

MARCH 12, 1970

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The City Council of the City of Idaho Falls met in a recessed Regular Meeting, Thursday, March 12, 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 Melvin Erickson, Jack Wood, Gordon Nelson, Paul Hovey, Dale Parish and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; Les Corcoran, Fire Chief; Robert Pollock, Police Chief; Don Lloyd, Public Works Director.

Minutes of the last recessed Regular Meeting, held February 26<sup>th</sup>, 1970, were read and approved, as amended.

Captain Jerry Hammer of the Fire Department appeared before the Council, requesting that the City Council recognize Local #1565 of the Idaho Association of Firefighters as the sole and exclusive bargaining agent for their group, exclusive of the Fire Chief. Hammer noted that all local firemen are members. He drew attention to the fact that this same request had been denied last year, but that, at the last session of the State Legislature, House Bill #580 has been passed and signed by the Governor which gives firemen the right to bargain and be represented by a bargaining agent. Hammer also drew attention to the "no strike" clause in the bill which gives firemen the right to strike any time prior to the time a valid contract is entered into between the bargaining agent and the governing body.

Councilmen Nelson and Freeman, in separate statements, indicated that the bill should be studied carefully by the City Attorney. The City Attorney concurred. He said the "no strike" provision, particularly, is subject to interpretation. He said he might even contact the Attorney General in this regard. There was a suggestion that an interpretation might be forthcoming by the next Regular Council Meeting which Councilman Nelson questioned on the grounds that study and interpretation on an issue of this nature may require additional time.

Mr. Perry Frysley, President of the Idaho Falls Central Labor Board Council, appeared before the Council confirming the fact that Local #1565 was a member of his organization and urged the Council to recognize Local #1565 as a bargaining agent. Hammer concurred. He drew attention to a Council position taken a year ago; namely, that any wage negotiations made by the City Council would be with the firemen, not the union, but that now, due to passage of House Bill #580, the firemen's demands for a bargaining agent has been strengthened. Fireman Vern Hutchens appeared before the Council to register concern about the time factor in referring this matter to the legal department. He said there are a lot of unhappy firemen who are tired of this so called "run around". Councilman Parish took strong exception to this remark on the grounds that it constituted an implied threat. He drew Hutchens' attention to the fact that the Council has met with representatives of the fire department on various occasions, whenever asked, and that this would suggest Council cooperation. Parish reminded Hutchens that the Council was presently facing the all important problem of submitting a balanced budget which must, at this time, take priority and precedence. It was moved by Councilman Wood, seconded by Freeman, that this matter be referred to the City Attorney for study and interpretation after which he was to reflect his findings back to the Council for consideration. Roll call as follows: Ayes, 6; No, none; carried.

Noting Mr. Jack Chinn 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: Zoning & Building Department  
SUBJECT: APPEAL TO THE MAYOR AND CITY COUNCIL TO OPERATE A BEAUTY SHOP IN THE R-3A ZONE

Attached is a copy of an appeal from Jack E. Chinn to operate a beauty shop at 1675 S. Boulevard. The business will be located in an existing professional building, in the office formerly occupied by the Telephone Answering Service, adequate off-street parking is available on the premises, and the property is now zoned R-3A.

This appeal is necessary in that the Zoning Ordinance requires beauty parlors to be located in commercial zones or, on a small scale, as a home occupation. The subject property does not fall into either classification, therefore this Department has no authority to approve the request.

This Department has reviewed the request, and recommends approval of the appeal.

Yours very truly,  
William Gilchrist  
P & B Division

Councilman Wood reported this proposed location has been investigated and confirmed the fact that there is ample off-street parking. Wood said it would be a small operation with only three employees. It was moved by Councilman Wood, seconded by Hovey, that this variance be granted. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Roy Ellis appeared before the Council representing the Amalgamated Transit Union. He announced that the contract between that organization and Idaho Nuclear was to expire April 14<sup>th</sup> and that the proposed contract renewal provided for substantially fewer passengers convenience, his main concern centered around the problem of air pollution. Noting that diesel busses produce less pollution than cars, he predicted that, under the proposed new terms, there would be many employees driving their own cars to work, this adding to the ever increasing air pollution problem. Mr. Ellis asked the Mayor and City Council to urge Idaho Nuclear not to shorten the routes or eliminate certain passenger stops for this reason. It was moved by Councilman Parish, seconded by Erickson, that this be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none, carried.

This Resolution was introduced by the Mayor:

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RESOLUTION (Resolution No. 1970-05)

RE: OBSCENE MATERIALS AND MOTION PICTURES

WHEREAS: Keen interest has been shown on the part of numerous citizens of Idaho Falls concerning methods and means of preventing minors, and other persons, from viewing motion pictures which are deemed to be obscene or otherwise objectionable to many persons; and

WHEREAS: The concepts of pornography and obscenity in law have proven to be difficult to define, and this entire area of law is confusing;

NOW THEREFORE, BE IT RESOLVED: That the City Attorney be instructed to study this aspect of the law, to confer with the Prosecuting Attorney and the Attorney General in an effort to obtain cooperation and consensus in a wider area than the City of Idaho Falls on the subject, and to render an opinion to the Mayor and Council as to the extent of jurisdiction of the City to legislate and/or act in this subject matter.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 12<sup>th</sup> day of March, 1970.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

It was moved by Councilman Erickson, seconded by Freeman, that this resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of February, 1970, having been 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	\$122,161.267	\$68,011.90	\$190,173.16
Fire Bonds	40,052.04	4,427.56	44,479.60
Water and Sewer	8,286.07	28,164.43	36,450.50
Electric Light Fund	34,437.70	15,750.93	50,188.64
Recreation Fund	1,371.30	1,237.53	2,608.863
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
<b>TOTAL</b>	<b>\$209,451.78</b>	<b>\$134,038.92</b>	<b>\$343,490.70</b>

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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 February, 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 BARTENDER, Larry B. Bybee; GROCERY STORE, Safeway Store, Cooks Super Market, Gambles Fine Foods; FOUNTAIN, Mel Johnson Drug, Don Wilson Drug, Don Wilson's Skyline Drug; RESTAURANT, L.D.S. Temple, Royal Fork, Holly-Wood Bowl, Ada's Café, L.D.S. Hospital, 19<sup>th</sup> Hole Café, Chances Pizza Inn, Sacred Heart Hospital, Bank-A-Ball Billiards, Millard's Do Nuts, North Highway Café, Rainbow Café, A & W Tam's Frostop, Rays In and Out (2), The Paris Café, Westbank Coffee Shop; FOOD PROCESSING, Dale Parker for Parker Brothers; PHOTOGRAPHY, Melvilles, Photographic Promotion at the I. D. Store, Perks Photo Service; PAWN BROKER, Leymaster Jewelry; MOTEL, Ray's Motor Court, San-Dee Motel, Hansen Motel, Westbank, Handy Cabins; HOTEL, Ross Hotel, Idaho Hotel, Bonneville Hotel, Nelson Hotel; DAIRY, Reed Brothers Dairy; COMMERCIAL KENNEL, Allen Veterinary Hospital, Jones' Pet Clinic; BEER, TRANSFER ONLY, from Lowell Bybee to Albert Wellman for Holiday Market; DANCE HALL, Westbank Coffee Shop & Lounge; BOWLING ALLEY, Ky Nii for Holly-Wood Bowl, Clifford Kirkendall for Bowl-Ero, Inc.; BILLIARD, J. B. Millard; SUNDAY MOTION PICTURE, Rio Theatre, Centre Theatre; SECOND HAND STORE, Park Avenue Furniture; JOURNEYMAN ELECTRICIAN, Loyale Babbitt, Glenn Landon, A. R. Morton, Preston Olsen, Harold L. Babbitt; APPRENTICE ELECTRICIAN, Wesley Whipple; MASTER PLUMBER, 1<sup>st</sup> Street Plumbing & Heating; JOURNEYMAN PLUMBER, Dallas Pope; CLASS B CONTRACTOR, G, WA, WH, Elmer Holmgren; CLASS C, WH, GF, Dallas Pope; CLASS D CONTRACTOR, GF, Claude Smith with Roger Brothers Co.; CLASS B JOURNEYMAN, WA, GF, REF, Gordon Powell with American Plumbing & Heating; JOURNEYMAN GF, CLASS D, Claude L. Smith; CLASS D JOURNEYMAN, REF, LeMar Eslinger; TAXI CAB DRIVERS, Carl Pabst, Larry Holverson, were presented. It was moved by Councilman Erickson, seconded by Nelson, 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.

This memo was presented:

City of Idaho Falls  
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#### ONE USED LOW-BOY TRAILER

Honorable Mayor and Councilmembers:

Tabulation of bids for one (1) used low-boy trailer is attached.

Evaluation of the only bid received for J. D. Harris Truck & Implement Company of Tremonton, Utah for used low-boy trailer for \$3200.00.

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It is the recommendation of the Electric Light Division and the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval and 1970 budget.

s/ W. J. Skow  
Purchasing Department

It was moved by Councilman Hovey, seconded by Nelson, that the one bid for the used low-boy trailer for the Electric Division be accepted, subject to the availability of funds as approved in the 1970 budget. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was forthcoming:

City of Idaho Falls  
March 12, 1970

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P.E.  
SUBJECT: LEASE OF CITY OWNED PROPERTY

The City owns 280 acres of land about 7 miles west of the City which in the past has been used for a landfill area. This land is not serving any immediate needs for the City and we have received two proposals for leasing this land.

We would recommend that the City Attorney be authorized in conference with the Public Works Committee to prepare a lease for the entire City owned land. A sketch of the area is attached.

Respectfully submitted,  
s/ Don F. Lloyd

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

A second memo from the Public Works Director was presented, as follows:

City of Idaho Falls  
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TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: RENEWAL OF LEASE

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The City has entered into two (2) leases with the Teton Peaks Council of the Boy Scouts; (1) for the land occupied by the building; and (2) the parking lot area on the west of the building. The parking lot lease has expired and the Teton Peaks Council has requested that this lease be renewed or incorporated with the building lease. Copies of both leases are attached.

We are requesting authorization for the City Attorney to prepare a renewal of the lease which has expired.

Respectfully submitted,  
s/ Don F. Lloyd

It was moved by Councilman Parish, seconded by Freeman, that both leases be turned to the City Attorney for renewal of the one which has expired or for combining the two leases into one, at the discretion of the City Attorney, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, came this memo:

City of Idaho Falls  
March 11, 1970

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: ORDINANCE REVISION

The Mayor and Public Works Committee have instructed me to develop an effective method by which we can repair sidewalks and curbs. Our present ordinance, "Title IX Chapter 1 - Repairing and Construction of Sidewalks and Curbs", provides for an extremely awkward method of accomplishing the work.

I am requesting that the City Attorney be authorized to draft revisions to this Ordinance which would aid in the execution of this work.

s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that this matter be referred to the City Attorney for preparation of an amending Ordinance to be reflected back for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 372 in this book of minutes and, more specifically, reference to a final plat of John Heights Subdivision, Division #8. At that time said plat was referred to the City Attorney for investigation, inasmuch as it had in some manner been recorded without formal Council approval. The City Attorney reported that his investigation was completed and, to the best of his knowledge, he was unable to find any valid explanation except, inadvertently, an honest error on the

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part of one or more responsible parties. Therefore, the plat in question was again presented. It was moved by Councilman Wood, seconded by Hovey, that the final plat of John Heights Subdivision, Division #8 be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Anticipating the annexation of the foregoing subdivision, an annexation agreement was presented, signed by the developer, Grandview Investment Company. It was moved by Councilman Wood, seconded by Hovey, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1266**

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 (John Heights Subdivision, Division #8)

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 John Heights Addition, Division #8 be initially zoned R-1, in conformance with the recommendation of the Planning Commission. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented the following legal notice, announcing a public hearing relative to the 1970 proposed budget:

**NOTICE OF PUBLIC HEARING**  
**ON BUDGET FOR FISCAL YEAR 1970**  
**CITY OF IDAHO FALLS, IDAHO**

Notice is hereby given that the City Council of the City of Idaho Falls, Idaho will hold a public hearing for consideration of the proposed annual budget and annual appropriation ordinance for the fiscal year 1970, pursuant to the provisions of Section 50-1002 I. C. and 50-1003 I. C., said hearing to be held at Council Chambers in the City Hall of Idaho Falls, Idaho, at 7:30 P.M. on March 26, 1970. At said hearing all interested persons may appear and show cause, if any they have, why said proposed budget should not be adopted or why the annual appropriation ordinance should not be passed and enacted in accordance therewith.

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PROPOSED EXPENDITURES

The following is an estimate, set forth in said proposed budget, of the total proposed expenditures and accruing indebtedness of the City of Idaho Falls for Fiscal Year 1970. Said amounts are set forth by fund and/or Department as follows:

General and Administrative	\$ 270,967
Finance	94,908
City Clerk	88,963
Police	633,350
Inspection, Zoning & Planning	93,644
Animal Regulations	22,978
Public Works	844,369
City Parks	321,696
Airport	<u>103,648</u>
Total General Fund	<u>\$ 2,474,523</u>
Municipal Fire Fund	649,066
Municipal Water & Sewer Fund	706,238
Municipal Electric Light Fund	1,739,650
Municipal Recreation Fund	86,072
Municipal Library Fund	137,235
Municipal Auditorium Bond Redemption and Interest Funds	34,300
Municipal Police Retirement Fund	40,000
Municipal Fire Improvement Bond Redemption and Interest Funds	40,000
Municipal Capital Improvement Fund	<u>40,000</u>
Total Other Funds	<u>\$ 3,472,561</u>
TOTAL APPROPRIATION	<u>\$ 5,947,084</u>

The estimated revenue of the City of Idaho Falls, Idaho for the Fiscal Year 1970 based upon the receipts of the previous twelve (12) months including receipts from Water and Sewer System and Hydroelectric plant, is as follows: to-wit:

Revenue from tax levy based upon certified valuation of \$33,242,871

General Levy	\$ 488,024
Municipal Fire Department Fund Special Levy	284,034

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Municipal Library Fund, Special Levy	111,462
Municipal Police Retirement Fund Special Levy	60,573
Municipal Recreation Fund Special Levy	63,585
Municipal Fire Department Improvements Bond Redemption and Interest Fund Special Levy	40,884
Municipal Capital Improvement Fund	<u>60,573</u>
 TOTAL TAX LEVY	 <u>\$ 1,109,135</u>
 Franchises	 \$ 60,100
Licenses & Permits	112,300
Interest and Rentals	154,400
Charges for Current Services	347,050
Sale of Electrical Energy	2,755,000
Revenue from Other Agencies	603,010
Miscellaneous	142,800
Water and Sewer System	702,000
Municipal Library Collections	9,900
Contributions and Interest	18,000
 TOTAL REVENUES	 <u>\$ 6,013,695</u>
Unappropriated Surplus	<u>62,212</u>
	<u>\$ 6,075,907</u>
Less - Revenues Reserved	<u>(128,823)</u>
 TOTAL REVENUES AND SURPLUS FOR APPROPRIATION	  <u>\$ 5,947,084</u>

I, Roy C. Barnes, City Clerk of the City of Idaho Falls, Idaho, do hereby certify that the above is a true and correct statement of the proposed expenditures by fund and/or Department for 1970 and of the entire estimated revenue of the City for 1970 based upon the previous Fiscal Year; all of which have been tentatively approved by the City Council and entered at length in the Journal of Proceedings.

Dated this 12<sup>th</sup> day of March, 1970.

s/ Roy C. Barnes  
CITY CLERK

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It was moved by Councilman Parish, seconded by Freeman, that authorization be granted for publication of the foregoing legal notice on March 17<sup>th</sup> and March 24<sup>th</sup>, 1970. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented a lease renewal between the City and the Federal Aviation Administration, #DOT-FA7OWE-0668 covering a remote HF Antenna site south of the Airport Terminal Building. It was moved by Councilman Wood, seconded by Erickson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Hovey, that the meeting adjourn at 8:45 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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