

MAY 8, 1969

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, May 8, 1969, at 7:30 p.m. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting, Mayor S. Eddie Pedersen, Councilwoman Lyn Smith, Councilmen Gordon Nelson, Dale Parish, Jim Freeman, Mel Erickson, Jack Wood. Also present: Gladys Jensen, Deputy City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Les Corcoran, Fire Chief; Luther Jenkins, City Controller; William Fell, Electrical Engineer; Don Lloyd, Public Works Director.

Minutes of the last recessed Regular Meeting, held April 24, 1969 and a Special Session Meeting held April 29, 1969, were read and approved.

The Mayor announced that this was the time and the place for a public hearing to consider rezoning certain properties as advertised. First to be reviewed was a Planning Commission recommendation to establish a fifty-foot overlay zone on both sides of Holmes Avenue from First Street north to the City Limits except for Pinecrest Golf Course, Central Park, and that property lying west of Holmes Avenue between Gladstone and the alley between College and Whittier Streets. There were no protests. However, Councilman Parish reminded the Council that he was absent from a previous zoning hearing when a similar overlay zone on Holmes was being considered and would have registered objection, if he had been present, on the grounds that it did not constitute good planning. Councilman Nelson, noting that he had voted negatively at that time, concurred with Councilman Parish, adding that, in his opinion, the recommendation of the Planning Commission was too late as it would handicap developed property within the area in question. Asked for an opinion, City Planner Gilchrist concurred with Nelson and added that, even though it would have been good planning ten years ago, in view of the partial development it should now be studied further. In the presence of further comment from the floor or from any of the Councilmembers, it was moved by Councilman Wood, seconded by Councilwoman Smith that this overlay zone, as described, be established. Roll call as follows: Ayes, Councilman Wood, Councilwoman Smith, Councilman Freeman, Councilman Erickson; No, Councilman Nelson, Councilman Parish; carried.

Next to be considered was another Planning Commission recommendation that all property except that included within the overlay zone bordered by North Holmes, Cleveland, North Emerson, and the alley between Lomax and First Street not now zoned C-1 be so zoned.

Mrs. Idona Ross, 312 Gladstone, appeared before the Council representing herself and other residents within the area in question to ask if this proposed rezoning would increase taxes and was answered in the negative by City Planner Gilchrist. Gilchrist, however, qualified his answer by saying this could not be guaranteed by the City who has no control over the decisions as made by the County Assessor. Further discussion revealed the fact that many residents were not aware of this proposed rezoning. Therefore, it was moved by Councilwoman Smith, seconded by Councilman Wood, that this portion of the hearing be continued until the next Regular Council Meeting and that in the interim time period, this matter be investigated further and that all affected property owners be advised of the next meeting by letter. Roll call as follows: Ayes, 6; No, none; carried. This concluded the zoning hearing, at least for this meeting.

The Mayor invited Paul Spickard to come forward to the Council Table for the purpose of being awarded the Toy Tinkers Scholarship Plaque. It was explained that said plaque, provided by the Toy Tinkers Company, a division of the A. G. Spaulding Brothers, Inc., 807 Greenwood Street, Evanston, Illinois, was in recognition of Mr. Spickard's having won in the State Finalist Program for

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Unique Achievement in Toy Tinker Construction. The Mayor congratulated Mr. Spickard for this award and urged him to continue his efforts in this commendable venture.

The Mayor then invited Mrs. Barbara Dahlstrom, a recently retired City Employee from the Office of the City Clerk, to come forward, escorted by Councilman Freeman. The Mayor congratulated her on her many years of dedicated service and presented her with an inscribed billfold. Mrs. Dahlstrom expressed her appreciation for the privilege of having served the City for thirteen years, her most recent position being that of Records Clerk Supervisor.

At the invitation of the Mayor, Mr. Brigham Rock was then escorted forward by Councilman Nelson. The Mayor then congratulated Mr. Rock, as a City Employee Retiree, for attaining this privilege after having served the City in the capacity of a skilled mechanic in the Building Maintenance Department. Mr. Rock then received an inscribed billfold as a token of the City's appreciation for his services. Finally, the Mayor drew attention and extended plaudit to a third City Employee Retiree, Mr. Charles Hjort, absent from the Council Chambers, and congratulated him for his thirteen years of service as a pipeman in the Water Department.

At this point the Mayor then recognized Mr. Connelly, a citizen in the audience, and requested that he approach the Council Table and present his proposal. Mr. Connelly expressed that he was representing a local committee entitled "End of the ABM Committee" and was requesting permission to place a card table, with signs attached to this table, on the sidewalk near the corner of Park Avenue and "A" Street. The purpose of this was to have someone in attendance to obtain signatures on a petition or petitions, to be sent to the President of the United States and Idaho's Congressional Delegation, emphasizing the opposition to the ABM Program. The Mayor then expressed that it was not the purpose of the City Council to debate the merits of the program, but to decide upon the legality of placing a card table on the sidewalk in the downtown area. The Mayor then requested City Attorney Arthur Smith for an opinion. Attorney Smith said he had been in touch with Mr. Connelly and had, in his opinion, stated that no permission need be granted to circulate petitions, but that it would be in the best public interest for Mr. Connelly to apply for permission to operate from the street corner of Idaho Falls, at Park Avenue and "A" Street. The Mayor called for an opinion of the Chief of Police and he said he could see no traffic problem if the permit were granted. Mr. Connelly then stipulated that the permit would only be required for four (4) consecutive Saturdays during day time hours. These Saturdays, specifically, would be May 10, 17, 24, and 31, 1969. It was moved by Councilman Erickson, seconded by Councilwoman Smith that the Mayor grant permission to Mr. Connelly and members of the "End ABM Committee" to place a card table, with small signs attached to table, at the corner of Park Avenue and "A" Street for the purpose and reason as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Messrs Earl Wadsworth, Max Johnson, and Richard Mills, residents living in or adjacent to the north boundary of the City, appeared before the Council. Mr. Wadsworth, as initial spokesman, presented the following petition with 109 signers, all property owners and/or residents of this area:

Honorable Mayor Pedersen and City Councilmen:

To Whom It May Concern:

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We the undersigned property owners and residents living in or adjacent to the north boundary of Idaho Falls are very much concerned with the future development and improvement of our area. There are some projects and changes underway at the present time and some that we would like to have initiated in the immediate future of which we would like to discuss with you. They are as follows:

1. The new City-operated "Sanitary Landfill" located on the John Hatch property.
2. The proposed Fremont Exchange connecting East River Road to the East River Drive.
3. The reconstruction of the Upper Power Plant Forebay Dam.

Mr. Wadsworth said each of them wished to present one of the issues as mentioned in the petition and introduced first, Mr. Johnson to discuss the sanitary landfill. Mr. Johnson reminded the Council that the nearby residents had originally been promised that the debris would be wet down to prevent scattering but this had not as yet been done. Johnson also objected to the hours during which the fill could be used on the grounds that the gates close so early that garbage is dumped into a nearby borrow pit. Referring to the access road, Johnson then said it was in such rough condition that debris constantly fell from the trucks. Also, he said the road was not easily accessible and proposed another road making the fill more easily accessible, particularly to the residents in his residential area. Councilman Nelson acknowledged the water deficiency but said that, just this day, a facility had been installed whereby water would be pumped from an irrigation ditch. Nelson said it was also the plan to construct a higher fence. Finally, Nelson assured Mr. Johnson that instructions would be given not to fill the trucks so full. The Mayor instructed Public Works Director Lloyd to keep the facility open until dark. Finally, the Mayor reported that a new road to the area is planned.

Mr. Wadsworth then introduced Mr. Mills who advised that, because of construction on Highway No. 20, access to the City via the East River Road is now intolerable, due to temporary rerouting along side streets, where right angle turns, dust, gravel, chuck holes, etc., is constantly experienced. He said he realized that this would be remedied by the construction of Fairview to connect with Anderson Street and the realignment of Fremont to connect with East River Road, but he was concerned about the completion date on these projects. With regards to the Fairview Extension, Councilman Nelson explained that, as far as the City was concerned the plans and specifications were completed and the money was budgeted for its construction. The only delay is being occasioned because of the County's problem in acquiring one last parcel of property for right-of-way. Nelson continued by saying that the Fremont alignment was scheduled for 1970 and that the City is presently in the process of acquiring several needed parcels for right-of-way.

Mr. Wadsworth then introduced the subject of the Upper Power Plant Dam and Forebay. He said he was aware of the dilapidated condition of the dam and urged not only for the benefit of the nearby residents, but for the entire community, that it be rehabilitated. He said a dam creates beauty because of the spillways and the forebay. Wadsworth drew attention to the fact that this and the other two municipally owned power plants are vital, particularly during times of emergency. He drew attention, only, to the recreational facilities such as fishing, boating and water skiing that is provided by this man-made facility. He said that, in his opinion, the City has not progressed

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satisfactorily toward development and beautification of its water frontage. The Mayor thanked these men for their constructive reports.

Bills for the month of April, 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	\$118,393.79	\$73,844.33	\$192,238.12
Fire Bonds	37,230.97	6,224.86	43,455.83
Water and Sewer	9,070.04	36,127.39	45,197.43
Electric Light Fund	31,713.47	76,999.69	108,713.16
Recreation Fund	2,140.23	370.68	2,510.91
Police Retirement	<u>2,860.14</u>	<u>.00</u>	<u>2,860.14</u>
Total	\$201,408.64	\$193,566.95	\$394,975.59

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.

Monthly reports from Division and Department Heads were presented for the month of April, 1969. There being no objection, the reports were accepted and ordered by the Mayor to be placed on file in the Office of the City Clerk.

License applications for GROCERY STORE, Stephen Johnson for Johnson Fruit Market; RESTAURANT, Everett G. Jordan for Stardust, Violet Deardon for Lobby Café; JOURNEYMAN ELECTRICIAN, Homer P. Johnson; ELECTRICAL CONTRACTOR, Homer P. Johnson for Johnson Solar Electric Heat, Charles W. Bateman with Northwest Electric, Inc.; CLASS D JOURNEYMAN, WARM AIR, Hans Deede; APPRENTICE PLUMBER, Dean T. Atwood with Grant Pendleton Plumbing; MASTER PLUMBER, Grant Pendleton for Grant Pendleton Plumbing; JOURNEYMAN PLUMBER, Grant Pendleton; DANCE HALL, Ken Deveraux for Red Fox Lounge, Everett Jordan for Stardust; NON-COMMERCIAL KENNEL, Janice Cave; SAFE AND SANE FIREWORKS, David D. Cameron for Aiman's Food Market Lot; BARTENDER, Joan A. Bowcutt, were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted subject to the approval of the appropriate Division Directors where required. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented this memo from the City Planner:

May 8, 1969

MEMO

TO: Honorable Mayor and City Council
SUBJECT: Appeal of Ernest Ferguson from Decision of Board of Adjustment
April 29, 1969

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The original appeal is as follows: Requests permission to encroach 2' into an 17'6" rear yard of owners adjacent property which was approved at a previous meeting of the Board of Adjustment dated March 26, 1968 in which the Ordinance requires 25' rear yard. The Board must consider Section 4-3 Page 15 of the Zoning Ordinance No. 1115.

This request was denied by the Board and an appeal is now being made to the Mayor and City Council.

The Mayor and City Council, in a Work Session held earlier, reviewed this matter and recommended granting a 1' encroachment into the adjacent required rear yard, on the condition the eaves of the house situated on the subject lot be trimmed to conform to Code (eaves are allowed to project into a side yard a distance of 1/3 of the required side yard). This would result in the house being in conformance with local Zoning and Building Codes.

This action by the Mayor and City Council needs to be ratified at a regular meeting of the Council.

Respectfully submitted,
s/ William R. Gilchrist

It was moved by Councilman Wood, seconded by Councilwoman Smith, that the action of the City Council, as described, be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Four City Redemption Tax Deeds, accompanied by appropriate Resolutions, were presented as follows:

RESOLUTION (Resolution No. 1969-11)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by Deed of the City Treasurer dated the 7th day of November, 1966, recorded as Instrument No. 366302, records of Bonneville County, Idaho acquire title to and possession of the following described property, to-wit:

Lots Six (6) and Seven (7), and the South Half of Lot Eight (8), Block Forty-Eight (48), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, JAY A. NIELD has offered to pay to the City of Idaho Falls, the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

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That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said JAY A. NIELD a Deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 8th day of May, 1969.

APPROVED BY THE MAYOR this 16th day of May, 1969.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

RESOLUTION (Resolution No. 1969-12)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by Deed of the City Treasurer dated the 20th day of February, 1969, recorded as Instrument No. 394071, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots Six (6) and Seven (7), and the South Half of Lot Eight (8), Block Forty-Eight (48), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, JAY A. NIELD has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said JAY A. NIELD a deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 8th day of May, 1969.

APPROVED BY THE MAYOR this 16th day of May, 1969.

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ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

RESOLUTION (Resolution No. 1969-13)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code and by deed of the City Treasurer dated the 19th day of November, 1962, recorded in Book 144 of Deeds at Page 551, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots Six (6) and Seven (7), Block Forty-Eight (48), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, JAY A. NIELD has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum on money by said purchaser to make, execute and deliver to the said JAY A. NIELD a deed to said property, pursuant to the provisions of Section 50-1757, Idaho Code.

PASSED BY THE COUNCIL this 8th day of May, 1969.

APPROVED BY THE MAYOR this 16th day of May, 1969.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

RESOLUTION (Resolution No. 1969-14)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by Deed of the City Treasurer dated the 17th day of April, 1969, recorded as Instrument No. 395723, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

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Beginning at a point 0° 16' 39" West 55.42 feet and due East 543 feet from the Northwest Corner of the East Half of the Southwest Quarter (E ½ SW ¼) of Section 17, Township 2 North, Range 38, East of the Boise Meridian, running thence east 75 feet, thence south 124 feet, thence west 75 feet, thence north 124 feet to the point of beginning.

WHEREAS, FRONTIERS-OREGON LTD., Idaho Falls, Idaho has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said FRONTIERS-OREGON LTD., Idaho Falls, Idaho, a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 8th day of May, 1969.

APPROVED BY THE MAYOR this 16th day of May, 1969.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

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

At this time Councilwoman Smith requested and received permission to be excused from the Council Meeting.

This legal opinion, as presented by the City Attorney, was studied:

City of Idaho Falls
May 2, 1969

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

RE: Claim on Dean and Mildred Haymond, dba Fashion Fabrics for Alleged Overcharge on Electric Power Delivery

MAY 8, 1969

Gentlemen:

The above claim was referred to the Legal Department for analysis and recommendation. Investigation of the facts was made through the Electrical Department, and that investigation has been made available to the undersigned.

The claim alleges that since October, 1964, overcharging for electricity was made by the City of Idaho Falls because multiple electric meters served the premises of the customer. The claim also states that very recently an employee of the City pointed out that the premises could be served more cheaply by measurement through a single meter. Claimants' calculation shows loss of \$1,500.00.

Investigation shows that if a single meter had been installed throughout the period of the alleged loss there would have been a saving of \$751.91 instead of a saving of \$1,500.00. The undersigned is also informed that no employee of the City ever stated that the customer had been overcharged. Rather, rewiring for a single meter would have incurred some expenses, and the decision as to whether a customer will use one or more meters is made by the customer.

There does not seem to be any irregularity on the part of the Electric Department in servicing this account, and it is the recommendation of this office that the claim be denied.

Sincerely yours,
s/ A. L. Smith
City Attorney

It was moved by Councilman Nelson, seconded by Parish, that this claim be denied and the City Attorney be directed to notify the attorney for the claimants accordingly. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
May 7, 1969

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: BIDS - SEAL COATING OF CITY STREETS

The following bids were received May 6, 1969 for seal coating of City streets.

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<u>Contractor</u>	<u>Bids</u>
Robert Burggraf Company	\$34,215.00
Kennaday Paving Company	\$34,725.00

We recommend that the contract be awarded to low bidder Burggraf Construction Company in the amount of \$34,215.00.

s/ Don F. Lloyd

At the recommendation of Public Works Director Lloyd, Council action on these bids was tabled on the grounds that they had not yet been sufficiently reviewed.

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

City of Idaho Falls
May 8, 1969

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: GRAVEL CRUSHING

On May 6 the City received two bids for crushing gravel which are listed below:

Peter Kewitt & Sons, Inc.	\$32,700.00
Western Construction Co.	\$19,000.00

Since these bids exceed our cost estimate and also exceeded budget funds, we would request that the Council reject both bids. Instead we would prefer to purchase available gravels this year to meet our needs and in the fall or winter advertise for a crushing contract of sufficient quantities to attract lower unit prices.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the recommendation of the Public Works Director be upheld and the bids be rejected for the reason as indicated. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
May 8, 1969

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TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: STREET NAME

The Police Department has called to our attention the lack of a street name for the street connecting "I" Street with Riverside Drive, as shown on the attached sketch. We would recommend that the Council designate a name for this connecting street such as "Temple Place".

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the street in question be named as recommended and that this matter be referred to the City Attorney for preparation of an appropriate ordinance. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
May 8, 1969

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: LINDSAY BOULEVARD SANITARY SEWER L.I.D. #38

Plans and specifications have been completed for the Lindsay Boulevard Sanitary Sewer to be constructed under L.I.D. #38. We are requesting authorization that we advertise for bids May 11, 18, and 25, 1969, and open bids on the 27th day of May.

These plans and specifications were prepared by Consulting Engineer, Don Ellsworth.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that authorization be granted for the City Clerk to publish legal notice for the work project on the dates as indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Purchasing Department came this memo:

City of Idaho Falls
May 8, 1969

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Purchasing Department
Scrap and Obsolete Material

Honorable Mayor and Councilmembers:

Tabulation of bids received show Stewart Sheep submitting high bid for 38 transformers and miscellaneous scrap aluminum. McCarty's Inc. submitting high bid for balance of transformers and copper conductor.

It is the recommendation of the Electric Light Division and Purchasing Department that the high bids be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Freeman, seconded by Erickson, that the high bid for the sale of scrap and obsolete electrical material be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Police Chief, through the City Clerk, presented the following:

City of Idaho Falls
May 8, 1969

TO: Honorable Mayor and City Councilmembers
FROM: Robert Pollock
SUBJECT: UPDATING OF CITY ORDINANCES

It is suggested that the City Attorney be permitted to review and update several of the City Ordinances for your consideration at a later date. These are mostly traffic which were brought about by changes in the Idaho State Code by the Fortieth Legislature.

s/ Robert D. Pollock

It was moved by Councilman Erickson, seconded by Freeman, that the City Attorney, working with the Police Chief, be directed to prepare appropriate amending ordinances for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Police Chief, this memo was forthcoming:

City of Idaho Falls
May 8, 1969

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TO: Honorable Mayor and Councilmembers
FROM: Bob Pollock
SUBJECT: REQUEST TO LET BID FOR CAR IMPOUNDING LOT ENCLOSURE

It is herein requested that Purchasing be permitted to let bid for a chain link fence to surround the new car impound area to be located immediately east of the new animal shelter.

s/ Robert D. Pollock
Chief of Police

It was moved by Councilman Erickson, seconded by Freeman, that bid advertising be authorized for a fence for the purpose as described. Roll call as follows: Ayes, 5; No, none; carried.

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

BONNEVILLE COUNTY FIRE PROTECTION
DISTRICT NO. 1
Idaho Falls, Idaho
April 29, 1969

The Honorable Mayor S. Eddie Pedersen
Mayor of Idaho Falls
Idaho Falls, Idaho

Dear Mayor Pedersen:

As Chief of the Bonneville County Fire Protection District, I wish to sincerely thank the City of Idaho Falls for the outstanding cooperation that has been extended to us.

Near midnight on April 22, a major fire was reported at the D & L Marina, located just outside the City limits on North Yellowstone Highway. The district engine and an engine company from Station 2 responded to the call. Within 5 minutes after firemen arrived on the scene, the flames were knocked down and within 25 minutes the fire was under control. Three hours after the alarm was received, the fire was completely extinguished, mop-up operations were completed, and the engines were back in service.

This devastating fire, with losses estimated to be close to \$100,000 was a raging inferno when firemen arrived. Because the property is located outside the City limits, the only water available was the 500-gallon supply carried on each engine. It is interesting to know - yet difficult to believe - that this fire was completely extinguished with less than 1,000 gallons of water.

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Because of the fine relationship between the two fire departments, our men have had the opportunity to work and train together. Through familiarity of fire fighting techniques, the fire at D & L Marina was extinguished with a minimum of time, water and manpower.

It makes me extremely proud of "our" firemen when I see their abilities demonstrated so superbly. Again, please accept my sincere thanks for the wonderful cooperation given us by you, members of the City Council, Fire Chief Les Corcoran, and members of the Fire Department.

Sincerely,
s/Carl N. Poulter
Fire Chief

Councilman Nelson, preparatory to requesting authorization for bids on a dispatch center for the Electrical Department, asked Electrical Engineer Fell to explain its location, need and purpose. Fell said it would be located between the Eagle Rock Power Plant and the switch house. Fell continued by saying that the existing facility is entirely inadequate inasmuch as there is too much conflicting noise for proper dispatching and there is not sufficient room. Fell explained that the new dispatch center, when completed, would provide a complete dispatching service and would remotely control the power plants, all points of delivery and some substations. Fell concluded his remarks by saying that the advertisement for bids covered only the structure and that the Electrical Department would complete the interior according to their own needs and requirements. It was moved by Councilman Nelson, seconded by Erickson, that authorization be granted for advertisement for bids on May 18, and 25th and June 1st, to be opened June 3, 1969. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman, relaying a request from Jerry Eden representing the Senior Citizen's Committee, asked that Elm Street Park be renamed Liberty Park; also asked permission to plant a tree in the park, to be named the Liberty Tree and also asked that bleachers be placed in the park for the 4th of July parade. The Council registered no objection to the portion of Mr. Eden's request relative to the bleachers or planting of the tree. With reference to the renaming of the Park it was moved by Councilman Freeman, seconded by Erickson, that this be referred to the City Attorney for preparation of an appropriate ordinance. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood presented and read the following:

May 8, 1969

City of Idaho Falls
City Building
Idaho Falls, Idaho

Attention: Mr. Pete Hill

MAY 8, 1969

Dear Mr. Hill:

We are returning herewith the lease agreement between the City of Idaho Falls and Elliotts, Inc., of Burley, Idaho, duly executed by the President of the Corporation.

It is our understanding, although the same is not specifically stated in the lease, that the City of Idaho Falls will bring the property described therein to finished grade pursuant to a topography survey and plant prepared by Briggs Builders, Inc. A copy of that survey is attached to this letter. (City participation limited to \$500.00 this item).

It is our understanding that the City will bring this property to the finished grade as indicated on the attached survey without cost to the lessee.

If this is your understanding of the City's commitment in this regard, would you kindly sign the enclosed copy of this letter and return it to me.

Sincerely yours,
s/ Leonard Callan
Hartwell-Callan, Inc.

The lease agreement between the City and Elliotts, Inc. was then reviewed. It was understood that the City's participation cost would be limited to \$500.00 for bringing the affected property to proper grade. It was moved by Councilman Wood, seconded by Erickson, that the Mayor be authorized to sign the lease agreement and that the Airport Manager be authorized and directed, working with the lessee, to see that there was satisfactory compliance with terms and conditions of said lease. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1240

AN ORDINANCE REGULATING THE SALE, USE AND POSSESSION OF SAFE AND SANE FIREWORKS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PROHIBITING THE SALE, USE, DISCHARGE, AND POSSESSION OF "DANGEROUS FIREWORKS" WITHIN SAID CITY; PROVIDING FOR THE LICENSING AND REGULATION OF THE SALE OF "SAFE AND SANE FIREWORKS" AND OF THE PUBLIC DISPLAY OF CERTAIN FIREWORKS; DEFINING "SAFE AND SANE FIREWORKS" AND "DANGEROUS FIREWORKS"; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Freeman, 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, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

City Attorney Smith advised that, for many months, he, working with Heating, Cooling, and Plumbing Inspector Henry Isenhardt, had been in the process of preparing needed amendments to the Heating and Cooling Ordinance and that these were now ready for Council consideration. Mr. Isenhardt appeared before the Council to confirm the fact that all amendments had been thoroughly analyzed and approved by his Department and all local, interested tradesmen. Therefore, the following ordinance was introduced:

ORDINANCE NO. 1241

AN ORDINANCE TO PROMOTE THE SAFETY AND WELFARE OF THE PEOPLE OF IDAHO FALLS, IDAHO, BY REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, IMPROVEMENT AND INSPECTION FACILITIES TO INCLUDE THOSE USED FOR THE PURPOSE OF HEATING, HEATING WATER OR COOLING OF PREMISES; REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF FACILITIES FOR TRANSMISSION AND DISTRIBUTION; SPECIFYING OF THE POWERS AND DUTIES OF THE BUILDING AND ZONING DIVISION; PROVIDING FOR WORK PERMITS; FIXING THE COSTS OF SUCH PERMITS; PROVIDING FOR CERTIFICATE OF INSPECTION; PROHIBITING TURNING ON FUEL UNTIL ALL INSPECTIONS ARE COMPLETED; PROVIDING TIMES OF INSPECTION; PROVIDING FOR LICENSING REQUIREMENTS; PROVIDING FOR CERTIFICATE OF INSURANCE; PROVIDING FOR LICENSES; PROVIDING FOR CLASSIFICATION OF AGENCIES AND ESTABLISHING DUTIES OF CLASSES; PROVIDING FOR LICENSE REGULATIONS; PROVIDING FOR AN EXAMINATION BOARD, EXAMINATIONS; PROVIDING THE TERMS OF SUCH EXAMINATIONS; PROVIDING FOR REVOCATIONS OF CERTIFICATES; ESTABLISHING STANDARDS FOR GAS INSTALLATIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS; SETTING FORTH A CONSTITUTIONAL DECLARATION; REPEALING ORDINANCES AND PARTS OF ORDINANCES AND PARTS OF

MAY 8, 1969

ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN
ORDINANCE SHALL BECOME EFFECTIVE.

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, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

Parks and Recreation Director Ernie Craner, relaying a request from Mr. Evan Cropper, asked for Council approval for erection of a flag pole on City-owned property immediately north of the Rainbow Café. Asked if this might pose an electrical problem, City Engineer Fell answered in the negative. It was moved by Councilman Freeman, seconded by Erickson, that this request be granted, subject to installation supervision by Craner and Fell. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Parish then drew Craner's attention to certain complaints which have been registered, relative to sprinkling water splashing on cars as they pass through the D Street underpass. Craner said he was aware of the problem and that every effort would be made to take satisfactory corrective measures.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:35 p.m.; carried.

ATTEST: s/ Gladys C. Jensen
DEPUTY CITY CLERK

s/ S. Eddie Pedersen
MAYOR
