

APRIL 9, 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 9th day of April, 1970, at the hour of 7:30 o'clock p.m. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen, Councilmen Dale Parish, Jim Freeman, Mel Erickson, Gordon Nelson, Paul Hovey. Absent: Councilman Wood. Also present: Roy C. Barnes, City Clerk; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; William Fell, Electrical Engineer; Don Lloyd, Public Works Director; Pete Ahlstrom, City Librarian.

Minutes of the last recessed Regular Meeting, held March 26, 1970, were read and approved.

Mr. Griffith Harmon, owner and operator of the Colonel's Take Home Fried Chicken, appeared before the Council, explaining that he is planning to construct another fried chicken take home outlet south of 17th Street, at the intersection of 17th and proposed Jennie Lee Drive. Noting that this was outside the City, Mr. Harmon asked that he be served by City water and sewer, under an outside the City utility contract agreement. He also asked for City Electric Service but, according to Electrical Engineer Fell, this posed no problem, inasmuch as no other electric service was readily available. Mr. Harmon said this property had been properly rezoned by the County to permit a commercial development of this nature. Asked by Councilman Freeman if the City Planning Commission had registered an opinion on this matter, City Planner Gilchrist reported that the City Planning Commission had recommended denial to the County Planning Commission. As chairman of the Public Works Committee, Councilman Nelson explained to Mr. Harmon that the City will enter into outside the City utility contracts only when said action can be justified on the grounds that the property to be served is not contiguous to the City and where annexation cannot be considered nor justified. Nelson continued by saying that Mr. Harmon's property is contiguous, it could be easily and readily annexed and therefore the City could not justify outside the City utility service. Harmon pointed out that he had no objection to annexation except that his building plan is not in conformance with City Code. He said the plan called for a second building to be used as a beauty shop located behind the chicken outlet which would lack eleven feet of having sufficient setback from Jennie Lee Drive and that he couldn't consider locating it with proper City Code setback inasmuch as it would then be hidden from view to 17th Street traffic. Councilman Hovey explained that City Code is for the purpose of providing good planning and that the required setback provision is an integral part of said good planning. After considerable discussion on the subject, it was moved by Councilman Nelson, seconded by Parish, that outside the City water and sewer service be denied Mr. Harmon. Roll call as follows: Ayes, 5; No, none; carried. Mr. Harmon said he, therefore, would consider further the possibility of annexation.

Mr. Conrad Engstrom, real estate representative for Hilltop Realty, appeared before the Council with reference to certain property at 4th and Lee, owned by Clifford Keller, formerly a grocery store in non-conforming use and more recently occupied as a business office by Morrison Merrill & Co. Mr. Engstrom explained that Morrison Merrill was about to vacate the premises, the location could not again be used as a grocery store, and that his client would suffer from the absence of revenue unless the property could be zoned that it could at least continue to be used as an office. Asked by Councilman Hovey if he had petitioned the Planning Commission for rezoning, Engstrom

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answered in the negative. With general Council agreement, Hovey suggested this route for Mr. Engstrom.

Bills for the month of March, 1970, having been properly audited by the Finance 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	\$121,530.29	\$89,813.59	\$211,343.88
Fire Bonds	40,031.80	3,874.52	43,906.32
Water and Sewer	8,457.72	27,411.07	35,868.79
Electric Light Fund	34,464.65	112,652.64	147,117.29
Recreation Fund	1,310.60	526.30	1,836.90
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
TOTAL	\$208,938.46	\$253,482.32	\$462,420.78

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 March, 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 GROCERY STORE, (Transfer) from Wilma's Natural Food to Dee C. Benham; GROCERY STORE, Paul Saito for Mary's Japan Grocery; RESTAURANT, Skylark Restaurant, Smitty's Pancake House; DAIRY, Clyde's Dairy Delivery, Eastern Idaho Dairy; MASTER PLUMBER, Kerr Plumbing; ELECTRICAL CONTRACTOR, Johnson Solar Electric Heat; Griffith Electric; JOURNEYMAN ELECTRICIAN, Homer P. Johnson, Ray Griffith; APPRENTICE ELECTRICIAN, Albert Leinweber, Jr., Claude E. Lilya, Marjorie Griffith; CLASS D JOURNEYMAN, GF, Monte Berrett, Max Sargent; PHOTOGRAPHY, Quincy M. Jensen; MOTEL, Falls View Motel, Flamingo Motel; HOTEL, Julie Clayton; DANCE HALL, Roger Hougen for Flamingo Restaurant & Lounge; NON-COMMERCIAL KENNEL, Mrs. Lynn Forman; TAXI CAB OPERATORS, Edward J. Applegate; BARTENDER, Ercel Monson; BEER & LIQUOR, Ercel Monson for Samoa Club, were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk read the following letter:

City of Ammon
March 18, 1970

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Mr. Vernon S. Johnson, President
Board of Trustees of Idaho Falls Library
200 North Eastern Avenue
Idaho Falls, Idaho

Dear Mr. Johnson:

The City of Ammon would like to renew its contract with the City of Idaho Falls which provides library services for the residents of Ammon. Briefly, the contract provides that the City of Ammon will reimburse the City of Idaho Falls at the current non-resident rate for each card obtained by the residents of the City of Ammon with the restriction of one card per family. Authorization for the renewal was obtained on the 16th day of March, 1970.

We would like to compliment the staff of the Library, and especially Mr. Ahlstrom because of the interest and help in providing names and addresses of the Ammon borrowers. It is a pleasure to work with them.

Sincerely,
s/ Thomas D. Kershaw
Ammon City Mayor

It was moved by Councilman Freeman, seconded by Parish, that the City Attorney be directed to prepare a contract renewal as requested, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was forthcoming:

City of Idaho Falls
April 7, 1970

2- 1970 Cab & Chassis (Sanitary Trucks)
2- 1970 Refuse Bodies

Honorable Mayor and Councilmembers:

Tabulation of bids for 2 cab & chassis and 2 refuse bodies is attached. Evaluation of bids received shows Snake River Equipment submitting the low bid of \$13,928.22 and Western Road Machinery Co. submitting the low bid of \$15,027.70 with trade-in of three units.

The above bids were approved by the Public Works Council Committee in their meeting of March 31.

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Ratification of their approval is asked by the Public Works Division and the Purchasing Department.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Nelson, seconded by Parish, that this informal Council action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

The Electrical Engineer submitted this memo:

April 8, 1970

MEMORANDUM

TO: Council Committee, Electric Division
FROM: W. H. Fell
SUBJECT: REQUEST FOR AUTHORIZATION TO BID

The Electric Division requests authorization to bid for approximately \$123,000 of electric system equipment. This material is for specific projects and operating inventory replacement, all within the 1970 budget for overall capital outlay.

Itemization is as follows:

Conductor	\$ 76,000
795 MCM Aluminum Bare-100,000 lb. for Upper Plant Circ., 15 th Rack 44 KV Sugar Mill Cross-town Circ., Hitt Road Circuits	\$42,000
#2 A1 15 KV URD -30,000 feet New Construction, Gustafson Park Improvements	\$10,500
350 MCM Cu. 5 KV w/Shield -3,500 ft. City Plant Outgoing Circuits and Replace Inadequate Other Sub Circuits	\$10,500
#1/0, #2, #6 Triplex -55,000 ft.	\$ 7,000
New and Replacement Services	\$ 6,000

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Switchgear	\$ 37,000
1- 2,000 AMP, 2500 MVA 46 KV OGB w/ Switches and Relaying Sugar Mill Sub.	\$ 18,000
2- 1200 AMP, 15 KV 500 MVA OCB w/ Switches, 9 th Street Main, Cross-town U.P. Circuit	\$ 19,000
 System Supervisory	
12 Point Master and Remote for 15 th St. Sub. Cross-town feeder, and Other Sectionalizing Points	<u>\$ 10,000</u>
TOTAL	\$ 123,000

It was moved by Councilman Hovey, seconded by Nelson that authorization to bid be granted as requested. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Nelson introduced the following resolution:

RESOLUTION (Resolution No. 1970-06)

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 a railroad grade separation (under) on 17th Street 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 construction of a two lane underpass structure on 0.02 miles of F. A. S. Route 6709 to be constructed under Federal Aid Project SUG-6709 (7); 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 Air 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

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

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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 SUG-6709 (7) is hereby approved.
2. That the Mayor and the 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 foregoing resolution be adopted and passed. Roll call as follows: Ayes, 5; No, none; carried. It was noted that the above resolution authorized the Mayor and City Clerk to sign the cooperative agreement SUG-6709 (7) between the City and the State.

This memo from the Public Works Director was studied:

City of Idaho Falls
April 9, 1970

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: TOPICS STUDY

We are presenting herewith an original and three copies of an agreement for engineering services to institute a TOPICS Program for the City. This program was reviewed in some detail and endorsed by the Metropolitan Transportation Committee and the Council's Public Works Committee.

We are, therefore, requesting authorization for the Mayor and City Clerk to sign the attached agreement for engineering services for a TOPICS study involving the City, the Idaho Department of Highways, and the Bureau of Public Roads.

s/ Don F. Lloyd

At the invitation of the Mayor, City Engineer appeared to explain that the agreement referred to in the above memo, costing \$22,500, was between the City and Barton, Stoddard, Melhollin & Higgins, Consulting Engineers, and that said cost would be borne 60% by the Bureau of Public Roads and the difference would be split 50-50 between the Idaho Department of Highways and the City. It was

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

Finally, from the Public Works Director, this memo was submitted:

City of Idaho Falls
April 9, 1970

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: QUIT CLAIM DEED TO AMERICAN OIL

We are presenting herewith an original and one (1) copy of a quit claim deed in favor of the American Oil Company. The property is the old City canal which we feel but cannot prove belonged to the City. The City is retaining a 16 foot easement in order to provide for future drainage.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the Mayor and City Clerk be authorized to sign, subject to approval by the City Attorney as to proper legal form. Roll call as follows; Ayes, 5; No, none; carried.

From the City Planner came this memo:

April 9, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: ILLEGAL AUTO REPAIR BUSINESS IN R-2 ZONE

The property located at 690 Gladstone (southwest corner of Gladstone and Wabash) has for some time been used as an auto repair business. The property is zoned R-2 and this type of business is not permitted in this zone, nor does it qualify as a home occupation.

This office has repeatedly contacted the property owner, Mr. Bill Lee, and informed him of the violation. On two occasions in the recent past, both he and his wife have been in this office to discuss the problem. On numerous occasions, City Inspectors have visited the premises, and late in 1969, the City Attorney's office sent a letter to Mr. Lee informing him of the violation.

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Over a period of time encompassing the last six weeks, the premises have been checked twenty times by personnel from this office. An average of five vehicles per day have been found on the property, with as many as eight vehicles in many instances.

In as much as this is a continuing violation, and many complaints are received by various City Departments, regarding this problem, the matter is now being referred to the Mayor and City Council for consideration.

Yours very truly,
s/ Rod R. Gilchrist

Councilman Hovey explained that the Building and Zoning Department has made every effort to work and cooperate with Mr. Lee, even to the point of suggesting that if he were to limit the number of cars around his residential premises at any one time to one or two, there would probably be no objections, but that Mr. Lee ignores all such advice and warnings. It was moved by Councilman Hovey, seconded by Erickson, that this matter be referred to the City Attorney with instructions to take appropriate legal action to correct the problem. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the City Planner was forthcoming, to-wit:

April 9, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: AMENDMENTS TO THE COMPREHENSIVE PLAN

In the process of preparing detailed plans of the Central Business District and the Eagle Rock Development project, two amendments to the Comprehensive Plan of the City of Idaho Falls have been recommended by the City Staff.

The proposed changes were received by the City Planning Commission on April 7, 1970, and they recommend to the Mayor and City Council that they be approved as presented. The Community Redevelopment Commission has also reviewed and approved the changes.

The proposed amendments are as follows:

1. Realignment of the proposed Memorial Drive extension to connect to Capital Avenue. This will now follow the present alignment of Memorial Drive, Broadway and Capital Avenue, rather than cutting diagonally thru the property between Broadway and Cliff Street.

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2. Relocation of the proposed Civic Complex - this was originally proposed to be located south of Cliff Street. It is recommended that the future location of a Civic Complex be adjacent to Memorial Drive, generally between B & E Streets.

This Department recommends approval of the proposed Amendments and passage of the necessary resolution by the Mayor and City Council.

Very truly yours,
s/ William R. Gilchrist

It was moved by Councilman Hovey, seconded by Erickson, that with reference to part one, a resolution would be in order for Council adoption that would amend the comprehensive plan as recommended and, with reference to part two, this be tabled for further study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

The foregoing action having been taken, Councilman Hovey introduced the following:

RESOLUTION (Resolution No. 1970-07)

**RE: AMENDMENT TO COMPREHENSIVE PLAN FOR IDAHO FALLS, IDAHO
MEMORIAL DRIVE EXTENDED AND CAPITAL AVENUE**

WHEREAS, The Comprehensive Plan for Idaho Falls, Idaho, now shows and contemplates that Memorial Drive is to be extended in a southerly direction south of Broadway to Cliff Street, and

WHEREAS, It has been concluded that such extension would not be in the best interests of the community;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, as follows:

That the Comprehensive Plan for Idaho Falls, Idaho, be amended in the following particulars:

- (a) That the extension of Memorial Drive south of Broadway be deleted from the plan.
- (b) That the existing Capital Avenue south of Broadway to Cliff Street be widened and improved so as to accommodate the traffic flow thereon, and that the plan be altered to show such proposed improvements.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 9th day of April, 1970.

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ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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

Finally, from the City Planner, this memo was presented and read:

April 9, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William Gilchrist
SUBJECT: APPEAL FROM MR. ROBERT PICKERING

The Mayor and City Council, at their work session on March 31, approved the request of Mr. Pickering to locate a mobile home at the northwest corner of Elva and N. Holmes to serve as a temporary office for a used car and truck sales yard. This request was approved for a one year period.

This matter should be ratified at a regular City Council Meeting.

Yours very truly,
s/ William R. Gilchrist

Councilman Nelson registered concern about this temporary arrangement on the grounds that it is precedent setting. He cited the fact that we have, within the City, at least one other temporary situation of this same nature. Councilman Hovey concurred on the grounds that this might become embarrassing when the tenant, at the end of one year asks for a time extension. It was generally agreed that these temporary variances bear close watching. It was moved by Councilman Hovey, seconded by Erickson, that this informal Council action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

It was moved by Councilman Nelson, seconded by Hovey, that this section of the zoning ordinance be referred to the Planning Commission for study and recommendation to the Mayor and City Council. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor asked that the following letter be openly read and made a matter of record:

Oregon Short Line Railroad Co.
Union Pacific Railroad Co.
(Lessee)

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WITHDRAWAL OF PROTEST

Salt Lake City, Utah
March 31, 1970

To Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

The Oregon Short Line Railroad Company, a corporation of the State of Utah, and its lessee, Union Pacific Railroad Company, a corporation of the State of Utah, hereby withdraw the protest and objection dated January 12, 1970, respectfully submitted January 13, 1970, to the creation of an Improvement District for the purpose of constructing certain drainage sewer improvements within the corporate limits of Idaho Falls, Idaho as proposed in Resolution of Intention No. 1, known as Local Improvement District No. 40, passed by the Council and approved December 18, 1969.

This withdrawal is made subject to the exclusions stated in that certain letter dated March 25, 1970, from the Honorable S. Eddie Pedersen, Mayor, to Mr. H. Bailey, superintendent Union Pacific Railroad Company, which is by reference made a part hereof.

Respectfully submitted,
Oregon Short Line Railroad Co.
Union Pacific Railroad Co. Lessee
s/ D. D. Glanzman
General Land & Tax Agent

No Council action was considered necessary.

Noting from the agenda that an ordinance was about to be presented which would create and establish L.I.D. #40, Councilman Erickson posed the question as to whether or not the Crow Creek problem has been resolved, recognizing the fact that the originals plan called for additional drainage water to the otherwise over-loaded creek. At the invitation of the Mayor, Public Works Director Lloyd explained that he had recently discussed the matter with one of the affected property owners living outside the area involved in L.I.D. #40, Mr. O. I. Blain, and had assured him that the problem would be resolved by the drainage construction under L.I.D. #40.

The City Council, having further considered the protests against the creation of Local Improvement District No. 40 since the Council passed a resolution on the 22nd day of January, 1970, and on further consideration and on motion of Councilman Parish, seconded by Councilman Nelson, the following resolution was adopted by the unanimous vote of the Council and Mayor:

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(Resolution No. 1970-08)

“RESOLVED: THAT THE RESOLUTION PASSED AND APPROVED BY THE CITY COUNCIL ON JANUARY 22, 1970, FIXING THE ACTUAL VALUE OF THE REAL PROPERTY, INCLUDED IN SAID DISTRICT AND OVER-RULING THE PROTESTS THAT WERE ON FILE AGAINST THE CREATION OF SAID DISTRICT, BE, AND THE SAME IS HEREBY REPEALED, RESCINDED, AND DECLARED NULL AND VOID, AND IN LIEU THEREOF, IT IS RESOLVED THAT THE ACTUAL VALUE OF THE REAL PROPERTY INCLUDED IN THE PROPOSED LOCAL IMPROVEMENT DISTRICT NO. 40 IS \$2,700,000.00; THAT THE ACTUAL VALUE OF THE REAL PROPERTY INCLUDED IN SAID DISTRICT, EXCLUSIVE OF THE IMPROVEMENTS THEREON, IS \$500,000.00; THAT SEVERAL PROTESTS AGAINST PORTION OF THE PROPOSED WORK HAVE BEEN MADE IN WRITING BY PROPERTY OWNERS AND FILED WITH THE CITY CLERK; THAT SUCH PROTESTS HAVE BEEN MADE BY THE OWNERS OF LESS THAN TWO-THIRDS OF THE ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT LOTS AND LANDS WITHIN SAID PROPOSED IMPROVEMENT DISTRICT, THAT EACH AND ALL OF THE SAID PROTESTS HAVE BEEN CAREFULLY CONSIDERED; THAT SOME PROPERTY IS INCLUDED WITHIN SAID DISTRICT WHICH SHOULD NOT BE ASSESSED TO PAY THE COSTS AND EXPENSES OF SUCH IMPROVEMENT, AND THAT PORTIONS OF SUCH IMPROVEMENTS SHOULD NOT BE MADE, AND THE SAME MAY BE ELIMINATED FROM THE DISTRICT; THAT THE PETITION REQUESTING THE ORGANIZATION OF THE DISTRICT IS PROPER AND THE DISTRICT, AFTER SUCH PORTIONS ARE ELIMINATED THEREFROM, WILL BE FOR THE BEST INTERESTS OF THE PROPERTY AFFECTED AND THE CITY OF IDAHO FALLS, IDAHO; THAT THERE IS REASONABLE PROBABILITY THAT THE OBLIGATIONS OF SUCH DISTRICT, AS MODIFIED, WILL BE PAID; THAT THE RESOLUTION OF INTENTION PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR DECEMBER 18, 1969, SHALL BE, AND THE SAME HEREBY IS AMENDED AND MODIFIED AS TO THE SEWER TO BE CONSTRUCTED AND THE LOTS AND LANDS INCLUDED WITHIN THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 40 TO READ AS FOLLOWS, TO-WIT:

Boundaries for Local Improvement District No. 40:

Beginning at the southeast corner of Section 18, T. 2N., R. 38, E.B.M. and proceeding westerly along the Section line a distance of 1930 feet to the centerline of North Lee Avenue; thence northerly along said centerline of North Lee Avenue a distance of 30 feet; thence westerly

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along the north right-of-way line of First Street a distance of 355 feet to the west lot line of Lot 36, Block 15 of the Dwights Addition to the City of Idaho Falls, Idaho; thence northerly along said lot line a distance of 184.4 feet to the easterly right-of-way line of Yellowstone Avenue; thence northwesterly along said easterly right-of-way line of Yellowstone Avenue a distance of 136.35 feet to the centerline of Lomax Street; thence westerly along the projected centerline of Lomax Street a distance of approximately 335 feet to a point 36.5 feet perpendicular from centerline of the Union Pacific Railroad mainline track; thence northwesterly parallel to said mainline track a distance of approximately 4015 feet to the extended south right-of-way line a distance of approximately 80 feet; thence northwesterly a distance of 84.85 feet to the property line of the north right-of-way line of Coltman Street and the east right-of-way line west of Higbee Avenue; thence easterly along said north right-of-way of Coltman Street a distance of 125 feet to the southwest corner of Lot 29, Block 8, in the Mayflower Addition to the City of Idaho Falls, Idaho; thence a distance of 438.85 feet to a point on the west property line of Lot 29, Block 5, in the Mayflower Addition to the City of Idaho Falls, Idaho; thence north $26^{\circ}42'40''$ east a distance of 22.55 feet; thence easterly a distance of 64.86 feet; thence northerly a distance of 128.91 feet; thence north $26^{\circ}42'40''$ feet to the centerline of Crow Street; thence easterly along said centerline a distance of 82.84 feet; thence northerly a distance of 155 feet to the south alley line of Block 4 in the Mayflower Addition to the City of Idaho Falls, Idaho; thence easterly along said south alley line a distance of 175 feet to the east lot line of Lot 44, Block 4 of the Mayflower Addition to the City of Idaho Falls, Idaho; thence southerly along the east lot line of Lot 44, Block 4, and Lots 3 and 44, Block 5 of the Mayflower Addition to the City of Idaho Falls a distance of 401 feet to a point located 50 feet north of the north right-of-way line of Briggs Street; thence easterly along a line that is parallel to and 50 feet north of the north right-of-way of Briggs Street a distance of approximately 80 feet to the centerline of north Holmes Avenue a distance of 872.9 feet to the Point of Intersection of the centerline of north Yellowstone Avenue and North Holmes Avenue; thence northeasterly along the centerline of North Yellowstone Avenue a distance of 720.20 feet to the south line of the northwest $\frac{1}{4}$, northwest $\frac{1}{4}$ Section 17, T. 2N., R. 38, E.B.M.; thence easterly along said $\frac{1}{16}$ Section line a distance of approximately 96 feet to the easterly right-of-way line of North Yellowstone Avenue; thence south 35° east a distance of 1060 feet; thence north 55° east a distance of 1250 feet; thence easterly a distance of approximately 500 feet to the northeast corner of Lot 6, Block 11, in the Bel-Aire Addition, Division No. 2, to the City of Idaho Falls, Idaho; thence southerly along the west division line of said Bel-Aire Addition a distance of 1130 feet to the centerline of Elva Street; thence southeasterly along the centerline of Elva Street and Royal Avenue to a point that is 30 feet east of the common lot line between Lots 1 and 2, Block 8, of the South Bel-Aire Addition, Division No. 1 to the City of Idaho Falls, Idaho; thence westerly along a line parallel to Elva Street a distance of approximately 650 feet to a point that is 125 feet east of the east right-of-way line of Fanning Avenue; thence southerly along a line that is parallel to and 125 feet east of the east right-of-way line of Fanning Avenue a distance of approximately 900 feet; thence south 45° west a distance of approximately 200 feet to the point of intersection of the centerline of North Fanning Avenue and the north right-of-way line of Garfield Street projected; thence southerly along the centerline of North Fanning Avenue a distance of 354

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feet to the centerline of Cleveland Street; thence easterly along the centerline of Cleveland Street a distance of 30 feet; thence southerly along the east right-of-way line of Fanning Avenue a distance of 290 feet; thence east a distance of 80 feet; thence southerly along a line that is parallel to and 80 feet east of Fanning Avenue a distance of 140 feet; thence east a distance of 165 feet; thence southeasterly a distance of 552.34 feet to a point on the section line common to Sections 17 and 20 said point being south 89°57'40" west a distance of 330.91 feet from the ¼ corner, common to Sections 17 and 20; T. 2N., R. 38, E.B.M. thence westerly along said section line a distance of 2308.58 feet to the original POINT OF BEGINNING.

The points between which said drainage sewers are proposed to be laid, and the location there of are as follows:

Construct drainage lines complete with catch basins, manholes and appurtenances, along the following described streets, easements or locations:

FANNING AVENUE: From Elva Street to the alley north of May Street.

ALLEY NORTH OF MAY STREET: From Fanning Avenue west to Wabash Avenue.

THRU AN EASEMENT: Starting on Fanning Avenue approximately 650 feet south of centerline of Elva Street and proceeding thence easterly approximately 260 feet; thence southeasterly approximately 750 feet to Garfield Street; thence along Garfield Street to Royal Avenue to a connection with an existing storm drain main.

WABASH AVENUE: A Storm drain line from Lomax Street to the alley north of First Street and a concrete cross drain across Gladstone Street.

FIRST STREET: From Freeman Avenue to Wabash Avenue.

FREEMAN AVENUE: From Elva Street to Gladstone Street.

CLEVELAND STREET: From Wabash Avenue to Higbee Avenue.

HOLMES AVENUE: From Cleveland Street to Lomax Street.

HIGBEE AVENUE: From Elva Street to Whittier Street and from May Street to Lomax Street.

EMERSON STREET: From Cleveland Street to Gladstone Street.

LEE AVENUE: From near the Union Pacific Railroad tracks to Lomax Street.

GLADSTONE STREET: From Higbee Avenue to Lee Avenue.

GARFIELD STREET: From Lee Avenue to Emerson Avenue.

LOMAX STREET: Lee Avenue westerly across Yellowstone Avenue to near the Union Pacific Railroad tracks, and a concrete cross drain across Emerson Avenue.

ALONG THE EAST SIDE OF THE UNION PACIFIC RAILROAD TRACKS: From Lee Avenue to Elva Street.

MAY STREET: From a point approximately 200 feet west of Yellowstone Avenue westerly to near the Union Pacific Railroad tracks, and from Higbee Avenue to a point approximately 400 feet east of Higbee Avenue; thence northerly through an easement to the alley between May Street and College Street.

YELLOWSTONE AVENUE: A Storm drain line from Poulson Street to Elva Street and a concrete cross drain across May Street.

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WHITTIER STREET: From Holmes Avenue to Higbee Avenue.

ELVA STREET: From Yellowstone Avenue westerly to near the Union Pacific Railroad tracks.

POULSON STREET: From Holmes Avenue to Yellowstone Avenue and from a point approximately 350 feet west of Higbee Avenue westerly to near the Union Pacific Railroad tracks.

COLTMAN STREET: From a point approximately 400 feet west of Holmes Avenue westerly to near the Union Pacific Railroad tracks.

BRIGGS STREET: From a point approximately 400 feet west of Holmes Avenue westerly to near the Union Pacific Railroad tracks.

THAT SAID RESOLUTION OF INTENSION, AS SO AMENDED AND MODIFIED, SHALL BE, AND THE SAME HEREBY IS RATIFIED AND APPROVED."

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

Councilman Nelson introduced Ordinance No. 1268, entitled:

"AN ORDINANCE CREATING AND SETTING FORTH THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 40, IN AND FOR IDAHO FALLS, IDAHO, FOR THE PURPOSE OF CONSTRUCTING A DRAINAGE SEWER IN CERTAIN STREETS, ALLEYS, EASEMENTS AND RIGHTS OF WAY WITHIN THE CORPORATE LIMITS OF SAID CITY; PROVIDING THAT SUCH IMPROVEMENT SHALL BE MADE AND THAT THE COST AND EXPENSE OF SUCH IMPROVEMENTS SHALL BE TAXED AND ASSESSED UPON ALL PROPERTY IN SAID DISTRICT IN PROPORTION TO THE NUMBER OF SQUARE FEET OF LANDS AND LOTS, ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT THERETO, INCLUDED IN SAID DISTRICT AND IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS, AND PROVIDING THAT THE COST AND EXPENSE OF SAID IMPROVEMENTS WITHIN SAID STREET INTERSECTION AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OF THE CITY IN THE AMOUNT OF \$100,000.00 AND IN ADDITION THERETO THE UNITED STATES OF AMERICA WILL CONTRIBUTE THE SUM OF \$137,200.00; AND PROVIDING FURTHER THAT THE MAKING OF SAID IMPROVEMENTS IS DEPENDENT UPON THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT BONDS TO DEFRAY THE COST AND EXPENSE OF SAID IMPROVEMENTS OTHER THAN THE COST AND EXPENSE TO

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BE PAID FROM THE GENERAL FUNDS OF THE CITY AND BY THE UNITED STATES OF AMERICA.”

and moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Parish and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Freeman that the rules be suspended, and that the Ordinance be placed on its second and third reading. Motion was seconded by Councilman Hovey, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Parish, seconded by Erickson, that the Ordinance pass its second reading, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Nelson, seconded by Councilman Freeman, that the Ordinance pass its third reading, and that the same be adopted, and the City Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried, the vote being as follows: Councilman Jim Freeman, Councilman Dale Parish, Councilman Gordon Nelson, Councilman Mel Erickson, Councilman Paul Hovey.

The foregoing Ordinance having been passed, creating and establishing L.I.D. #40, it was moved by Councilman Nelson, seconded by Parish, that the City Attorney be instructed and directed to prepare advertisement for construction bids as soon as possible, subject to final confirmation by the Union Pacific Railroad. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1269

AN ORDINANCE AMENDING CHAPTER 6, TITLE 9, OF THE CITY CODE OF IDAHO FALLS, IDAHO; REPEALING SECTION 9-6-4 OF SAID CODE; REQUIRING THAT ALL HOUSES AND BUILDINGS FRONTING UPON THE STREETS OF IDAHO FALLS SHALL BE NUMBERED IN ACCORDANCE WITH THE NUMBERING SYSTEM PRESCRIBED IN SAID CHAPTER; FIXING THE MINIMUM SIZE AND THE LOCATION OF THE NUMBERS TO BE PLACED UPON THE HOUSES AND BUILDINGS AND MAKING IT THE RESPONSIBILITY OF THE OWNER OF EACH HOUSE OR BUILDING TO DISPLAY THE NUMBERS AS REQUIRED BY THE ORDINANCE; FIXING PENALTIES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Freeman, seconded by Erickson, 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

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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, 5; 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, 5; No, none; carried.

The City Clerk presented an expired farm lease in favor of William Gray. It was explained that, for several years, this same land has been rented at \$100.00 a year by Bert Hansen without benefit of a written lease and that he has asked for same for a twelve month period. It was moved by Councilman Freeman, seconded by Erickson, that the City Attorney be directed to prepare a written one year lease in favor of Bert Hansen, covering the farm land formerly leased by William Gray, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

With reference to the Harmon property discussed earlier in this Council Meeting, Public Works Director Lloyd reminded the Councilmembers that they would be within their legal rights, with or without consent of the property owner to effect annexation. General discussion followed. No Council action was taken.

Councilman Hovey re-introduced the request of the Archery Club to use the island at the upper power dam as an archery range. Reference is made to page 387 in this book of minutes listing those items which Mr. Jack Baird, ex-president of the Archery Club, agreed to in behalf of the club. It was moved by Councilman Hovey, seconded by Nelson, that the City Attorney be directed to prepare an appropriate lease agreement, incorporating all said provisions, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Nelson, that the meeting adjourn at 9:15 p.m., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
