

MAY 7, 1970

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The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, May 7, 1970, at 7:30 p.m., in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Jim Freeman, Melvin Erickson, Jack Wood, Gordon Nelson, Paul Hovey, and Dale Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; William Fell, Electrical Engineer.

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

Bills for the month of April, 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 &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$120,673.77	\$60,923.12	\$181,596.89
Fire Bonds	40,037.48	4,893.98	44,931.46
Water and Sewer	9,192.33	18,845.78	28,038.11
Electric Light Fund	34,201.64	79,036.01	113,237.65
Recreation Fund	1,191.66	1,688.49	2,880.15
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
<b>TOTAL</b>	<b>\$208,440.28</b>	<b>\$188,678.20</b>	<b>\$397,118.48</b>

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 April, 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 GROCERY STORE, Owen B. Wallace for Wallace Drive In Dairy; RESTAURANT, Basil Grice for Lobby Café, Bob's Arctic Circle (2); DAIRY, Wallace Dairy; TAXI CAB OPERATOR, Billy Lee Edwards, Richard Russell; BARTENDER, JoAnna Jo Lowder, Judith Dunthorn, Meryl Hutchinson, 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, 6; No, none; carried.

These damage claims were presented and read:

Denman, Reeves &  
Oksendahl  
March 2, 1970

City Clerk, City Hall  
City of Idaho Falls  
Idaho Falls, Idaho

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RE: CAMPBELL VS. CITY

Dear Mr. Barnes:

Please take notice that pursuant to Section 50-219 I. C., CHARLES E. CAMPBELL, 289 Moonlite Drive, Idaho Falls, Idaho, claims damages against the City of Idaho Falls for damages suffered by him between January 31, 1970, and March 13, 1970, at the Idaho Falls City Hall Police parking lot and the Smith Chevrolet Co. automobile storage annex building, 357 "C" Street, Idaho Falls, Idaho, due to the refusal of members of the City police force to release claimant's 1969 Chevrolet two-door sedan to claimant causing him the temporary loss of the use of such vehicle.

Very truly yours,  
By: s/ Edward Oksendahl  
DENMAN, REEVES &  
OKSENDAHL

Denman, Reeves &  
Oksendahl  
May 2, 1970

City Clerk, City Hall  
City of Idaho Falls  
Idaho Falls, Idaho

RE: MARTIN VS. CITY

Dear Mr. Barnes:

Please take notice that pursuant to Section 50-219 I. C., JOHN T. MARTIN, South Fanning, Idaho Falls, Idaho claims damages against the City of Idaho Falls, for damages suffered by him between January 19, 1970 and March 12, 1970, at the Idaho Falls City Hall Police parking lot and the Smith Chevrolet Co. automobile storage annex building, 357 "C" Street, Idaho Falls, Idaho, due to the improper manner in which his 1969 Volkswagen sedan was torn and damaged by members of the City police force, and their refusal to release such vehicle to claimant causing him the temporary loss of the use of such sedan.

Very truly yours,  
By: s/ Edward Oksendahl  
DENMAN, REEVES &  
OSKENDAHL

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

The City Clerk presented an extension rider to a railroad lease L & T #17267, covering the downtown areas adjacent to the railroad tracks presently being used for parking lots and beautification. It was moved by Councilman Parish, seconded by Freeman, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Presented for Council consideration were two proposals from the City Auditor for the auditing of City records except utilities and also for the auditing of utility records, both for 1969. It was noted that terms and conditions were identical to last year's audit contracts. It was moved by Councilman Freeman, seconded by Parish, that these contracts be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: WELL NO. 9

On Friday, May 1, 1970, two bids were received and opened for furnishing and installing a deep well turbine pump for Well No. 9. The bidders are listed as follows:

Johnson Pump Company	\$ 7,898.18
Layne Pumps, Incorporated	9,931.00

In the essence of time the Council informally authorized awarding the contract to the low bidder, Johnson Pump Company for their lump sum bid price of \$7,898.18.

We are requesting that this action be formally ratified.

s/ Don F. Lloyd

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

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

City of Idaho Falls  
May 7, 1970

TO: Honorable Mayor  
FROM: Donald F. Lloyd  
SUBJECT: GARAGE FACILITIES

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We are attaching hereto an original and three (3) copies of a Contract, Lease and Option for the Pickett & Nelson facilities. These documents have been prepared by the City Attorney with the guidance of the Public Works Committee. Since there has been money budgeted for this transaction the Public Works Committee would recommend that the Mayor and City Clerk be authorized to sign the City's approval of the contract.

Respectfully submitted,  
s/ Don F. Lloyd

At the invitation of Councilman Nelson the City Attorney explained the terms and conditions of the instrument. He said the area involved was approximately 50 acres and that, assuming the City Council approved this contract, lease and option, the City would agree to purchase about 41 acres of undeveloped land this year and that it would have an option to buy 4.63 acres of virtually undeveloped land in 1971, 1,877 acres including a Quonset hut in 1972 and finally, 1.27 acres including a machine shop and storage facilities in 1973. Mr. Smith explained further, that the total contract price over the four year period was \$104,390.00, that there would be no interest charged during that time and that the seller was permitting immediate occupancy and use of facilities on the entire area during which time the City would be responsible for taxes and public liability insurance. Public Works Director Lloyd was also called upon to point out certain advantages to the City in acquiring this complex. He said the City owned hot plant is already located on this property. There are several stock piles of gravel and a gravel pit with an undetermined supply. The Quonset hut is large and modern and would be adaptable for a sign or tire shop. Facilities included within the main buildings are a good machine shop, a parts room, an office, a scale house and a salt house. Councilman Parish noted that this property is in a good location and that its use would not change, resulting in rehabilitation cost being kept at a minimum. Parish also drew attention to the fact that a well is available and can be used, at least until such time as the property can be served by City water. Councilman Nelson reminded the Council that the City now finds it necessary to resort to outside storage cost which could be eliminated. He said a thirty foot access road is also included in the contract. It was moved by Councilman Nelson, seconded by Parish, that the contract lease and option in question be accepted, subject to final approval by the City Attorney, after which the Mayor and City Clerk be authorized to sign and that, after which, the Controller be authorized to issue a warrant as outlined within said contract. Roll call as follows: Ayes, 6; No, none; carried.

Preparatory to introducing a resolution which would provide for sale of the existing City Garage at public auction, the City Attorney explained that the appraised value had been left blank and should be determined by the Council. Councilman Parish reported that during the past five years, five appraisals had been made by three different appraisers, last of which was submitted May 19<sup>th</sup>, 1969 in the amount of \$65,000.00. It was moved by Councilman Parish, seconded by Freeman, that the appraised value of the City Garage be set at that figure for purposes of considering the following resolution. Roll call as follows: Ayes, 6; No, none; carried.

This resolution was then introduced and studied:

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**RESOLUTION (Resolution No. 1970-09)**  
**RE: CITY GARAGE**

WHEREAS, Ordinance No. 1238 was duly enacted and duly published expressing the intention of the City of Idaho Falls to sell at public auction the following described land and building situate in Bonneville County, Idaho, to-wit:

All of Lots 1 through 14, inclusive, lying west of the Yellowstone Highway (U. S. 191) in Block 4 of Capitol Hill Addition to the City of Idaho Falls, Idaho, containing 33,500 square feet or 0.75 acres, more or less.

Together with all tenements, hereditaments and appurtenances thereunto belonging and appertaining, including, but not limited to, a 64' X 108' cinder block building with steel arch trusses and attached offices, and a 26' X 105' metal shed; and

WHEREAS, the land with improvements has been duly appraised at a value of \$65,000.00 and a public hearing has been duly held and conducted concerning said sale, all pursuant to the provisions of Chapter 14, Title 50, Idaho Code.

NOW THEREFORE, BE IT RESOLVED:

- (1) Said land and building shall be offered for sale at public auction, with the City Clerk officiating, on the front steps of the City Hall in Idaho Falls, Idaho, on the 26<sup>th</sup> day of May, 1970, at 10:00 a.m. of said day.
- (2) Said sale shall be for cash, lawful money of the United States, and payment shall be made to the City within 48 hours following said sale.
- (3) No bid shall be accepted for less than the appraised value of the property aforesaid, and the City reserves the right to reject any and all bids.
- (4) The City Clerk shall cause a notice of said public auction sale to be published in the official newspaper of the City on the 10<sup>th</sup>, 17<sup>th</sup>, and 24<sup>th</sup> of May, 1970.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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

This memo from the City Planner was presented:

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MEMORANDUM

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TO: Mayor and City Council  
FROM: William R. Gilchrist  
SUBJECT: RATIFICATION OF ACTION TAKEN ON APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

At an informal meeting of the City Council, held on May 5, an appeal from a decision of the Board of Adjustment was presented by Thurman Peterson. This appeal was relative to a requested setback variance from Laprelle Street. The City Council granted the request, and this action should be ratified at a formal meeting of the Mayor and City Council.

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

It was moved by Councilman Wood, seconded by Hovey, that this unofficial action of the City Council be duly ratified. Roll call as follows: Ayes, 5; No, none; Councilman Nelson abstaining; carried. Councilmen Nelson explained that his abstinance in voting was occasioned only because he was absent when said unofficial action was taken.

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

May 7, 1970

MEMORANDUM

TO: Mayor and City Council  
FROM: William R. Gilchrist  
SUBJECT: REQUEST OF IRVIN A. AHRENDT TO USE A PORTION OF AN UNIMPROVED CITY STREET

Mr. Ahrendt has requested that he be permitted to erect a 20' X 30' collapsible metal building on a portion of College Street, just west of Royal Avenue. This portion of College Street is unimproved, and dead-ends at the westerly edge of the existing tier of lots to the north. There are no immediate plans to extend College Street to the west; however, it is quire probable that in the future it will be extended to the west to connect with Fanning Avenue.

City staffs have reviewed this request, and have no objection to the following conditions:

1. That the City not vacate the street, and a lease arrangement be entered into with Mr. Ahrendt. It is suggested that the lease be in 5 year increments, with a 60 to 90 day cancellation clause, at a rate to be determined by the City Council.
2. That a portion of the Street be left open so that access can be gained to the substation and the property to the west.

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3. That the building not be constructed under the existing power line, and that this construction meet all Codes relative to power line clearances.

Copies of memos from the Electric Division and the City Engineering Department are attached, indicating their concurrence.

Yours very truly,  
s/ William R. Gilchrist

It was moved by Councilman Wood, seconded by Hovey, that this matter be referred to the City Attorney for preparation of an appropriate lease worth guidance from the Finance Committee relative to an equitable lease fee arrangement, after which it be referred back to the Council for official consideration. Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read by the City Clerk:

April 30, 1970

Honorable Mayor and City Council  
308 "C" Street  
Idaho Falls, Idaho

Gentlemen:

The undersigned, Russell H. Davies, requests permission to operate a motor boat concession from a City boat dock on the Snake River Fore Bay at Johns Hole Bridge in the City of Idaho Falls, for the purpose of carrying passengers for hire.

I would, of course, expect to pay a reasonable rental for the use of the City's facilities.

Respectfully submitted,  
s/ Russell H. Davies  
182 E. 22<sup>nd</sup> Street

It was moved by Councilman Freeman, seconded by Erickson, that this be referred to the Parks and Recreation Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Through Councilman Wood an application was presented from Hertz Rent-A-Car for leasing about 1 ½ acres at the Airport Industrial Park. It was noted that this organization had agreed, in writing, to comply with the City Attorney be directed to prepare an appropriate lease, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman, by illustrated sketch, submitted a proposal as recommended by the Parks and Recreation and the Police Committees for a revised traffic and parking grid at Tautphaus

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Park, as follows: The middle entrance off Rollandet, to be two way traffic to the bridge, then one way east bound traffic to the first intersection; at said intersection, the road to the left to be converted to one way north bound traffic; at the same intersection the road to the right to be two way traffic to the separate triangle with enlarged parking area on the grass on the east side of said road: at said triangle, traffic to separate and south bound traffic west of the triangle as well as north bound traffic east of the triangle to become one way; a **No Parking** area to be established at the southwest corner of the amusement section to the eastern end of said amusement section; also, a **No Parking** area to be established across the road immediately south of the amusement section for 15 to 20 feet east from the intersection; also, a **No Parking** area to be established at the northwest corner of the amusement section on both sides of the east bound road for 20 to 30 feet east from the intersection; improvement of a parking area on the south side of the road located on the north side of the two upper softball diamonds, including filling of a small ditch, to facilitate angle parking to the power poles; and finally, eliminate road parking on the right side of the road just east of the Lilac Circle and permit, instead, angle grass parking to the second row of trees, but continue to permit parallel road parking on the left side of said road. It was moved by Councilman Freeman, seconded by Erickson, that the foregoing proposed traffic and parking grid at Tautphaus Park be accepted and approved. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1270

AN ORDINANCE AMENDING SECTION 9-9-3 OF THE CITY CODE OF IDAHO FALLS, IDAHO; MAKING IT UNLAWFUL TO EXCAVATE IN ANY STREET, ALLEY, OR EASEMENT OF THE CITY WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFORE; ESTABLISHING REQUIREMENTS FOR PERMITS AND REQUIRING NOTICE TO THE CITY ENGINEER OF EXCAVATING; PROVIDING FOR BACKFILLING, MAINTAINING, SAFEGUARDING AND REPAIRING OF EXCAVATIONS IN STREETS AND ALLEYS; 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 Nelson, seconded by Parish, 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.

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There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:10 p.m., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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