

AUGUST 7, 1969

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The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in Regular Meeting on Thursday, the 7<sup>th</sup> day of August, 1969, at the hour of 7:30 P.M. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilwoman Lyn Smith, Councilmen Dale Parish, Melvin Erickson, Jack Wood. Absent: Councilmen James Freeman and Gordon Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; William Fell, Electrical Engineer; Ernie Craner, Parks and Recreation Director; Robert Pollock, Police Chief.

Minutes of last recessed Regular Meeting, held July 31<sup>st</sup>, 1969, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider all protests to the proposed Assessment Roll, L.I.D. No. 38. There were no protests, written or verbal. Councilman Parish introduced the following Resolution in writing and moved its adoption:

**RESOLUTION APPROVING AND CONFIRMING ASSESSMENT ROLL  
OF LOCAL IMPROVEMENT DISTRICT NO. 38 (Resolution No. 1969-22)**

WHEREAS, the City Engineer and Committee on Streets have heretofore made out and certified to the City Council as provided by law an Assessment Roll of Local Improvement District No. 38; and,

WHEREAS, on July 10, 1969, the City Council fixed the time and place when and where objections to Assessment Roll by the property owners of said District would be heard, to-wit: Thursday, August 7, 1969, at 7:30 P.M. of said day at the Council Chambers in the City Building at Idaho Falls, Idaho; and,

WHEREAS, notice was duly and regularly given, as provided by law, by the Clerk of the time to file objections to said Assessment Roll; and,

WHEREAS, the said Council has examined said Assessment Roll and finds that the same should be approved.

NOW, THEREFORE, BE IT RESOLVED that said Assessment Roll, and each and every item therein, and the whole thereof, be, and the same hereby is in all respects approved, ratified and confirmed.

Councilman Erickson seconded the adoption of said Resolution, and the same, on being put to a vote, was unanimously carried by all Councilmembers present, the vote being as follows: Councilwoman Smith, Councilman Parish, Councilman Erickson, Councilman Wood. Whereupon the Mayor declared the motion carried.

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Bills for the month of July, 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 &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$140,384.40	\$128,314.68	\$268,699.08
Fire Bonds	39,925.66	4,350.55	44,276.21
Water and Sewer	10,386.26	19,633.75	30,020.01
Electric Light Fund	36,078.98	128,175.75	164,254.22
Recreation Fund	11,920.90	2,448.26	14,369.16
Police Retirement	<u>3,143.40</u>	<u>.00</u>	<u>3,143.40</u>
<b>TOTAL</b>	<b>\$241,839.60</b>	<b>\$282,922.48</b>	<b>\$524,762.08</b>

It was moved by Councilman Parish, seconded by Smith, that the bills be approved and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 4; No, none; carried.

Reports from Division and Department Heads were presented for the month of July, 1969, and there being no objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

A bartenders permit application was presented in the name of Ruth Champion. It was moved by Councilman Erickson, seconded by Smith, that this permit be granted, subject to the approval of the appropriate Division Director. Roll call as follows; Ayes, 4; No, none; carried.

Next to be presented was an application to transfer a beer license in the name of Ruth Gibbons, representing the Fleet Reserve Association, from the Rogers Hotel to 101 N. Yellowstone. Mr. Frank Gibbons was present in the Council Chambers to answer any question which might be asked. Police Chief Pollock appeared before the Council to register concern regarding this proposed new location for a beer tavern. He said he would not be in favor of approving it, unless a fence was constructed in such a way, south of 101 N. Yellowstone, to prevent traffic traveling from the parking lot at the rear of the building across the sidewalk to reach Yellowstone Avenue. Also, Pollock drew attention to the fact that the front doors to the building were extremely close to a narrow sidewalk which was the only separator between the building and fast moving traffic on Yellowstone Avenue. Pollock proposed that the doors not be permitted to open from the outside and be used only in case of emergency from the inside. It was moved by Councilman Erickson, seconded by Smith, that this license be granted, subject to these stipulations as mentioned by the Police Chief and, otherwise, subject to approval by the appropriate Division Directors. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk drew attention to a license application presented at the previous Council meeting. This was an application by Ernest Lake for a commercial kennel at 1380 Elmore. The Police Chief had recommended denial on the grounds that the petition signers were renters rather than property owners and, also, because the proposed location was residentially zoned. It was moved by

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Councilman Erickson, seconded by Smith, that this recommendation be upheld and the license application not be granted. Roll call as follows: Ayes, 4; No, none; carried.

This damage claim was presented and read:

Peterson, Moss & Olsen  
Attorneys at Law  
485 E. Street  
Idaho Falls, Idaho  
July 31, 1969

The Honorable S. Eddie Pedersen, Mayor, and the City Council  
City Building, Idaho Falls, Idaho 83401

RE: DAVID W. NEWMAN

Gentlemen:

On behalf of Mr. Newman, we herewith present a claim to the City of Idaho Falls for false arrest and for false imprisonment caused by the arrest of the claimant by Robert Harrison, a police officer for the City of Idaho Falls who was acting within the scope of his authority and under the direction of the Chief of Police of the City of Idaho Falls.

That facts and essential particulars are as follows:

1. That on the morning of July 12, 1969, Mr. Newman was working for his employer, Mel Brown Company, and did arrest and take into custody Mr. Newman without proper legal authority.
2. That Mr. Newman was not appraised of his rights nor was he asked for his driver's license at any time during the investigation or the arrest.
3. That the officers of the City of Idaho Falls were acting in a negligent and careless manner in making the said arrest, without proper legal authority nor reasonable cause to make the said arrest.
4. In consequence of the false arrest and false imprisonment the defendant has suffered many and diverse damages and injuries, including the loss of his employment and loss of a place to live, said damages being in the amount of \$10,000.00.

Wherefore, we respectfully demand payment to David W. Newman in the amount of \$10,000.00

Very truly yours,  
s/ Gary L. Jensen  
Peterson, Moss & Olsen

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The City Clerk reported that, in the interests of time, this claim had been forwarded to the City Insurance Adjustor on August 4, 1969. It was moved by Councilman Parish, seconded by Erickson, that this action on the part of the City Clerk be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

By memo, City Planner Gilchrist advised the City Council that the Planning Commission had recommended that Rollandet Park be rezoned from C-1 to R-3A. It was moved by Councilman Wood, seconded by Smith, that a zoning hearing be scheduled for September 11<sup>th</sup>, 1969, to consider this proposal and that the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 4; No, none; carried.

Inasmuch as a public hearing was scheduled for September 11<sup>th</sup>, as above indicated, the Mayor asked if this would be an appropriate time to consider an amendment to the zoning ordinance which would delete the provision making it mandatory to have one person serving jointly as a member of the Planning Commission and the Board of Adjustment. It was moved by Councilman Wood, seconded by Smith, that the City Clerk be authorized to include this in the legal notice announcing the public hearing on September 11<sup>th</sup>. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the City Controller was presented and read:

City of Idaho Falls  
August 7, 1969

TO: Mayor S. Eddie Pedersen  
FROM: L. I. Jenkins, City Controller  
SUBJECT: BLANKET FIRE AND EXTENDED COVERAGE INSURANCE

On June 19, 1969, Council approved solicitation of bids for blanket fire and extended coverage insurance, effective dates of a policy contract to be from September 1, 1969 to September 1, 1974. Consequently, the City placed newspaper advertisements and mailed specifications to 24 agencies in the City of Idaho Falls, announcing bids to be opened August 6, 1969. We received in return one joint bid of the Tandy & Wood, Inc. and the Homer-Koster Company agreeing to the effective dates of coverage and specifications at an annual premium of \$8,464.00. This is the same agency who furnished the insurance during the previous five years at the same annual premium cost.

I recommend that the bid received as above named be accepted and the bidder awarded a contract.

s/ L. I. Jenkins

It was moved by Councilman Parish, seconded by Wood, that the one bid be accepted as recommended. Roll call as follows: Ayes, 4; No, none; carried. Councilman Parish, as Chairman of the Fiscal Committee, assured the Council that his Committee would see to it that separate appraisals of all City Buildings would be submitted.

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ORDINANCE NO. 1256

AN ORDINANCE VACATING CERTAIN EASEMENTS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID EASEMENTS; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK ON BEHALF OF THE CITY OF IDAHO FALLS, IDAHO, TO CONVEY SAID LAND TO THE OWNER OF THE ADJACENT PROPERTY; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE. (Village Investment)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, 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 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, 4; 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, 4; No, none; carried.

This letter was presented and read aloud:

Idaho Falls, Idaho  
July 17, 1969

Mr. Eddie Pedersen  
City of Idaho Falls

Dear Sir:

The time has arrived that I think it is necessary to submit my resignation as a member of the Civic Auditorium Board.

I consider it a privilege to have been asked to serve in this capacity.

Sincerely yours,  
s/ Clair P. Humphrey

The Mayor noted that Mr. Humphrey had, for several years prior to becoming a member of the Civic Auditorium Board, diligently served as custodian of the Civic Auditorium. It was moved by Councilman Parish, seconded by Wood, that Mr. Humphrey's resignation be regretfully accepted and that a letter of accolade be sent, expressing the appreciation of the Mayor and City Council for his

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many years of dedicated service in the interests of Civic Auditorium. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk read the following proposed advertisement for bids in connection with the proposed paving and sidewalks under Local Improvement District No. 39:

**INVITATION FOR BIDS**

PROJECT: L.I.D. NO. 39 - STREET AND ALLEY IMPROVEMENTS, 1969

Sealed unit price proposals for the construction of the above named project addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the City Clerk in the City Hall, Idaho Falls, Idaho, until 10:00 A.M. (MDT) on September 4, 1969 and then publicly opened and read.

The project consists of constructing approximately 0.68 of a mile of City streets, 0.70 of a mile of alleys, and 1.37 miles of sidewalks. Major items of work consist of 6050 C.Y. of unclassified excavation, 7440 tons of  $\frac{3}{4}$  inch maximum crushed aggregate base, 3200 tons of asphalt plantmix, 7180 lineal feet of concrete curb & gutter, 7090 feet of alley gutter and 4660 square yards of concrete sidewalk.

Plans and specifications are available at the office of the City Engineer, City Hall Annex, Idaho Falls, Idaho. A copy of said documents may be obtained at the above upon a deposit of \$20.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen days after the date of bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond, payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

Successful bidder or bidders will be required to pay not less than those minimum wage rates established by the Department of Labor, State of Idaho, and entitled "Prevailing Wage Rates for Use on all Public Works Projects in Conformity with the Provisions of Section 44-1002 Idaho Code." These wage rate schedules are to be considered as part of the contract covering this project.

The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal which serves the best interest of the City of Idaho Falls, Idaho.

Dated this 8<sup>th</sup> day of August, 1969.

CITY OF IDAHO FALLS, ID.

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Published: August 17, 24, and 31, 1969.

It was moved by Councilman Parish, seconded by Erickson, that the advertisement be accepted, and that the City Clerk be authorized and directed to cause the same to be published in the Post Register, the official City Newspaper, in three consecutive weekly issues of said paper. Roll call as follows: Voting Aye: Parish, Smith, Erickson, Wood. Voting Nay: None. Absent: Freeman & Nelson. Motion carried.

Councilman Erickson introduced the following:

**RESOLUTION (Resolution No. 1969-23)**

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, and including plans for; landscaping U.S. Highway 26-191 (Yellowstone Ave.) between "F" Street and Boulevard Avenue within the corporate limits of the City of Idaho Falls, Bonneville County, Idaho, as described in the Cooperative Agreement and shown on the aforementioned plans, which improvement is to consist of excavation, water system installation, planting trees, shrubs and vines, placing topsoil, seeding and miscellaneous items to be constructed within the City under Federal Aid Highway Landscaping Project LSF - 50 - 1 (4); and

WHEREAS, the allotment of Federal and State Funds for the improvement is contingent upon compliance with the laws governing State Highways and State Highway traffic, availability of necessary right of way, adequate provision for the maintenance of the completed improvement, and the establishment of traffic control measures and means for enforcing them.

NOW, THEREFORE, BE IT RESOLVED;

1. That the Cooperative Agreement for Federal Aid Highway Landscaping Project LSF - 50 - 1 (4) is hereby accepted and approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of this Resolution shall be furnished the Department of Highways and the Bureau of Public Roads.

It was moved by Councilman Erickson, seconded by Wood, that the foregoing resolution be approved and accepted. Roll call as follows: Ayes, 4; No, none; carried. It was noted that one of the provisions of the resolution was authorized for the Mayor and City Clerk to sign the cooperative agreement in question, described as LSF-50-1 (4).

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Councilman Erickson stressed the need for urgency in appropriate corrective measures at 17<sup>th</sup> and Ponderosa, relative to signalization at that intersection. He said the residents of the area, through the P.T.A., have been advised that the intersection, traffic wise, does not comply for a State warrant but that they are still asking for an activated semaphore. Erickson continued by saying that, in his opinion, there is a double hazard at this location; namely, the children, during school hours, crossing the street and the shopping center in the immediate vicinity. He said he was particularly sympathetic with the area residents, inasmuch as there was an existing traffic light of many years and, now that the street has been improved, increasing the hazard from two to four lanes, there is all the more reason for signalization. There was some discussion about activating the existing traffic light which is now limited to a warning blinker. The Council being aware that this would not be endorsed by the State, asked the City Attorney for an opinion. Mr. Smith advised that, if this was the decision of the Council, he would not be concerned, providing the installation met City and State Code. Erickson stated that he was not in favor of merely activating the existing control. Instead, recognizing that the intent of the 17<sup>th</sup> Street improvement was to satisfy the demands of traffic in the most expedient manner, he recommended that a traffic actuated semaphore be installed as soon as possible but that, in the interim period, a bouncing ball warning signal, now on order, similar to the one in operation on Anderson Street be immediately installed. In the absence of further discussion, it was moved by Councilman Erickson, seconded by Councilwoman Smith, that this matter be referred to the Public Works Division, the Engineering Department and the Mayor with the following emergency instructions: determine an activated traffic light that would meet State Code; resubmit an application for a warrant, now that the bridge at 17<sup>th</sup> and Holmes is completed and finally, in the interim period, install a bouncing ball warning light. Roll call as follows: Ayes, 4; No, none; carried.

Recognizing that the City Attorney was in the process of drafting a Resolution relative to bicycle inspection, it was moved by Councilman Wood, seconded by Smith, that said resolution include provisions for bicycle inspection at Fire Station #2 and 3 on Saturday mornings and that the Police continue to be responsible for inspection at the City Building. Roll call as follows: Ayes, 4; No, none; carried.

There being no further business, it was moved by Councilman Parish, seconded by Smith, that the meeting adjourn at 8:55 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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