

AUGUST 22, 1968

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Recessed Regular Meeting on Thursday, the 22nd day of August, 1968, 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 Jim Freeman, Dale Parish, Gordon Nelson, Melvin Erickson and Jack Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; William Fell, Electrical Engineer; Don Lloyd, Public Works Director; Rod Gilchrist, City Planner; Pete Ahlstrom, City Librarian.

Minutes of the last recessed regular meeting, held August 8th, 1968, were read and approved.

The Mayor noting a gathering in the Council Chambers who were in attendance because of an erroneously reported zoning hearing, explained that the Council could not legally consider zoning matters this night because the required legal notice had not yet been published. It was moved by Councilman Wood, seconded by Smith, that a zoning hearing be scheduled for September 26, 1968 and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor, recognizing that time was of the essence on the library bond election issue, invited open discussion from members of the Council or from the floor. Councilman Parish noted the Library Board was urging that a date for the bond election be set as soon as possible and that this was deferred from the previous Council session because all Councilmen were not present. Parish concurred that an early date would be in order, citing the crowded condition that would prevail when both high schools resumed their respective fall sessions. Asked by Parish about the time element in relation to the General Election, City Attorney Smith said this posed no problem. The City Clerk, recognizing that a tentative date had been set for October 1st, warned that this may not now be possible, due to the required time for legal publications preceding the election.

Dr. Charles E. Stevenson, Executive Board Chairman of the Friends of the Library, appeared before the Council to express appreciation for the administration's cooperation of the library issue to date to stress the need for urgency in scheduling a bond election.

Councilman Parish then registered an opinion to the effect that he had reservations about providing the voter with an advisory ballot which would give said voter a choice of sites on the grounds that a Library Committee has submitted a comprehensive report with a proposed site at Broadway and Capital; the administration has accepted the report and has appreciated the painstaking analysis by the Committee and that the voter, in due respect to the efforts of the Committee and their City Administrators coupled with the proper educational and publicity coverage, should be willing to be guided accordingly. Parish continued, however, by saying that, in the event a decision was reached to have a site advisory ballot, the election should be postponed sufficiently to give the public an opportunity to constructively study the advantages and the disadvantages of any and all proposed sites. Councilwoman Smith concurred with Councilman Parish. She said that, in her opinion, it could not be expected that the public could or would study this issue as thoroughly as the Council with the help of the library report, prepared by the Library Committee. She said that if alternate sites were offered, voters would likely vote emotionally and

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that the citizens should be willing to trust the judgment of their elected Councilmen on the matter of site. Councilman Wood said he would welcome an advisory ballot as a means of obtaining the pulse of the public. Councilman Nelson then registered his opinion. He said that, even though he, personally, was endorsing the proposed site at Broadway and Capital, he was aware of considerable criticism to this location. He went on record as favoring an advisory vote on the grounds that, in his opinion, this is necessary for a favorable election. Councilman Freeman concurred with Councilman Nelson. He said that, in his opinion, if an advisory ballot will assist in a favorable election he would favor this course. Finally, Councilman Erickson commented to the effect that he was completely aware, in the final analysis, of the Councilmen's responsibility but, on the other hand, he was just as aware of the mixed feeling of the voter. He said he would hate to see the bond issue fail because of a site battle which the majority of the public can best resolve. A question was raised that construction and/or property acquisition may be more expensive in one location than another. City Attorney Smith said that, although the amount of the issue must be stated on the ballot, there is nothing in the law that would prevent a lesser issue if circumstances warranted.

On display in the Council Chambers was an architect's sketch of the proposed Library at the Broadway and Capital site. City Librarian Ahlstrom, asked for an opinion as to what extent the architect's plans would have to be changed if another site were chosen, responded by saying that, even though another site might result in a different degree and extent of use, it is to be assumed that, with relatively minor alterations, the architect's plans, inconclusive as they are at the present time, could be properly altered to adapt to any reasonable site.

Dr. Stevenson, asked for comment in view of the foregoing discussion; concurred that the architect's sketch, with minor revisions, could be adapted to most any location. He warned that, in his opinion, there should not be too many suggested sites on the advisory ballot or the purpose of the ballot would be defeated. Finally, he observed that, regardless of the constructive assistance provided by the advisory ballot, the location of the Library, in the final analysis, must be a decision of the City Council. May Neuber, member of the Library Board, appeared briefly, noting the foregoing discussion suggesting an advisory ballot with a choice of locations, to ask if it was planned that a similar study to that now available on the Broadway and Capital site would be made on all other suggested sites and was answered in the negative by the Mayor who explained that time would not permit.

In the absence of further comment, it was moved by Councilman Freeman, seconded by Wood, that a library bond special election be scheduled for October 8th, 1968, and that a separate advisory ballot be submitted to voters at the polls listing three proposed sites, as follows: Broadway and Capital; Eastern Avenue between Cedar and Poplar, two blocks north of the existing location; E. Street, between Capital and Park Avenues. Upon roll call, Councilman Parish, when called for his vote, asked, first, that he be given the opportunity to explain and qualify same. Parish had previously gone on record as not favoring the advisory site ballot. He said his opinion had not changed but, in the interests of unity, the preponderance of Councilmembers feeling that it would have a favorable influence on the election, he would yield to the majority and proceeded to vote "Aye". Continuing the roll call, all other Councilmembers voted Aye; No, none; carried.

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The revised dog ordinance, having been passed on its first reading, was again reviewed. Councilman Erickson acknowledged Mr. and Mrs. Stearns Tucker and Dr. J. G. McCue in the Council Chambers, members of a Citizen's Committee who, over the past year, had assisted the Police Committee and the City Attorney in a diligent and complete study of local conditions and model dog ordinance and, as a result, has completed the revised ordinance now under consideration. The Mayor observed that, due to publicity the ordinance had received since passage on its first reading, he had had a number of reactions from citizens. He said, generally speaking, protests were limited to those objecting to the provision for mandatory rabies shots. Of these, continued the Mayor, some felt this would be too expensive for the average dog owner; others felt this mandatory provision was unnecessary in view of the fact that rabies in this area, to date at least, is virtually non-existent. The Mayor registered an opinion to the effect that the ordinance would be very acceptable to the citizenry with the possible exception of the rabies provisions. Mr. Tucker admitted that, in the minds of the committee, the rabies provision, above all else would probably prove the most controversial. He said the committee elected, finally, to include said provision for several reasons; All model ordinances effective in other cities had such a provision; one case of rabies would spread quickly; economics would suddenly become relatively unimportant in the event of an epidemic. Mrs. Tucker appeared briefly to say that, in the opinion of at least one veterinarian, if rabies shots become mandatory, the price would be lowered.

At the request of Councilman Erickson, Police Chief Pollock appeared to report statements from various local veterinarians pertaining to mandatory rabies shots. Two felt it was not necessary except to those dogs brought in from other areas; two felt it was necessary for the protection of all dogs, recognizing that it would not meet with popularity. Dr. McCue appeared briefly to say that, in his opinion, the rabies provision would make the ordinance ideal but that there is no immediate necessity and it could be temporarily deleted, and perhaps, added later.

Mr. C. W. Smith, Shasta, appeared before the Council to endorse the proposed ordinance and to say that, in his opinion, dog owners should accept the fact that rabies shots are necessary and part of the routine expense of owning a dog.

Mr. L. D. Kirkpatrick, 1827 Whitney, also appeared to say that living close to the pound as he does, dogs and cats are a real nuisance and, if anything, the proposed ordinance is not stringent enough. He felt it should also have provision for cat control. He also felt there has been lax enforcement of the existing ordinance.

Mr. Tucker reappeared to say the proposed ordinance, in his opinion, is still somewhat weak or vague with respect to the commercial kennel section. He said that, theoretically at least, it puts all dog owners, when a litters appear, in the commercial category. City Attorney Smith replied to this by saying that the interpretation placed on this section by his department would be where the primary motivation of the dog owner was dog breeding rather than an occasional litter.

Councilman Nelson registered apprehension about the compulsory rabies shot provision on the grounds of economics and immediate necessity. He concurred with Dr. McCue that this could be reviewed and considered at a later date. In the absence of further comment, it was moved by Councilman Erickson, seconded by Wood, that the proposed ordinance be further revised to delete all reference to compulsory rabies shots. Roll call as follows: Ayes, 6; No, none; carried.

With the foregoing deletion, then, the ordinance was again presented as follows:

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ORDINANCE NO. 1222

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REQUIRING ALL OWNERS OR PERSONS KEEPING, HARBORING OR HAVING CONTROL OF ANY DOG TO PROCURE A LICENSE THEREFORE; MAKING IT UNLAWFUL TO ALLOW DOGS TO RUN AT LARGE; ESTABLISHING REQUIREMENTS FOR LICENSING AND OPERATION OF COMMERCIAL AND NON-COMMERCIAL KENNELS; SETTING LICENSE AND IMPOUND FEES, AND PROVIDING FIR THE IMPOUNDMENT AND DISPOSAL OF DOGS; REGULATING THE KEEPING AND TREATMENT OF DOGS IN SPECIFIED PARTICULARS; ESTABLISHING PROCEDURES FOR ENFORCEMENT OF THE ORDINANCE, AND FIXING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Wood, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

License applications for VENDOR, (to sell home grown produce), Delbert G. Larsen; PHOTOGRAPHER, John Tubs for Snow White Studios; ELECTRICAL CONTRACTORS, Albert Beazer, Merle Russell Dawson; CLASS D JOURNEYMAN WARM AIR HEATING, Robert Young with Babbitt Electric; TAXI CAB DRIVER, Rick Wheeler with Falls Cab Company; BARTENDER, Glennis Gay Fuller, Gloria Jones, Charlotte Smith, Gayle Wright, Betty Cox, Joan Brant, were presented. It was moved by Councilman Erickson, seconded by Wood, 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 damage claim was presented and read aloud:

Sharp, Anderson & Bush
Idaho Falls, Idaho
August 17, 1968

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City of Idaho Falls, Idaho
City Building
Idaho Falls, Idaho

Gentlemen:

Claim is hereby made against the City of Idaho Falls pursuant to the requirements of Section 50-219, Idaho Code, for damages sustained by Mr. Jesse Short, 956 Quincy Street, Idaho Falls, Idaho, as a result of his being struck by a baseball while a spectator at a game of the Idaho Falls Angels in Highland Park on or about the 20th day of July, 1968.

You are further notified that the probable cause of the incident in question was a defect or failure in the wire protection screen located immediately in back of home plate at the said Highland Park and placed there for the protection of spectators.

The exact amount of damages sustained by Mr. Short are not known at this time as he is still under the care of a physician and the extent of his permanent disability cannot now be accurately forecast.

A claim for specific sum will be filed with you as soon as it is possible to fairly determine such a figure.

Yours very truly,
s/ John M. Sharp
Sharp, Anderson & Bush

Receipt of the foregoing claim for damages is hereby acknowledged this 19th day of August, 1968.

s/ S. Eddie Pedersen
City of Idaho Falls, Idaho

It was moved by Councilman Freeman, seconded by Parish, that this be referred to the City Insurance Adjustor for study and proper handling. Roll call as follows: Ayes, 6; No, none; carried.

A five year extension rider to Union Pacific Contract L. D. #17444 was presented, covering a sewer pipe line encroachment on railroad right of way between Payne and Keefer Streets, north to Briggs Street. 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.

Councilman Parish introduced Ordinance No. 1221 entitled:

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ORDINANCE NO. 1221

“AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 37 IN THE CITY OF IDAHO FALLS, IDAHO AND MAKING LOCAL IMPROVEMENTS THEREIN, BY INSTALLMENTS PAYABLE IN TEN EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY”.

and moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Nelson, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmembers present.

It was moved by Councilwoman Smith that the rules be suspended, and that the Ordinance be placed on its second and third reading. Motion was seconded by Councilman Freeman and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmembers present.

It was moved by Councilman Erickson, seconded by Wood, that the Ordinance pass its third reading, and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried, the vote being as follows: Councilmen Freeman, Parish, Nelson Erickson, Wood and Councilwoman Smith.

This resolution was submitted and read aloud:

RESOLUTION (Resolution No. 1968-16)

RE: ADOPTION OF COMPREHENSIVE PLAN FOR IDAHO FALLS, IDAHO

A Comprehensive Plan for the Idaho Falls Planning Area having been prepared and submitted to the City of Idaho Falls, a copy of which is on file in the office of the City Clerk, the same consisting of recommendations for the future use and development of land, streets and highways, and community facilities within said area, and the same having been revised and studied by the City Planning Commission, and that Commission having recommended its adoption with the amendments as shown on the Comprehensive Plan map now on file in the office of the Director of Planning and Building in said City; and it appearing that the adoption of said Comprehensive Plan, as amended, is in the best interests of said City, and, as a guide, will serve to improve orderly planning within said City;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO: That the Comprehensive Plan for the Idaho Falls Planning

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Area, as prepared by Clark-Coleman-Rupeiks, Inc., and as amended, be, and the same is hereby, adopted as a guide to the future development of the City of Idaho Falls, Idaho

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF AUGUST, 1968.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

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

It was moved by Councilman Wood, seconded by Councilwoman Smith that the Mayor be authorized to submit a letter of appreciation to the Planning Commission for the dedicated study of the foregoing comprehensive plan. Roll call as follows: Ayes, 6; No, none; carried.

Reference was made to bids opened August 13th, 1968, for the Eagle Rock Park sprinkler system. By invitation from the Mayor, City Attorney Smith reported that, according to his legal findings, a contractor may bid on Public Works projects without being the valid holder of a Public Works License when Federal Funds are involved as in the case of this particular project. However, continued Smith, the successful bidder must be the holder of a valid license at the time the bid is awarded. The law provides that the bidder may withdraw his bid if no award is made within thirty days after it is submitted. On the project in question, Councilman Freeman drew attention to the fact that the apparent low bidder had made application for his Public Works License prior to August 13th and that issuance or denial of said license will be pending until September 9th, the next regular meeting date of the State Licensing Board. Finally, Freeman noted that this would be within the thirty day period as explained by the City Attorney. It was moved by Councilman Freeman, seconded by Erickson, that the Contract for the Eagle Rock Park sprinkler system will be awarded to the low bidder, Mel Brown Company, in the total amount of \$60,760.77 including Alternate No. 1, subject to said low bidder qualifying as a valid license holder within the aforementioned thirty day period with the understanding that, in the interim period, there be no Contract awarded and any work accomplished by said bidder during said period be at this Contractor's own risk. 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 9:35 p.m.; carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
