

DECEMBER 4, 1969

The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, December 4, 1969, at 7:30 p.m. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Jack Wood, Gordon Nelson, Paul Hovey, Dale Parish, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; William Fell; Electrical Engineer; Les Corcoran, Fire Chief; Don Lloyd, Public Works Director.

Minutes of the last Regular Meeting, held November 20, 1969, were read and approved.

Mr. Joe Anderson, local attorney, appeared before the Council representing the Downtown Improvement Association to report that the downtown merchants and property owners are leaning favorably toward the construction of a mall within the downtown area. Recognizing that the Mayor and City Council will soon be considering a 1970 budget, he asked for favorable consideration in the allocation of sufficient funds for continued engineering, designing and planning with the ultimate objective of creating a local improvement district and completing a mall in 1971. Councilman Nelson advised that even though there are certain projects that have priority such as the Capital Hill Drainage Project and 17th Street Bridge, it is intended that the City Engineering Department will continue to be available for engineering study on the downtown mall. Public Works Director Lloyd appeared to say that, during 1970, some actual expenditures other than salaries would likely be required, such as test drilling, survey materials and the hiring of additional help. Mr. Anderson reminded the Council that the second phase of the mall would entail periphery parking which would necessitate a revenue bond issue. He asked that the Council also give consideration to dedicating on-street parking revenue toward that end. Councilman Nelson proposed that these problems be the subject of one or more Public Works and/or Council workshop sessions. It was moved by Councilman Nelson, seconded by Parish, that these issues be referred to the Public Works Committee for study and recommendations within the next thirty days. Roll call as follows: Ayes, 6; No, none; carried.

Noting certain parties in the Council Chambers interested in the following memo, the Mayor asked that it be presented and read by the City Clerk:

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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE FROM REQUIREMENTS OF UNIFORM BUILDING CODE BY YOUNG SIGN COMPANY

Young Sign Company of Ogden, Utah, was the contractor who constructed the new façade on the Slusser Building located at the southwest corner of the intersection of Park and "B" Streets.

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At the time the permit was taken out for this work, the representative of Young Sign Company was informed that this building was located in Fire Zone 1 and that all building materials had to be incombustible. The Building Department was assured at that time that the surface material would be incombustible and would have a minimum of one hour fire rating. The permit was issued under these conditions. It was later discovered that this material is flammable and it has no fire rating. This type of material cannot be permitted in Fire Zone 1.

Young Sign Company is requesting permission to leave the job in its present state and install a sprinkler system between the new façade and the wall of the old building.

This problem has been reviewed by the staff of the Building Department, with representatives of the Fire Department, and respective Council Committee.

Respectfully submitted,
s/ William R. Gilchrist
Director, P & Z Division

Mr. Farrell Bingham of the Young Sign Company, appeared before the Council and presented a petition signed by near-by merchants or property owners to the building in question, indicating no objection to the installation of a sprinkling system behind the façade. Mr. Bingham said time had not permitted obtaining signatures of all affected merchants or property owners including the owner of the building, Mr. Kenneth Slusser, Sr., who now resides outside the City said that it was his intention to secure additional signatures within the next day or two. Acknowledging Mr. Slusser, Jr., in the Council Chambers, the Mayor asked him if his father was aware of the proposal by Young Sign company to install a sprinkler system as previously described. Mr. Slusser said his father had not yet been contacted but that he intended, the following day, to contact both his father and the insurance carrier to ascertain reaction.

Mr. Robert Gilbert, Vice President of the Young Sign Company, appeared before the Council for the purpose of endorsing and justifying the material recently installed on the Slusser Building. He pointed out that said material has been approved for installation in such Cities as Chicago, Odgen, Las Vegas, and Los Angeles. Mr. Gilbert denied that the material in question is highly combustible. He said that in case of fire, it is more prone to dissolve and fall from its placement than it is to burn. He said he had substantiating film to this effect which he wished to show the Council at a later date. At the invitation of Councilman Wood, City Planner Gilchrist performed a demonstration before the Council by applying a lighted match to a small piece of the material in question which ignited quickly and burned freely. Asked for an opinion, Fire Chief Corcoran appeared to advise that a properly installed sprinkler system, one that met code specifications, would meet with the approval of his Division. Councilman Wood registered an opinion to the effect that action taken this night, if any, should be subject to the receipt and approval of plans for a sprinkler system, also subject to receipt of the completed petition and, finally, subject to hearing from the building owner, relative to his feelings on the matter, Gilchrist reappeared to register concern about

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delay in arriving at a decision because of the liability which presently exists, due to an installation within a Fire One Zone. Mr. Gilbert said his company was willing to assume full responsibility for any tragedy that might conceivably occur during the waiting period to accomplish that which Councilman Wood had proposed. It was moved by Councilman Wood, seconded by Hovey, that the variance in question be granted, subject to the approval and consent of the building owner that a sprinkler system be installed; also subject to the sprinkler system being installed to the complete satisfaction of the Building and Fire Departments and also subject to receipt of all the necessary remaining petition signers of all near-by property owners. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then moved that the City Attorney investigate to determine whether or not a City Ordinance has been violated by the Young Sign Company and, if so, to take the necessary legal steps to penalize accordingly. This motion was seconded by Councilman Freeman. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of November, 1969, 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	\$123,357.26	\$78,515.03	\$201,872.29
Fire Bonds	39,959.00	5,040.94	44,999.94
Water and Sewer	8,791.75	26,956.88	35,748.63
Electric Light Fund	34,172.52	71,651.26	105,823.78
Recreation Fund	1,214.20	58.70	1,792.90
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
TOTAL	\$210,638.13	\$182,742.81	\$393,380.94

Councilman Wood drew attention to one item included in said bills; namely, in the amount of \$2,956.54 representing payment for airport terminal re-roofing and asked that this be approved subject to final checking by the Airport Committee. With this understanding, then, 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 November, 1969, and, there being objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Harvey Oswald for Harvey's Store, Don Jones for Village Market, Minit Market by Lillian Hartwell, John R. Christensen for Murphy's Market, Fay Marler for Skyline Market, Oscar Matson for Matson's Service, Vern Kelch for North Gate Savings Center of Memorial Drive; RESTAURANT, Buster Cole for J. J. Newberry, Bettie E. Lewis for

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Buckhorn Gardens, B. A. Newman for Russet Café; PHOTOGRAPHER, J. W. Sielinsky at 1646 Westwood Avenue; ELECTRIC CONTRACTOR, Russell A. Brenner for Rawhide Electric, Heber Hadlock for Riv-Eon Electric Sign Co.; JOURNEYMAN ELECTRICIAN, Rudy Boelter, Sanford Dunn, Jr., Ralph Cheney, Jr.; CLASS D JOURNEYMAN, GF, Warren Olsen with City of Idaho Falls; DANCE HALL, Linus Bowman for Skyway Lounge, C. B. McNeil for Bon Villa Club; HOTEL, George McKissick for Grand Hotel; ROOMING HOUSE, Yolinda LaCombe for Rialto Rooms; FOUNTAIN LICENSE, Ivan Burden for B & B Drug Store; BARTENDER, William E. Hiatt, Jr., Ben D. Rojas, Jessie E. Funk; BEER (Canned & bottled, not to be consumed on the premises), Lillian Hartwell for Minit Market, Ben Bringman for 711 at 470 1st Street, Ben Bringman for 711 at 9th and Lincoln, (initial and renewal), Don Jones for Village Market, Harvey J. Oswald for Harvey's Store, Fay Marler for Skyline Market, John R. Christensen for Murphy's Market, Vern Kelsch for Saving Centers on Northgate Mile and Memorial Drive; BEER, (Canned & bottled, to be consumed on the premises), Lloyd Feltman for Airport Service; BEER, (Canned, bottled and draught, to be consumed on the premises), B. A. Newman for Russet Bar, C. B. McNeil for Bon Villa, Oscar Matson for Matson's Service, Lloyd Brown for Eagles Lodge, George McKissick for Grand Hotel, Mamie Bird for 191 Club, Sally Roberts for Sal's Hide-away, P. B. Coburn for Factory Bar, Ky Nii for Hollywood Bowl, Bettie Lewis for Buckhorn Gardens, Elmer Elg for Mint Bar, Ray Melcalf for Turf Bar, Ray V. Robison for Ray's Western Bar, Linus W. Bowman for Skyway Lounge, Willard R. Wood for Westbank Lounge, Eugene Ray Starnes for Blue Room; TAXI OPERATOR, Bonnie Mae Telford, and Albert V. Pierce for Yellow Cab Company, 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.

This memo from the Purchasing Department was presented:

City of Idaho Falls
Purchasing Agent
December 3, 1969

NEW 1970 ONE (1) FOUR DOOR SEDAN

Honorable Mayor and Councilmembers:

The Purchasing Department and the Police Department request approval to advertise for bid one (1) four door sedan without trade-in, also, with trade-in of 1969 Ford that is wrecked. Estimated price of wreck repairs \$1900.00.

s/ W. J. Skow
Purchasing Department

Councilman Erickson explained that this action is prompted because of a City owned police vehicle which was wrecked some months ago. He said the other party involved in the accident had no insurance. a claim has been filed and it is still conjecture as to whether or not the City will recover.

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Meanwhile, a replacement is badly needed. As a means of acquiring a vehicle with minimum investment, Erickson proposed that, in addition to advertising as suggested in the foregoing memo, there also be included a provision whereby a dealer could bid on a lease purchase agreement. If a car were acquired in this manner and if, later on, there was recovery from the above mentioned claim, this could be applied on the purchase price. It was moved by Councilman Erickson, seconded by Nelson that authorization be granted to advertise for bids as proposed and described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was submitted:

City of Idaho Falls
December 4, 1969

TO: The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Following is a list of closed utility accounts, totaling \$7,627.05 which we are recommending be charged off the utility accounts receivable before the end of the year 1969. A copy of this list was placed in each of your hands about a week ago:

CLOSED UTILITY ACCOUNTS CONSIDERED UNCOLLECTABLE

NAME	ACCT #	AMOUNT	NAME	ACCT #	AMOUNT
Opal Young	99-010013-1	\$88.50	Fred/Kellys Broiler	99-630002-1	\$449.50
Everett Storm	010050-1	62.60	Toms Shoe Horn	640001-1	107.60
James L. Butler	010054-1	20.50	E. Fast	650022-1	9.20
William Hoshal	010064-1	36.80	Ted Cooper	650023-1	7.62
Howard Miller	020037-1	35.45	Rosalie Evans	650024-1	21.90
Ivan S. Morgan	022060-1	32.05	Elizabeth Donan	650025-1	13.10
Juanita Rainey	030026-1	112.30	Richard Martin	650026-1	12.05
Carl Rennaker	040003-1	114.94	Rafeal Santana	650027-1	22.55
Herb L. Pogue	010021-1	15.05	John Saleido	650028-1	18.05
Norris McIntyre	040024-1	26.25	Lee A. Plumes	650029-1	5.50
Thomas Howard	051110-1	32.05	David Steffler	650030-1	15.40
Martin Bee	050020-1	39.15	Harold Frye	660010-1	19.25
Vern Pincock	050040-1	15.85	George Gruver	660016-1	50.20
Delbert Wise	060005-1	51.00	Dale Sanderness	660027-1	8.05
Barbara Haslett	060030-1	39.50	Myrna Mager	660039-1	30.00
Larry Charboneau	060036-1	118.05	Edward Sullivan	660031-1	70.40
Ronald Burnside	070014-1	65.10	Valerie Hovde	660037-1	16.75

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Zelda Gardner	99-080013-1	\$33.20	Dave Davison	99-670015-1	\$37.90
Bob Bennett	090003-1	33.70	Jack Melbourne	670019-1	158.00
Chielili Sewihs	090004-1	9.05	Betty Taylor	670035-1	10.90
Mickey Walker	090008-1	22.80	James Martin	670054-1	22.80
Howard Johnson	090019-1	1.30	Frank Fluty	670056-1	9.30
Ada Peasley	090024-1	28.70	DeWayne Moffett	670070-1	105.85
Jerry Schmitz	090031-1	65.50	Bonnie Lambert	670071-1	15.45
Glen Moore	090034-1	33.50	Helen McBride	670074-1	14.10
Bernadine Pickett	090041-1	30.00	Junior McKinney	670076-1	6.80
Kay Moore	090046-1	17.90	Fred Walton, Mrs.	680007-1	73.85
Marjorie Herrin	100007-1	53.40	Leona Colvin	680010-1	133.45
Amos Wilcox	100013-1	70.40	Jack Goodman	680029-1	30.58
Stephen Moore	100016-1	7.50	Thomas E. Johnson	680031-1	30.95
Mat Juretich	100017-1	3.55	Fred McMinn	690014-1	50.55
Dallas H. Murdock	110010-1	39.33	Jean Worrells	690022-1	37.70
Larry Moon	110028-1	33.80	Roy Cleverly	690041-1	6.00
Nola Mead	120009-1	33.00	Jerry Edwards	690062-1	55.85
Barbara Christwell	120011-1	13.05	Elizabeth Mieto	690067-1	41.10
Nancy Anderson	120012-1	22.20	Anita Artiach	690069-1	26.50
Ed Kim	120019-1	11.00	Monte Langley	690070-1	48.72
Keith Prestwich	120021-1	39.40	Lois Radford	690071-1	13.20
Dell Campbell	130015-1	159.97	Ralph Johnson	700008-1	43.85
Gayle Gibson	130016-1	10.00	Randy Hall	700010-1	31.85
Michael Ryan	130022-1	30.00	Jerry Vincent	700016-1	5.25
Ned Kranbeer	130029-1	16.60	Ray's Richfield Ser.	710001-1	52.80
Betty Finigan	140020-1	10.05	Monte's Falls Cafe	710006-1	26.40
Bert Rachham	140028-1	104.60	Jean Hanes	720003-1	40.35
Angus Rardin	140038-1	92.55	Gene Devine	720016-1	20.05
Darrell Nebeker	150011-1	6.70	Maxine Aeschbacker	720020-1	23.45
James F. Cope	150012-1	15.70	Kathy Rigoulet	720040-1	17.30
Martha Cox	150015-1	9.90	Glenn Hodges	720041-1	8.80
Jeanette Potter	150016-1	13.65	Sharon Campbell	730001-1	35.45
Elaine White	150020-1	6.50	Carol Hawley	730012-1	10.15
Pearl Nielsen	156526-1	13.45	Playboy Bar	780008-1	171.55
Robert Hanson	170002-1	30.15	Don McCraw	780009-1	7.80
Charles G. Roberts	170006-1	43.40	W. Bernard Moore	790007-1	10.60
Robert N. Henson	170007-1	27.15	Irvin Duke Lords	800024-1	138.15
James Eledge	170021-1	30.75	Virgil G. Moore	800029-1	58.35
Raymond Lewis	180004-1	36.50	Charles Davis	800040-1	8.75
Wayne Johnson	180011-1	18.95	Jean Warren	800041-1	98.64

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Joseph Zachary	99-190001-1	\$25.65	Veda Hayward	99-800042-1	\$40.65
D. B. Book, Mrs.	190008-1	80.85	Veda Hayward	800043-1	36.40
Donald Yorgensen	190010-1	61.80	L. Lee Belnap	800044-1	21.00
Bill Bobuck	200003-1	33.95	Ray McCoy	820016-1	67.80
John Blough	310036-1	106.20	June Lindley	820020-1	70.30
Eddie Leatham	310003-1	13.05	Max Lowe	820021-1	35.80
Kim Just	310004-1	44.45	Mark Wilson	820029-1	22.85
David Powers	310006-1	27.05	Neil Christiansen	820050-1	11.80
Robert Reynolds	310024-1	21.15	Gene Kirkpatrick	820063-1	48.95
Lew Heitter	330009-1	77.45	Jeannie Steel	820069-1	25.30
Wayne Potter	330011-1	83.70	Charles F. Gray	820071-1	24.75
Bill Lawrence	360005-1	5.85	Toni Loftin	820074-1	60.45
Lavar Powell	360017-1	12.20	Lloyd Evans	802277-1	26.80
Nathan Marler	380004-1	63.20	Lindo L. Paoli	820085-1	50.50
Lawrence B. Pifer	390011-1	77.15	Stephen Dutton	820086-1	14.05
Sally Young	410018-1	9.85	Frank Randozzo	850003-1	51.35
Wes Speas	420003-1	10.95	Evan Sorenson	850004-1	12.05
Everett Storm	420008-1	21.80	Earl Petersen	880006-1	32.95
Glenn Porter	440012-1	22.05	Pat Schmidt	890009-1	34.75
Lowell Langguth	450009-1	15.60	Bill Price	890011-1	42.05
Harold Waters	452220-1	58.55	Robert Scheer	890012-1	24.10
Fred Kamps	450023-1	100.85	Joseph Baxter	890024-1	16.70
Harry Jeffrey	450029-1	92.50	Stephen R. Laskey	910001-1	13.70
Harley Johnson	450038-1	82.60	Billy Don Wade	910003-1	68.40
Fred Bargstrom	500028-1	4.80	Grand Hotel	600007-1	316.35
Reed E. Emerson	510002-1	7.50	C. D. Pierce	600011-1	5.75
Richard P. Danils	510014-1	36.15	Tom Russell	610006-1	19.90
Sonny Walker	510055-1	34.00	Ron Bettger	610022-1	38.60
Standard Office	600001-1	118.35	Excelsis Beauty Sch	620007-1	82.70
Nyle Williams	600003-1	26.30			
TOTAL:					\$7,627.05

These accounts have been on our books since 1965 and have been in the hands of a professional collector during that time. Technically, obligations of this nature are uncollectable after four years because of the statute on limitations. Based upon total utility billings in 1965 of \$3,319,748.00, this represents charge offs of about .23 of 1%. Of the total amount, in dollars, recommended for charge off, about 22% has been occasioned by bankruptcies. The professional collectors will continue to work on these accounts and so there

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should be some token collections effected even after this date. Last year, inadvertently, there were five accounts charged off without formal Council approval. These were:

NAME	ACCOUNT NUMBER	AMOUNT
Paul McCullen	99-020014-1	\$ 22.55
Ralph Hendrickson	99-030019-1	63.70
Phillip Hoehn	99-060040-1	36.70
Henry Blomberg	99-450042-1	48.00
James Frost	99-920002-1	<u>61.95</u>
	TOTAL:	\$232.90

We ask Council approval to charge off the accounts as indicated and, also, Council ratification of the action taken on the five accounts last year, charged off without formal Council approval.

Respectfully submitted,
s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Freeman, seconded by Parish, that authorization be granted to charge off the accounts as listed and that the City Clerk's action in having charged off the five accounts a year ago without formal Council approval by duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented and studied:

City of Idaho Falls
December 3, 1969

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: SECONDARY SEWAGE TREATMENT

This office has prepared an application to the Federal Water Pollution Administration for a grant to aid in the construction of Secondary Sewage Treatment. This request does not obligate the City in any way and we would request authorization for the Public Works Director to submit this application through the Idaho Department of Public Health.

Respectfully submitted,
s/ Don F. Lloyd

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Public Works Director Lloyd appeared to explain that the Mayor, previously, asked for an extension of time on the Federal Grant in question. Therefore, the formal filing of an application is virtually routine as a means of placing this City on the priority list, even though financing the project at the present time is prohibitive because of the controversy relative to issuing this type of bond, plus the tight money market. It was moved by Councilman Nelson, seconded by Parish, that an application to the Federal Water Pollution Control Administration be submitted for a grant-in-aid in the construction of a secondary sewage treatment plant and that Public Works Director Lloyd be authorized as the responsible City official to sign said application and to otherwise represent the City in this regard. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
December 3, 1969

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: NOTICE OF INTENTION TO CREATE A STORM DRAIN DISTRICT

The Department has now completed preliminary plans for a drainage system in the Capitol Hill area. The next step is to declare your intentions to create a local improvement district and establish a date for public hearings. Therefore, we are requesting authorization for the legal department to prepare the legal notice of intentions to create a district for submission to the next Regular City Council Meeting.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the City Attorney be directed to prepare a resolution of intention to create the storm drainage district as described, such resolution to contain notice of public hearing with the understanding that the date, time and place of said hearing be left blank and be determined by the Council at a later date. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was forthcoming, as follows:

City of Idaho Falls
December 6, 1969

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CITY WATER SERVICE - OUTSIDE CITY

We have received a request from the Utah-Idaho Sugar Company to provide City water to the A. J. Knapp property on Hitt Road. It has been reported that this farmer's well water is no longer fit to drink. Since the City will not be required to stand any of the costs involved, we

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would recommend the Mayor and City Clerk be authorized to sign the attached water service contracts on behalf of the Utah-Idaho Sugar Company.

Respectfully submitted,
s/ Don F. Lloyd

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

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

City of Idaho Falls
December 3, 1969

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CITY WATER SERVICE OUTSIDE CITY LIMITS

We have received a request from Dr. John Hatch that he be allowed to connect into the City water main on First Street to supply the property he owns on the south side of First Street which is located in the County. The cost of renovating this well is prohibitive and he is willing to pay the outside-of-City rate for City water. This water will be used for watering a few horses and not used for irrigation purposes. We recommend that the Mayor and City Clerk be authorized to sign the attached contract.

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. Roll call as follows: Ayes, 6; No, none; carried.

The City Engineer, through the City Clerk, submitted the following:

City of Idaho Falls
November 7, 1969

TO: Luther Jenkins
FROM: Joe Laird
SUBJECT: TRAFFIC ACTUATED SIGNAL AT 17TH AND PONDEROSA

Attached are the plans, materials summary and specifications for the traffic actuated signal installation at 17th Street-Ponderosa Drive Intersection. Leonard Bray no doubt has some of the required materials on hand so it will probably not be necessary to order "new" all of the materials shown on the materials summary sheet. There are, of course, certain miscellaneous

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small hardware items, i.e. wire connectors, cable hangars, etc., that aren't spelled out in the materials summary that will have to be used on the job on an "as required" basis.

Let me know if there is anything else you need or anything we should do to further the installation of this traffic signal.

s/ Joe A. Laird

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

Reference is made to page 318 in this book of minutes and, more specifically, a memo from the Mayor to the Council announcing his appointments to the newly created Golf Advisory Board. The Mayor said these were still his choices and proceeded to appoint them accordingly. It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood introduced an airport use agreement renewal in favor of Combs Airways. 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.

This contract for deed was presented by Councilman Parish:

CONTRACT FOR DEED

THIS AGREEMENT MADE and entered into this 8th day of December, 1969, by and between THE CITY OF IDAHO FALLS, a municipal corporation, hereinafter referred to as "Vendee" and RUSSELL DALE PARKER AND JEWEL T. PARKER, husband and wife, and JOSEPH FRED PARKER AND ELAINE PARKER, husband and wife, all of Idaho Falls, Idaho, hereinafter referred to as "Vendors".

WITNESSETH:

1. Vendors agree to convey to Vendee upon execution hereof, by warranty deed, free and clear of liens and encumbrances, except one-half of all taxes levied and assessed against the hereinafter described property for the year 1969, the following described lands lying and being in Bonneville County, Idaho, to-wit:

Beginning at a point which is south 89°13'35" west, 546.77 feet, and north 29°17'2" east, 350.00 feet along the westerly right-of-way line of Highway #91-#191, and south 89°13'35" west, 115.00 plus or minus feet from the southeast corner of Section 24, Township 2 north, Range 37, E. B. M., said point also being the intersection of the northerly right-of-way line of West 17th Street and the south boundary line of the Parker Brothers property herein described; thence south 89°13'35" west along the south boundary line of aforesaid property, 243.00 feet more or less, to the westerly

boundary of aforesaid property line; thence north 29°17'02" east, along the westerly boundary line of the aforesaid property 145.00 feet; more or less, to the northerly right-of-way line of West 17th Street; thence south 54°03'43" east, 222.00 feet, more or less to the beginning, containing approximately 0.35 acres.

This tract of land can also be described as all of that portion of the Parker Brothers property lying and situate south of the following described line; Beginning at a point which is south 89°13'35" west, 546.77 feet and north 29°17'02" east, 283.31 feet from the southeast corner of Section 24, Township 2 north, Range 37, E. B. M., said point also being on the westerly right-of-way line of Highway #91-#191, thence, running north 54°03'43" west, 606.35 feet containing approximately 0.35 acres of the following described property, recorded as:

Beginning at a point 506.2 feet west, more or less, from the southeast Corner of Section 24, Township 2 north, Range 37, E. B. M., at the west right-of-way boundary of the OSLRR, thence running south 89°55' west, 383.8 feet, thence north 29°15' east, 495.7 feet to center line of Creek, thence north 80°56' east, 437.9 feet to the west right of way boundary of OSLRR, thence south 29°15' west in said right-of-way boundary 574 feet to the point of beginning.

2. Vendors agree further to furnish Vendee, at Vendor's expense, a policy to title insurance in the amount of \$4,000.00 insuring fee simple title to said land in Vendee free of all liens and encumbrances except the taxes stipulated above.

3. Vendee agrees to pay Vendor the sum of \$4,000.00 upon receipt of said deed and title policy. Said payment shall compensate Vendors fully for the value of the land taken and all severance damages to the remainder of Vendor's land.

4. Vendee agrees that Vendors may have one forty-foot (40) curb cut for access to the remainder of Vendor's land on the north side of Seventeenth Street to the constructed. Said curb cut may be situated at any place along said northerly right of way line designated by Vendors; provided, however, that the place for the curb cut shall be so situated as not to constitute a violation of any safety law, ordinance, or regulation of the highway department of the State of Idaho.

5. Vendors agree to demolish and/or remove from their premises at Vendor's expense all buildings and structures, except the poultry plant and all structures on land leased for a service station, by May 15, 1970; and Vendors agree by said date at their expense to remove from their premises all car and truck bodies and major junk items. Provided,

however, Vendors may elect to retain the cinderblock foundation of their most westerly building by notifying Vendee of such election by May, 1970. Provided, further, at request of Vendors, Vendee agrees to demolish and/or burn all wooden structures designated by Vendors, except that Vendee will not burn or destroy the most westerly building if Vendors elect to retain its foundation unless Vendors remove the super structure off its foundation at Vendor's expense and place it in a place where it can be safely burned.

6. Vendee agrees to fill the remaining land of Vendors, except the land now leased as a service station, at the expense of Vendee approximately to the present level of the land described in Paragraph 1 with earth, rock, concrete slabs and other usual fill material. Such fill shall be accomplished and completed by November 30, 1973. Provided, however, Vendee shall be obligated to fill only as far east as the westerly end of the poultry plant unless the poultry plant is demolished or removed by December 31, 1972.

7. The parties further agree mutually to move the court for an order of dismissal with prejudice of Civil Case No. 17180 now pending in the District Court of the Seventh Judicial District of the State of Idaho in and for Bonneville County.

IN WITNESS WHEREOF, Vendors have hereunto set their hands and the Vendee has caused these presents to be executed by its Mayor and City Clerk thereunto by resolution of its City Council duly authorized the day and year first above written.

APPROVED AS TO FORM:
s/ Reed L. Moss
Attorney for Vendors

s/ J. Fred Parkers/Elaine Parker
s/Russell D. Parker/Jewel Parker
VENDORS

ATTEST:
s/ Roy C. Barnes
CITY CLERK

CITY OF IDAHO FALLS, ID.
By s/ S. Eddie Pedersen
MAYOR-----VENDEE

It was moved by Councilman Parish, seconded by Freeman, that this contract for deed be accepted, that the Mayor and City Clerk be authorized to sign and the City Controller be authorized to disburse as directed in said contract for deed. Roll call as follows; Ayes, 6; No, none; carried.

Next to be presented was the following legal instrument by the City Attorney:

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

CITY OF IDAHO FALLS, IDAHO)
A Municipal Corporation, Plaintiff)

SUPPLEMENTAL STIPULATION AND
AGREEMENT FOR POSSESSION

-vs-)
) Case No. 17235
MCCARTY'S , INCORPORATED,)
An Idaho Corporation,)
)
Defendant.)

This supplemental stipulation and agreement entered into this ____day of November, 1969, by and between the plaintiff, hereinafter referred to as "City" and the defendant, hereinafter referred to as "Owner".

WITNESSETH

WHEREAS, the City filed the above action against the Owner, which is an action to take for public use and benefit the property described in the complaint filed in the above action, the description of which property is incorporated herein by reference;

NOW THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The stipulation and Agreement for Immediate Possession entered into between the above parties and dated July 15, 1969, is confirmed an all things, and this agreement is supplemental thereto,
2. The City may have, and is hereby granted, effective November 28, 1969, the possession, use, benefit and occupancy of all of that portion of the Owner's land to be taken for right of way purposes, as described in the complaint on file herein, lying north of the center line of the highway to be constructed thereon, a copy of the description of which land is appended hereto.
3. The Owner agrees to clear the strip of land described in Paragraph 2 above of all scrap metals and materials by November 28, 1969, and the City agrees to pay the Owner \$180.00 for so clearing said land.
4. The City agrees at its own expense to dismantle, or cause to be dismantled and removed, the metal parts of a baler which is affixed in concrete shall be removed, and where metal is imbedded in concrete it may be cut off where it enters the concrete. The City shall place, or cause to be placed, the metal so removed from the baler at any place within 500 ft. of the baler designated by the owner. The metal so removed shall remain the property of the owner, and it is agreed that the Owner shall hereafter claim or assert no damages or losses, at the trial of this action, arising out of or associated with, said baler.

5. The Owner agrees to clear all the balance of the land to be taken as set forth in the complaint, of all metals and materials, not later than May 15, 1970; and the owner agrees that the City may have the possession, use, benefit and occupancy of all of said lands to be taken by May 15, 1970, said date being the date when construction of said highway is contemplated.

6. The City agrees to pay the Owner \$2700.00, in addition to the sum set forth in Paragraph 3 hereof, and in addition to the sum of \$1200.00 heretofore paid the Owner pursuant to the agreement of July 15, 1969, in return for the Owner's clearing said land of all materials and metals (including a frame building situate on the eastern portion of said lands).

7. It is agreed that the clearing of said lands, the granting of possession and use thereof, and the payment therefor as set forth in this agreement shall not in any manner affect, or change, the amount of damages to which the Owner shall be entitled by reason of the "take" and/or "severance damages" in this action, except that the Owner shall, of course, not be entitled to damages for the metals, materials, and/or structures which are referred to in this agreement, it being the intention of the parties that the payments by the City as set forth have compensated the owner for that portion of its damages.

8. It is further agreed that this agreement shall not affect the right of the City to proceed at law or in equity for possession if the owner shall fail to comply with the terms hereof.

9. It is further understood and agreed by the parties that by execution of this agreement and the granting of possession of the land neither party waives any defenses, claims or counterclaims against the other except as expressly set forth herein.

10. It is further agreed that said action shall proceed in due course to the end that the Owners shall be awarded the damages for the taking of their land, and severance damages, if any, to which they are entitled.

APPROVED:

Albaugh, Bloem, Smith & Pike
Attorneys for City of Idaho Falls

CITY OF IDAHO FALLS

BY: _____
MAYOR

APPROVED:

s/ Jones
of Jones, Pomeroy & Jones
Attorneys for the Owner

MCCARTY'S INCORPORATED

BY: s/ Vern B. Young

DECEMBER 4, 1969

It was moved by Councilman Nelson, seconded by Parish, that the City accept the foregoing supplemental stipulation and agreement for possession and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson introduced and presented the following petition with 15 signers, all being residents within the area of Lomax and Holmes:

In lieu of the recent accident on Holmes Avenue and the speeding traffic making it difficult for the children trying to cross to get to and from school, we the undersigned feel there is a need for a traffic light on Lomax and Holmes and also on Cleveland and Holmes.

Councilman Freeman advised that, in his opinion, street lights in this same area failed to provide adequate illumination. It was moved by Councilman Erickson., seconded by Freeman, that both of these matters be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
