

JUNE 8, 1967

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, June 8, 1967, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmembers Smith, Parish, Freeman, Erickson, Wood, Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Ray Browning, Building Official; Rod Gilchrist, City Planner; William Fell, Electrical Engineer.

Minutes of the last Recessed Regular Meeting, held May 25th, 1967, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider various proposed amendments to the Zoning Ordinance and also, two rezoning petitions. The City Clerk presented and read aloud six proposed amendments to the Zoning Ordinance, as follows:

1. An amendment deleting "one-family dwellings" from permitted uses in the GC-1 General Commercial Zone, the section affected being 7-12-2.
2. An amendment providing that a Conditional Use Permit for public structures and facilities shall be issued only after public hearing conducted by the City Council after notice thereof as ordered by the Council, the Section affected being 4-26-K.
3. An amendment providing that the setback for dwellings from interior lot lines in subdivisions recorded before the effective date of Ordinance No. 1115 may be reduced to not less than five (5) feet from the eaves of the dwelling to the side lines of the lot, except in the RP zone, the section affected being 4-27.
4. An amendment providing that substitute off-street parking facilities may be acceptable if within 400 feet of the subject property, the Section affected being 4-23-D-1-2.
5. An amendment adding a new Section, 4-26-0, which provides that a hospital for treatment of human beings shall be permitted in any zone, but only after the issuance of a Conditional Use Permit by the City Council.
6. An amendment repealing Section 4-18 and substituting a new Section 4-18, as follows: "Where lots comprising 40% or more of the frontage of any block on any street are structurally developed, no building hereafter erected or structurally altered in said block shall project beyond the average front yard setback so established.

EXCEPTION: That no setback requirement be more than the setback established for the public zone; and it is further provided that the front of no building which is to be located between two existing buildings, not exceeding 150' apart, will be required to setback further than the average of the two existing buildings."

JUNE 8, 1967

After each was read, time was allowed for the City Planner to offer explanation and the Planning Commission's thinking in submitting them. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that all six amendments be approved and included in the next amending ordinance and that, pertaining to proposal #1, all other references to one family dwellings in a GC-1 zone also be deleted. Roll call as follows: Ayes, 6; No, none; carried.

The Marjorie Dickover rezoning petition was then considered. This involved a vacant lot 175 feet east of Fanning on the south side of Garfield Street on which she had requested rezoning from R-1 to R-2 to permit construction of a duplex. It was noted that the Planning Commission has recommended approval. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that this area be rezoned as requested. Roll call as follows: Ayes, 6; No, none; carried.

The next petition was from Jack G. Voshell pertaining to a vacant lot across Rollandet from the rodeo grounds, described as Lots 1 and 2 of Block 1, Mead Addition, Division #1. The petition indicated a request to rezone from C-1 to I&M-1 to permit construction of a warehouse. No protests were registered; the Planning Commission had recommended approval. It was moved by Councilmember Wood, seconded by Smith, that this rezoning be permitted. Roll call as follows: Ayes, 6; No, none; carried.

This concluded the zoning hearing. The Mayor directed the Building Official to incorporate the preceding rezoning on the official zoning map, located in his office.

The Mayor called the following to the Council table: Roger T. Smart, Richard W. Shawver, Gordon Dennis Shaw, Michael J. Nemelka, Arthur G. Stones. The Mayor then proceeded to swear them in as Police Officers. They then received the congratulations of the Mayor and all Councilmembers.

This memo from the Building Official was presented and read:

June 8, 1967

MEMO TO: Mayor and Council

I have a request for an appeal from the decision of the Board of Adjustment of May 16, 1967, for Alden Poulsen, 934 Jefferson Avenue.

The appeal to the Board of Adjustment requests permission to construct a carport and patio roof, leaving a one foot (1') rear yard. (See attached plot plan.)

The action of the Board of Adjustment was: The appeal be denied because the granting of such variance will adversely effect the comprehensive plan of zoning in the City.

Respectfully,
s/ Ray Browning
Building Official

JUNE 8, 1967

Acknowledgement was made that, attached to the foregoing memo, was a copy of a petition, signed by all near by neighbors, indicating their approval. It was noted that Mr. and Mrs. Alden Poulsen were present in the Council Chambers. Councilman Wood asked them if it would be possible and practical for them to build the carport and patio roof extending to within three feet of the rear yard property line, instead of one foot as requested, and was answered in the affirmative. Councilmen Nelson and Parish registered concern about approving this variance on the grounds that this action would be precedent setting. It was explained by Councilmember Wood, seconded by Smith, that this matter be tabled, pending an inspection tour by the Councilmen. Roll call as follows: Ayes, 6; No, none, carried.

Bills for the month of May, 1967, 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	\$109,340.73	\$92,131.544	\$201,440.13
Fire Bonds	31,370.14	5,131.54	36,501.68
Water & Sewer Fund	8,220.19	40,288.22	48,508.41
Electric Light Fund	32,832.85	78,544.17	111,377.02
Recreation Fund	1,575.15	392.69	1,967.84
Police Retirement Fund	<u>2,333.41</u>	<u>.00</u>	<u>2,233.41</u>
<u>TOTAL FUNDS</u>	<u>\$185,672.47</u>	<u>\$216,456.02</u>	<u>\$402,128.49</u>

It was moved by Councilman Parish, seconded by Wood, 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 May, 1967, and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Owen B. Wallace for Wallace Drive In Dairy, Stephen Johnson for Fruit Market; RESTAURANT, Ellen Campbell for the Dog House; DANCE HALL, B. W. Bandel for B.P.O.E. #1087, Robert E. Mikesell & Harriett Mikesell & Ardis Wilkerson & Eugene Orr for The Flame Lounge; MOTEL, W. J. McClenahan for Driftwood Motel, Robert E. & Harriett Mikesell & Ardis Wilkerson & Eugene Orr for The Flame Lounge and Motel; ELECTRICAL CONTRACTOR, J. Wayne Van Orden; APPRENTICE ELECTRICIAN, Michael E. Peck with Imperial Electric, Harold Nephi Christensen with Loc Electric; FIREWORKS, J. A. Reece for Skaggs Drug Center, Ky Nii for Hollywood Bowl, Dwight Johnson for Idaho Falls Baseball Club, James G. F. Kincaid for J. C.'s at 1300 W. Broadway and 496 1st Street; BARTENDER, Samia Halmer, William Rand, Gayle A. Wright, Joan Newbill; BEER (Canned, bottled and draught to be consumed on the premises) Dallas E. Andrews for Loyal Moose Lodge; BEER (Transfer only) from Jim Purcell at Fred & Kelly's to Robert E. and Harriett Mikesell, Ardis Wilkerson & Eugene Orr for The Flame Lounge; LIQUOR, (Transfer only) M. J. Purcell for Fred & Kelly's to Robert E. & Harriett Mikesell & Ardis

JUNE 8, 1967

Wilkerson & Eugene Orr for The Flame Lounge; BOWLING LANES, Clifford Kirkendall, Jr. for Bowl-Ero Inc.; LIQUOR, C.B. McNeil for Bon Villa, 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.

A license application was presented from the Ammon Lions Club to cover the activities of the Siebrand Bros. Circus and Carnival, sponsored by that group, to be located at the Tempo parking lot and to perform June 19th through June 24th, 1967. It was noted that the Ammon Lions Club had offered to remit \$50.00 license fee on a negotiated basis for said performance and that this would be in conformance with previous precedence as established by the Council. It was moved by Councilman Erickson, seconded by Freeman, that the code be waived and this license be granted under the terms as described, subject to final approval by the Police Chief. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that, on May 31st, 1967, the City Council, at an informal meeting, adopted the following resolution and authorized the Mayor and City Clerk to sign:

RESOLUTION (Resolution No. 1967-19)

**Re: FAA GRANT AGREEMENT, OFFER FANNING FIELD PROJECT
NO. 9-10-060-C712 CONTRACT NO. FA67WE-4209**

BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls, Idaho:

That the Grant Agreement submitted by FAA, dated May 26, 1967, containing the Grant Offer for Federal-Aid Airport Program Project No. 9-10-060-C712, at Fanning Field, Idaho Falls, Idaho, a true copy of which Grant Agreement is appended hereto and incorporated herein by reference, be, and the same is hereby, approved and accepted by the City of Idaho Falls; and that the Mayor be, and he is hereby, authorized and directed to execute the same on behalf of the City of Idaho Falls, Idaho.

PASSED by the Council and APPROVED by the Mayor this 31st day of May, 1967.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilmember Wood, seconded by Smith, that the Council's action in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

From the City Treasurer this memo was submitted:

City of Idaho Falls
Treasurer's Office
June 6, 1967

JUNE 8, 1967

TO: Mayor and City Council
FROM: Zelda Houchens, City Treasurer
SUBJECT: RATIFY ACTION

Please ratify action of City Council at their Session on June 6, 1967 to accept payment of assessments, plus costs, on Lot 11 and part of 12, Block 75, Highland Park from Eugene and Lavona Ross, Victor, Idaho.

This property was acquired by the City through payment of County Taxes and Quiet Title action.

s/ Zelda Houchens

It was moved by Councilman Nelson, seconded by Parish, that the Council's action in this regard be ratified as described. Roll call as follows: Ayes, 6; No, none; carried.

In connection with the foregoing, three City redemption tax deeds were presented in favor of Eugene and LaVona Ross, accompanied by appropriate resolutions, as follows:

RESOLUTION (Resolution No. 1967-20)

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 10th day of November, 1960, recorded in Book 131 of Deeds at Page 299, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots eleven (11) and twelve (12), less the N. 9' of E. 95' of Lot twelve (12), Block seventy-five (75), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, Eugene and LaVona Ross have 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 Eugene and Lavona Ross a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

JUNE 8, 1967

PASSED BY THE COUNCIL this 8th day of June, 1967.

APPROVED BY THE MAYOR this 8th day of June, 1967.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

RESOLUTION (Resolution No. 1967-21)

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 156, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots eleven (11) and twelve (12), less the N. 9' of E. 95' of Lot twelve (12), Block seventy-five (75), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, Eugene and LaVona Ross have 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 Eugene and Lavona Ross a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 8th day of June, 1967.

APPROVED BY THE MAYOR this 8th day of June, 1967.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

JUNE 8, 1967

RESOLUTION (Resolution No. 1967-22)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provision of Chapter 29, Title 50, Idaho Code and by deed of the City Treasurer dated the 6th day of February, 1961, recorded in Book 132 of Deeds at Page 491, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots eleven (11) and twelve (12), less the N. 9' of E. 95' of Lot twelve (12), Block seventy-five (75), Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, Eugene and LaVona Ross have 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 Eugene and LaVona Ross a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 8th day of June, 1967.

APPROVED BY THE MAYOR this 8th day of June, 1967.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was noted that three deeds were necessary, although involving only one parcel of property, due to delinquent assessments in three Local Improvement Districts. It was moved by Councilman Parish, seconded by Nelson, that these resolutions be adopted and the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk submitted a notice of completion of Public Works, covering the West Side Water Improvement project by Hartwell Excavating Company. It was moved by Councilman Nelson, seconded by Parish, that authorization be granted for legal publication, as required by law. Roll call as follows: Ayes, 6; No, none; carried.

The Purchasing Department presented the following:

JUNE 8, 1967

City of Idaho Falls
The Purchasing Agent
June 8, 1967

One (1) Van
One (1) ¾ Ton Pickup
One (1) Cab & Chassis Only (84")
One (1) Cab & Chassis - Sanitary Truck (136")
Four (4) ½ Ton Pickups
Four (4) Standard 4 Door Sedans

Honorable Mayor and Councilmembers:

Tabulation of bids for vehicles is attached.

Evaluation of bids received show as follows:

Ellsworth Brothers Inc. furnishing:

One (1) Van - Engineering with three options	\$2337.71
One (1) Cab & Chassis Only (84") - Street	5520.37
One (1) Cab & Chassis - Sanitation With Trade-In	5094.42

Smith Chevrolet Furnishing:

Four (4) ½ Ton Pickups - Sewer, Water, Parks with Trade-Ins	\$6048.56
One (1) ¾ Ton Pick-Up - Water	2020.12

Stoddard Ford Inc. Furnishing:

Three (3) Standard 4 Door Sedan - Building & Zoning, Electric, Mayor	2372.42
One (1) Standard 4 Door Sedan - Fire, with Trade-In	2272.42

It is the recommendation of the Public Works, Electric Light, Building and Zoning, Fire Department, Parks Department, and the Purchasing Department that the above bids be accepted.

These recommendations subject to your approval.

s/ W. J. Skow
Purchasing Department

JUNE 8, 1967

It was moved by Councilman Nelson, seconded by Freeman, that all these units be approved for purchase at the low bid and from the supplier as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was submitted:

City of Idaho Falls
Public Works
June 8, 1967

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: SELECTION OF ENGINEER FOR SECONDARY SEWERAGE TREATMENT

The Mayor's Steering Committee for secondary sewerage treatment has reviewed various proposals for engineering services. Following an interview this date, the Committee would unanimously recommend to the City Council that they be authorized to retain CH2M as consultants for this program.

This commitment will involve the work necessary to submit an application for 702 planning funds in connection with Secondary Sewerage Treatment.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.

Councilman Parish reported that he and Councilman Nelson had attended several meetings with the Committee, all potential users of the secondary sewerage treatment in question, and they were all in agreement that the proposed consulting firm, because of their previous knowledge of the Idaho Falls sewerage system, was best qualified to handle this preliminary study, cost of which would be borne pro rata between the City and the industries to be served. It was moved by Councilmember Parish, seconded by Smith, that the consulting firm, as recommended, be selected and the Mayor be authorized to sign all necessary agreements in this regard. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
Public Works

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CO-OPERATIVE AGREEMENT FOR SIGNALS AT YELLOWSTONE AND LINCOLN ROAD

JUNE 8, 1967

We are submitting herewith a revised resolution and co-operative agreement for the traffic signals at the intersection of Yellowstone and Lincoln Road.

The revisions reflect the up-dating of the costs and since the project has been virtually completed, the State is to pay the City \$604.68 for its appropriate share of the total cost. The total cost of the installation was to be shared on a 50-50 basis.

We would recommend that the Mayor be authorized to sign this co-operative agreement.

s/ Donald F. Lloyd, P.E.

In this connection, the following Resolution was introduced:

RESOLUTION (Resolution No. 1967-23)

WHEREAS, the Department of Highways of the State of Idaho has submitted a Cooperative Traffic Signal Agreement stating obligations of the State and the City of Idaho Falls for the installation of a traffic signal, located at the intersection of Yellowstone Avenue and Lincoln-Anderson Streets and to be constructed under State Project STS-6471 (549).

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Traffic Signal Agreement for the intersection of Yellowstone Avenue and Lincoln-Anderson Streets is hereby approved and accepted.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of the Resolution shall be furnished to the Department of Highways.

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

The Building Official by memo, proposed that the Uniform Building Code, Volume 3, pertaining to housing, be adopted. It was moved by Councilmember Wood, seconded by Smith, that the City Attorney be directed to prepare an ordinance which would adopt the instrument in question by reference. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 567 in this Book of Minutes and, more specifically, a memo from the City Controller, pertaining to an airport hangar lease between the City and Dick Wheeler et al. It was moved by Councilmember Wood, seconded by Smith, that the City Attorney be directed to add

JUNE 8, 1967

an addendum to the lease in question for the reasons as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was submitted and studied:

City of Idaho Falls
City Controller
May 25, 1967

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, City Controller
SUBJECT: ROOF REPAIR - CITY HALL ANNEX

The City has received a proposal for repairing the roof on the City Hall Building. The most acceptable being that of the Hughes Roofing Company in the amount of \$2,580.00. This repair is in the nature of an emergency and no provision was made in the 1967 Budget under General Government Buildings for this expenditure. However, the Street Budget provides for the motor grader replacement in the amount of \$22,000. The actual cost of the motor grader, as bid was \$18,489.00, for a budget savings of \$3,511.00.

In accordance with Council approval of March 21, 1967, to transfer excess of budget over actual cost to our Contingency Fund, I recommend that \$3,400.00 be transferred from Account 4430.54 (Equipment) to the Contingency Fund and in turn the \$2,580.00 for the roof repair be transferred from the Contingency Fund to the General Government Building Budget 4181.29.

s/ L. I. Jenkins

It was moved by Councilman Nelson, seconded by Wood, that the monies be transferred from the funds to the funds in the amounts and for the reasons as indicated. Roll call as follows: Ayes, 6; No, none; carried.

The Fire Chief, through the City Clerk, presented this memo:

June 5, 1967

MEMORANDUM

TO: Mayor Pedersen and Members of Council
FROM: Les Corcoran, Fire Chief
SUBJECT: ADOPTING CURRENT ISSUE OF FIRE PREVENTION CODE

At the City Council Meeting on March 23, 1967, the Fire Department was authorized to begin a study of our Fire Prevention Codes and recommend changes where needed.

JUNE 8, 1967

As the first step in updating our Code, we would like to propose an ordinance adopting the 1965 Edition of the Fire Prevention Code as recommended by the American Insurance Association. We are at present, operating under the 1960 Edition of this same Code and the changes incorporated in the 1965 Edition are not far-reaching but are important in the handling of certain hazards.

City Attorney Art Smith has prepared an ordinance for adopting the 1965 Fire Prevention Code by reference and will present it at Council Meeting June 8.

If this ordinance can be passed at the June 8th Meeting, we will be able to inform the Engineers from the American Insurance Association who recently surveyed the Idaho Falls Fire defenses, and we may still get credit for making our Fire Codes up to date.

If you have any questions concerning our Fire Prevention Code, please let us know, we would be glad to discuss it with you.

s/ Les Corcoran

In connection, then, the following ordinance was introduced:

ORDINANCE NO. 1187

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; ESTABLISHING PENALTIES FOR VIOLATION OF THE CODE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilmember Erickson, seconded by Freeman, that the provisions of Section 50-2004 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 50-2004 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

JUNE 8, 1967

placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

Following is a specimen of a letter as prepared by Attorney Alvin Denman and signed by ex-Police Officers Dormand O. Hanson, Farrell E. Fullmer, Clyde Neibaur, Jay Roper, M. Dean Denning, Roy G. Rainey, Terry B. McMurdo, Grover McMurdo, LeRoy E. Hinkley and James A. Parry:

Idaho Falls, Idaho
May 22, 1967

City of Idaho Falls:

I hereby demand payment of the balance of _____ due me for my services as Policeman for the City of Idaho Falls which was improperly deducted from my salary as a City Policeman under the provisions of Section 50-2112, which, along with other provisions of the Policeman's Retirement Fund, are in violation of Article 8, Sections 3 and 4, and Article 12, Section 4 of the Idaho Constitution. In the event this amount is not paid to me within five days from the date you receive this demand, suit will be brought for the _____ plus salary for thirty days under Section 45-606 I.C. and for attorney's fee under Section 435-605 I.C.

s/ _____

It was noted that these letters were identical except for the amounts claimed which varied from \$294.00 to \$864.00. It was noted further that, even though the letters were dated May 22nd, they were post marked June 6th and received in the City Clerk's office on June 7th. The City Attorney explained that the validity of the Idaho State law pertaining to the Police Retirement System has never been contested and, if proven unconstitutional, these officers could likely be entitled to all the money which was withheld from their salary. It was moved by Councilman Erickson, seconded by Freeman, that this matter be referred to the City Attorney with instructions to defend the validity of the State Police Retirement law. Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read:

School District No. 91
150 North Water Avenue
Idaho Falls, Idaho
June 6, 1967

Mr. Ernie Craner
Director of Parks and Recreation
Idaho Falls, Idaho

Dear Mr. Craner:

JUNE 8, 1967

As the school year draws to a close, we would like to express our appreciation to you, your help, and the City Officials for the very fine cooperation and support you have given us during the past school year.

Our facilities have not been adequate for the program we have been called upon to provide with two high schools and split sessions and we do appreciate the use of City facilities.

We hope that if there are things which we might have done better or might do in the future that you will mention them to some of us.

Our new building will not be available for another school year and there may be some things we may request of you again. We do hope that our working relationship has been satisfactory.

Again, thank you to all those responsible.

Respectfully,
s/ J. W. Casper

No Council action was considered necessary.

Another communication was read as follows:

June 8, 1967

Mayor S. Eddie Pedersen
and Members of the City Council
City Hall
Idaho Falls, Idaho

Dear Sirs:

Mrs. Jay (Ethel) Smith tendered her resignation as a member of the Idaho Falls Library Board at the regular monthly meeting held Tuesday evening. Mrs. Smith has served in that capacity with dedication and effectiveness for 22 years. She felt that the time had come when she should terminate that service and her resignation was effective immediately.

To fill the Board vacancy created by Mrs. Smith's resignation, the Board has recommended the appointment of Mr. John X. Combo. There were two impelling reasons for the recommendation; one, that the AEC segment of the Idaho Falls' population should be represented directly and more adequately on the Library Board and, secondly, that with all of the ramifications involved in the Library's expansion and building program, it would be advisable to have legal advise immediately available to the Board at all times.

Mr. Combo has the unanimous endorsement of members of the Library Board.

JUNE 8, 1967

Very truly yours,
s/ Aden Hyde
Chairman

It was moved by Councilmember Parish, seconded by Smith, that, by resolution of the Council, the Mayor be directed to send a letter of commendation to Mrs. Smith in behalf of the Council. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor proceeded to appoint Mr. John Combo to fill the Library Board vacancy created by the resignation of Mrs. Smith. It was moved by Councilmember Smith, seconded by Freeman, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then appointed Councilman Jack Wood, Jr. as the City representative to the Regional Planning Commission. It was moved by Councilmember Freeman, seconded by Smith, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Finally, in the order of appointments, the Mayor appointed the following as the Advisory Committee to the Community Redevelopment Commission: Joe Lyons, Irving Hock, Mrs. Yoshi Ochi, Reed Cook, Kenneth Cunningham, Dr. Dauchy Migel and Karl Page; explaining that it was his intention to appoint the following additional members as soon as they could be contacted: Mrs. Eugene Smith, Reverend Jack Viggers, Arthur Mahood. It was moved by Councilmember Smith, seconded by Wood, that appointment of the first seven be confirmed, and that the Mayor be authorized to appoint the other three, subject to future confirmation. Roll call as follows: Ayes, 6; No, none; carried.

Councilmember Smith, representing the Electrical Committee, with the endorsement of the Public Works Committee, proposed that Mr. Donald Ellsworth, local consulting engineer, be retained for a preliminary engineering study of the condition of the upper power dam and an engineering opinion as to procedure which should be applied to effect correction. It was moved by Councilmember Smith, seconded by Erickson, that the Mayor be authorized to enter into an agreement with Mr. Ellsworth toward this end, subject to final review and approval by the City Attorney and the Electrical Council Committee. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney introduced and submitted an ordinance which would adopt, as health regulations, a State of Idaho Code titled "Health Regulations for eating places and food establishments, grading and licensing", caption of which follows:

ORDINANCE NO.-----

AN ORDINANCE ADOPTING AS HEALTH REGULATIONS FOR THE CITY OF IDAHO FALLS A STATE OF IDAHO CODE TITLED "HEALTH REGULATIONS FOR EATING PLACES AND FOOD ESTABLISHMENTS, GRADING AND LICENSING" WHICH CODE INCORPORATES BY REFERENCE, AND INCLUDES, THE COMPLIANCE PROVISIONS OF THE 1962 EDITION OF THE "UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION MANUAL AND CODE"; REPEALING TITLE 8, CHAPTER 1 OF THE

JUNE 8, 1967

CITY CODE OF IDAHO FALLS; PROVIDING THAT WHEREVER "STATE OF IDAHO" IS USED IN SAID CODE, IT SHALL BE CONSTRUED TO MEAN "CITY OF IDAHO FALLS", AND WHEREVER "HEALTH AUTHORITY" IS USED IN SAID CODE, IT SHALL BE CONSTRUED TO MEAN "HEALTH DEPARTMENT OF THE CITY OF IDAHO FALLS OR ITS DULY AUTHORIZED AGENTS"; PROVIDING FOR THE ISSUANCE OF PERMITS BY THE CITY OF IDAHO FALLS TO FOOD SERVICE ESTABLISHMENTS, FOOD PROCESSING ESTABLISHMENTS AND FOOD SERVICE EMPLOYEES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; DECLARING AND REQUIRING THAT THREE COPIES, EACH, OF SAID CODES, DULY CERTIFIED BY THE CITY CLERK, ARE, AND SHALL REMAIN, ON FILE IN THE OFFICE OF THE CITY CLERK; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Mr. William Cole of the Health Department appeared and said the contents of this ordinance have been given wide publicity with restaurant proprietors. Councilman Nelson reported that he had heard of some criticism or at least inquiry to its ramifications and, therefore, felt the ordinance should receive additional publicity before it is finally enacted. It was moved by Councilmember Wood, seconded by Smith, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1188

AN ORDINANCE ESTABLISHING THE ELECTION PRECINCTS FOR THE CITY OF IDAHO FALLS; SETTING FORTH THEIR BOUNDARIES; PROVIDING FOR REGISTRATION OF ELECTORS WITHIN THE CITY; REPEALING SECTIONS 1-14-8, 1-14-9, AND 1-14-10 OF THE CITY CODE OF IDAHO FALLS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilmember Wood, seconded by Parish, that the provisions of Section 50-2004 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 50-2004 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.

The Mayor reported on a recent meeting attended by the Fire Chief, the Mayor, the Fire Council Committee and Carl Goebel, Chief Engineer of the Idaho Surveying and Rating Bureau. It

JUNE 8, 1967

was learned from Mr. Goebel that the City should encourage mutual aid and cooperation with other fire departments, in the area, be they fire districts or municipalities. He cited an illustration where the City of Idaho Falls has been given one half credit for housing the fire district truck. He said other opportunities will develop over a period of time that will be mutually beneficial. The Mayor concluded his remarks by saying that an effort should be made to arrive at a concrete agreement with other neighboring fire departments toward the objective of mutual assistance.

There being no further business, it was moved by Councilman Freeman, seconded by Nelson, that the Meeting adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
