, Paul Ostler; CLASS C JOURNEYMAN, Tom A. Hall, Jack Hall, Dave R. Harman, Dallas D. Pope, Roger Sanderson, C. M. Mays; CLASS D JOURNEYMAN, Paul Ostler, Vaughn Johnson, William Johnson; APPRENTICE CLASS D, Daryl W. Hovine, Brent Bolinder; SECOND HAND STORE, C. A. McGentry for Trading Post; PHOTOGRAPHY, Rebecca C. Metcalf, Diane Sielinsky; ROOMING HOUSE, Thelma Kissell; BARTENDER, Chester Winder, Andy Kronholman, R. L. Bell; BEER, (Canned, and bottled, to be consumed on the premises), 19th Hole Café; PRIVATE PATROLMAN, Louis R Gustin; LIQUOR, Elks Lodge #1087, were presented. It was moved by Councilman Erickson, seconded by Freeman, 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 memo from the Purchasing Department was submitted:

City of Idaho Falls
February 10, 1971

3—KVA Phase Pad Mounted Transformer

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bid one 300 KVA Phase Pad Mounted Transformer. Transformer to be installed for new stadium at Idaho Falls High School. Delivery on or before August 15, 1971.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

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It was moved by Councilman Hovey, seconded by Nelson, that approval be granted to advertise for bids on the transformer as described. Roll call as follows: Ayes, 6; No, none; carried.

From the Personnel Director this memo was forthcoming:

City of Idaho Falls
January 29, 1971

TO: Mayor and City Council
FROM: Jim Collins, Personnel Director
SUBJECT: REQUEST FOR CHANGE FOR OBSERVANCE OF THREE HOLIDAYS

In accordance with the Federal and State Laws passed, we would like approval to observe the following three holidays on the dates indicated. This would be Washington's Birthday from February 22nd to the third Monday in February, the 15th; Memorial Day from May 30th to the last Monday in May, the 31st; Veterans Day from November 11th to the fourth Monday in October, the 25th.

A poll of the employees indicate they would prefer to retain the floating holiday rather than use it for the observances of Columbus Day, which this year for the first time is a Federal and State Holiday.

All remaining holidays will be observed as usual.

s/ Jim Collins
Personnel Director

It was moved by Councilman Freeman, seconded by Parish, that the holidays as indicated be changed in accordance with the foregoing memo and the Personnel Policy be amended accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Hovey drew attention to the fact that the Council, at a recent informal meeting, had approved an amendment to the BPA contract which served to recognize the deletion of the capability credit for the Upper Power Plant, effective January 1, 1971. It was moved by Councilman Hovey, seconded by Nelson, that this action be ratified and the Mayor be authorized to sign the amended exhibit. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to Page 527 in this Book of Minutes and, more specifically, the title of the revised sewer ordinance, passed on its first reading at that time by the Council. The City Clerk reintroduced said ordinance for further Council consideration, as follows:

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ORDINANCE NO. 1284

AN ORDINANCE REGULATING AND LIMITING THE NATURE AND COMPOSITION OF SEWAGE WHICH MAY BE DISCHARGED INTO A PUBLIC SEWER; FIXING A SCHEDULE OF RATES AND CHARGES FOR SEWERAGE SERVICES AND WASTEWATER TREATMENT SERVICES OF THE CITY OF IDAHO FALLS, IDAHO, AND ESTABLISHING METHODS AND FORMULAE FOR COMPUTATION OF SUCH CHARGES; DEFINING TERMS USED IN THE ORDINANCE; REQUIRING THAT ALL SANITARY SEWAGE, INDUSTRIAL WASTES, OR OTHER POLLUTED WATERS, DISCHARGING WITHIN THE JURISDICTION OF THE CITY BE DISCHARGED INTO THE WASTEWATER TREATMENT SYSTEM OF THE CITY; FORBIDDING THE DISCHARGE INTO THE WASTEWATER TREATMENT SYSTEM OF STORM WATER, GROUND WATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNPOLLUTED WATER, OR CERTAIN PARTICULARLY DESCRIBED POLLUTED WASTEWATER OR MATERIALS; REQUIRING APPROVAL BY THE APPROVING AUTHORITY BEFORE CERTAIN DESCRIBED WASTEWATER OR WASTES MAY BE DISCHARGED INTO A PUBLIC SEWER; AND REQUIRING PRETREATMENT OF CERTAIN WASTEWATERS AND WASTES; COMPELLING EVERY OWNER OR OCCUPANT OF PREMISES WITHIN THE CITY TO CONNECT SAID PREMISES TO A PUBLIC SEWER IF THE PREMISES BE WITHIN 200 FEET THEREOF; FIXING PLUMBING AND SEWER CONNECTION FEES; REQUIRING THE OWNER OF PREMISES CONNECTED TO A SIDE OF PRIVATE SEWER TO KEEP THE SAME IN REPAIR AND REQUIRING A PERMIT THEREFORE; MAKING IT UNLAWFUL TO WORK ON OR ALTER, OR CONNECT TO ANY PUBLIC SEWER WITHOUT FIRST OBTAINING A PERMIT THEREFORE; AUTHORIZING THE APPROVING AUTHORITY THE RIGHT TO ENTER ANY PREMISES WITHIN THE CITY FOR THE PURPOSE OF INSPECTION TO ASCERTAIN WHETHER THIS ORDINANCE IS BEING COMPLIED WITH; MAKING IT UNLAWFUL TO INJURE, BREAK OR TAMPER WITH ANY PART OF THE WASTEWATER TREATMENT SYSTEM; REQUIRING CONSTRUCTION AND MAINTENANCE BY INDUSTRIAL PATRONS OF FACILITIES FOR TESTING THE COMPOSITION OF WASTES DISCHARGING INTO THE WASTEWATER TREATMENT SYSTEM; AND PROVIDING FOR THE TESTING AND MEASUREMENT OF SUCH WASTES; PROVIDING THE METHOD OF BILLING FOR USE OF THE WASTEWATER TREATMENT SYSTEM; MAKING IT UNLAWFUL TO VIOLATE ANY PROVISION OF THE ORDINANCE; ESTABLISHING METHODS FOR

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ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Councilman Nelson referred to the last sentence in Section 29 which read: "Commercial users may have the option of using the commercial or industrial rates established herein". Nelson asked why that provision was necessary. Public Works Director Lloyd explained that, normally, the sewage of a commercial user would not contain enough loading strength to warrant or justify a commercial rate, but that the nature of his sewage might change sufficiently to revise said rate at some future date. This decision would be made by the approving authority. Meanwhile, said commercial user would be entitled to the option as indicated. Lloyd continued by saying that there could be isolated instances of a new enterprise established within the City or a heavy user of metered water where this option would be applicable.

Nelson then asked if there would be any advantage in converting to the industrial rate. Lloyd said not normally. Nelson then drew attention to Item I of Section 32 as follows: "Collection and Treatment; Industrial waste charges shall be based only on costs attributable to waste treatment and interceptor sewers carrying industrial wastewater. Operation and maintenance costs and capital costs for other sewers will not be included. In addition, administrative, engineering accounting, billing and other general costs chargeable to other sewers shall not be included." Nelson asked why industrial users would be excluded from other costs as indicated. Lloyd explained that this was so worded upon the recommendation of the consulting Engineer on the grounds that the other costs are not materially affected by industrial waste. In the absence of further question or comment, it was moved by Councilman Nelson, seconded by Parish, that this ordinance be duly passed on it's second and third readings. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk indicated that a representative from the United Transportation Union had requested that the Mayor and City Council go on record as favoring said continuation and the Mayor be authorized to write letters of confirmation of this action to Mr. John Volpe, Secretary, Department of Transportation, Washington D.C. and to all U. S. Representatives and Senators from Idaho. Roll call as follows: Ayes, 5; No, none; carried.

This letter was presented and read by the City Clerk:

I. F. Symphony Society
January 28, 1971

The Honorable Mayor S. Eddie Pedersen
City of Idaho Falls
Box 220
Idaho Falls, Idaho 83401

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Dear Mayor Pedersen:

We are proceeding with the planning for the acoustical demonstration at the Civic Auditorium, as offered in my letter of January 21 and authorized by the City Council that evening. An information meeting is scheduled for Friday, January 29th at 7:00 p.m. in the choir room of the Idaho Falls High School to outline proposed steps for the demonstration and receive suggestions, questions, and discussion of these and to receive offers of assistance in the several areas. It is estimated that it will be the first part of March before preliminary measurements have been made, props constructed, and the demonstration system checked out. We will notify you at that time when we are ready.

One consideration has come to our attention that needs implementation on the part of the City of Idaho Falls. The volunteers who work on this project should be covered by a waiver from the City for any accidental damage that might possibly occur to the auditorium during the course of this work. We are not asking for any insurance coverage for any injury to the individuals; however, we feel that in fairness to such volunteer workers, they should not be held responsible for some accident that we do not anticipate but which might possibly occur. Thus, we would appreciate your cooperation in furnishing such a waiver in writing by the City. It is my understanding that this had been done previously.

Thank you for your cooperation.

Respectfully yours,
s/ Lowell A. Jobe

Councilman Parish reported that he had met with Mr. Jobe's group and the Civic Auditorium Board on January 29th. He said progress is being made and a cost estimate will be forthcoming shortly. It was moved by Councilman Parish, seconded by Freeman, that this be referred to the City Attorney for study, with instructions to prepare and execute a waiver document unless said study revealed some untenable problem requiring additional Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

Noting that Mr. Worth Wright had resigned as a member of the Board of Adjustment because he is leaving the City, the Mayor appointed Mr. Daniel Herborn as his replacement. It was moved by Councilman Freeman, seconded by Erickson, that this appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor then reappointed William McFarland and Pauline Fisk as members of the Parks and Recreation Committee. It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. With regard to the question of creating a local housing authority, the Mayor reported that Reverend Jack Viggers has recommended that such an authority should be County-wide, and in this connection, an F.H.A. representative out of Boise had recently offered to make contact with a regional HUD Director from Portland who would be making contact with the

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Mayor for the purpose of arranging a joint meeting with the County Commissioners and the City Council to lay the ground work for the creation of a local housing authority.

Mr. Pete Ahlstrom, City Librarian, appeared before the Council registering concern because the State Budget for 1971-1972, as proposed by the Governor, omitted a grant that has, in the past, subsidized library operations throughout the State. Mr. Ahlstrom then asked the City Attorney to present the following Resolution:

MEMORIAL RESOLUTION (Resolution No. 1971-02)

RE: STATE AID FOR PUBLIC LIBRARIES

TO THE HONORABLE GOVERNOR OF THE STATE OF IDAHO, THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF IDAHO ASSEMBLED:

WHEREAS: The Idaho Legislature has by the provisions of Title 33, Chapter 27, Idaho Code, declared it to be the policy of the State of Idaho, as part of the provisions for public education, to promote the establishment and development of free library service for all the people of Idaho; and

WHEREAS: Public libraries have been established throughout the State pursuant to said legislation, including a free public library in Idaho Falls, and

WHEREAS: Such libraries cannot develop or maintain adequate services for those they serve without substantial supplemental financial aid from the State of Idaho, as well as from the Federal Government; and

WHEREAS: The State Legislature in 1970 appropriated \$100,000 for direct grants to public libraries, and appropriated \$130,000 additionally in matching funds for Federal Aid to public libraries; and

WHEREAS: The budget proposed by the Governor for 1971-1972 omits the \$100,000 grant entirely, and threatens to leave public libraries in Idaho, including the Idaho Falls library, with wholly inadequate financing;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF IDAHO FALLS on behalf of its public library, and in support of the policy of maintaining free public libraries throughout the State, that we respectfully urge that the Governor and the Legislature of the State of Idaho take appropriate action to restore to the State's budget for grants to public libraries an amount at least equal to that which was appropriated for public libraries for 1970.

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BE IT FURTHER RESOLVED that the City Clerk be, and he is hereby, authorized and directed to mail or deliver copies of this Memorial to the Governor of Idaho, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate's Health, Education and Welfare Committee, the Chairman of the House Education Committee, and to all Legislatures of Bonneville County.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 11th day of February, 1971.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilman Nelson, seconded by Freeman, that this Resolution be adopted and passed, that the Mayor and City Clerk be authorized to sign and that copies be immediately sent to all parties as indicated in the last paragraph of said Resolution. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to Page 500 in the Book of Minutes and, more specifically, Council consideration of the Harman Addition annexation. No action was taken on this matter at that time. Councilman Nelson asked, with general Council concurrence, that this issue be reactivated and that the Building and Zoning Committee bring a recommendation to the Council for consideration.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the Meeting adjourn at 8:40 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
