

AUGUST 20, 1970

The City Council of the City of Idaho Falls, Bonneville County, Idaho, met in Regular Public Session at the regular meeting place of the Council in the City Hall in the City of Idaho Falls, Idaho, at 7:30 o'clock P.M. on August 20th, 1970. The roll call was called and the following found to be present: Mayor ProTem Jim Freeman; Councilmen Dale Parish, Gordon Nelson, Paul Hovey, Melvin Erickson, and Jack Wood. Absent: Mayor S. Eddie Pedersen. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Luther Jenkins, City Controller; William Fell, Electrical Engineer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief.

Minutes of the last Regular Meeting, held August 6th, 1970, were read and approved.

The Mayor expressed his profound regrets and sympathy for the untimely loss of Zelda Houchens, City Treasurer, recently deceased after a lingering illness. He noted that, in the interests of time and necessity, Lorna Coughlin had been unofficially appointed to the position of City Treasurer. It was moved by Councilman Parish, seconded by Erickson, that this action be ratified and the appointment confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. Pearl Gardner, 1399 Shipp Avenue, appeared before the Council. Noting that a juvenile curfew had recently been the subject of Council consideration, Mrs. Gardner voiced her approval of such an ordinance. She drew attention to the fact that Boise has a curfew ordinance, that a copy of same had recently been submitted to various City officials and urged that it be used as a model for passage of a similar ordinance in this City. The Mayor acknowledged receipt of a copy of the Boise ordinance and that said copy is on file in the office of the City Clerk. The Mayor thanked Mrs. Gardner for her presence and her remarks.

Recognizing Mr. Don Berry in the Council Chambers, the Mayor asked the City Clerk to present and read the following:

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MEMORANDUM

TO: Mayor and City Council
FROM: Paul Lundblade
SUBJECT: APPEAL FROM MR. DON BERRY

An appeal from Mr. Don Berry at 1325 Susanne Avenue was submitted to the Board of Adjustment at our last meeting of August 18, 1970, requesting permission to construct a new enclosed front entrance 6' X 8' on an existing dwelling at the above address. This dwelling at present has a 30' setback from the front property line which is required by Ordinance #1115. This new addition would be in violation, projecting 6 ft. into the required front yard.

The Adjustment Board denied this appeal because of Section 6, Page 84 of the Zoning Ordinance, which states "Authority Limited," that it shall be the function of the Board of Adjustment to grant a request which would have the effect of amending the Zoning Ordinance which the Board felt they would be doing by granting this appeal.

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This office concurs with the action of the Board and recommended that the Mayor and City Council deny this appeal.

Respectfully submitted,
s/ Paul Lundblade
Building Official

Mrs. Berry appeared before the Council to explain that the front entrance is needed to prevent mud and dirt from being tracked into the front room. She said it would enhance the value of the property and the appearances of the neighborhood. Ask by Councilman Nelson if she had considered a back porch that would accomplish the same utilitarian purpose, Mrs. Berry said it would be inconvenient, if not impossible, for use by the children, due to a large gate. Councilman Nelson noted that a variance of this nature would be dangerously precedent setting. Councilman Freeman noted that the Zoning Ordinance prohibits construction of this nature without a variance and said Ordinance is designed not to penalize, but to protect the neighborhood. Councilman Wood said he was not prepared to take action on this request until an on-the-site inspection had been made. It was moved by Councilman Wood, seconded by Hovey, that this matter be temporarily tabled, that an inspection of the premises be made and that the Council be prepared to take action, based upon said inspection, at the next Council Work Session. Roll call as follows: Ayes, 6; No, none; carried.

License applications for VENDOR, C. B. Roberts to sell fresh produce; ELECTRICAL CONTRACTOR, Alva Lewis; JOURNEYMAN ELECTRICIAN, Alva Lewis, Dennis Walker, Albert S. Knox, Derlin L. Campbell; BARTENDER, Larry Theisen, Edith M. Vollman, Georgia Hanson Slater, Kay Ann Purcell, Paul J. Olson, Robert McKinnis, were presented. It was moved by Councilman Erickson, seconded by Parish, 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.

The City Clerk drew attention to the fact that, on August 14th, in the interests of time, Change Order No. 1 on the Biggers Contract for rehabilitation of the Eagle Rock Power Plant had been signed by the Mayor and City Clerk without formal Council approval. It was noted that said Change Order was occasioned to increase the contract in the amount of \$6,435.00 to provide for additional sandblasting, gummite mortar and waterproofing and also to install dust barriers. The Change Order also provided for 22 days extension on the contract. It was moved by Councilman Hovey, seconded by Nelson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
August 18, 1970

Coal (City and School)

Honorable Mayor and Councilmembers:

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The Purchasing Department requests approval to advertise for joint bids with School District #91 for coal for the winter months of 1970 and 1971.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Parish, seconded by Hovey, that authorization be granted to advertise for bids as proposed. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an original contract, LD #21656, from the railroad, covering right-of-way for a power transmission line crossing which will permit completion of a cross-town 12 KV feeder from the Upper Power Plant line to the Sugar Mill substation. It was moved by Councilman Hovey, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This Resolution form was presented:

CORPORATION - ACCOUNT-AUTHORIZATION

BE IT ORDERED AND RESOLVED by the City Council of the City of Idaho Falls, a Corporation, that the following officers and employees, namely; Lorna Coughlin, Treasurer, (one signature only required) or anyone designated by the Mayor, shall be and are hereby authorized for and in behalf of said Corporation and in its name to:

- (1) Deposit all or any part of the moneys and funds of said Corporation in its Corporate name with the First Security Bank at its banking offices at Idaho Falls in one or more commercial or checking accounts, or one or more savings accounts, or both and/or in any other class or form of account or deposit, including certificates of deposit and cashier's checks, all on such terms and conditions as the person making the deposit may agree with said bank.
- (2) To assign, endorse and/or guarantee in writing or by stamp or otherwise, and on such terms and conditions as the person so acting may agree with said bank, all checks, drafts, bills of exchange, certificates of deposit, cashier's checks, and other orders for the payment of money, payable to or belonging to the Corporation, and to deliver the same to said bank for deposit as aforesaid, or for collection, negotiation, or in exchange for money and said bank is authorized and directed to accept all instruments so assigned, endorsed or guaranteed.
- (3) To sign checks and orders for the payment of money withdrawing funds so deposited, and that said bank shall be and it is hereby authorized to honor and pay any checks so drawn, when so signed, whether such checks be payable to the order of the officer signing them, or any of the officers of this Corporation in their individual capacities, or not, and whether they are deposited to the

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individual credit of the officer signing them, or to the individual credit of any of the officers of this Corporation, or not.

BE IT FURTHER ORDERED AND RESOLVED, that this Resolution remain in full force and effect until notice in writing is given said bank to the contrary, and that the City Clerk of said Corporation certify to said bank under his hand and the seal of the Corporation, the foregoing Resolution as evidence of the authority herein granted, and to the fact that there are no provisions of the articles of incorporation or by-laws conflicting herewith.

The City Clerk explained that the above is a replica of four resolutions which require adoption to authorize the newly appointed City Treasurer to sign on four different accounts with the First Security Bank; namely, the regular checking account, the Water and Sewer revenue bond reserve account, the Water and Sewer revenue bond interest and sinking fund account and the L. I. D. #40 construction account. It was moved by Councilman Parish, seconded by Erickson, that these resolutions be duly adopted. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was submitted:

City of Idaho Falls
August 20, 1970

TO: Mayor and City Council
FROM: Luther Jenkins, Controller
SUBJECT: BANK ACCOUNTS

The following are bank accounts which we need a signature authorization for Mrs. Bonnie Moss, new assistant to the City Treasurer, commencing work August 31st.

1. Water & Sewer Revenue Bond Interest and Sinking Account - First Security
2. Water & Sewer Revenue Bond Reserve Fund - First Security
3. City of Idaho Falls, Regular Account - First Security
4. Idaho First National, Regular Account - Idaho First National Bank
5. Bank of Idaho, Regular Account
6. Bank of Commerce, Regular Account
7. Safety Deposit Box - First Security Bank

s/ L. I. Jenkins
Controller

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It was moved by Councilman Parish, seconded by Erickson, that Mrs. Moss be authorized to sign on the various bank accounts as indicated effective August 31st. Roll call as follows: Ayes, 6; No, none; carried.

At an earlier Council Meeting there had been Council action setting the date of the secondary sewerage bond election for September 15, 1970. In the interim period it had been learned from the Engineering and Financial consultants that more time was needed. Therefore, it was moved by Councilman Nelson, seconded by Parish, that the date for the secondary sewerage treatment bond election be set, instead, for September 29th, 1970. Roll call as follows: Ayes, 6; No, none; carried.

The following Ordinance was introduced in written form by Councilman Parish and was read by title. Councilman Nelson moved that the rule requiring the reading of the Ordinance three different days be dispensed with and the motion was adopted by the vote of not less than four members of the Council, to-wit: Ayes, 6; No, none; carried.

The Ordinance was thereupon signed by the Mayor in evidence of his approval, was attested by the City Clerk, was ordered, and is as follows:

ORDINANCE NO. 1274

“AN ORDINANCE ORDERING THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS AND EXTENSIONS TO THE COMBINED MUNICIPAL WATER SYSTEM AND SEWERAGE SYSTEM FOR THE CITY OF IDAHO FALLS, IDAHO; ESTIMATING THE COST THEREOF, DIRECTING, SUBJECT TO THEIR APPROVAL OF THE QUALIFIED ELECTORS OF SAID CITY, THAT REVENUE BONDS OF SAID CITY IN THE AMOUNT OF \$1,250,000 BE ISSUED TO PAY THE COST THEREOF; CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY THE PROPOSITION OF THE ISSUANCE OF SUCH BONDS, AND PROVIDING FOR THE ISSUANCE OF SUCH BONDS IN THE EVENT THEY ARE VOTED AT SUCH ELECTION.”

From the City Planner came this memo:

August 10, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist

The Uniform Building Code and related Codes, are revised and updated every three years by the I.C.B.O. The Codes we are now operating under were adopted in 1967, and the 1970 Edition is now in our office.

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Attached are summaries of the revisory we would like to submit for approval at the Council Meeting of August 20th.

Yours very truly,
s/ Rod Gilchrist
Planning & Building Div.

Attached to this memo was a listing of the various changes from the 1967 Edition. The Councilmen agreed that these changes should be studied. Therefore, it was moved by Councilman Wood, seconded by Hovey, that this matter be tabled and referred to a Council work session. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the City Planner, this memo was forthcoming:

August 20, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: Paul Lundblade
SUBJECT: VARIANCE OF EASEMENT

A request for a variance by doctor Jay C. Kindred and Mr. William Sherry to construct a Laundromat over an easement between Lots 2 & 3 of Block 2, Riviera Homes Division #1. This Laundromat is for the exclusive use of the apartment tenants.

Our office has checked and cleared with the Electrical Division, Public Works, City Engineer, Bell Telephone Co. and the Gas Company to permit this building.

It is the recommendation of this office that the Mayor and Council grant this variance.

Respectfully submitted,
s/ Paul Lundblade

It was moved by Councilman Wood, seconded by Hovey, that this variance as stated and described, be granted. Roll call as follows: Ayes, 6; No, none; carried.

Preparatory to Council consideration of an Ordinance that would annex the Roger DeMordaunt property located adjacent to and westerly of Lot 6, Block 16, West Jennie Lee Addition, Division #11, an annexation agreement was presented, signed by Shippen Construction Company as developer. It was moved by Councilman Wood, seconded by Hovey, that the agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1275

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 (Roger Demordaunt property in West Jennie Lee Addition #11)

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

This memo from the Public Works Director was submitted:

City of Idaho Falls
August 20, 1970

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

Attached hereto is a contract form signed by Mr. Robert Collins for sewer service outside the City limits. This property is located on the north side of Sunnyside Road just west of Yellowstone Highway. The main trunk sewer is located on Sunnyside Road adjacent to his property. He has indicated a willingness to be annexed but annexation is not possible at this time. This had been discussed with the Public Works Committee and we are recommending to you that the Mayor and City Clerk be authorized to sign the City's approval.

s/ Don
Donald F. Lloyd

There was a question raised as to whether of not the property to be served was properly zoned for the anticipated use. Therefore, it was moved by Councilman Wood, seconded by Nelson, that this be referred to the Building and Zoning Committee for further study. Roll call as follows: Ayes, 6; No, none; carried.

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A second memo from the Public Works Director was presented, to-wit:

City of Idaho Falls
August 19, 1970

TO: Mayor and Council
FROM: Donald F. Lloyd
SUBJECT: TOPICS STUDY

On June 25, 1970, the City Council approved a Resolution and Cooperative Agreement covering the TOPICS Study. Since that time the Highway Department's legal counsel has found it necessary to make several revisions in the original Agreement. These revisions involve a shift in attitude, principally brought about by a recent court decision concerning the State's liability.

These new Agreements have been discussed with the City Attorney and Public Works Committee and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval of the TOPICS Agreement.

s/ Don
Donald F. Lloyd

With the foregoing explanation, then, this Resolution was introduced:

RESOLUTION (Resolution No. 1970-18)

WHEREAS, the Department of Highways of the State of Idaho has submitted a Cooperative Agreement stating obligations of the State of Idaho and the City of Idaho Falls, Idaho, for a study of traffic operation, capacity and safety within the corporate limits of the City of Idaho Falls, Bonneville County, Idaho, as described in the Cooperative Agreement, which study will provide a basis for a TOPICS program for making traffic operation improvements over the City's arterial network and other major streets to be financed in part through the U.S. Bureau of Public Roads under Title 23, U.S.C., Section 135; and

WHEREAS, the State, by agreement with the Federal Highway Administration, is responsible for obtaining compliance with laws, standards and procedural policies in the planning, development, construction and maintenance of improvements made to the Federal Aid Primary Type II Highway System, when there is Federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Cooperative Agreement; and

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WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal participation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for a TOPICS Study, Project No. Y-4060-(2), is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of the Resolution shall be furnished the Department of Highways.

It was moved by Councilman Nelson, seconded by Parish, that the earlier agreement dated June 25th be voided and the foregoing Resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried. It was noted that this Resolution provided authorization for the Mayor and City Clerk to sign the revised Agreement in question.

The City Clerk presented a lease agreement, accompanied by a declaration of lease restrictions and covenants; setting forth terms and conditions for the leasing of approximately 2.85 acres of land within the Airport Industrial Park by James McGeachin. It was moved by Councilman Wood, seconded by Hovey, that the agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows; Ayes, 6; No, none; carried.

Councilman Hovey presented the following memo from Electrical Engineer Fell:

City of Idaho Falls
August 19, 1970

Honorable Mayor and Councilmen
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

I am submitting to you this date, notice of my resignation as Manager of the Electric Division for the City of Idaho Falls.

It is with pleasure that I review the many accomplishments in the Electric Division over the past six years. I feel that the employees in this Division are very well qualified and are providing a fine service to the community. It is not without some regret that I leave this fine organization.

I will make every effort to assist in an orderly transition of the Electric Division management functions within the next thirty days.

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The Glendale, California City Manager has appointed me, with confirmation of the Mayor and City Council, General Manager and Chief Engineer of their Public Service Division. This is a \$17,000,000 annual operation with 400 employees serving 60,000 power and water accounts, local generation, and commercial operations for a City of 138,000.

Very truly yours,
s/ W. H. Fell
Manager, Electrical Div.

The Mayor, speaking for himself and all Councilmen, said this City will be losing a very valuable man in Mr. Fell who has built a safe and efficient organization during the six years he has served the City. Outside electrical engineering consultants have been virtually eliminated with that type of work now being handled by the regular engineering consultants have been virtually eliminated with that type of work now being handled by the regular staff. The Mayor listed a few major accomplishments of the Electrical Division during Mr. Fell's administration including rate reductions, ever increasing power consumption, safety record and public service in such areas as the ball park, the rodeo grounds, etc. The City Attorney added a few words of accolade by saying that, in his opinion, the conduct of the Electrical Division has been highly professional and has been in excellent hands, engineering-wise. Councilman Hovey concurred and, as Chairman of the Electrical Division, said it was with regret that Mr. Fell's resignation was accepted.

Councilman Hovey then presented this letter:

August 15, 1970

Mr. Paul Hovey, Chairman
City Council & Electrical Committee
P.O. Box 220
Idaho Falls, Idaho

Dear Mr. Hovey:

Request is hereby submitted for relocation of the City roadway (right-of-way) on Young's Island at the Upper Power Plant, approximately four (4) miles north of Idaho Falls. At the present time the roadway commences from the old (condemned) dam which connects the river bank to the east shore of the Island, extends westerly across the Island to a point near the west shore of the Island, then extends in a southern direction to the City-owned portion of the Island near the power plant. (See enclosed sketch).

As a matter of information, the undersigned is purchasing the Island with plans to build a trailer park. To facilitate adequate usage of the Island, it is recommended the City right-of-way be relocated as follows:

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Commencing from the old (condemned) dam which connects the river bank to the east shore of the Island, then extending westerly to a point approximately near the center of the Island, then in a southerly direction to the City owned portion of the Island. (See enclosed sketch)

The above proposed relocation of the roadway would allow trailer park space to be located on each side of the roadway, with each space extending to the shoreline of the Island, this enhancing the desirability of the park. Also, the above-proposed change in the right-of-way would be made without additional expense to the City.

The undersigned has engaged an engineering firm to survey the Island, and desires that the proposed new right-of-way be included in the survey with plans which are presently being formulated. Though the proposed roadway would be relocated by use of heavy equipment upon completion of new access to the Island on some future date, it is desirable that agreement be reached now so that firm planning of the trailer park may proceed.

Your early decision on this request is respectfully solicited.

Sincerely,
s/ Kenneth W. Bush
Rt. 4, Box 125
Idaho Falls, Idaho

It was moved by Councilman Hovey, seconded by Nelson, that this proposal be referred to the Electrical Committee and the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

At the request of Councilman Erickson, the City Clerk presented and read this memo from the Police Chief:

City of Idaho Falls
August 20, 1970

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: HIGH SCHOOL ANNUAL STREET DANCE

The Tiger and Grizzly Booster Club has requested permission to hold their annual street dance again this year from 8:30 P.M. to 10:30 P.M. at the intersection of Park Avenue and "A" Street. (This may be accomplished by blocking "A" Street at Shoup Avenue and Park Avenue at "B" Street). This office would recommend this permission be granted as they conducted themselves very well last year.

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The Police Department is advised they desire a parade on Friday, August 28th, 1970, at 6:30 P.M. starting from the Cliff Street Parking Lot to go North on Shoup Avenue to "C" Street then west to Park Avenue and south to the Cliff Street Parking Lot. The group will then proceed by vehicle to the Country Cub Shopping Center and then to First Street Shopping Center and we are prepared to furnish them an escort.

s/ Robert D. Pollock

It was moved by Councilman Erickson, seconded by Hovey, that permission be granted for blocking off the streets and intersections at the locations and on the date as indicted. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Nelson, seconded by Wood, that the meeting adjourn at 8:35 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ James R. Freeman
MAYOR PROTEM
