

AUGUST 6, 1970

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Thursday, the 6th day of August, 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, Paul Hovey, Melvin Erickson, and Jack Wood. Absent: Councilman Gordon Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief.

Minutes of the last recessed, Regular Meeting, held July 23, 1970, were read and approved.

The Mayor announced that this was the time and then place, as advertised, for a public hearing to consider the Clifford Keller et al petition for rezoning Lots 1 through 24, inclusive, Block 13, Crows Addition from R-2 to R-3A. This memo from the City Planner was presented and read:

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MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: REZONING - LOTS 1 THRU 24, Block 13, CROWS ADDITION (SOUTH SIDE OF 4TH STREET, BETWEEN BOULEVARD AND LEE STREET)

At the regular meeting of the Planning Commission on July 7, 1970, a petition to rezone the above described property from R-2 to R-3A was considered. The Planning Commission, after consideration, recommended approval of the request due to the type of development and zoning of the adjacent property. It was further recommended that a 20' overlay zone (OL-2) be established on the entire Block front, to conform with existing setbacks in the area.

Yours very truly,
William R. Gilchrist
Director-P & Z Div.

It was noted that all affected property owners had signed the petition favoring the rezoning. There were no protests. Councilman Wood observed that the property across the street consists mainly of apartments and is zoned R-3.

Councilman Parish saw no reason for the proposed overlay zone on the grounds that Mr. Keller's property is located near the sidewalk and, if the overlay zone were established, there would immediately be a non-conforming use due to lack of proper setback. It was moved by Councilman Wood, seconded by Hovey, that the rezoning, as proposed and recommended, be approved and the Building Official be directed to incorporate said rezoning on the official zoning map located in his office. Roll call as follows: Ayes, 4; No, one; carried. Councilman Parish voting no.

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The Mayor called City employees John L. Beard, Nick L. DeFilippes and Robert S. Stitt to the Council table and presented each of them with a certificate, Mr. Beard's signifying that he had qualified as a Grade III Sewer Works Operator and the other two men as Grade IV Operators in a voluntary certification program as jointly administered by the Association of Idaho Cities, the Idaho State Department of Health, the University of Idaho and the Pacific Northwest Pollution Control Association. The Mayor commended and congratulated these men for their dedicated efforts toward the voluntary accomplishment after which they also received congratulations from all City Officials seated around the Council table.

Mrs. Ann Wallace, 829 Crestmont Avenue, appeared before the Council. Aware that the City Council had, on March 12, 1970, passed a resolution pertaining to obscenity and pornography, she asked what had been done in the interim period toward the end goal of eliminating objectionable reading material and movies in this City. At the invitation of the Mayor, City Attorney Smith explained that he had worked with the prosecuting attorney, his assistant and even the State Attorney General on this problem, only to find that the State Legislature had passed legislation pertaining to the subject matter in question and said legislation preempted any other governmental body such as a County or City from passing their own prohibitive or policing ordinance. Mr. Smith said the intent was aimed toward uniform enforcement. This explanation seemingly did not satisfy Mrs. Wallace who then eluded to certain newspaper clippings announcing that Pocatello and Boise had taken local action. Mr. Smith noted that, in both instances, there had been an attempt made without success. Mrs. Wallace urged the City Attorney to investigate further to see if the City Council couldn't pass a local ordinance. Councilman Erickson said he had heard from time to time that the Idaho Falls City Council was not interested in correcting the problem. Erickson said he wished to strongly refute this impression. He urged the local citizenry to work through their State Legislators in an effort to revise the State law so that the hands of local governing bodies would not be tied. Councilman Parish concurred and said this City Council intends, also, to work with the State Legislature in this regard.

The Mayor asked the City Clerk to present and read aloud the following:

City of Idaho Falls
August 3, 1970

Honorable Mayor S. Eddie Pedersen and Members of the City Council:

With considerable reluctance, tinged with no little regret, I inform you that I have made application to the Public Employee's Retirement System for early retirement terminating my employment with the City of Idaho Falls, effective October 17, 1970, which will be my sixty-third birthday. To eulogize my nine years with the City would require considerable time and space but suffice to say that this period has been the most rewarding of my business career. I have enjoyed the association of the past and present Mayors and members of the Council, whose energies expend in behalf of the continuous growth programs of Idaho Falls was an inspiration to me in my share of the work.

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My future plans are not fully developed, however, I will not be leaving the City of Idaho Falls and I pledge to you my assistance in regard to work performed or for future development.

I leave with you an excellent staff in the Finance Division in whom I have the greatest trust and confidence, and I am sure that they can carry on and improve the necessary functions of the financial phase of the City's operation.

Many, many thanks for having had the privilege to work with you.

Sincerely,
s/ Luther Jenkins
City Controller

Speaking for himself and also on behalf of the City Council, the Mayor expressed profound regret that City Controller Jenkins had found it necessary to make this early retirement decision. The Mayor commented that, to do the position justice and to find as qualified a man as now holds the position, replacing the Controller will be an extremely difficult assignment. The Mayor expressed appreciation for the services rendered by Mr. Jenkins during the past nine years and wished him well during his retired years.

Bills for the month of July, 1970, having been properly audited by the Fiscal Committee were presented in caption form, as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$144,515.70	\$118,264.31	\$262,780.01
Fire Bonds	44,441.13	5,921.61	50,362.74
Water and Sewer	11,097.42	27,705.80	38,803.22
Electric Light Fund	37,912.10	83,265.80	121,177.90
Recreation Fund	14,551.36	3,739.64	18,291.00
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
TOTAL	\$255,661.11	\$266,681.56	\$522,342.67

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

Reports from Division and Department Heads were presented for the month of July, 1970, and there being no objection, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Newell R. Walker for Fish & Chips; JOURNEYMAN ELECTRICIAN, Alfred Holyoak; APPRENTICE ELECTRICIAN, John G. Richardson; TAXI CAB

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DRIVERS, DaWayne Burke, Gilbert Archuleta, Nathan C. Smith, Evelyn B. Weeks and Ruth Champion, 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, 5; No, none; carried.

This memo was presented:

August 5, 1970

Tractor with Front End Loader, Mowing Machine, Disc Harrow

Honorable Mayor and Councilmembers:

Tabulation of bids for a wheel tractor with front end loader, mowing machine with seven foot cutter bar, and a six foot disc harrow is attached.

Evaluation of bids received show Elliotts, Inc. of Idaho Falls submitting the low bid of \$5250.00 for the tractor with front end loader, mowing machine, and disc harrow. (John Deere Equipment)

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

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Wood, seconded by Erickson, that the low bid of Elliotts, Inc. be accepted for the equipment as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was forthcoming:

City of Idaho Falls
August 3, 1970

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

We are attaching hereto a sewer contract in favor of Dr. M.D. Jones. He is planning to construct a new animal hospital at 629 West Sunnyside Road (just west of the Butte Arm Canal). This request has been discussed and approved by the Council's Public Works Committee and we are requesting an authorization for the Mayor and City Clerk to sign.

s/ Donald F. Lloyd

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

A second memo from the Public Works Director was submitted:

City of Idaho Falls
August 5, 1970

TO: Mayor and Council
FROM: Donald F. Lloyd
SUBJECT: 17TH STREET-YELLOWSTONE TO SNAKE RIVER BRIDGE

On June 2, the Mayor and Council passed a Resolution and approved a cooperative agreement with the Department of Highways for the construction of the Snake River Bridge approach. The Department's legal counsel had determined that a revised agreement must be made to include a statement involving the States sovereign immunity. I am attaching hereto an original and two copies of the revised agreement, the only change being Section 10 on Page 3. The change has been discussed with the City Attorney. We would recommend that the Mayor and Council void it's former action and authorize the Mayor and Clerk to sign the new Agreement.

s/ Donald F. Lloyd

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

RESOLUTION (Resolution No. 1970-15)

WHEREAS, the Department of Highways of the State of Idaho has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of 17th Street between Yellowstone Avenue and the Snake River within the corporate limits of the City of Idaho Falls, Bonneville County, Idaho, as described in the Cooperative Agreement, which improvement is to consist of excavation, base, surfacing, curb-gutter, sidewalk, drainage and traffic controls on 0.17 miles of F. A. S. Route 6709 to be constructed under Federal Aid Project SU-6709(8); and

WHEREAS, the State, by agreement with the Federal Highway Administration, is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal Aid Secondary 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, certain functions to be performed by the State involve the expenditures of funds as set forth in the Cooperative Agreement; and

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and

WHEREAS, the City is fully responsible for all costs related to the project; and

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 Federal Aid Secondary Highway Project SU-6709(8) 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 Parish, seconded by Freeman, that the original agreement, passed June 2nd, 1970, be voided and this resolution be adopted and passed. Roll call as follows: Ayes, 5; No, none; carried. It was noted that the foregoing resolution provided for authorization for the Mayor and City Clerk to sign the agreement in question.

Next, from the Public Works Director, this memo was reviewed:

City of Idaho Falls
July 31, 1970

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: TRAFFIC SIGNAL AT 17TH AND YELLOWSTONE

We are presenting Addendum No. 2 to the Cooperative Project Agreement with the Highway Department covering the traffic signal modification at the intersection of Yellowstone and 17th Street. This agreement has been reviewed with the Council's Public Works Committee and the Mayor. We would recommend that the Council authorize the Mayor and City Clerk to sign the City's approval.

Respectfully submitted,
s/ Donald F. Lloyd

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In this connection, this resolution was introduced:

RESOLUTION (Resolution No. 1970-16)

WHEREAS, the Department of Highways of the State of Idaho has submitted Addendum No. 2 to the original Cooperative Traffic Signal Agreement dated May 21, 1963, stating obligations of the State and City of Idaho Falls for the improvement of an existing traffic signal installation at the intersection of Yellowstone Avenue and 17th Street within the City limits; and

NOW THEREFORE, BE IT RESOLVED:

1. That the Traffic Signal Agreement Addendum No. 2 is hereby accepted and approved.
2. That the Mayor and City Clerk are authorized to execute the addendum on behalf of the City of Idaho Falls.
3. That duly certified copies of this Resolution shall be furnished to the Department of Highways.

It was moved by Councilman Parish, seconded by Freeman, that the City Attorney be directed to prepare an appropriation ordinance, as recommended, for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Parish introduced the following resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1970-17)

“WHEREAS, the City Engineer and the Committee on Streets of the City Council have made out an Assessment Roll for Local Improvement District No. 40, according to the provisions of Section 50-1718 Idaho Code, and the provisions of Ordinance No. 1114, and have certified the same to the Council as provided by law.

NOW THEREFORE, BE IT RESOLVED:

That Thursday, the 10th day of September, 1970, at 7:30 o'clock p.m. of said day at the Council Chambers in the City Building in the City of Idaho Falls, Idaho, be, and the same hereby are appointed and fixed as the time and place when and where objections to said assessment roll by the property owners in said District shall be heard, and that said assessment roll be filed in the office of the City Clerk.”

Councilman Erickson 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 Councilmen being as follows: Councilmen Freeman, Parish, Hovey, Erickson, and Wood. Absent: Councilman Nelson.

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The City Clerk drew attention to the fact that State Law does not require mailing assessment hearing notices to property owners but that, as a matter of past precedent, this had been done as a service to all affected parties. It was moved by Councilman Parish, seconded by Freeman, that the City Clerk be authorized and directed to mail notices as described by regular mail. Roll call as follows; Ayes, 5; No, none; carried.

This written ambulance proposal was presented and read:

Idaho Falls Ambulance
Service, Incorporated
July 28, 1970

Mayor S. Eddie Pedersen and City Council
Idaho Falls, Idaho

Gentlemen:

Knowing you are desirous of having ambulance service for this area and following several discussions with you, I hereby make the following proposals for such service:

This service is essentially the same as we have had in the past; namely, two ambulances, two drivers, around-the-clock coverage with our equipment as before. The price for this is \$15,000.00 per year. This will cover all indigents and all public assistance cases - but private patients will pay the regular rate and will be billed by us separately.

The second bid or offer is in keeping with the recent recommendation of the Ambulance Committee. This consists of two ambulances staffed around the clock, an experienced driver in each vehicle and an additional person trained in first aid riding in each vehicle. This price for this service is \$36,000.00. We will bill private patients separately whichever offer is accepted, you know of our service in the past. We have two-way radio and in constant contact with the State Highway patrol. We are experienced in this area, knowing the locality, the hospitals and the doctors.

Our vehicles are regularly serviced and kept in the best running order. We have material in each vehicle for emergency treatment as splints, bandages, oxygen, resuscitator. In the past we gave supplied the State patrol in this area with bandages, compresses and replace them from time to time. Mr. Hawkins, himself, has within the past three years been to training sessions at Medical Schools in Denver and Los Angeles. Our vehicles are kept clean, neat and in proper order. We feel our service is of the highest order.

Hoping to hear from you at your earliest convenience concerning this, I remain,

Sincerely,
I. F. Ambulance Service
s/ Harry J. Hawkins

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It was moved by Councilman Hovey, seconded by Erickson, that this be referred to the Ambulance Committee and the City Attorney for study, recommendation and reply. Roll call as follows: Ayes, 5; No, none; carried.

Recognizing that he and the City Controller had been assigned the responsibility of preparing a letter of agreement between the City and Bonneville County relative to the County's share in financing the ambulance service, City Attorney Smith reported that he and Controller Jenkins had made a time consuming, in depth study of the problem and it was found that, by State Legislation passed in 1963, as amended in 1967 and 1969, it is the primary obligation of the County, rather than the City, to provide said service. Smith said it would be the County's prerogative to seek subsidizing from the City or even to employ the City as its agent and the City has some responsibility in this regard to satisfy its health, welfare and safety obligation to the Community. However, Smith continued, the City should avoid the precedent of initiating such a contract. Smith said it would be in order for the City to continue the present service between now and the end of the year 1970 without a contract the County's financial assistance during that time could be justified on an emergency adjustment basis. The City Attorney suggested that another meeting be held with the Ambulance Committee, the County Commissioners and the County Attorney so that there will be a clear understanding on the matter of responsibility. It was moved by Councilman Hovey, seconded by Erickson, that a meeting, as suggested and proposed, be scheduled as soon as possible. Roll call as follows: Ayes, 5; No, none; carried.

At the request of Councilman Erickson, the City Clerk presented and read the following:

August 4, 1970

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: JUVENILE CURFEW PROPOSAL

At the Council Meeting of July 23, 1970, there was referred to the Police Committee for study and recommendation a proposal for a Juvenile Curfew Ordinance.

In a meeting, Councilman Melvin Erickson, Mr. Dale Hoskins, Mr. Reed A. Ragan, and myself reached a mutual agreement of which Councilman Hovey is in accord and which is herein submitted for your consideration.

1. We suggest that there is adequate law in Idaho Code 16-1803 for the Police Officers to cope with suspicious loitering or wandering juveniles during the night time hours.
2. The Police Officers will be directed to review their General Order No. 53 dated January 13, 1964 "Procedure in Delinquency Cases Under Youth Rehabilitation Act" with special emphasis on II. a. and to utilize same when applicable.

II. WHEN DOES A CHILD COME UNDER THE YOUTH REHABILITATION ACT?

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Subject to the prior jurisdiction of a United States Court, the Probate Court shall have exclusive jurisdiction in proceedings concerning any child living or found within the County:

- a. Who wanders the streets in the nighttime without being on any lawful business or occupation or who is a habitual truant from school.

The first page of General Order No. 53 is attached for your perusal with Number I. closely covering Idaho Code 16-1802 and Number II. 16-1803

Respectfully submitted,
s/ Robert D. Pollock
Chief of Police, for the
Police Committee

To illustrate, historically, the fact that the curfew question has been in the minds of the Administration for some time, Erickson, noted that, as long ago as 1966, the Mayor had written other cities in an effort to ascertain their experience with a curfew ordinance. At the request of Councilman Erickson, Police Chief Pollock appeared to explain existing police procedure for apprehending a suspicious appearing youth during the night time hours. He said if the Police Officer elects to bring the youth to the station, a record is made of his name, address, the license number and make of car, if any, etc. If that name appears frequently on the Police records he may be charged with "late and unusual hours" and referred to the probate court. Pollock said his officers are empowered to do this under the State law as above indicated.

Councilman Erickson reported that police officers have now been instructed, in every instance, to call the parents of the youth when brought in. Erickson then urged that the news media cooperate in a campaign to inform and alert the public that the State law in question in being enforced. The City Attorney concluded the discussion by saying that, in his opinion, this is a more workable approach than a curfew ordinance, per se, which, in a manner of speaking creates an imposition on society and is virtually non-enforceable. Smith said the crime is not necessarily the youth n the street but, rather the habitual and frequent cases of youth on the street without lawful business or occupation.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:25 p.m., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
