

FEBRUARY 6, 1969

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The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, February 6<sup>th</sup>, 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. Aldo present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; William Fell, Electrical Engineer; Don Lloyd, Public Works Director.

Minutes of the last Recessed Regular Meeting, held January 23, 1969, and a Special Meeting held January 31, 1969, were read and approved.

The Mayor announced that this was the time and the place, as advertised, to consider a petition by Millie Clark requesting rezoning from R-1 to R-3A for the east 5 feet of Lot 41 and all of Lots 42, 43, and 44, Block 32, Crows Addition. It was noted that this is residential property on the northwest corner of 9<sup>th</sup> and Holmes and, if rezoned, the petitioner anticipates razing the existing structure and constructing a professional building. There were no protests registered from the floor of the Council Chambers. However, Councilwoman Smith registered objection, speaking for near-by property owners which she said had voiced objections to her and would have been present tonight except for the fact that the Planning Commission had recommended approval and they, therefore, felt it would be folly to pursue their opposition further. Mrs. Smith said their objection was on the grounds that any lowering of zoning west of Holmes is precedent setting and would tend to downgrade adjacent residential property. Mrs. Smith continued by saying that this property, if converted to R3-A and developed as a professional building, would add, further, to the traffic congestion which presently exists at that intersection. Councilman Wood said he, originally, was also opposed but when he saw the location he concluded that a modern professional building would improve, rather than detract from the area. He said he felt a buffer zone was needed between the street and the western residential area and that a professional building would not, in his opinion, add materially to the traffic problem. Councilman Parish drew attention to the fact this proposed rezoning is still in residential category. He said he failed to understand how this would downgrade adjacent property or why the term was applicable in this case, inasmuch as, intrinsically, R-3A property is more valuable than R-1 property. He then asked what the land use map provided for this area and was answered by City Planner Gilchrist that the Comprehensive Plan has recommended R-3A for this area. Councilwoman Smith said she was aware of this but felt the timing was not right. Councilman Parish said he could not see where timing was a factor; that, in view of the recommendation as indicated, he could not see, especially in the absence of voiced protest, how the Council could be justified in not permitting the rezoning. Councilman Freeman cited an illustration of a residence at 11<sup>th</sup> and Holmes which has been on the market for a long while and the seller is unable to get his price and that its proximity to Holmes, in his opinion, is the main detraction. Using that illustration, he said it would be unlikely for the property owner of the property in question to obtain equitable market value until or unless it was rezoned. He said that, in his opinion, the suggested use, under the land use map, is the main determining factor and, that although the Council is under no obligation to effect blanket rezoning just because the land use map so recommends, the Council is obligated to favorably consider rezoning as recommended when requested and that each request should be considered on its own merit. Councilman Nelson said he was inclined to agree with Councilwoman Smith. He said, if he were a near-by property owner, he would be sufficiently

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concerned about devaluation of adjacent property that he would protest this property rezoning. On the other hand, Nelson, noting the absence of protesters in the Council Chambers, said he was not sufficiently convinced that he would vote negatively on the matter. In the absence of further discussion it was moved by Councilman Wood, seconded by Freeman, that the property in question be rezoned from R-1 to R-3A and the Building Official be directed to incorporate said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, one; carried. Councilwoman Smith voting no.

Mr. Fred Hahn, local attorney residing at 215 East 23<sup>rd</sup> Street, appeared before the Council representing himself and others, as follows, also present: Jack H. Jensen, 214 E. 23<sup>rd</sup> Street, Lester J. Smith, 206 E. 23<sup>rd</sup> Street, Gordon L. Nadauld, 225 E. 23<sup>rd</sup> Street, Rees Nave, 210 E. 22<sup>nd</sup> Street, Fred Hahn, 215 E. 23<sup>rd</sup> Street, Betty I. Nelson, 259 E. 23<sup>rd</sup> Street, Mary Naomi Willes, 245 E. 23<sup>rd</sup> Street, Jay R. Larsen, 234 E. 23<sup>rd</sup> Street, Jim Thomas, 260 E. 22<sup>nd</sup> Street. He explained that their presence was occasioned because of certain remodeling activity in a small house on the back of a lot at 233 23<sup>rd</sup> Street. Asked for a brief history on this structure, City Planner Gilchrist explained that about two years ago Mr. Ed Grayson, local builder, moved a house on the front of the lot in question. The small house on the back of the lot was there at that time, unoccupied and in poor repair. Gilchrist said this was, and still is, in an R-1 zone and two dwelling units would not be permitted. Gilchrist said about six weeks ago his office was advised that the small building was being remodeled. Inasmuch as no building permit has been taken out, a correction notice was issued. Later a building permit was requested and granted for reproofing the structure. Gilchrist concluded by saying the house has no electric nor water service. Councilman Wood then advised that the Building and Zoning Council Committee, after investigating, agreed that they would oppose a variance to permit this house being occupied and that Mr. Grayson has been so advised. Gilchrist reappeared to say that Grayson had taken out a petition, preparatory to requesting a variance and that it was his understanding that he might appear this night to present same. Mr. Hahn then warned that neighbors had observed continued remodeling at night. He said the neighbors had always been given to understand that permission would not be granted for this house to be occupied and that they would protest vigorously if this were ever permitted. Mr. Hahn concluded his remarks by saying that there should be no further leniency on this request just because the grounds for the appeal be based upon the fact that there had been a substantial investment in this remodeling. The Mayor assured Mr. Hahn and the group that, especially in light of the conversation and the concerned parties in the Council Chambers this night, the Council would stay abreast of the problem and would be in a position to act and decide accordingly when the time was right.

Mr. Don Heaton appeared before the Council to request that he be permitted to place a trailer on property located on Eastern Avenue between the car washing establishment and Decker's Janitorial Service to be used as a restaurant. In this connection the following explanatory memo from the City Planner was submitted:

City of Idaho Falls  
February 6, 1969

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TO: Roy Barnes  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR PLACEMENT OF TRAILER

We have a request from Mr. Don Heaton to move a trailer onto the property located on Eastern Avenue in the area between the existing car wash and Decker's Janitorial Service to use as a restaurant.

The area is presently zoned GC-1 which permits the operation of a restaurant, however, the Ordinance while permitting trailer courts in this zone does not permit a trailer to be moved onto a parcel unless it is an established trailer court and a trailer court must have two or more trailers.

s/ Rod Gilchrist  
Director

Asked why he did not favor a permanent structure, Heaton explained that the car wash was under a five year lease and he might not wish to remain there beyond that period for that reason. After some discussion, it was moved by Councilman Nelson, seconded by Wood, that this matter be referred to the Building and Zoning Committee for further study and recommendation. Roll call as follows; Ayes, 6; No, none; carried.

The Mayor, noting certain parties in the Council Chambers representing a local radio station who was present because their company was desirous of submitting a CATV franchise application, ordered this subject to be moved up on the agenda as a convenience to those interested parties in attendance.

Attention was drawn by the Mayor to certain action taken on December 21, 1965 when the Council previously considered two applications for such a franchise; namely, the Snake River Cable Company and the Bonneville Construction Company. At that time, after considerable discussion between the Councilmembers and the interested principal parties of the two companies, this action was taken: "It was moved by Councilman Nelson, seconded by Smith, that proposals be limited to the two local companies who have previously indicated an interest and that the City Clerk be authorized to so inform any others that might indicate a bidding interest. Roll call as follows: Ayes, 6; No, none; carried." The Mayor asked the Council if they wished to reconsider this action. It was moved by Councilman Nelson, seconded by Smith, that this action be rescinded on the grounds that neither of these entities has pursued their proposals, at least under their firm names as indicated, and that the Council action as taken at that time is no longer applicable. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

The City Clerk then presented the following letter and read it aloud:

Sharp, Anderson & Bush  
February 3, 1969

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

Gentlemen:

Benay Corporation, an Idaho corporation, or its assign, herewith respectfully advise you of its desire to be considered as an applicant for a Cable TV franchise for the City of Idaho Falls.

The Benay Corporation would be most pleased to meet with you and the appropriate sub-committees to discuss in detail the contents of a franchise ordinance.

We sincerely hope that the Council will see fit to accept this letter and a prior letter to the Mayor as a franchise application by Benay and that you will allow us sufficient time to work with you on an ordinance that will be in the best interests of the citizens of Idaho Falls as well as reasonable in its application to a franchise.

Very truly yours,  
s/ Eugene L. Bush

The composer of the foregoing letter, Mr. Eugene Bush, local attorney, appeared before the Council representing the Benay Corporation, owner of KTEE radio station. He recognized and acknowledged that there is again one other entity who has indicated an interest in a CATV franchise and that said entity consists of the two entities, now incorporated, whose names were mentioned in the minutes dated December 21, 1965. Having been informed that a franchise ordinance in their favor was to be introduced this night, Mr. Bush said he felt his client was entitled to equal consideration and that it would behoove the City to consider their application simultaneously, even if this resulted in a slight delay until his client had sufficient time to submit a proposed ordinance, for the following reasons: First, his client was only recently aware that they might be considered, thus their inability this night to have ample time to submit an ordinance; second, to date, due to the fact that only one entity has indicated an interest, the Council has been deprived of competitive views; and third, technical developments in CATV are so fantastic that there are may new vistas and only through competitive interest can these all be revealed and studied. Mr. Bush continued by saying this industry is amazingly complex and the City, in studying a franchise, has a duty and an obligation to explore all that it offers the community such as the selection of programs and advertising, regulation of programs and advertising, programming of political and local time, taped music, etc. Mr. Bush suggested that, in its own interests, the City may have had an obligation to seek another applicant as soon as the one entity indicated an interest. He requested that any action on the proposed ordinance in favor of action would place his client in a secondary position. Asked how long a time would be required, Mr. Bush said he would make every effort to have a franchise ordinance ready for presentation by the second regularly called Council Meeting in February.

Mr. Leo Higham, President of the Benay Corporation, appeared before the Council to say that his company had been considering and interested in CATV since 1963. In fact, continued Higham, one of the applicants mentioned in the minutes had extended an invitation to them to join them at that time. He said his company had, in the interim period, met with cable engineers to study the complexities of the industry. He said his company had been aware of the resolution and previous Council action read from the minutes this night and only this had prevented their filing an application earlier. He said it was only recently that they had learned that said Council action might be rescinded.

Questioned by the Mayor, Higham agreed that his company had been given every favorable consideration ever since they had made this administration aware that they did have an interest.

Mr. Keith Clark, radio announcer for KTEE, appeared before the Council to say that last November, he had inquired from a Councilman as to the prospects that his company's application would be considered and was not given an encouraging reply. Councilman Parish, recognizing that he was that Councilman, replied by saying that his reaction was limited to relaying to Clark the Council action that was in the minutes and that he was only rendering a personal opinion. Parish said he assumed that, if his company had a genuine interest, the query would have been followed up by a formal request to the full Council for favorable consideration. Directing her remarks to Mr. Bush, Councilwoman Smith drew attention to a provision in the franchise ordinance which was on the agenda for Council consideration this night; namely, that a franchise when granted, would be of a non-exclusive nature. Mr. Bush said he was aware of this but, from a practical standpoint, this community was not large enough to support two franchises; therefore, he felt an obligation to his client to exert every effort to see that they be not placed in a secondary position or to see that no other applicant receive preferential treatment. Councilman Nelson drew attention to the fact that the present applicant, working with the City, had been in the process of drafting an appropriate ordinance for four months. He said, now that it was ready for formal introduction and publication, the Council had an obligation to proceed and if action were taken this night for authorizing said publication, this would not, in itself, indicate preferential treatment but rather, the satisfaction of that obligation to the first applicant. City Attorney Smith explained the procedure required by State Statute which was amended two years ago, stipulating that any type of franchise ordinance must first be introduced, then published, then no action to be taken for thirty days during which time, or after which time, a public hearing is to be held. He said there is nothing in the law to prevent, in the interim period, introduction of a second ordinance. He said it would be the Council's prerogative if they elected to hold one public hearing for each ordinance or to hold a joint public hearing for consideration of two or more ordinances. Councilwoman Smith said she had no objection to holding a joint public hearing. No Council decision was made on this matter.

In the absence of further discussion this franchise ordinance, together with appropriate "Notice of Introduction", was presented:

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**NOTICE OF INTRODUCTION OF FRANCHISE ORDINANCE**

Notice is hereby given that the following Franchise Ordinance was duly introduced for consideration at a Regular Meeting of the City Council of the City of Idaho Falls, Idaho, on the 6<sup>th</sup> day of February, 1969. Pursuant to the provisions of Section 50-329, I. C., said City Council has ordered that the full text of said Ordinance be published in the official newspaper of said City on the 16<sup>th</sup> day of February, 1969. The full text is as follows:

**ORDINANCE NO.**

AN ORDINANCE GRANTING TO UPPER VALLEY TELECABLE COMPANY, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO CONSTRUCT, ERECT, OPERATE AND MAINTAIN OVER AND UNDER THE STREET, ALLEYS AND PUBLIC WAYS OF THE CITY, WIRES, CABLES AND UNDERGROUND ANTENNA TELEVISION SYSTEM IN THE CITY, AND PROVIDING THE TERMS, CONDITIONS AND REGULATIONS THERETO.

It was moved by Councilwoman Smith, seconded by Nelson, that the foregoing Ordinance be introduced and the City Clerk be authorized to publish, as required by law. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

Recognizing Mr. Jim Dunn of the Duncan Industries and Mr. Kevin Best of the Starline Equipment Company in the Council Chambers and recognizing further, that they were present because of their interest in the pending Council action pertaining to the golden circle attachment to the parking meters, the Mayor invited discussion on this matter. The Mayor asked for an opinion from the City Attorney pertaining to one section of the petition from the downtown merchants which read as follows: "#4. That the Council take correlative action, by Ordinance, from the increased revenues thereby obtained and following the completion of conversion costs, to set aside 50% of total gross revenues from said meters into a special fund for purchase and improvement of off-street parking facilities." City Attorney Smith said he had had several conferences with Attorney Joe Anderson representing the downtown merchants, on this request, they had not completed their briefing, but that he had serious doubts that this could legally be done on the grounds that this would constitute future appropriation and obligate a future administration. Smith said the Council, however, would be within their rights, even though this facet remains unresolved, to contract for the attachment. Mr. Karl Page, representing the downtown merchants, appeared before the Council to say that he felt he was properly speaking for all downtown merchants and that this matter was of secondary importance - that the primary objective was favorable Council action on the token program. Councilwoman Smith again asked, inasmuch as it had a bearing on the parking meter problem, if any decision had been reached on the Downtown L.I.D. Page said the idea of a mall had been abandoned. He said the present feeling is that a Downtown L.I.D. should be limited to street reconstruction and beautification which would not affect the parking meter program, at least until sufficient off-street parking is provided. Therefore, it was moved by Councilman Erickson, seconded

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by Wood, that the Mayor be authorized to enter into an appropriate contract with Duncan Industries for installation of the golden circle token attachment, subject to final confirmation by the full Council regarding the manner of payment, that all parking meters remain at their present location for the time being and that the #4 item of the merchants petition be referred to the City Attorney for further study. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of January, 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	\$113,371.54	\$145,741.59	\$259,113.13
Fire Bond	35,877.54	4,972.44	40,849.57
Water & Sewer Fund	8,799.54	28,240.94	37,040.48
Electric Light Fund	32,646.43	82,630.21	115,276.34
Recreation Fund	2,312.10	384.55	2,696.65
Police Retirement Fund	<u>2,860.14</u>	<u>.00</u>	<u>2,860.14</u>
<u>TOTAL FUNDS</u>	<u>\$195,866.58</u>	<u>\$261,969.73</u>	<u>\$457,836.31</u>

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 January, 1969, and there being no objections, were accepted and ordered placed on file in the office of the City Clerk.

License applications for GROCERY, Pleasant Valley Drive-In, (2), RESTAURANT, Martell Orme for BPOE 1087, Jesse Walters of Stockyards's Café, J. B. Millard for Millards Café; DAIRY, Ivan Miller for Upper Snake River Dairy, B. Harper Bare for Home Delivery Dairy; BOWLING ALLEY, Marlon Rowan for Skyline Lanes, Inc., Clifford Kirkendall for Bowl-ero, Inc.; BOWLING ALLEY & BILLIARDS, Ky Nii for Hollywood Bowl, Martell Orme for BPOE 1087; BILLIARD PARLOR, J. B. Millard at 216 1<sup>st</sup> Street, Classic Billiards by Katz Nukaya; DANCE HALL, C.B. McNeil for Bon Villa Club, Martell Orme for BPOE 1087, Charles Jachetta for Hawaiian; HOTEL, Norma J. Bailey for Nelson Hotel; PHOTOGRAPHY, P.R. Grams for Jack B. Nimble Portraits, Inc.; ELECTRICAL CONTRACTOR, Mardell Oakey for Oakey Electric, T. V. James with James Electric Co., Delbert H. Fannesbeck with Baker-Fannesbeck, Inc.; JOURNEYMAN ELECTRICIAN, Mardell Oakey, T.V. James, Kay Thurman, Neal Pifer, Delbert Fannesbeck, Jerald Oakey; APPRENTICE ELECTRICIAN, Dean Marshall, Ronald Eccher, Gary Oakey; MASTER PLUMBER, Scott Bair Plumbing, Detweiller Brothers, Inc., Vern Saxton Plumbing; CLASS C WARM AIR HEAT AND GAS FITTING, Norton Sage with Sage Heating & Cooling, Norman Godfrey with Valley Sheet Metal; CLASS C CONTRACTOR, WARM AIR HEAT AND WET HEAT, Vernon Percy for Detweiller Brothers, Inc.; CLASS D GAS FITTER, Lloyd Winn with Upper Snake River Valley Dairymen's Association, Inc.; CLASS D CONTRACTOR, WET HEAT, Vern Saxton Plumbing; CLASS C JOURNEYMAN, WARM AIR HEATING & GAS FITTING, J. Clifford Cook with Valley Sheet Metal, Clair Layton with Valley

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Sheet Metal, Norman Godfrey with Valley Sheet Metal, Norton Sage with Sage Heating & Cooling; JOURNEYMAN GAS FITTER, Lloyd Winn with Upper Snake River Valley Dairymen's Association, Inc., David L. Davis with First Street Plumbing; JOURNEYMAN GAS FITTER CLASS D, Edward Nixon with Upper Valley Dairymen's Association; APPRENTICE GAS FITTER, Arlo Belnap with Upper Snake River Dairymen's Association; CAB DRIVERS, Frank Gibbons; BARTENDER, Alice B. Bennett, Connie Wisdorf, John Hudson, LaDona Knupp, Leonard Fre, Robert Grisham, Barbara Wadsworth; LIQUOR, Von McAtee for Samoa Club, Ray's Western Bar, Skyway Bar, 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 letter was presented and read aloud:

Teton Peaks Council 107  
Boy Scouts of America  
January 30, 1969

Dear Citizens,

At the recent Community Chest annual meeting you, your firm, and/or employees were recognized as having done an outstanding job in the Community Chest effort.

As a participating agency of the Community Chest we would like to give you our thanks. Your excellent support helps to serve the 9,222 Cub Scouts, Boy Scouts and Explorers and the more than 4,000 Leaders who give their time and money to better Scouting.

Never in the history of America has quality youth been needed so much. The ideals of Scouting; character, citizenship and personal fitness are excellent opponents to those who riot, flaunt our laws and disgrace our Flag.

Your efforts are sincerely appreciated.

Sincerely,  
s/ Daniel S. Hess  
Council President

No Council action was considered necessary.

City redemption tax deeds in favor of Burton Griggs and the First Security Savings & Loan Association of Idaho Falls were presented, accompanied by appropriate Resolutions as follows:

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**RESOLUTION (Resolution No. 1969-03)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 23<sup>rd</sup> day of January, 1969, recorded as Instrument No. 393297, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot Thirty-five (35), Block Two (2), South Bel Aire Division  
No. 1, to the City of Idaho Falls, Bonneville County, Idaho,  
as per recorded plat thereof.

WHEREAS, BURTON GRIGGS 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 BURTON GRIGGS a deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 6<sup>th</sup> day of February, 1969.

APPROVED BY THE MAYOR this 6<sup>th</sup> day of February, 1969.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

**RESOLUTION (Resolution No. 1969-04)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer dated the 23<sup>rd</sup> day of January, 1969, recorded as Instrument No. 393300, records of Bonneville County, Idaho, acquire title to and possession of the following described real property to-wit:

Lot Twenty-five (25), Block Four (4), South Bel Aire Division  
No. 1, to the City of Idaho Falls, Bonneville County, Idaho,  
as per the recorded plat thereof.

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WHEREAS WILLIAM CLAPP OF IDAHO FALLS 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 assessment's 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 FIRST SECURITY SAVINGS & LOAN ASSOCIATION OF IDAHO FALLS, a deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 6<sup>th</sup> day of February, 1969.

APPROVED BY THE MAYOR this 6<sup>th</sup> day of February, 1969.

ATTEST: s/Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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

This memo from the City Treasurer was studied:

City of Idaho Falls  
The City Treasurer  
February 5, 1969

Honorable Mayor and City Council:

Mr. David Murdock has offered to purchase the City lien in L.I.D. #36, on Lot 31; Block 49; Highland Park Addition. The City paid the delinquent County taxes in 1967 on the lot, which was included with lots 28, 29, and 30. The decision to pay these was made too late for it to be included in quiet title action on other properties.

Bonneville County records now show the City of Idaho Falls as the recorded owner, by reasons of their Redemption Deed. By selling, it could go back to the tax rolls. Mr. Murdock is aware it would be his responsibility to quiet title on the lot.

I have discussed this with Mr. A. L. Smith and he sees no legal problems. Should this arrangement meet with approval, Mr. Smith will prepare the necessary City Quit Claim Deed.

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That amount owing is as follows:

City Lien in full:	\$243.08
Taxes paid:	<u>34.83</u>
	\$277.91

s/ Zelda Houchesn  
City Treasurer

It was moved by Councilman Parish, seconded by Freeman, that the offer, as indicated, be accepted, that the City Attorney be directed to prepare a quit claim deed in favor of David Murdock and that, after payment is made, the Mayor and City Clerk be authorized to sign said deed. Roll call as follows: Ayes, 6; No, none; carried.

A five year extension rider to Union Pacific contract #L.D. 13959 was presented covering street light right of way at Leslie and 19<sup>th</sup> Street. It was moved by Councilwoman Smith, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Another five year extension rider was presented, to Union Pacific contract #L.D. 19377. This contract covers a transmission line encroachment to serve the railroad depot. It was moved by Councilwoman Smith, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the City Planner this memo was submitted:

City of Idaho Falls  
January 30, 1969

TO: Roy C. Barnes, City Clerk  
SUBJECT: VACATION OF EASEMENT

This office has received a request from Reno Barbison to vacate the west 3 feet of the existing easement of the east side of Block 6, Lot 12, Johns Heights Subdivision #3 to permit the construction of a residence on this lot.

This office has checked with the Public Works Department, the Electric Division, the Gas Company and the Telephone Company and there are no objections to the request. We therefore recommend that the westerly 3 feet of the above described easement be vacated.

s/ Rod Gilchrist  
P & Z Director

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It was moved by Councilman Wood, seconded by Smith, that the City Attorney be directed to prepare a vacating Ordinance for the property in question, in favor of Reno Barbison. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented a standard airport use agreement between the City and Utah Airways Corporation. It was explained that said company would be using the airport as an intermediate stop on their commuter airline route, Salt Lake City to Jackson, Wyoming. It was moved by Councilman Wood, seconded by Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Next, from Councilman Wood, a lease renewal expiring June 30, 1970, between the City and the F.A.A. was presented, covering the F.A.A.-A.P.S. storage building south of the caretakers house on the east side of the airport. It was moved by Councilman Wood, seconded by Smith, that the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Councilman Wood drew attention to certain airport runway resurfacing bids opened January 28, 1968. He noted a telegram from the FAA drawing attention to the need of awarding a contract prior to February 17, 1969 to take advantage of the existing wage rate which expires as of that date. It was moved by Councilman Wood, seconded by Smith, that this be referred to the full Council with the understanding that it again be considered at their informal meeting, Tuesday February 11<sup>th</sup> and with the further understanding that, if final action be taken, it be ratified at the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson proposed that a Resolution be adopted which would create, as a participant in Region III, a Local Law Enforcement Planning Agency in compliance with the Omnibus Crime Control and Safe Streets Act, passed by the United States Congress in 1968. It was moved by Councilman Erickson, seconded by Freeman, that the City Attorney be directed to prepare said resolution, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 10:30 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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