

SEPTEMBER 24, 1970

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a recessed Regular Meeting on Thursday, the 24th day of September, 1970, 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, Paul Hovey, Melvin Erickson, and Jack Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Les Corcoran, Fire Chief; Robert Pollock, Police Chief; Lorna Coughlin, City Treasurer.

Minutes of the last Recessed Regular Meeting, held September 10th, 1970, were read and approved.

The City Clerk reported that, in the interest of time, a legal notice announcing the public hearing to be held this night had been published without formal Council approval. It was moved by Councilman Wood, seconded by Hovey, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place for conducting a public hearing to acknowledge any person wishing to be heard, relative to the issuance of a conditional use permit to the Upper Valley Telecable Company for the installation and use of a 70 foot, self-supporting receiving tower on lands legally described as Lots 14, 15, and 16, Block 3, Crows Addition. The Mayor noted that this hearing was required pursuant to the provisions of Section 4-26-K of the Comprehensive Zoning Ordinance No. 1115. Representing the Upper Valley Telecable and present in the Council Chambers were Mr. Mel Wright, Manager and Mr. Van Briggs, representing the President, Mr. Robert Bauchman. Councilman Wood noted that there is no height problem in conflict with FAA or airport regulations. There were no protests. It was moved by Councilman Wood, seconded by Hovey, that the conditional use permit in question be granted. Roll call as follows: Ayes, 6; No, none, carried.

License applications for ELECTRICAL CONTRACTOR, Albert A. Castagnola with Caldwell Electric Co., Inc., Clarence Shore with Shore Electric, T. V. James for T. V. James Electric; JOURNEYMAN ELECTRICIAN, Craig M. Ellingford with Loc Electric, David Mori with Bonneville Construction Company; TAXI CAB DRIVERS, John Bettercourt with Yellow Cab Company; BARTENDER, Elmo H. Woolstenhulme, Natalee Sellars, James E. Rehban, Darlene Karlson, Earlene G. Mielcarek, Ervin Smith, were presented. It was moved by Councilman Erickson, seconded by Hovey, 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.

Councilman Nelson reported that all protests to the LID #40 Assessment Roll had been studied by the Public Works Committee and the Engineering Department. He said the greatest majority represented hardship cases, although some errors had been discovered and corrected. Nelson noted that, due to an additional Federal Grant in the amount of \$79,000, cost per square foot had been lowered from \$3.41 to \$2.73 per square foot and all assessments had been revised and lowered 20%.

Then Councilman Nelson introduced the following Resolution in writing and moved its adoption:

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RESOLUTION (Resolution No. 1970-21)

“WHEREAS, the City Engineer and Committee on Streets have heretofore made out and certified to the City Council as provided by law an Assessment Roll of Local Improvement District No. 40, and

WHEREAS, on August 6, 1970, the City Council fixed the time and place when and where objections to said Assessment Roll by the property owners would be heard, to-wit: Thursday, September 10, 1970, at 7:30 P.M. of said day at the Council Chambers in the City Building at Idaho Falls, Idaho, and

WHEREAS, notice was duly and regularly given as provided by law, by the Clerk of the time to file objections to said Assessment Roll; and

WHEREAS, several objections were filed or made to said Assessment Roll; and

WHEREAS, the City Council, on September 10, 1970, by Resolution decided to further consider and take under advisement said Assessment Roll; and

WHEREAS, since said Assessment Roll was made out and certified to the City Council, the United States Government (HUD) has increased the Government Grant to the City of Idaho Falls for the use of Local Improvement District No. 40 from \$137,200.00 to \$215,713.00; and

WHEREAS, by reason of said increased grant by the United States, the City Council has decided to reduce the Assessment Roll and the assessment on each parcel of property included in said Assessment Roll twenty percent (20%) from the amount fixed and certified in the Assessment Roll now on file and also to reduce the contribution from the General Funds of the City to said Local Improvement District No. 40 from \$100,000.00 to \$80,000.00; and

WHEREAS, the City Council has decided that the objections filed to said Assessment Roll, and each and all of them, should be over-ruled and denied;

NOW THEREFORE, BE IT RESOLVED, that said Assessment Roll and the assessment on each and every parcel of property in said Assessment Roll be reduced by the amount of twenty percent (20%) of said assessment and that said additional grant from the United States be accepted and that the contributions from the General Funds of the City be, and they hereby are, reduced from \$100,000.00 to \$80,000.00 and that said Assessment Roll, and each and every item therein and the whole thereof as hereby modified and amended be, and the same hereby is in all respects approved, ratified and confirmed.”

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Councilman Parish seconded the adoption of said Resolution and the same, on being put to a vote, was unanimously carried, the vote being as follows: Ayes, Councilmen Freeman, Parish, Nelson, Hovey, Erickson, and Wood; Nay, none; carried.

The foregoing Assessment Roll having been approved, ratified and confirmed, Councilman Parish introduced Ordinance No. 1277 entitled:

ORDINANCE NO. 1277

“AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COST AND EXPENSE OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 40 IN THE CITY OF IDAHO FALLS, IDAHO, AND OF NAMING LOCAL IMPROVEMENT THEREIN (EXCLUSIVE OF THE COST AND EXPENSE OF THE IMPROVEMENTS WITHIN STREET INTERSECTIONS IN THE AMOUNT OF \$80,000.00, AND EXCLUSIVE OF A GRANT FROM THE UNITED STATES GOVERNMENT (HUD) OF \$215,713.00 BY INSTALLMENTS, PAYABLE IN FIFTEEN (15) EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY.”

and moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Freeman 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 Nelson that the rules be suspended, and that the Ordinance be placed on its second and third reading. Motion was seconded by Councilman Hovey 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 Parish, seconded by Councilman Erickson, 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: Ayes, Councilmen Freeman, Parish, Nelson, Hovey, Erickson, and Wood; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
September 24, 1970

Four Padmount Transformers

Honorable Mayor and Councilmembers:

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The Purchasing Department and the Electric Light Division request approval to advertise for bids for 3 Phase Padmount Transformers of the following sizes:

- 2 - 500 KVA
- 1 - 1000 KVA
- 1 - 1500 KVA

Padmount Transformers to be for new service at the Country Club Shopping Center. Approximate total cost - \$30,000.00.

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 transformers as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Purchasing Department was forthcoming, as follows:

City of Idaho Falls
September 23, 1970

Chipper

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bids for chipper to be used in the tree trimming operation.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Agent

It was moved by Councilman Hovey, seconded by Nelson, that authorization be granted for the advertising of bids as recommended and that the Controller be authorized to transfer the necessary funds within the Electrical budget as previously arranged by the Electrical Committee. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an original contract between the City and the railroad LD #21697, covering right-of-way for seven fire alarm crossings. It was moved by Councilman Freeman, seconded by Erickson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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This memo from the Controller was presented and read:

City of Idaho Falls
September 23, 1970

TO: Mayor S. Eddie Pedersen & City Council
FROM: L. I. Jenkins, Controller
SUBJECT: DUES AND SUBSCRIPTIONS

There are many organizations and institutional memberships to which the City subscribes that are educational to both employee and the City. It has been the policy of the City to pay membership fees for employees and I am requesting that you authorize the payment of membership dues for John D. Evans in the Institute of Internal Auditors, Idaho Chapter. The dues amount to \$40.00 per year.

s/ L. I. Jenkins

It was moved by Councilman Parish, seconded by Freeman, that membership dues for Mr. Evans be allowed as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Controller was then presented, to-wit:

City of Idaho Falls
September 23, 1970

TO: Mayor S. Eddie Pedersen & City Council
FROM: L. I. Jenkins, Controller
SUBJECT: AUTHORIZED SIGNATURE - PAYROLL ACCOUNT IDAHO FIRST NATIONAL BANK

Your approval of this memorandum will authorize the signature of John D. Evans to appear on payroll checks and other related disbursements also from the payroll account to be affixed to such checks after September 30, 1970. The signature of Luther I. Jenkins to be cancelled as the authorized signature after September 30, 1970.

s/ L. I. Jenkins

It was moved by Councilman Freeman, seconded by Parish, that the signature of Mr. Evans on payroll checks and other related disbursements be authorized as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read aloud:

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Office of the Prosecuting
Attorney
September 21, 1970

City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

RE: CLAIM OF \$309.40

Gentlemen:

As you may be aware, Bonneville County has proceeded, pursuant to statute, with litigation against Lester Hopkins and Western Surety Company to recover the amount of over-expenditures incurred by Mr. Hopkins during 1969 while Sheriff of Bonneville County. Your are one of the firms that holds a claim that has not been paid as a consequence of this over-expenditure.

Bonneville County, by law, is prohibited from paying the amount of these over-expenditures and is compelled to proceed with suit against Mr. Hopkins and his official bond.

It is important to you to contact counsel of your own choosing so that your claim may be protected. You should contact your own counsel at your very first opportunity.

Sincerely,
s/ Seward H. French

Councilman Erickson registered an opinion that the reason set out in this letter for non-payment of this claim is not valid. The City Attorney concurred. It was moved by Councilman Erickson, seconded by Hovey, that this matter be referred to the City Attorney for proper handling. Roll call as follows: Ayes, 6; No, none; carried.

Through the City Clerk the City Treasurer presented the following:

City of Idaho Falls
September 14, 1970

TO: Mayor Pedersen and City Council
FROM: Lorna Coughlin, Treasurer
SUBJECT: OFFER ON PROPERTY IN LID #22

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Due to the fact that Local Improvement District #22 paid out in the year 1962, I would recommend that the City of Idaho Falls accept Mr. Hersh Mecham's offer of \$1,235.41 in payment for the delinquent assessment in this district.

The offer of \$1,235.41 includes principal and regular interest, penalty and certificate fees and accrued interest to the end of the district.

Mr. Mecham plans to build a \$25,000 home on the property and will be an asset to the neighborhood.

s/ Lorna Coughlin

Attached to the foregoing memo was a printed tabulation indicating that there was \$1,235.41 owing on the property in question described as Lots 40, 41, and 42, Highland Park Addition, in the form of principal, interest, penalties, etc. It was moved by Councilman Parish, seconded by Freeman, that the City accept the Mecham offer as proposed. Roll call as follows: Ayes, 6; No, none; carried.

The foregoing transaction having been approved, the City Clerk then presented a City redemption tax deed in favor of Mr. and Mrs. Hershall Mecham, accompanied by this Resolution:

RESOLUTION (Resolution No. 1970-22)

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 25th day of January, 1957, recorded in Book 107 of Deeds at Page 123, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 40, 41, and 42, Block 27, Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, Hershall L. Mecham and Edna Mecham, his wife, have 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 Hershall L. Mecham and Edna Mecham, his wife, a deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

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PASSED BY THE COUNCIL this 24th day of September, 1970.

APPROVED BY THE MAYOR this 24th day of September, 1970.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/S. Eddie Pedersen
MAYOR

It was moved by Councilman Freeman, seconded by Parish, that the Resolution be passed and the Mayor and City Clerk be authorized to sign the Resolution and the deed. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
September 24, 1970

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: RATIFICATION FOR STATE AID AGREEMENT

On September 10, 1970, an agreement covering offer and acceptance of State Grant for construction of Sewerage Treatment Works in the amount of \$1,357,500 was received by the City. In order to avoid any delay, the Council authorized the Mayor to execute the agreements on behalf of the City and we are asking that the Council now ratify this previous action.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that this action on the part of the Mayor be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the need for scheduling a public hearing to consider rezoning a portion of the Airport Industrial Park. It was moved by Councilman Wood, seconded by Parish, that said hearing be scheduled for October 22nd, 1970, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

From Police Pollock, acting in the capacity of Chairman of the Traffic Safety Committee, came this memo:

City of Idaho Falls
September 10, 1970

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

The following recommended changes are submitted for your consideration.

1. Restrict parking on Skyline Drive on the east side, north of Broadway to the alley north of Monty's Food King. (This affects three parking spaces which create a hazard by sight restriction at driveways).
2. Restrict parking on Brentwood in front of the 30th Ward LDS Church. (They have only half a street in front with ample parking in rear and request was made by their representative, Mervin Gardner).
3. Restrict parking on Lewisville Road in front of Smith Chevrolet Sales Lot. (This is with management permission and to avoid a sight hazard for vehicles coming off Keefer Street).
4. Proposes the 100 Block of First Street be one-way east bound. (Opposition from Hi-way Drug as would inconvenience their customers). ALTERNATE - is to make RIGHT TURN ONLY upon entering Yellowstone from First Street. (This approved by Russell Fogg and Elmer Holmgren).

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

Recommendation No. 1 was first considered. Pollock reported that this was occasioned because of heavy traffic on the east side of Skyline at that point. It was moved by Councilman Erickson, seconded by Hovey, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

Item No. 2 was then reviewed. It was moved by Councilman Erickson, seconded by Hovey, that this be approved for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

With regard to item No. 3, it was moved by Councilman Erickson, seconded by Hovey, that this recommendation be approved for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

Finally, recommendation No. 4 was considered. Pollock noted that this was prompted because of the high accident rate at the intersection in question. After some discussion it was generally agreed that the first portion of the recommendation would not be practical. The alternate proposal was then studied. Councilman Parish registered concern about this arrangement, inasmuch as it would funnel too much traffic into Lomax which, he said, was already too crowded at certain times

of the day. Councilman Erickson suggested that the traffic light at Yellowstone and Lomax be adjusted to allow for more traffic to pass through, during the green light interval. Pollock said this could probably be accomplished and agreed to confer with the State Highway Department toward this end. Parish observed that much of the westbound First Street traffic bound for the downtown business district could just as conveniently use 2nd Street as Lomax; therefore, he proposed signing at Lee and Emerson accordingly, giving said traffic a choice of routes. It was moved by Councilman Erickson, seconded by Nelson, that No. 4 alternate proposal be approved, that First Street at Lee and Emerson be appropriately signed in line with Councilman Parish's suggestion and that First Street at Yellowstone be outstandingly signed and barricaded to prevent a left turn at that intersection, augmented as long as needed by an officer during heavy traffic for the same reason. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced the creation of an AD HOC Committee to study and make recommendations to the City Council pertaining to the need for a Local Housing Authority in this area. The Mayor proceeded to make appointments to that Committee, as follows: Rev. Jack Viggers, Paul Ahlstrom, William Brooks, Councilman Jack Wood, and Jim Soule. It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman reported on bids which had recently been opened and studied on the Eagle Rock Park comfort station. It was moved by Councilman Freeman, seconded by Erickson, that the contract be awarded to Clark Construction Company in the amount of \$7,800.00. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith introduced the following Ordinance:

ORDINANCE NO.

AN ORDINANCE MAKING UNLAWFUL THE "OPEN BURNING" OF MATERIALS WITHIN THE CITY OF IDAHO FALLS; DEFINING "OPEN BURNING" AND OTHER TERMS IN THE ORDINANCE; PROVIDING THAT CERTAIN CATEGORIES OF "OPEN BURNING" ARE ALLOWED UNDER SPECIFIED CONDITIONS, AND SETTING FORTH SUCH CATEGORIES AND CONDITIONS; ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Smith explained that this had been prepared by instructions from the City Council at the request of the Fire Chief and was primarily for the purpose of bringing the City Code in line with State regulations. Smith explained that, although not required by the State, the State does urge its passage as does the City's legal department to cope with local problems. Smith explained, further, that a City Ordinance must pass to collect any local fine money. Smith continued by saying that a local ordinance may be equally or more, but not less, restrictive than the State's regulations. Smith proceeded to point out some of the salient provisions of this Ordinance as follows: It prohibits open

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fires out of doors such as the burning of refuse; any burning in an incinerator unless equipped with a smoke stack or chimney; open field burning of weeds forbidden except where no other alternate control method exists and then only with a permit. Smith noted that there are certain types of burning permitted, such as fires used for the preparation of food, fires used for control or alleviation of a fire hazard with a permit, fires used in the training of organized fire fighting personnel, properly operated industrial flares for combustion of flammable gases. It was the general consensus of the Council that this Ordinance should be studied thoroughly by the Council and the general public before final passage. It was moved by Councilman Wood, seconded by Freeman, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Hovey, that the meeting adjourn at 9:00 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
