

SEPTEMBER 10, 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 10th day of September, 1970, at the hour of 7:30 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; Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director.

Minutes of the last Regular Meeting, held August 20th and a Special Meeting held September 1st, 1970 were read and approved.

The Mayor acknowledged Mr. Scott Smith representing KTEE in the Council Chambers and thanked him for his presence.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for hearing and considering objections or other comments to the assessment roll of Local Improvement District No. 40 of any party aggrieved by said assessments. Recognizing that all affected property owners had received a phone call from HUD advising that the district was entitled to an additional \$79,000 grant which would lower all assessments to not over 3¢ a square foot.

The Mayor then asked the City Clerk to present and read aloud all written protests, as follows:

August 19, 1970

Roy Barnes, City Clerk

Dear Sir:

This improvement of District No. 40 will be a hardship on me. I am a widow since 1938 also I will be 83 first of November. I have no flooding problem.

Sincerely,
s/ Mrs. Elsie Aicher
423 Gladstone
Idaho Falls, Idaho

897 Cleveland Street
Idaho Falls, Idaho
August 25, 1970

Roy C. Barnes, City Clerk
Idaho Falls, Idaho

SEPTEMBER 10, 1970

Dear Sir:

In response to your letter titled "Notice of Time to File Objections to Assessment Roll of Local Improvement District No. 40 of the City of Idaho Falls, Idaho, which I received August 17, 1970, I submit the following:

1. Our property is located on the hill next to the Dora Erickson Grade School and is one of the highest spots in this part of town. There is no possible way for us to receive any benefits from this improvement.
2. In checking with our immediate neighbors two days ago on the 23rd of August, none of them had received their notification of assessment. Therefore, I question why we were the only ones to receive this assessment.
3. Our assessment number is #539 which states that our property contains 17,424 square feet. This amount is grossly in error. According to our deed, our property is 82.5' wide and 132' deep and is approximately a rectangle. This figures to the 10,890 square feet and, at 3.41 per square foot, equals \$371.35 instead of the \$594.16 figure assessed.

In accordance with the instructions in the notice I submit the above objections to this assessment.

Sincerely yours,
s/ Kerry F. Byeler

Gentlemen:

I hereby voice my objections to the above assessment for the following reasons: First, I feel that the homeowners in my particular area have been assessed to death so to speak over the past fifteen years. Four assessments running at one time during this period. The last one being paid off just three or four years ago.

Secondly, I am a widow and am fast approaching retirement age when this will become an added burden.

Sincerely yours,
s/ Mary R. Blair
565 Gladstone

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

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In regards to your letter informing me of the (\$211.42) assessment; I am unaware of the purpose of same and therefore I do object until I receive further information on the subject.

I would like to call your attention to the condition of alley behind said property corner of First and Higbee. The gravel has been dumped in such a manner as to cover the sidewalk and has resulted in 2 broken windows in the building from flying rock.

Sincerely,
s/ DeVan Brough
118 Edan Avenue
Stockton, Ca.

Dear Mr. Barnes:

I herewith file my objection to above assessment on property owned by me on Wabash Avenue, Idaho Falls. I have more money invested in the property now than I can recover through sale of property.

s/ J. M. Collett

Idaho Falls
August 19, 1970

Dear Sir:

To whom it may concern. I would like to state my objections to your assessment of \$211.42 in assessment #239 against my property in the Capitol Hill Addition. I have owned this place for 24 years and never had any trouble from flooding or storms and I can't see any justice in making me pay for peoples trouble that bought ground in low ground and the railroad should pay their own bills. I think the ones that get the benefit should pay the bill the same as street paving. I didn't see anyone living on other streets come and pay my paving bill, I had to pay it myself.

This sewer will drain nothing from my place nor does it go by my place therefore I think it is unfair.

s/ LaSell H. Crook
453 Gladstone
Idaho Falls, Idaho

August 12, 1970
Idaho Falls, Idaho

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Dear Mr. Barnes:

In regards to the assessment roll which was filed in your office, I wish to state it would work a hardship on me to pay it. I am alone, and the only income I have is what I make as a seamstress.

I object to this improvement on these grounds. I would be unable to pay the amount assessed.

Thank you.

s/ Mrs. Fern Fields
420 Garfield Street

Dear Sirs:

I am unable to pay the amount assessed because of my limited income, which consists of \$47.00 D.P.A. and \$60.00 Social Security. That is my total income. I have a great deal of medical expense and simply cannot pay this additional expense, and as I am a widow, I have spoken to the Mayor about this, and he advised me to put it in writing and send to you.

s/ Mrs. Evalene Fullmer
353 First Street

We do not feel this is a just assessment. Have never had any flooding problems.

I believe we are already paying a flood control tax on our property taxes.

I think property owners should have decided this issue. Seems a little late now - Hartwell has construction well under way.

s/ Norman Geib
440 Lomax
(three parcels of property)

Because of the excessive cost I object to this project.

s/ Reed Hunter
Lewisville, Idaho

Bonded Produce & Supply
August 18, 1970

SEPTEMBER 10, 1970

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

Dear Roy:

In connection with the assessment of the Local Improvement District Number 40, wish to advise that the property located at 339 Gladstone has been purchased by Paul Cunningham and if there is an assessment on that property it will have to be taken care of by Mr. Cunningham.

In reference to the other assessment on that property which is directly north of the underpass, the position is that there should be no tax whatsoever in connection with this Improvement District Number 40 because there is no connection whatsoever with the sewer nor is there a building upon this property. Your number I take for granted on this assessment is #474 and you show the assessment to be \$453.53 based upon the square feet that you show of 13,300.00. If there were any buildings upon this property of if it was being used for any purpose, we would not object to the assessment, however, there has been some discussion about the City taking over this property and fixing it up so that it will be more or less pleasant to the eye sight of travelers going and coming through the underpass.

As you know Roy, being in a wheel chair it is practically impossible for me to attend any meeting that is held at the City Building because I cannot get up and down the stairs.

Your attention and help in this matter will be greatly appreciated.

Very truly yours,
s/ A. G. Stanger
I. F. Bonded Produce

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

Dear Mr. Barnes:

We the undersigned would like to protest and claim exemption on the assessment against our property in Capitol Hill Addition Block 6 - Lots 34, 35, 36, & 37 - assessed for LID #40.

Approximately two years ago, we finished paying for sewer and catch basin in this addition.

Now we are paying for street and curbing which we don't mind because it does improve the value of property.

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The storm sewer and catch basin in LID #40 will not improve or raise the value of our property and we feel this is an unfair, unjust added assessment to our property.

Because of poor health and cardiac condition I had to retire four years ago and because of physical health conditions neither I nor my wife can find steady employment we could do. We are unable to pay any more assessments on our property. And if we try to sell with the assessments unpaid that would lower our sale value.

We shall try to be at the Council Meeting September 10, 1970 at 7:30 P.M.

Sincerely,
s/ Frank Johnson
s/ Hannah Johnson
447 E. College

Bessie M. Jones
Roberts, Idaho
August 11, 1970

Roy Barnes, City Clerk
Municipal Building
Idaho Falls, Idaho

Dear Sir:

Please enter my protest for creating Improvement District No. 40 on Assessment No. 248. I do not think this expense should be incurred on property owners at this time and it is of no benefit to me.

s/ Bessie M. Jones
Roberts, Idaho

Idaho Falls, Idaho
August 15, 1970

Mr. Roy C. Barnes

Dear Sir:

Am writing in regards to the assessment you have sent me for the storm sewer the City is putting past my place on North Higbee, as it wouldn't be of any benefit to me, because I

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haven't been bothered with any flood water, so am objecting to it as all I have to go on is my Social Security check each month, don't feel as though I can pay this assessment.

Yours truly,
s/ Mrs. Mae King
485 N Higbee

Idaho Falls, Idaho
August 21, 1970

Dear Sirs:

I am objecting to this assessment, because it is going to be practically impossible to pay taxes. It is only rented part of the time, and cannot collect at others. We have 25 foot frontage.

s/ Hilma Labrum
for William Labrum
Route 1, Box 11

Assessment #434

Idaho Falls, Idaho
August 20, 1970

City of Idaho Falls
Office of the City Clerk

Dear Sir:

In regards to your letter of August 10, 1970, to the Assessment Roll of Local Improvement No. 40, I do object very much to this project.

In the first place we do not need this project in our area and in the second place when the City took it upon themselves to add \$1.50 per month to our utility bill approximately ten years ago and we will have to pay it from now on. It was my understanding that was what that money was to be used for. I am alone and out of work trying to get by on \$19.00 per week and I just cannot pay such an assessment. Why doesn't the ones that are running this City try to economize instead of trying to always get more money from the citizens. When is it going to stop? The people never seem to have any say about what goes on. The Mayor and Councilmen say they want something and just add it on our bill and, if we don't have the income to pay, the City turns off our lights and water. Do you call that a free Country? Seems to me more like the way the communists do things. No wonder so many people move out to

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the country where they can at least sit in their living room and listen to television without having to keep their doors shut on account of so much traffic. Then just try to get the City to zone this property up here commercial like all the property around us and see how far you get.

I say NO to Local Improvement #40.

Yours truly,
s/ Mrs. Ora Lake
498 Cleveland Street

40650 Pixie Lane
Hemet, CA.
August 16, 1970

Roy C. Barnes
City Clerk
P.O. Box 220
Idaho Falls, Idaho

Dear Mr. Barnes:

We do strongly object to the assessment of our property in Idaho Falls.

As far as we are concerned, it is unnecessary.

Very respectfully,
s/ Marjorie Free Morris

Firth, Idaho
September 3, 1970

City of Idaho Falls

Dear Sir:

I object to the Assessment Roll of Local Improvement District No. 40 on my property on First Street. It does not render any improvement to my property whatsoever it is just another added expense to me.

Yours truly,
s/ Olga Wages Nickerson

SEPTEMBER 10, 1970

Assessment #283

To Whom It May Concern:
Roy C. Barnes

We are in the know that many people in this area needed their sewers rebuilt but we have never had any trouble with ours. We have a little girl who is retarded and very sick and also some other medical problems, running us around \$2,000. cash besides what our insurance pays. We at this time cannot see how we can afford this - if we could we wouldn't mind - but there are so many things - very basic that we need as a family that we protest being assessed for this sewer project.

Thank You!

s/ Mrs. Ralph Nixon
560 Gladstone
Idaho Falls, Idaho

August 11, 1970

Mr. Barnes:

I just received this assessment from your office today. I don't see how I can pay this assessment. As my husband F. A. Petersen is deceased. I get social security and that isn't enough to get along on. As I am sick so much of my time, us widows have a hard enough time getting along now. And as I say I'm sick so much and have to buy this expensive medicine. I can't see how I can pay such a bill as this. Please consider this. There are other widows that it will put a hardship on too.

s/ Mrs. F. A. Pedersen
400 Garfield Street

August 27, 1970

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

Honorable Mayor and City Council

Dear Sirs:

SEPTEMBER 10, 1970

This letter is in fact an objection to the Assessment Roll of Local Improvement District No. 40 – Capitol Hill Storm and Drain. Refer to Assessment #326 which has been calculated at \$739.97.

I, Rosella Rhoades, residing at 344 Lomax Street in Idaho Falls, am a widow with only a social security income, and I'm unable to pay this ridiculous amount. On this social security income I am scarcely able to feed and clothe myself, let alone pay an assessment such as the above.

s/ Rosella Rhoades
344 Lomax Street

August 24, 1970

Roy C. Barnes
Office of the City Clerk
Idaho Falls, Idaho

Reference: Local Improvement District Number 40, Assessment No. 549; Property located at 705 First Street.

We protest the assessment for 14,920 square feet, and ask that the assessment be corrected.

The assessment for this property is incorrect in that it actually consists of 14,100 square feet. It has a 100 foot frontage on First Street, by 141 feet north and south.

Sincerely yours,
s/ Robert F. Rhodes
s/ Georgia E. Rhodes
705 First Street
Idaho Falls, Idaho

Idaho Falls, Idaho
August 13, 1970
Assessment No. 25

Dear Sirs:

In regards to this letter, I am a widow with no income other than a small disability check that just barely covers the cost of my medicine and a few groceries. I am a cardiac patient also so I cannot work to have any additional income so I don't know how I could possibly meet this added expense.

Sincerely,
s/ Beatrice Robbins
439 E. College Street

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Idaho Falls, Idaho
August 13, 1970

To Whom It May Concern:

We are home owners of two homes - 715 Garfield and 607 Gladstone. We feel that with the rise in the cost of living and most everything else that we **do no need** this added assessment expense. My husband and I will not be in Idaho Falls the night of the meeting so we are sending our written vote in. The answer we do want is, **NO**.

Sincerely,
s/ Mr. & Mrs. Eldon Ryner
607 Gladstone

August 12, 1970

Dear Sir:

In reply to your letter of assessing District No. 40 of the City, I am very much opposed.

I am a widow, cannot afford it, ands my house is built on a more or less high ground (elevated) so that no flood water can reach it.

My Assessment No. is 268.

Sincerely,
s/ Norma L. Stone
370 N. Freeman
Idaho Falls, Idaho

Mr. Barnes:

We are both retired and we just have enough to live on and so we register a protest against District No. 40. We can't see how we can make any payment on such things.

We thank you.

s/ The David Thomas'
623 Cleveland

The Mayor then invited verbal protests or other comments from the floor. Mr. Mark Rapp, 653 Garfield, appeared to protest being assessed on the grounds that his property was located on high ground and he had no flooding problem. He then registered an opinion to the effect that assessments were not levied equitably, using, for purposes of illustration, Sears Roebuck, which he

understood was excluded from the district. It was explained to him that property was not included in the district, inasmuch as storm drainage had been adequately provided at the time the property was developed. Mr. Rapp then registered a complaint about the condition of the streets as a result of the contractor having dug trenches for laying drain pipe. Mr. Rapp was assured by Councilman Parish that the contractor is obliged, under the terms of his contract, to properly repair and reconstruct all streets to their proper condition and that he has already started this operation in the vicinity of the G Street underpass.

Mr. Rapp then inquired as to the method of paying the assessment. Councilman Parish explained that there would be a thirty day period set by the City Treasurer for paying same in full without penalty or interest, after which the assessment could be paid within a fifteen year period of fifteen annual payments plus interest, but that the unpaid balance could be paid at any time.

Mr. Leonard Wright, 1420 South Boulevard with offices and property on the Northgate Mile, appeared before the Council to ask how the City's share of \$100,000 participation was arrived at. He said that, according to his calculations based upon City owned property within the district, it should be more. Councilman Nelson explained that the City is not legally required to be assessed for streets within the district and that the \$100,000 represents more, or less, than that which is legally required. Nelson continued by saying that this represents several years of accumulated funds and the decision to participate to this extent was prompted as a means of lightening the burden for property owners. Wright then asked if the contractor was responsible for his own damage and was answered in the affirmative. Wright said he knows of certain damage caused by the contractor such as broken windows, fences that have been removed, etc. The Mayor assured Mr. Wright that this would be investigated immediately by the Public Works Division.

Mr. Tommy Ogawa, 570 N. Wabash Avenue, appeared to again ask for dust palliative such as was applied last year. Councilman Nelson explained that this was done only because the district was supposed to have been created last year and the palliative was applied as some compensation because circumstances prohibited proceeding with the district at that time. Nelson explained further that, when the storm drainage is completed, a street improvement district may be created, eliminating, once and for all, the dust problem. Finally, Nelson explained that, as soon as the storm drainage project is completed he and his neighbors are free to pave their street at any time, providing it is done according to City street specifications.

Mr. Charles O'Toole, residing outside the City but a property owner within the district, appeared to explain that his was undeveloped property and the assessment was so exorbitant that he would never be able to realize a profit from his property. He protested being assessed at all. Councilman Nelson explained that the district has been formed and all property was subject to assessment. He said the only purpose for this hearing was to hear and consider any inequities in the proposed assessment.

Mr. Klar Jorgensen, 634 College, appeared to ask who created this district and was answered by the Mayor that LID #40 was created by the Mayor and City Council. Jorgensen then asked why it was created. Councilman Nelson explained that districts of this nature are not arbitrarily created without cause. Instead, they are created in answer to a need. Nelson said, in this instance, certain property owners within the district had urged that the drainage problem be corrected. This, coupled with State requirements on storm drainage vs. raw sewage, caused the Mayor and Council to initiate

action which eventually created the district. Nelson reminded Jorgensen that, considering the number of affected property owners, there have been a relatively small percentage of protests. Mr. Rapp reappeared briefly to remind the Council that the small number of protests is no criterion as to the number who are dissatisfied with the creation of the district.

Mrs. Ora Lake, 498 Cleveland, appeared before the Council to say a word for the many widows within the districts who live on limited income and cannot afford the assessment. Councilman Nelson replied by saying the Mayor and Council certainly recognize that there are certain hardship cases, but that these are in the minority and the Council is obliged to represent the majority. Nelson said the City has never yet evacuated a widow from her home, due to assessment default.

Mrs. James Muir, 353 N. Emerson, appeared before the Council to report that, according to the calculations of she and her husband, their assessment #406 had been computed erroneously. The Mayor assured Mrs. Muir that this would be rechecked by the Engineering Department and adjusted if found to be in error.

In the absence of further comment, Councilman Parish introduced the following Resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1970-20)

RESOLUTION TO FURTHER CONSIDER AND TAKE UNDER
ADVISEMENT ASSESSMENT ROLL OF LOCAL IMPROVEMENT
DISTRICT NO. 40

“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 Assessment Roll by the property owners of said district 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 has decided to further consider and take under advisement said Assessment Roll,

NOW THEREFORE, BE IT RESOLVED that the consideration and examination of said Assessment Roll be continued until another meeting of the City Council.”

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Councilmen Nelson seconded the adoption of said Resolution, and the same on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilmen Freeman, Parish, Nelson, Hovey, Erickson, and Wood. Nay, none. Whereupon the Mayor declared the motion carried.

Reverend Jack Viggers of the St. Johns Episcopal Church appeared before the Council as Project Director for the Eastern Idaho Special Services Agency to propose the creation of a Local Housing Authority which would be of particular benefit to the elderly and the financially deprived tenant. Viggers said there is now enabling legislation providing for such a facility. He said he was eager to help in any way toward the establishment of such an agency, including the obtaining of petition signers if necessary. Viggers noted that planning grants are available through HUD, to provide funds for a feasibility study. For purposes of illustration he cited Twin Falls which has about 100 units with 100% occupancy and 32 more under construction. He said the program provided for \$35.00 minimum monthly rental, subsidized by the Federal Government. Viggers explained that the local housing authority would sell bonds to build the structures. It was moved by Councilman Wood, seconded by Hovey, that this matter be referred to the Building & Planning Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of August, 1970, having been 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	\$141,299.75	\$115,778.58	\$257,078.33
Fire Bonds	44,967.72	4,975.61	49,943.33
Water and Sewer	11,111.17	121,053.84	132,165.01
Electric Light Fund	36,831.71	83,842.39	120,674.10
Recreation Fund	11,257.98	30,875.82	42,133.80
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
TOTAL	\$248,611.73	\$376,873.93	\$625,485.66

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, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of August, 1970, 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 CLASS D JOURNEYMAN, WARM AIR HEATING & REFRIGERATION, Merlyn Schmeckpeper; CLASS C JOURNEYMAN, REFRIGERATION, WET HEAT, Dale Mathews; CLASS D JOURNEYMAN, REFRIGERATION, Merlyn Schmeckpeper; JOURNEYMAN PLUMBER, Dale Mathews; SECOND HAND STORE (6 months), Dean Seedall for Dean's Antiques; COMMERCIAL KENNEL, William P. Rogers at 1475 S. Holmes Avenue from Jones'

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Pet Clinic; TAXI OPERATORS LICENSE, Jack A. Haslam, Franklin Dee Bias; BARTENDER, Priscilla A. Leavitt, Reva Darlene Craig, Arthur L. Pugh, Edwin E. Hall, Jon K. Erickson, Mary Hensley, Lola Gosnell, 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.

Having informally appointed Mr. Steve Harrison as the new Electrical Engineer, the Mayor asked that this appointment be confirmed. It was moved by Councilman Hovey, seconded by Nelson, that this action be ratified and the appointment confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Likewise, the Mayor noted that he had informally appointed Mr. John Evans to the position of City Controller, effective as of the date Mr. Jenkins resigns to take early retirement. It was moved by Councilman Parish, seconded by Freeman, that this action be ratified and the appointment confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman drew attention to bids that had been opened on August 25th on the Presto Street Bridge at Eagle Rock Park and that, in the interests of time a contract had been awarded to the low bidder, Clark Brothers Construction, in the amount of \$5,474.40. It was moved by Councilman Freeman, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
Public Works Director

Mayor and City Council
Donald F. Lloyd
Lease of Building for Sign Maintenance Shop

In the essence of time and with consultation with the Public Works Committee, the Mayor has executed a lease with Phil Hoehn for a building to be used for sign maintenance shop. This lease was established with funds provided from Capitol Outlay in the Engineering Department Budget. We would request that the Council ratify this previous action.

s/ Donald F. Lloyd

It was moved by Councilman Parish, seconded by Nelson, that the action of the Mayor and City Clerk in signing the lease in question be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Another item in need of ratification was explained by this memo:

City of Idaho Falls
Public Works Director

SEPTEMBER 10, 1970

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SEWER SERVICE OUTSIDE THE CITY LIMITS

At the Council Meeting on August 20, a request for a sewer service outside the City limits was referred to the Building and Zoning Department for review and comment. This review was made and reported to the Public Works Committee who in turn authorized the sewer service for Mr. Robert Collins on Sunnyside Road, just west of the Yellowstone Highway. We are recommending that the Council ratify this previous action.

s/ Donald F. Lloyd
Public Works Director

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

Still another matter previously approved by the Council at a work session and in need of ratification was presented by this memo:

City of Idaho Falls
September 10, 1970

TO: Mayor and Council
FROM: Donald F. Lloyd
SUBJECT: RAISED MEDIANS ON THE SOUTH YELLOWSTONE HIGHWAY

On June 30, 1970, the Idaho Falls Metropolitan Transportation Sterring Committee passed a motion concerning the removal of raised medians on the South Yellowstone Highway. The City Council has since discussed in detail the recommendation of the Sterring Committee and has subsequently endorsed the position taken by the Committee. The Public Works Committee is requesting that this action be ratified.

s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Hovey, that this action be ratified. Roll call as follows: Ayes, 5; No, 1; carried. Councilman Parish voting no.

Reference is made to Page 457 in this Book of Minutes and, more specifically, an appeal from Mr. Don Berry to build a front porch on his residential property at 1325 Susanne. Action was tabled at that time, pending an on the site inspection. In the interim period said inspection had been made and informal approval granted by the majority of the Council for the granting of the appeal. It was moved by Councilman Wood, seconded by Hovey, that this action be ratified. Roll call as follows: Ayes, 4; No, 2; Councilmen Nelson and Freeman voting no; carried.

SEPTEMBER 10, 1970

This memo from Police Chief Pollock, as Chairman of the Traffic Safety Committee, was presented:

City of Idaho Falls
September 3, 1970

TO: Honorable Mayor S. Eddie Pedersen
FROM: Pollock
SUBJECT: INSTALLATION OF NEW TRAFFIC CONTROL SIGNS

Traffic Safety Committee has recommended that STOP signs be installed on Utah Avenue to stop the traffic at the intersection with the MILLIGAN ROAD for traffic control on the opening of the new bridge across the river at 17th Street.

We have made a study of this but can not foresee just what the traffic pattern will be. Until the traffic uses the bridge and sets the pattern it is our opinion that, with the present traffic using Milligan Road and with the increase, this is the best solution for this time. We will keep watch of the traffic and may later make some recommendation for change.

In order to maintain City Policy, it is herein suggested that City Council be polled for their consideration of this installation as it is expected that the bridge will be opened Thursday, September 10, 1970.

s/ Robert D. Pollock

This recommendation had been informally approved by the Council. Councilman Nelson reported that the County Commissioners were concerned about the manner in which the signs had been installed. Pollock agreed to confer with them on the matter. It was moved by Councilman Erickson, seconded by Hovey, that this informal action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters in need of ratification, this damage claim was presented by the City Clerk:

Kay Carter
250 Alpine Drive
Idaho Falls, Idaho
August 21, 1970

The Honorable S. Eddie Pedersen, Mayor
The City Council of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

SEPTEMBER 10, 1970

Gentlemen:

Recently, my 1955 Chevrolet automobile was impounded while parked in the parking lot of the Cedar Apartments, corner of 12th and St. Clair.

While my automobile was in the custody of the City of Idaho Falls, someone apparently broke into the impound lot and removed the following items from my car:

1 four size lug wrench	\$24.00
1 Chevrolet radio	Unknown
2 Firestone G 70X14 tires, red stripe side walls	\$45.00 each
2 9:00 5 wide oval tires, white stripe side walls	\$10.00 each
1 black custom steering wheel	\$35.00
1 horn kit	\$10.00
2 jack stands, each extends 24"	\$35.00
1 screw Jack	\$12.00
2 pair blue coveralls	\$ 5.00 each
1 five-gallon gas can	\$ 3.00
1 one-gallon gas can	\$ 1.00

In addition, the car was dented, which dent was appraised at \$30.00.

I reported the theft and damage to the Idaho Falls Police Department on August 17, 1970.

I would appreciate it if you would make an investigation in this matter to determine whether there was any negligence on the part of the City of Idaho Falls, and if so, I would then presume I shall be reimbursed.

Any help you can give me in this matter would be deeply appreciated.

Very truly yours,
s/ Kay Carter

It was explained that, in the interests of time, this had been forwarded to the Insurance Adjustor on August 24th. It was moved by Councilman Parish, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented and read:

Yellowstone Company Inc.
Insurance Adjusters
September 9, 1970

SEPTEMBER 10, 1970

City of Idaho Falls
Office of the Mayor
Idaho Falls, Idaho

RE: OUR INSURED: ROBERT L. THAYER, ACCIDENT OF 7-24-70

Gentlemen:

We represent the insurance company for Mr. Thayer. On July 24, 1970, approximately 1:00 P.M. the Thayer vehicle was involved in an accident at Elm and Water Streets, Idaho Falls, Idaho. Mrs. Thayer was proceeding east on Elm Street, the through street, and the other vehicle, driven by Richard Reichert, was proceeding north on Water Avenue.

Our investigation indicates that, at the time of the accident, the City of Idaho Falls street crew was working in the intersection and had removed the stop sign at this intersection. Mr. Reichert is in the U. S. Navy and was unfamiliar with the intersection. We also find that the City crew had failed to put up a portable stop sign and that following the accident a City employee did then erect a portable stop sign.

We feel that, under the circumstances, there is liability on the part of the City of Idaho Falls and this shall serve as notice of the claim, and we would appreciate hearing from either your office or your liability insurance carrier. The amount of damage to the Thayer vehicle is \$293.65.

Yours very truly,
s/ Donald Keithly
Manager

It was moved by Councilman Parish, seconded by Freeman, that this be forwarded to the City Insurance Adjustor for proper handling. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an original contract from the railroad, LD #21686, covering right-of-way for a 4.16 KV power line crossing, serving the new City Garage and also that which is commonly referred to as the Pine Street crossing, serving east and west of Yellowstone from the City Plant to the 9th Street feeder. It was moved by Councilman Hovey, seconded by Nelson, that the contract be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was reviewed:

City of Idaho Falls
September 9, 1970

New 1971 model - 1 ¾ ton pickup

SEPTEMBER 10, 1970

Honorable Mayor and Councilmembers:

The Purchasing Department and the Water Works Department request approval to advertise for bids, new model 1 ¾ ton pickup with trade-in for the Water Department.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Nelson, seconded by Parish, that approval be given to advertise for the vehicle as indicated. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
September 2, 1970

Coal (City and School)

Honorable Mayor and Councilmembers:

Tabulation of coal bids attached with Clyde Hess & Son Dist. Co. submitting the only bid of \$12.90 per ton.

This is a joint bid City of Idaho Falls and School District #91 for coal for City of Idaho Falls for the winter months of 1970 and 1971.

It is the recommendation of the Purchasing Department that the bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Parish, seconded by Freeman, that the Clyde Hess bid for coal be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was forthcoming:

City of Idaho Falls
Public Works Director
September 9, 1970

SEPTEMBER 10, 1970

TO: Mayor and Council
FROM: Donald F. Lloyd
SUBJECT: ESCROW AGREEMENT FOR WOODRUFF AVENUE

The housing development adjacent to Woodruff Avenue is in the final stage of completion. The developer, Mr. Russ Dahl, wants to finalize his obligation with the City with reference to the construction of Woodruff Avenue. Since the City does not feel this is the time to complete the construction, the developer has agreed to place his contribution in escrow.

The Public Works Committee has reviewed this agreement and we are requesting the Mayor and City Clerk be authorized to sign.

s/ Donald F. Lloyd
Public Works Director

It was noted that Mr. Dahl's contribution, referred to in the memo, was in the amount of \$3,300.00. It was moved by Councilman Nelson, seconded by Parish, that this escrow agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Fire Chief came this memo:

September 9, 1970

MEMORANDUM

TO: Mayor S. Eddie Pedersen and Councilmembers
FROM: Fire Chief Les Corcoran
SUBJECT: RECOMMEND CHANGE IN CITY BURNING REGULATIONS

Since the State regulations for the control of open burning go into effect September 21 and since our City Ordinance still permits certain types of open burning that would be in violation of the State regulations, it appears necessary that our City Codes be amended to keep them in line with the State regulations.

I would like recommend that the City Attorney be authorized to draft the necessary ordinances for your consideration.

s/ Les Corcoran
Fire Chief

It was moved by Councilman Wood, seconded by Freeman, that the City Attorney be directed to prepare an appropriate ordinance, as indicated, for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

SEPTEMBER 10, 1970

This memo from the City Planner was presented and studied:

September 10, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: UNIFORM BUILDING CODE, VOLUME III, V

The 1970 Edition of the Uniform Building Code, Volumes I, III, and V, are being submitted for your consideration. This Division recommends adoption of Volume III, Housing and Volume V, Signs, in their entirety.

Volume I, the Uniform Building Code, should be adopted with two exceptions: The appendix Pages 589-608 incl., should be deleted; and the fee schedule should remain the same as adopted in 1968.

Respectfully submitted,
s/ William R. Gilchrist

It was moved by Councilman Wood, seconded by Hovey, that the City Attorney, working with the City Planner, be directed to prepare an appropriate ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

A second memo from the City Planner was read:

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: REQUEST FOR SIGN VARIANCE IN AN R-1 ZONE

Attached is a copy of a petition requesting permission to erect a non-lighted sign advertising a beauty shop in an R-1 zone. The property, located at 209 E. 14th Street, is owned by Harold Rowberry and a variance was previously granted by the City Council to permit a non-conforming grocery store to be converted to a beauty shop at this location. This sign will hang from the corner of the building about 10 feet or more above the sidewalk.

This Department has reviewed the request and recommends the variance be granted.

Respectfully yours,
s/ Rod Gilchrist

SEPTEMBER 10, 1970

It was moved by Councilman Wood, seconded by Hovey, that the sign variance, as described, be granted at the address as indicated. Roll call as follows: Ayes, 6; No, none; carried.

At the request of the Mayor, the City Clerk presented and read aloud this letter of commendation:

Dept. of Transportation
Fed. Aviation Admin.
September 4, 1970

Honorable S. E. Pedersen
Mayor of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Dear Mayor Pedersen:

On August 20, 1970, the annual Federal Aviation Administration Airport Compliance Inspection of Fanning Field was completed. This inspection is made to determine whether conflicts have developed between the City's obligation under the Federal Agreements affecting the airport and its functional operation.

We are pleased to inform you that our inspection indicated that the airport is being satisfactorily maintained and the City is to be complimented for the appearance of the airport.

We appreciate the cooperation extended my representative and if we can be of assistance, please do not hesitate to contact this office.

Sincerely,
s/ Herman M. Maxwell
Chief of Airports
Branch, SLC-600

Councilman Erickson presented a joint use agreement between the City and the County, specifying terms and conditions whereby the City would agree to house, feed, care for and, if necessary, dispose of dogs brought to the City Animal Shelter by the County. It was moved by Councilman Erickson, seconded by Wood, that the agreement be accepted by the City and the Mayor and City Clerk be authorized to sign. Roll call as follows; Ayes, 6; No, none; carried.

The City Attorney presented a joint use agreement between the City and Bonneville County, specifying terms and conditions whereby the County would provide and the City would operate and maintain an ambulance service for the area. It was noted during open discussion that the City was authorized to charge all users \$30.00 per ambulance service call plus an additional \$1.00 for each patient mile the ambulance is operated outside the City limits. Councilman Hovey explained that a

SEPTEMBER 10, 1970

patient mile means a mile traveled with a patient. To illustrate, Hovey said the charge for a call 50 miles outside the City would be \$30.00 plus \$50.00 or \$1.00 a mile for each mile traveled with the patient. It was moved by Councilman Hovey, seconded by Wood, that this joint use agreement be accepted by the City and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1276

AN ORDINANCE REGULATING THE LICENSING AND OPERATION OF AMBULANCES WITHIN THE CITY OF IDAHO FALLS, IDAHO; DEFINING TERMS; PROHIBITING THE OPERATION OF ANY PRIVATE AMBULANCE OR AMBULANCE BUSINESS WITHIN SAID CITY WITHOUT THE APPROPRIATE AMBULANCE LICENSE THEREFORE; PROVIDING FOR RENEWAL AND REVOCATION OF LICENSES; ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Hovey, seconded by Nelson, 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, 6; 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, 6; No, none; carried.

Reference is made to Page 462 in this Book of Minutes and, more specifically, a written request from Mr. Kenneth Bush that the City relocate the road right-of-way on Young's Island. It was moved by Councilman Hovey, seconded by Nelson, that this request be denied and the Mayor be directed to notify Mr. Bush accordingly, in writing. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Nelson, that the meeting adjourn at 10:30 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
